

**PAIA MANUAL**

**SECTION 51 MANUAL/ ACCESS TO INFORMATION MANUAL FOR  
PHB ENGINEERS (PTY) LTD**

## TABLE OF CONTENTS

1	RIGHT OF ACCESS TO INFORMATION.....	4
1.1	Introduction .....	4
1.2	Contact details (Section 51 (1)(a) of the act) .....	4
1.3	Purpose of the Manual in terms of PAIA .....	5
2	GUIDE IN TERMS OF SECTION 10 OF THE ACT (SECTION 51(1)(B) OF THE ACT) .....	7
3	INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(D) OF THE ACT) .....	8
4	INFORMATION FORMING PART OF RECORDS IN TERMS OF THE ACT (SECTION 52(1)(E)).....	9
4.1.1	Administration and management .....	9
4.1.2	Finance .....	9
4.1.3	Human resources.....	9
4.1.4	Marketing and Communication .....	10
4.1.5	Information technology.....	10
5	REQUEST FOR ACCESS TO INFORMATION (SECTION 51 (1) (E)) .....	11
5.1	Request process for access to information.....	11
5.2	Criteria for granting access to information .....	12
6	PRESCRIBED FEES (Section 51 (1) (f)) .....	13
6.1	The Fee schedule and prescribed form C .....	13

---

**Document Approval**

Prepared By	Date	Reviewed By	Date
Michanne Kanes		Gordon Japp Neo Tladinyane Johan Hattingh	June 2021

**Document Change History**

Revision	Date	Changes	Approval

## 1 RIGHT OF ACCESS TO INFORMATION

### 1.1 Introduction

PHB Engineers provides Professional Consulting Engineering services in the fields of Roads, Urban and Structural Engineering, Routine Road Maintenance, Project Management and Telecommunications, to a range of clients across Southern Africa.

### 1.2 Contact details (Section 51(1)(a) of the act)

Name of Company: **PHB Engineers (Pty) Ltd**

Registration Number: **1995/001137/07**

Year of Incorporation: **1988**

Main Object: **The company is engaged in professional consulting engineering and related services.**

Trading activity: **Consulting Engineers**

Geographical Area: **Gauteng, Western Cape**

Postal Address: **PO Box 731063; Fairland, 2030**

Physical Address: **4 Kikuyu Road; Sunninghill; 2195**

Registered Address: **4 Kikuyu Road; Sunninghill; 2195**

Telephone Number: **011 678 8628**

E-mail address: **[admin@phb.co.za](mailto:admin@phb.co.za)**

Web address: **[www.phb.co.za](http://www.phb.co.za)**

Head/CEO: **Mr Neo Mooketsi Tladinyane**

Contact details of Head: **011 678 8628**

Designated Information Officer: **Mr Neo Mooketsi Tladinyane**

Contact details of Designated Information Officer Contact person: **011 678 8628**

E-mail address of Contact Person: **[admin@phb.co.za](mailto:admin@phb.co.za)**

The request liaison officer: **Michanne Kanés**

Contact details of the request liaison officer: **011 678 8628**

E-mail address of the request liaison officer: [admin@phb.co.za](mailto:admin@phb.co.za)

### 1.3 Purpose of the Manual in terms of PAIA

The Promotion of Access to Information Act 2 of 2000 ("the Act") seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The reference, in this Manual, to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

The definition of Personal Information as set out in the POPI Act is as follows:

**"personal information"** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- a. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b. information relating to the education or the medical, financial, criminal or employment history of the person;
- c. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d. the biometric information of the person;
- e. the personal opinions, views or preferences of the person;
- f. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

- g. *the views or opinions of another individual about the person; and*
- h. *the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;*

---

## 2 GUIDE IN TERMS OF SECTION 10 OF THE ACT (SECTION 51(1)(B) OF THE ACT)

In terms of Section 10 of the Act, a guide has to be compiled by the South African Human Rights Commission (SAHRC) containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available in all official languages by the SAHRC and will be obtainable from the SAHRC.

Contact details of the SAHRC are as follows:

- Postal address PAIA Unit: The Research and Documentation Department, Private Bag 2700, Houghton 2041
- Physical address Offices of SAHRC Forum: 3 Braampark Office Park, Braamfontein
- Telephone: 011 877 3600
- E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)
- Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### 3 INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(D) OF THE ACT)

PHB Engineers (Pty) Ltd keeps information in accordance with the following legislation:

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- Employment Equity Act No. 55 of 1998
- Engineering Profession Act No.46 of 2000
- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1995
- Occupational Health & Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Regional Services Councils Act No. 109 of 1985
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991
- Credit Act, No 43 of 2005
- Insolvency Act, No 24 of 1936
- Insurance Act No 27 of 1943
- Trade Marks Act, No 194 of 1993
- Broad-based Black Economic Empowerment Act no. 53 of 2003
- Promotion of Access to Information Amendment Act no. 54 of 2002
- Protected Disclosures Act no. 26 of 2000



---

## 4 INFORMATION FORMING PART OF RECORDS IN TERMS OF THE ACT (SECTION 52(1)(E))

PHB Engineers (Pty) Ltd holds the following records:

### 4.1.1 Administration and management

- Administration and operational records
- Correspondence
- Minutes of meetings
- Risk, security and insurance records
- Statutory records
- Client Information

### 4.1.2 Finance

- Accounting records
- Inventory records
- Creditors and debtors records
- Financial statements
- Operational expenditure records
- Salaries and wages records
- Taxes and levies records
- Policies and Procedures
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Transactional Records

### 4.1.3 Human resources

- Employment contracts
- Personnel records
- Staff policies and procedures
- Training and development records
- Education and Training Records

- Employment Equity Records
- Policies and Procedures
- Group Life
- Leave Records
- Medical Records
- Study assistance scheme/s
- Tax Returns of employees
- UIF Returns

#### 4.1.4 **Marketing and Communication**

- Proposal documents;
- New business development;
- Brand information management;
- Marketing strategies;
- Communication strategies;
- Agreements;
- Client relationship programs;
- Marketing publications and brochures;
- Sustainability programs.

#### 4.1.5 **Information technology**

- Infrastructure and systems
- Hardware and Software Packages
- Policies and Procedures
- Licenses
- Operating Systems

---

## 5 REQUEST FOR ACCESS TO INFORMATION (SECTION 51 (1) (E))

### 5.1 Request process for access to information

- Use the prescribed form, available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za)
- Address your request to the Information office – The Head of the Company (CEO).
- Provide sufficient details to enable the Company to identify:
  - a. The record(s) requested;
  - b. The requester (and if an agent is lodging the request, proof of capacity);
  - c. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right
  - d. The form of access required;
  - e. The postal address or fax number of the requester in the Republic
- If the request for access is granted, the notice in terms of subsection (1)(b) must state—
  - a. the access fee (if any) to be paid upon access;
  - b. the form in which access will be given; and
  - c. that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be
- If the request for access is refused, the notice in terms of subsection (1)(b) must—
  - a. state adequate reasons for the refusal, including the provisions of this Act relied upon;
  - b. exclude, from such reasons, any reference to the content of the record; and
  - c. state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

## 5.2 Criteria for granting access to information

The Company may, in terms of sections 62-70 of the Act, legitimately refuse to grant access to the previously mentioned records in respect of information falling within certain categories as contemplated in the Act, inter alia in the following circumstances:

- To protect personal information that the firm holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- To protect commercial information that the firm holds about a third party or the firm itself (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- If the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- If disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the firm;
- If disclosure of the record would put the firm at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- If the record is a computer program; and
- If the record contains information about research being carried out or about to be carried out on behalf of a third party or the firm.

## **6 PRESCRIBED FEES (SECTION 51 (1) (F))**

### **6.1 The Fee schedule and prescribed form C**

The following applies to requests (other than personal requests):

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.

The fee schedule is downloadable from the SAHRC website and the prescribed form C which is also available from the SAHRC website.