

DENEL (PTY) LTD PAIA MANUAL

1. INTRODUCTION

This Manual, together with the prescribed forms and fees relating to request for information has been prepared and published by Denel (Pty) Limited (Denel) in accordance with the requirements of section 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA). Its purpose is to facilitate access to records held by Denel. Requesters may print the forms on line to request the information. Requests for information may be faxed to the Group Communications Manager on 012 671 2751.

Payment for these records should be made to Denel (Pty) Ltd before a request for access can be fulfilled.

2. COMPANY BACKGROUND

Denel (Pty) Ltd operates in the aerospace and defence industry and has operations in **Kempton Park**; Denel Aviation, Denel Saab Aerostructures and Denel Technical Academy, **Irene**; Denel Dynamics, Denel Integrated Systems Solutions, Denel Corporate Offices and Denel Properties, **Lyttleton**; Denel Land Systems, Mechem, Pretoria West; Pretoria Metal Pressings and **Bredasdorp**; Denel Overberg Test Range.

3. COMPANY CONTACT DETAILS

Official responsible for requests for information:

Group Communications Manager	: Ms Sinah Phochana
Postal Address	: PO Box 8322 Centurion 0046
Street Address	: Nellmapius Drive, Irene
Telephone number	: 012 671 2662
Fax number	: 012 671 2751
Email address	: Sinahp@denel.co.za
Payments to be made to	: Denel (Pty) Ltd

4. THE ACT

4.1 The ACT grants a requester access to records of the company, if the record is required for the exercise or protection of any rights. For the purposes of PAIA requesters are categorised as follows:

- A personal requestor who is requesting information about him/ herself.
- An agent requestor who is requesting information on behalf of someone else.
- A third party requestor who is requesting information about someone else.
- A public body that is requesting information in the public interest

4.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided.

4.3. For further guidance to requesters the SAHRC has an obligation in terms of section 10 of PAIA to compile, in each official languages of the Republic of South Africa, a guide to assist persons on how to exercise their rights in terms of the legislation. The guide must contain the following information:

- A description of the objects of PAIA;
- Relevant information pertaining to organisations to which PAIA is applicable;
- The manner and form in which requests must be lodged;
- The remedies available to requestors if an organisation does not comply with PAIA;
- The manner in which an appeal may be lodged;
- The fees payable in relation to requests for access; and
- A reference to any regulations passed in terms of PAIA.

4.4 The guide is available for public inspection at the SAHRC offices and on its website. Further inquiries regarding the guide or any additional information to assist with the making of requests in terms of PAIA may be addressed to the SAHRC at:

SAHRC
 Promotion of Access to Information Unit
 Private Bag 2700
 Houghton
 2041

Human Rights Advice Line : 0860 120 120
 Tel : +27 11 484 8300
 Fax : +27 11 484 1360
 Website : <http://www.sahrc.org.za/paia.htm>
 E-mail : PAIA@sahrc.org.za

5. CLASSIFICATION AND DESCRIPTIONS

Class	Access classification	Class Description
a	May be Disclosed	Public Access Document
b	May not be Disclosed	Request after commencement of criminal or civil proceedings [s7]
c	May be Disclosed	Subject to copyright
d	Limited Disclosure	Personal Information that belongs to the requester of that information [s61]
e	May not be Disclosed	Unreasonable disclosure of personal information of Natural person [s63(1)]
f	May not be Disclosed	Likely to harm the commercial or financial interests of third party [s64(a)(b)] Likely to harm the Company or third party in contract or other negotiations [s64 (c)]
g	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
h	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
i	May not be Disclosed	Legally privileged document [s67]
j	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
k	May not be Disclosed	Commercial information of Private Body [s68]
l	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
m	May not be Refused	Disclosure in public interest [s70]

6. SUMMARY OF AVAILABLE RECORDS

Departmental Records	Subject	Class
Business Development, Communications and Corporate Affairs	Product catalogues	a,d
	Public records	a
	Media releases	a
	Market information	i
	Operating manuals	d
	Product sales	a
	Marketing and new business development strategies	l
	Customer data base	l
Human Resources	Employee records	d,e,i
	Employment Contracts	d,e
	Human Resources guidelines, policies and procedures	l
	Employee Medical Records	d,e,h
Strategy and Commercial	General contract documentation	f,l
Finance and Governance	Audited financial statements	a
	Tax records	l
	Management accounts	d
	Asset registers	l
	Statutory records	a
	Company guidelines policies and procedures	d
Technical	Programme management records	l
	Trade marks	l
	Quality records	l
	Engineering records	l
Properties	Asset registers	l
	Title deeds	d
	Leases	d

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Denel operates as a corporate entity in the defence and aerospace environment and is affected by specific legislation affecting the disclosure of information particularly the following:

- Arbitration Act No. 42 of 1965
- Armaments Corporation of South Africa Limited Act No. 51 of 2003
- Atmospheric Pollution Prevention Act No. 45 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Carriage of Goods by Sea Act No. 1 of 1986
- Companies Act No. 61 of 1973 (subject to proposed repeal by Companies Act No. 71 of 2008)
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Copyright Act No. 98 of 1978
- Criminal Procedure Act No. 51 of 1977
- Customs and Excise Act No. 91 of 1964
- Defence Act No. 44 of 1957
- Designs Act No. 195 of 1993
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Exchange Control Regulations, 1961
- Explosives Act No. 26 of 1956

- Financial Intelligence Centre Act No. 38 of 2001
- Firearms Control Act No. 60 of 2000
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- National Credit Act No. 34 of 2005
- National Environmental Management Act No. 107 of 1998
- National Key Points Act No. 102 of 1980
- National Nuclear Regulator Act No. 47 of 1999
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998
- Non-Proliferation of Weapons of Mass Destruction Act No. 87 of 1993
- Nuclear Energy Act No. 131 of 1993
- Nuclear Energy Act No. 46 of 1999
- Occupational Health and Safety Act No. 85 of 1993
- Patents Act No. 57 of 1978
- Pension Funds Act No. 24 of 1956
- Prescription Act No. 68 of 1969
- Prevention of Organised Crime Act No. 121 of 1998
- Promotion of Administrative Justice Act No. 3 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Public Finance Management Act No. 1 of 1999
- Regulation of Foreign Military Assistance Act No. 15 of 1998
- Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002
- Road Transportation Act No. 74 of 1977
- Short-term Insurance Act No. 53 of 1998
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Trade Marks Act No. 194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Value-Added Tax Act No. 89 of 1991

The above list is not conclusive and will be updated annually.

8. PROCEDURE FOR ACCESS TO INFORMATION REQUESTS

To facilitate the processing of the request for information the requestor should:

1. Use the prescribed form, available on the Denel Website at the following address www.denel.co.za.
2. Address the request to the Group Communications Manager
3. Provide sufficient details to enable the information officer to identify:
 - 3.1 The record(s) requested;
 - 3.2 The requester (and if an agent is lodging the request, proof of capacity)
 - 3.3 The form of access required:
 - a. The postal address or fax number of the requester in the Republic;
 - b. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 3.4 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
 - 3.5 Requestors must supply certified proof of their identity, in the form of a certified copy of either a South African ID document or passport or driver's license.

9. PRESCRIBED FEES

- 9.1 A request fee of R50.00 (excluding VAT) is payable up front where a requestor submits a request for access to information other than for personal information relating to the requestor himself/ herself.
- 9.2 The applicable fees (excluding VAT) which will be payable are:
- | | Rand |
|---|-------|
| • For every photocopy of an A4–size page or part thereof | 1.10 |
| • For every printed of an A4-size page or part thereof held on a computer or in electronic form | 0.75 |
| • For a copy in a computer readable form: | |
| - Stiffy: | 7.50 |
| - Compact disc: | 70.00 |
| A transcription of visual images, for and A4-size page or part thereof | 40.00 |
| • For a copy of visual images | 60.00 |
| 9.3 A transcription of an audio record, for an A4-size page or part thereof | 20.00 |
| 9.4 For a copy of an audio record | 30.00 |
| 9.5 To search a record that must be disclosed, per hour of part of the hour | 30.00 |
| 9.6 Where a copy of the record needs to be posted the actual postal fee is payable | |

Where Denel receives a request for access to information held on a person other than the requestor himself / herself and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee will be payable.

10. GRANTING OR REFUSAL OF REQUESTS

All requests that meet the requirements detailed above will be processed in line with the time limits as set out in PAIA. Requests may be refused based on the following grounds, as set out in PAIA

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of Denel; or
- Mandatory protection of research information of a third party and of Denel.

Requestors will be informed within 30 days of a decision on whether the request for access has been granted or refused.

This 30 day period may be extended for a further 30 day period if more time is required to gather the requested information. The requestor will however be notified if the initial 30 day notice period will be extended for a further 30 days.

11. APPEAL

If a requestor is aggrieved by the refusal of the Information Officer to grant a request for access to a record, the requestor may, within 30 days of notification of the Information Officer's decision, apply to court for appropriate relief.

12. PRESCRIBED ACCESS FORMS

Requesters must use the forms provided to request information, which can be printed directly from the website.

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head/Designated Person: _____

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. **Description of record or relevant part of the record:** _____

2. **Reference number, if available:** _____

3. **Any further particulars of record:** _____

E. Fees

- | | |
|-----|--|
| (a) | A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be notified of the amount required to be paid as the request fee. |
| (c) | The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record. |
| (d) | If you qualify for exemption of the payment of any fee, please state the reason for exemption. |

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____	Form in which record is required: _____
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Mark the appropriate box with an **X**.

NOTES:

- | | |
|-----|--|
| (a) | Compliance with your request in the specified form may depend on the form in which the record is available. |
| (b) | Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. |
| (c) | The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. |

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)	
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON

ON WHOSE BEHALF REQUEST IS MADE