

CORPORATE OFFICE

**ACTOM Investment Holdings (Pty) Ltd**  
**(Registration No. 2008/001847/07)**

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA) READ WITH THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA) FOR THE FOLLOWING ENTITIES:**

- ACTOM Investment Holdings Proprietary Limited
- ACTOM Proprietary Limited
- ACTOM SA Proprietary Limited
- Koebec Electrical and Engineering Services Proprietary Limited
- Magnet Employee Benefit Consultants Proprietary Limited
- ACTOM Turbo Machines Proprietary Limited
- ACTOM & Lesedi Power Services Proprietary Limited
- ACTOM Static Energy Proprietary Limited

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## 1 DEFINITIONS

- 1.1 In this Manual, unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings —
- 1.1.1 **"Data Subject"** means the person to whom the Personal Information relates;
  - 1.1.2 **"Company"** means ACTOM Investment Holdings (Pty) Ltd (registration number: 2008/001847/07) as well as its subsidiaries and affiliates;
  - 1.1.3 **"Information Officer"** has the meaning as defined in POPIA;
  - 1.1.4 **"Manual"** means this manual published in compliance with section 51 of PAIA;
  - 1.1.5 **"PAIA"** means the Promotion of Access to Information Act, No. 2 of 2000, as amended from time to time;
  - 1.1.6 **"Personal Information"** means personal information as defined in POPIA;
  - 1.1.7 **"Personnel"** means a person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as contract workers, shareholders, employees (full-time, part-time or casual), consultants, interns, and ex-employees;
  - 1.1.8 **"POPIA"** means the Protection of Personal Information Act, No 4 of 2013;
  - 1.1.9 **"Requester"** means any person, including a public body or a private body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person.
- 1.2 Terms not defined in this Manual shall have the meaning as defined in PAIA or POPIA, as applicable.

## 2 INTRODUCTION

- 2.1 This Manual is published in terms of section 51 of PAIA read with POPIA. PAIA gives effect to the provisions of section 32 of the Constitution, which provides for the right of access to information, held by either the state or private persons, which is required for the exercise and/or protection of any right.
- 2.2 This Manual provides an outline of the type of records, and the Personal Information the Company holds and explains how to submit requests for access to these records in terms of PAIA. If you wish to access your Personal Information in terms of POPIA, please also contact the Information Officer (whose details are set out in paragraph 3.3 below).
- 2.3 This Manual applies in respect of the Company. Only requests for records of the Company are covered by the Manual and requests for records of, or information relating to, other entities will not be considered.

## 3 AVAILABILITY OF THIS MANUAL

- 3.1 A copy of this Manual is available on our website at: <https://www.actom.co.za/legal-info/> or is available by sending a request for a copy to the Information Officer (whose details are set out in paragraph 3.3 below) and a copy of this Manual may also be inspected at our registered head office.
- 3.2 This Manual will be updated from time to time, as and when required.
- 3.3 Contact Details & Information Officer

<b>Name of Private Body</b>	ACTOM Investment Holdings Proprietary Limited
<b>Head of Private Body</b>	Mervyn Naidoo
<b>Information Officer</b>	Sylvester Makamu
<b>Email address of Information Officer</b>	<b>sylvester.makamu@actom.co.za</b> <i>Please copy all correspondence to the Deputy Information Officer <b>jaco.theunissen@actom.co.za</b> and <b>legal@actom.co.za</b></i>
<b>Postal address</b>	P.O. Box 13024, Knights, 1413
<b>Street address</b>	HQ Office Park, Building B, 2nd Floor, 2 Arbroath Road, Bedfordview, 2007
<b>Phone number</b>	+27 10 136 0200

#### **4 HOW TO ACCESS A GUIDE ON PAIA (AS DESCRIBED IN SECTION 10 OF PAIA)**

- 4.1 The Information Regulator has published a guide in terms of section 10 of PAIA ("**Guide**"). It contains information required by a person wishing to exercise any right contemplated by PAIA.
- 4.2 The Guide is available in all of the official languages of South Africa, and is available for inspection at: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, South Africa and on the website: <https://inforegulator.org.za/paia-guidelines/>.
- 4.3 The Guide can also be obtained upon request from the Information Officer as described in 3.3 hereof.

#### **5 HOW TO REQUEST ACCESS TO RECORDS HELD BY THE COMPANY?**

- 5.1 The Requester must comply with all the procedural requirements as set out in PAIA relating to requesting a record held by the Company.
- 5.2 **Fill in the prescribed form**

- 5.2.1 Requests for access to records held by the Company must be made by way of the request forms that are available from the Information Regulator's website (<https://inforegulator.org.za/paia-forms/>). Please ensure that Form 2 of Annexure A is used.
- 5.2.2 Not using this form could be grounds for your request to be refused (if you do not provide sufficient information or otherwise) or delayed.
- 5.2.3 Requests for access to records must be made to our Information Officer and Deputy Information Officer, in the prescribed form, to the physical address or electronic mail address provided for in paragraph 3.3 above (Information Officer: **sylvester.makamu@actom.co.za**; Deputy Information Officer: **jaco.theunissen@actom.co.za** and **legal@actom.co.za** .
- 5.2.4 The Requester must provide sufficient detail on the request form to enable the Information Officer to:
- 5.2.4.1 identify the Requester;
- 5.2.4.2 identify the record or records being requested;

- 5.2.4.3 to indicate which form of access is required;
- 5.2.4.4 to specify a postal address or fax or contact number of the Requester in South Africa;
- 5.2.4.5 identify the right that the Requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise of protection of that right;
- 5.2.4.6 if, in addition to a written reply, the Requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- 5.2.4.7 if the request is made on behalf of a person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.
- 5.2.5 If a Requester is unable to complete the prescribed form because of illiteracy or disability, such a Requester may make an oral request to the Information Officer.

### 5.3 **Pay the prescribed fee**

- 5.3.1 Please note that Requesters are required to make payment of the prescribed fees for evaluating the request and for providing the records requested, including the requirement to pay a deposit in certain circumstances. Payment must be made before the Company can process the request from the Requester.
- 5.3.2 The prescribed fee payable to the Company in respect of requests and the fees in respect of access to records (if the request is granted) will be communicated to the Requester at the time of the request.

### 5.4 **General:**

- 5.4.1 Kindly note that all requests to the Company will be evaluated and considered in accordance with PAIA. The publication of this Manual and the description of the categories and subject matter of information held by the Company in this Manual does not automatically give rise to any rights (in contract or otherwise) to access such information or records except in terms of PAIA.
- 5.4.2 The request will be processed within 30 days of receipt of the completed request forms from the Requester. The request will be evaluated by the Information Officer as well as the representative of the business from which the record is being requested. The Company reserves the right to notify the Requester of an extension period that is required to access the requested information. The said notice will include reasons for such extension, the fact that the required extension period will not exceed 60 days as well as the Requester's right to approach a court via application proceedings for relief in the event that the Requester is opposed to the extension and/or the procedure. Further to that, the Company may notify the Requester whether a deposit is required. The notice will set out the required deposit amount as well as the Requester's right to approach a court via application proceedings for relief in the event that the Requester is opposed to the payment of the required deposit and/or the procedure.

- 5.4.3 If it is reasonably suspected that a Requester has obtained access to the Company's records through the submission of materially false or misleading information, legal proceedings may be instituted against such Requester.

## **6 VOLUNTARY DISCLOSURE & PUBLIC RECORDS**

- 6.1 The Company makes certain information freely available on the Company's website from time to time, such as marketing brochures and product brochures.
- 6.2 Further, records of a public nature may be accessed directly without the need to submit a formal application. Other non-confidential records, such as those maintained at the Companies and Intellectual Property Commission ("CIPC") may also be accessed directly from the CIPC, and/or other relevant body, without the need to submit a formal application.
- 6.3 Certain information is also made available to employees of the Company, which is not generally made available to the public. To avoid confusion, such items of information are not listed here but may be obtained by the Company's employees from any group human resource officer.
- 6.4 Interested parties are requested to make an appointment with the Information Officer although a formal application need not be submitted. Some of the information is also available on the Company's website at [www.actom.co.za](http://www.actom.co.za).

## **7 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION**

- 7.1 The Company is required to retain certain records of information in terms of legislation. Unless disclosure is prohibited by such legislation, regulations thereto, contractual undertakings or otherwise, these records will be made available for inspection by a party so requesting. Such request must be made as prescribed in this Manual, the particular legislation (as listed below) and in accordance with the Company's policies and procedures thereon (as applicable).
- 7.2 The Company maintains records in terms of the following legislation –
- 7.2.1 Companies Act 71 of 2008;
  - 7.2.2 Income Tax Act 58 of 1962;
  - 7.2.3 Value Added Tax Act 89 of 1991;
  - 7.2.4 Labour Relations Act 66 of 1995;
  - 7.2.5 Basic Conditions of Employment Act 75 of 1997;
  - 7.2.6 Employment Equity Act 55 of 1998;
  - 7.2.7 Skills Development Act 97 of 1998;
  - 7.2.8 Skills Development Levies Act 9 of 1999;
  - 7.2.9 Unemployment Insurance Act 63 of 2001;
  - 7.2.10 Unemployment Contributions Act 4 of 2002;
  - 7.2.11 Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
  - 7.2.12 Occupational Health and Safety Act 85 of 1993;
  - 7.2.13 Protection of Personal Information Act 4 of 2013;
  - 7.2.14 Competition Act 89 of 1998; and
  - 7.2.15 Customs and Excise Act 91 of 1964.

**8 RECORDS HELD BY THE COMPANY AND AVAILABLE ONLY ON REQUEST**

8.1 The Company maintains certain records as outlined in this paragraph 8. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would automatically be granted. All access requests will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

8.2 If the record requested contains information about a third party, the Company must inform them of such request. This serves to allow the third party the opportunity to respond by either granting consent to the access request or to provide reasons why the request should be denied. The reasons provided by the third party either for consent or denying access will be considered by the Information Officer in making a final decision regarding whether access should be granted or refused.

8.3 The Company processes certain categories of information as set out below:

<b>Category of record</b>	<b>Details of record</b>
Companies Act records	<ul style="list-style-type: none"> <li>• Documents of incorporation</li> <li>• Share register</li> <li>• Minutes of directors' meetings</li> <li>• Records relating to the appointment of the directors, auditors, secretary, Information Officer, and other officers</li> <li>• Other statutory registers including the Covid-19 records</li> </ul>
Financial records	<ul style="list-style-type: none"> <li>• Annual Financial Statements</li> <li>• Tax Returns</li> <li>• Accounting Records</li> <li>• Banking Records</li> <li>• Asset Register</li> <li>• Rental Agreements</li> <li>• Invoices</li> </ul>
Income Tax records	<ul style="list-style-type: none"> <li>• PAYE records</li> <li>• Documents issued to employees for income tax purposes</li> <li>• Records of payments made to SARS on behalf of employees</li> <li>• All other statutory compliance records: VAT Skills Development Levies</li> <li>• UIF</li> </ul>
Operational records	<ul style="list-style-type: none"> <li>• Internal policies and procedures</li> <li>• Records pertaining to intellectual property of the Company</li> <li>• Information technology records</li> <li>• Marketing records</li> <li>• Databases</li> <li>• Product records</li> <li>• Health and Safety records</li> </ul>

Personnel documents and records	<ul style="list-style-type: none"> <li>• Employment contracts</li> <li>• Medical Aid records</li> <li>• Pension Fund records</li> <li>• Disciplinary records</li> <li>• Salary records</li> <li>• Leave records</li> <li>• Training records</li> <li>• Training Manuals</li> <li>• Evolution and internal assessments</li> <li>• Correspondence</li> </ul>
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8.4 Other parties' records: The Company keeps records in respect of other parties including (without limitation): its banks, auditors, legal advisors and consultants, suppliers, service providers, customers, and general market conditions.

8.5 Records of the Company held by others: In addition, such other parties may possess records which can be said to belong to the Company. The following records fall under this category:

8.5.1 Personnel, customer, or records which are held by another party as opposed to being held by the Company; and

8.5.2 Records held by the Company pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

8.6 Please note that access to the above records may be subject to a ground for refusal, including, that the records are subject to confidentiality provisions or necessitate permission from a third party.

## 9 **GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS**

The Company may legitimately refuse to grant access to records that fall within certain categories as set out in PAIA. The Company will communicate this fact to the Requester should the Company receive a request for access to a record which access cannot be granted on the aforesaid basis.

## 10 **REMEDIES AVAILABLE IN THE CASE OF A REFUSAL OF A REQUEST FOR INFORMATION**

10.1 The Company does not have its own internal appeal procedures. A decision made by an Information Officer is final.

10.2 When a Requester is not satisfied by a decision made by the Information Officer of the Company, for example for refusing access, for imposing fees, or for extending the time period in which the response is due, the Requester may apply to the appropriate court for relief within 180 days of receiving the decision.

10.3 The decision of the Company will be reviewed by a court, and a decision will be made by the courts as to whether or not to provide access to the requested records.

10.4 Access to information cases may, in accordance with the provisions of PAIA, be heard before the Magistrates' Courts as a court of first instance.

## **11 PROCESSING OF PERSONAL INFORMATION**

11.1 Please consult the privacy policy of the Company (available on the Company's website, <https://www.actom.co.za/legal-info/>, or on request from the Information Officer whose details are set out in section 3.3) for detail in respect of –

- 11.1.1 the purpose of the processing of Personal Information by the Company;
- 11.1.2 a description of the categories of Data Subjects and of the information or categories of information relating to them;
- 11.1.3 the recipients or categories of recipients to whom the Personal Information may be supplied;
- 11.1.4 planned transborder flows of Personal Information; and
- 11.1.5 a general description of the information security measures implemented by the Company to ensure the confidentiality, integrity, and availability of the information which it may process.