	SHEQ Management System	Approval	
		Managing Director	
	Promotion to Access Information Act	Doc No: PAIA	
		Issue Date: 04/04/2013	Rev: 0

Sika South Africa (Pty) Ltd
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E-mail: headoffice@za.sika.com

Promotion to Access Information Act

SIKA South Africa



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PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

Introduction

The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

The Act also requires public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. This document serves as **SIKA South Africa's** manual with regard to information or records in relation to the Act


This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference 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.

1 COMPANY OVERVIEW

SIKA South Africa regards itself as a "multi-domestic" company, putting the needs of its local and Export customers at the very centre of its business activities. Sika strives to provide value-added products and full solutions. Sika's products and systems are used in almost every aspect of modern living, from building bridges, dams, roads and harbours to high-rise buildings. Sika's technology is also used for building cars, trucks, buses, boats and industrial products. When using Sika systems, quality, durability and sustainability are added to concrete.

SIKA South Africa supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

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2 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website www.sika.co.za or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office and the South African Human Rights Commission (“SAHRC”) at the addresses set out below. This Manual will be updated from time to time, as and when required.

3 HOW TO REQUEST ACCESS TO RECORDS HELD BY SIKA SOUTH AFRICA

Requests for access to records held by **SIKA South Africa** must be made on the request forms that are available from our website and office and from the SAHRC website (www.sahrc.org.za).

A request fee may be payable (please see Schedule of Fees at the end of this document). You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Chief Information Officer at the address, fax number or electronic mail address provided for in Page 4.


The requester must provide sufficient detail on the request form to enable the Chief Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of **SIKA South Africa**

The standard form that must be used for the making of requests can be accessed (The standard request form is part of this document) Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to **SIKA South Africa** will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by **SIKA South Africa** does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

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4 **CONTACT DETAILS OF CHIEF INFORMATION OFFICER – SECTION 51(1) (A)**

Name of Private Body	SIKA South Africa
Chief Information Officer:	
Email address of Chief Information Officer	headoffice@za.sika.co.za
Postal address	PO Box 15408 Westmead 3608 South Africa
Street address	9 Hocking Place Westmead 3608
Phone number	+27 (0)31 792 6500
Fax number	+27 (0)31 700 1760

THE CHIEF INFORMATION OFFICER HAS DULY AUTHORISED THE PERSON BELOW AS DEPUTY INFORMATION OFFICER TO ENSURE THAT THE REQUIREMENTS OF THE ACT ARE ADMINISTERED IN A FAIR, OBJECTIVE AND UNBIASED MANNER: -

CONTACT DETAILS OF DEPUTY INFORMATION OFFICER– SECTION 51(1) (A)

Name of Private Body	SIKA South Africa
Deputy Information Officer:	
Email address of Information Officer	headoffice@za.sika.co.za
Postal address	PO Box 15408 Westmead 3608 South Africa
Street address	9 Hocking Place Westmead 3608
Phone number	+27 (0)31 792 6500
Fax number	+27 (0)31 700 1760

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5 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

Please direct any queries to:

PAIA Unit: The Research and Documentation Department
 Postal Address: The South African Human Rights Commission
 33 Hoofd Street
 2nd Floor
 Forum III, Braampark
 Braamfontein, Gauteng
 2041

Physical Address: The South African Human Rights Commission
 33 Hoofd Street
 2nd Floor
 Forum III, Braampark
 Braamfontein, Gauteng
 2041

Telephone (011) 877 3600
 Fax (011) 403 0625
 Email paia@sahrc.org.za; info@sahrc.org.za; complaints@sahrc.org.za
 Website www.sahrc.org.za

6 VOLUNTARY DISCLOSURE


SIKA South Africa has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to **SIKA South Africa** and its services is freely available on **SIKA South Africa's** website. Certain other information relating to **Sika South Africa** is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

7 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Companies Act 61 of 1973
 Income Tax Act 58 of 1962
 Value Added Tax Act 89 of 1991
 Labour Relations Act 66 of 1995
 Basic Conditions of Employment Act 75 of 1997
 Employment Equity Act 55 of 1998
 Skills Development Levies Act 9 of 1999
 Unemployment Insurance Act 30 of 1966
 National Environmental Management Act: Air Quality Act 39 of 2004
 National Environmental Waste Act: Waste Management
 Protected Disclosures Act 26 of 2000
 Promotion of Access to Information Act 2 of 2000

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Tobacco Products Control Act
 SIKA South Africa – Mission Statement
 SIKA South Africa – Vision Statement
 SIKA South Africa - SHEQ IMS Manual
 SIKA South Africa – Organogram
 SIKA South Africa – ISO9000 Certification
 SIKA South Africa – ISO14000 Certification
 SIKA South Africa – OHSAS 18000 Certification
 SIKA South Africa – Responsible Care Certification
 SIKA South Africa – Energy Consumption Report
 SIKA South Africa – SAWIS Certification
 SIKA South Africa – Schedule Trade Permit
 SIKA South Africa’s Newsletter - Sika Beat


8 RECORDS HELD BY SIKA SOUTH AFRICA

SIKA South Africa maintains records on the following categories and subject matters. **However, please note that the records or a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. It will be to the discretion of **SIKA South Africa’s** Chief Information Officer to disclose the records or information below to requestors.

8.1 Internal records

The following are records pertaining to **SIKA South Africa’s** own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Licences
- Intellectual property
- Marketing records;
- Internal correspondence;
- Production records;
- Statutory records;
- Internal policies, work instructions, records and procedures;
- Product Formulation Sheets
- Records held by officials of SIKA South Africa.

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8.2 Personnel records

Personnel refers to any person who works for or provides services to or on behalf of **SIKA South Africa** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **SIKA South Africa**. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:


- Any personal records provided to **SIKA South Africa** by their personnel;
- Any records a third party has provided to **SIKA South Africa** about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employee Salary Slips
- Internal evaluation records; and
- Other internal records and correspondence.
- Employee Medical Records

8.3 Customer records

Please be aware that SIKA South Africa is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to **SIKA South Africa** or a third party acting for or on behalf of **SIKA South Africa**;
- Contractual information;
- Customer Surveys;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to **SIKA South Africa** about customers;
- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to **SIKA South Africa** either directly or indirectly; and
- Records generated by or within **SIKA South Africa** pertaining to customers, including transactional records.

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8.4 Technical records

- Product Data Sheets
- Material Safety Data Sheets
- Certificate of Analysis for all Products
- Raw Material List
- Approved Suppliers List

8.5 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to **SIKA South Africa**. The following records fall under this category:

- Personnel, customer or **SIKA South Africa** records which are held by another party as opposed to being held by **SIKA South Africa**; and
- Records held by **SIKA South Africa** pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

8.6 Other Records


Further records are held including:-

- Information relating to **SIKA South Africa's** own commercial activities; and
- Research carried out on behalf of a client by **SIKA South Africa** or commissioned from a third party for a customer;
- Research information belonging to **SIKA South Africa**, whether carried out itself or commissioned from a third party.

Grounds for Refusal of Access to Records

SIKA South Africa may refuse a request for information or record if that information or record relates to:

- I. mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
- II. mandatory protection of the commercial information of a third party, if the record contains –
 1. trade secrets of that third party;
 2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
 3. information disclosed in confidence by a third party to **SIKA South Africa**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- I. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property;

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- II. mandatory protection of records which would be regarded as privileged in legal proceedings;
- III. the commercial activities of **SIKA South Africa**, which may include -

1. trade secrets of **SIKA South Africa**

2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of **SIKA South Africa**;

3. information which, if disclosed could put **SIKA South Africa** at a disadvantage in negotiations or commercial competition;

4. **SIKA South Africa** shall refuse requests for information where such requests are frivolous or involve an unreasonable diversion of **SIKA South Africa's** resources.

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FORM A

**INFORMATION OR RECORD REQUEST FORM
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 Record or Information requested

Name of Record or Information Requested

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:

Postal Code _____ Fax Number: _____
 Telephone number: _____ E-mail Address: _____

Capacity in which the 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 requests for information is made on behalf of another person.


Full names and surname: _____

Identity number: _____

D. Particulars of record or Information

- (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) *In 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 requested or Information:

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2. Explanation why the Information or the Record is required:

3. Any further particulars of record:

E. Fees

- a) A request for access to a record, other than 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. 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?

G. Declaration by Requester

Signed at _____ this _____ day of _____

Signature of Requester

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FORM B
NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act 2000 (*Act No. 2 of 2000*))

[Regulation 8]

STATE YOUR REFERENCE NUMBER:

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

<p>(a) The <i>particulars of the person who lodge the internal appeal must be given below.</i></p> <p>(b) <i>Proof of the capacity in which appeal is lodged, if applicable, must be attached.</i></p> <p>(c) <i>If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.</i></p>

Full names and surname: _____

Identity number: _____

Postal address: _____

Code _____

Fax number: _____ Telephone number _____

E-mail address: _____


Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.
--

Full names and surname: _____

Identity number: _____

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D. The decision against which the appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by
	Decision to grant request for access

E. Grounds for appeal

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

State the grounds on which the appeal is based: _____

State any other information that may be relevant in considering the appeal: _____

F. Notice of decision on appeal


You will be notified in writing of the decision on your internal appeal. *If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

State the manner: _____

Particulars of manner: _____

Signed at.....thisday of 20

SIGNATURE OF APPELLANT

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FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal *received* *on* *(date)* *by*
(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the Chief information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on (date) to the relevant authority.

.....
.....
.....
.....

OUTCOME OF APPEAL:

.....
.....
.....


DECISION OF CHIEF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION:

.....
.....
.....

.....DATE

CHIEF/DEPUTY INFORMATION OFFICER

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SCHEDULE OF FEES

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 7(1) are as follows
 - (a) For every photocopy of an A4-size page or part thereof
R0.60

 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form
R0, 40

 - (c) For a copy in a computer-readable form on -

Stiffy disc	R5, 00 and
Compact Disc	R40, 00


 - (d) For a transcription of visual images, for an A4-size page or
 - (i) part thereof R22, 00
 - (ii) For a copy of visual images R 60, 00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R12, 00
 - (ii) For a copy of an audio record R17, 00

3. **The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.**

4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
 - (1) (a) For every photocopy of an A4-size page or part thereof
0,60

 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form
0,40

 - (c) For a copy in a computer-readable form on -
 - (i) Stiffy disc R 5, 00
 - (ii) Compact disc R40, 00

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- (d) (i) For a transcription of visual images,
For an A4-size page or part thereof R 22, 00
- (ii) For a copy of visual images R60, 00
- (e) (i) For a transcription of an audio record,
For an A4-size page or part thereof R12, 00
- (ii) For a copy of an audio record R17,00
- (f) To search for and prepare the record for disclosure R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.
- (2) For purposes of section 22(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.