



Hartenberg Farm (Proprietary) Limited

Manual

Prepared in accordance with Section 51 of the
Promotion of Access to Information Act 2 of 2000

Approved by	Michiel Potgieter
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1. Introduction

- 1.1. The purpose of the Promotion of Access to Information Act 2 of 2000 ("**Act**") is intended to foster a culture of transparency and accountability and to promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.
- 1.2. Hartenberg Farm (Pty) Ltd ("**Company**") as a private body defined in the Act, is required to compile a manual which contains information and the procedure to be followed in obtaining access to records of the Company for the purpose of exercising or protecting rights.

2. Company Details

The Company and contact details are as follows:

Name of the Company	Hartenberg Farm
Registration number	1972/000294/07
Street address	Bottelary Road, Stellenbosch, South Africa
Postal address	P O Box 12756, Die Boord, Stellenbosch, 7613
Telephone number	+27 21 865 2541
Company website	www.hartenbergestate.com
Information Officer	Michiel Potgieter
E-mail address	kobus@hartenbergestate.com

3. Official Guide on how to use PAIA

- 3.1. Requests for access to records of the Company for the purpose of exercising or protecting rights in terms of the Act shall be made in accordance with the prescribed procedures and at the rates provided.
- 3.2. The South African Human Rights Commission ("**SAHRC**") has compiled a guide in terms of section 10 of the Act which contains information for the purposes of assisting any person who wishes to exercise any rights granted in terms of the Act.
- 3.3. The guide is available from the SAHRC who can be contacted at:

Postal address	Private Bag 2700, Houghton, 2041
Telephone number	+27 11 877 3600
Facsimile number	+27 11 403 0625
Website	www.sahrc.org.za
E-mail address	info@sahrc.org.za

4. Records automatically available

- 4.1. Any newsletters, pamphlets, brochures and other literature intended for the general public.
- 4.2. Personnel records relating to the employee whose records is requested.

- 4.3. Company policies are available to all employees.
- 4.4. Access to these records may be obtained by written request addressed to the Information Officer, via post or email or fax, at the address provided in this manual.

5. Records available in terms of legislation

- 5.1. Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the requester has a right of access to a record, other than in terms of the procedure set out in the Act, are set out in **Schedule 1** of this manual.
- 5.2. Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. If a requester believes that a right of access to a record exists in terms of any legislation not listed, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.
- 5.3. Access to these records must be made in terms of the Act in the format specified in clause 7 below and access may be refused on the grounds specified in clause 10 below.

6. Records available in terms of the Act

- 6.1. Categories of records held by the Company are set out in **Schedule 2** of this manual.
- 6.2. Although we have used our best endeavours to supply a list of records, it is possible that this list may be incomplete. If a requester believes that a right of access to a record exists in terms of any category not listed, the requester is required to indicate what record has not been listed, to allow the Information Officer the opportunity of considering the request in light thereof.
- 6.3. Access to these records must be made in terms of the Act in the format specified in clause 7 below and access may be refused on the grounds specified in clause 10 below.

7. How to access records held by the Company

- 7.1. If you wish to request access to any of the above information, kindly complete the prescribed form, available on the website of the SAHRC at www.sahrc.org.za or attached hereto as **Schedule 3** and submit the request for access to the Information Officer, via post or email or fax, at the address provided in this manual.
- 7.2. The request for access must provide sufficient details to enable the Company to identify the following:
 - 7.2.1. The record(s) requested; and
 - 7.2.2. The identity of the requester (if the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Company); and
 - 7.2.3. The form of access required (if written, the postal address, fax number or email address of the requester and if in any other manner, particulars thereof); and
 - 7.2.4. 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 such a right.

8. Prescribed fees

8.1. The Act provides for two types of fees, namely:

8.1.1. A request fee, which is a standard fee; and

8.1.2. An access fee, which is calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

8.2. The fees for the reproduction of a records are as follows:

No	Description	Fee
1.	Request fee payable by a requester, other than a personal requester	R50,00
2.	Access fees	
	For every photocopy of an A4-size page or part thereof	R1,10
	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,75
	For a copy in a computer-readable form	R70,00
	For a transcript of visual images, for an A4-size page or part thereof	R40,00
	For a copy of visual images	R60,00
	For a transcript of an audio record, for an A4-size page or part thereof	R20,00
	For a copy of an audio record	R30,00
	Search and preparation of the record for disclosure, per hour, excluding the first hour	R30,00
3.	Vat	15%
4.	Postage Fees	Actual
5.	If the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the record requested, a deposit equal to one-third of an amount of R30,00 for each hour or part thereof, exceeding the six hours, is payable	

8.3. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.

8.4. When the request for access is received by the Company, the Information Officer will by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

8.5. If the search for a record requires more than the prescribed hours for this purpose, the Information Officer will notify the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request for access is granted.

8.6. The Company will withhold a record until the requester has paid the fees as prescribed.

8.7. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

8.8. If a deposit has been paid in respect of a request for access, which is refused, then the Company must repay the deposit to the requester.

9. Decision to grant access to records

- 9.1. Access to requested records is not automatic and the Company will, within 30 days of receipt of the request, give notice to the requester with reasons (if required) of its decision to grant or decline the request.
- 9.2. The period referred to above may be extended for a further period of not more than 30 days if the request is for a large number of records, or the request requires a search for records held at another office of the Company or cannot reasonably be obtained within the original 30 day-period.
- 9.3. The Company will notify the requester in writing should an extension be required.
- 9.4. The Company does not have internal appeal procedures. As such, any decision made by the Information Officer to decline access to the records requested is final and the requester may apply to a court for relief within the prescribed period of notification of the decision for appropriate relief.

10. Grounds for refusal of access to records

The following are the grounds on which the Company may refuse a request for access to records:

- 10.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve a contravention of the provisions of the Protection of Personal Information Act No 4 of 2013 or such other legislation as may become.
- 10.2. Mandatory protection of the commercial information of a third party, if the record contains:
 - 10.2.1. Trade secrets of that third party; or
 - 10.2.2. Financial, commercial, scientific, research or technical information about a third party which disclosure could likely cause harm to the third party; or
 - 10.2.3. Information disclosed in confidence by a third party to the Company.
- 10.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or contract.
- 10.4. Mandatory protection of the safety of an individual and the protection of property.
- 10.5. Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 10.6. Mandatory protection of research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage.
- 10.7. Protection of the commercial information of the Company, which may include:
 - 10.7.1. Trade secrets; or
 - 10.7.2. Financial, commercial, scientific, research or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company; or
 - 10.7.3. Information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; or
 - 10.7.4. Computer programs, designs, drawings and all other information protected by copyrights and intellectual property legislation; or
 - 10.7.5. Information not in the public domain.

- 10.8. Requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.
- 10.9. If, after a diligent search, the record requested cannot be found, the Information Officer will by way of affidavit give notification that it is not possible to give access to that record.

11. Availability of the manual

- 11.1. A copy of this manual is available for inspection free of charge at the office of the Company and, if applicable, on the website of the Company.
- 11.2. Copies are also available from the SAHRC.
- 11.3. The Company may update this manual at such intervals as may be necessary.

12. Schedules

Schedule 1	Legislation in terms of which records are held
Schedule 2	Categories of records
Schedule 3	Access Request Form

Schedule 1
Legislation in terms of which records are held by the Company

1.	No 46 of 1998	Administration of Adjudication of Road Traffic Offences Act
2.	No 66 of 1965	Administration of Estates Act
3.	No 21 of 1940	Advertising on Roads & Ribbon Development Act
4.	No 75 of 1997	Basic Conditions of Employment Act
5.	No 34 of 1964	Bills of Exchange Act
6.	No 53 of 2003	Broad-Based Black Economic Empowerment Act
7.	No 4 of 1999	Broadcasting Act
8.	No 69 of 1984	Close Corporations Act
9.	No 71 of 2008	Companies Act
10.	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
11.	No 89 of 1998	Competition Act
12.	No 108 of 1996	Constitution of South Africa Act
13.	No 68 of 2009	Consumer Protection Act
14.	No 98 of 1987	Copyright Act
15.	No 51 of 1977	Criminal Procedure Act
16.	No 9 of 1933	Currency & Exchanges Act
17.	No 91 of 1964	Customs and Excise Act
18.	No 70 of 1979	Divorce Act
19.	No 36 of 2005	Electronic Communications Act
20.	No 25 of 2002	Electronic Communications and Transactions Act
21.	No 55 of 1998	Employment Equity Act
22.	No 73 of 1989	Environment Conservation Act
23.	No 37 of 2002	Financial Advisory & Intermediary Services Act
24.	No 38 of 2001	Financial Intelligence Centre Act
25.	No 60 of 2000	Firearms Control Act
26.	No 18 of 1969	Formalities In Respect of Leases of Land Act
27.	No 63 of 1977	Health Act
28.	No 58 of 1962	Income Tax Act
29.	No 66 of 1995	Labour Relations Act
30.	No 52 of 1998	Long Term Insurance Act
31.	No 99 of 1998	Maintenance Act
32.	No 103 of 1997	National Building Regulations and Building Standards Act
33.	No 34 of 2005	National Credit Act
34.	No 107 of 1998	National Environmental Management Act
35.	No 39 of 2004	National Environmental Management: Air Quality Act
36.	No 59 of 2008	National Environmental Management: Waste Act
37.	No 36 of 1998	National Water Act
38.	No 93 of 1996	National Road Traffic Act
39.	No 85 of 1993	Occupational Health and Safety Act
40.	No 57 of 1987	Patents Act
41.	No 24 of 1956	Pension Funds Act
42.	No 18 of 1943	Prescription Act

43.	No 12 of 2004	Prevention & Combating of Corrupt Activities Act
44.	No 33 of 2004	Prevention of Constitutional Democracy Against Terrorist & Related Activities Act
45.	No 121 of 1998	Prevention of Organised Crime Act
46.	No 2 of 2000	Promotion of Access to Information Act
47.	No 4 of 2000	Promotion of Equality and Prevention of Unfair Discrimination Act
48.	No 26 of 2000	Protected Disclosures Act 26 of 2000
49.	No 70 of 2002	Regulation of Interception of Communications and Provisions of Information Act
50.	No 25 of 1964	Sales and Service Matters Act
51.	No 23 of 1955	Second-Hand Goods Act
52.	No 95 of 1986	Sectional Titles Act
53.	No 36 of 2004	Securities Services Act
54.	No 25 of 2007	Securities Transfer Act
55.	No 53 of 1998	Short-Term Insurance Act
56.	No 97 of 1997	Skills Development Act
57.	No 9 of 1999	Skills Development Levies Act
58.	No 90 of 1989	South African Reserve Bank Act
59.	No 57 of 1988	Trust Property Control Act
60.	No 7 of 1998	The South African National Roads Agency Limited & National Roads Act
61.	No 12 of 1999	Tobacco Products Control Act
62.	No 194 of 1993	Trade Marks Act
63.	No 40 of 1949	Transfer Duty Act
64.	No 63 of 2001	Unemployment Insurance Act
65.	No 4 of 2002	Unemployment Insurance Fund Contributions Act
66.	No 89 of 1991	Value-Added Tax Act

Schedule 2
Categories of records held by the Company

Records	Subject
Customer Records	<ul style="list-style-type: none"> • Customer correspondence • Customer deal files • Customer agreements • Customer business information • Legal documentation • Proposal and tender documents • Project plans • Risk management records • Standard terms and conditions of supply of goods and/or services • Working papers
Corporate Governance	<ul style="list-style-type: none"> • Board meeting minutes • Codes of conduct • Corporate social investment records • Executive committee meeting minutes • Legal compliance records • Policies
Finance and Administration	<ul style="list-style-type: none"> • Accounting records • Agreements • Annual financial statements • Banking records • Correspondence • Fixed asset register • Invoices and statements • Movable Asset Register • Purchase orders • Remittance • Statistics SA returns • Tax records and returns • Legal dispute records
Human Resources	<ul style="list-style-type: none"> • Assessments • BEE statistics • Career development records • Employment equity reports • General terms of employment • Letters of employment • Leave records • Medical records • Occupational health and safety • PAYE records and returns • Performance management records • Personnel information • Policies and procedures • Provident Fund, rules, life and disability records • Skills development levies • Training material • Training records and statistic • Training Agreements • UIF returns

Information Management and Technology	<ul style="list-style-type: none"> • Agreements • Equipment register • Information policies • Licenses • Standards, procedures and guidelines • Software packages
Marketing and Communication	<ul style="list-style-type: none"> • Proposal documents • New business development • Brand information and strategy • Marketing strategies • Communication strategies • Agreements • Customer relationship programmes • Marketing publications and brochures
Operations	<ul style="list-style-type: none"> • Access control records • Agreements • Archived administration documentation • Environmental records • General correspondence • Patents and Trade Mark documents • Insurance documentation • Service level agreements • Standard trading terms and conditions of supply of services and goods • Supplier records and correspondence • Travel documentation; • Procurement agreements and documentation; • Vehicle registration documents; and • Cellular phone registration documents, including RICA.
Secretarial	<p>Applicable statutory document, including but not limited to:</p> <ul style="list-style-type: none"> • Certificates of Incorporation and certificates to commence business • Corporate structure documents • Memoranda and Articles of Association • Share registers • Statutory Returns to relevant authorities • Share certificates • Minutes of meetings • Resolutions passed • Director appointments and resignations



J752

REPUBLIC OF SOUTH AFRICA

FORM C
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

Designation

E-Mail Address

Physical Address

Telephone number

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:

Telephone number: (.....) Fax 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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 below, state your disability and indicate in which form the record is required.

Disability:	Form of record:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access 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:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
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
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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

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

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE