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MEGCHEM

Holdings (Pty) Ltd.

BMS-01-0.0-002
Revision 03

SECTION 51 MANUAL



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Notes: Documents pertaining to this Section 51 Manual are available in Laserfiche BMS Level 1

SECTION 51 MANUAL*Uncontrolled Copy
When Printed***1 INTRODUCTION TO MEGCHEM HOLDINGS (PTY) LTD**

MegChem Holdings (Pty) Ltd is the Holdings Company of a group of Companies, focusing on Mechanical Engineering, Chemical Engineering, Metallurgical Engineering, Project Management, Drafting, Manufacturing, Construction and Installation. The following Companies are included in this Group of Companies:

- **MegChem (Pty) Ltd**
- **Gola (Pty) Ltd**
- **SecMet (Pty) Ltd**

This list is not necessarily limited to the above and should not be viewed as a complete list. Please contact the Head of the Company as and when the need for additional information arises.

2 INFORMATION ON THE HEAD OF THE COMPANY AS REQUIRED UNDER SECTION 51 (1)(a)

Full Name:	Pieter Neethling
Postal Address:	PO Box 2040 Secunda 2302
Physical Address:	1 Louwrens Muller Secunda 2302
Telephone Number:	+27 (0)17 620 2294
Facsimile Number:	+27 (0)17 620 2350

3 DESCRIPTION OF THE GUIDE REFERRED TO IN SECTION 10 AS REQUIRED UNDER SECTION 51 (1)(b)

The Guide referred to in Section 10 of the Promotion of Access to Information Act (Act 2 of 2000), has been compiled, in terms of this Section, by the Human Rights Commission. This Guide contains information required by any and all persons wishing to exercise any rights whatsoever, contemplated by the Promotion of Access to Information Act (Act 2 of 2000). This Guide shall be made available in all Official Languages. This Guide shall be made available at the offices of the South African Human Rights Commission. The Section 51(1)(b) grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of Section 51(1)(b) shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act

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South African Human Rights Commission:

Postal Address: Private Bag 2700
Houghton
2041

Physical Address: Braampark Forum 3
33 Hoofd St
Braampark
Johannesburg

Telephone Number: +27 (0) 11 877 3600

E-mail Address: tsebulela@sahrc.org.za / paia@sahrc.org.za

Website: www.sahrc.org.za

4 APPLIABLE LEGISLATIONS UNDER *SECTION 51 (1)(c)*

- 4.1 No 42 of 1965 Arbitration Act
- 4.2 No 71 of 2008 Companies Act
- 4.3 No 53 of 1979 Attorneys Act
- 4.4 No 98 of 1978 Copyright Act
- 4.5 No 55 of 1998 as amended Employment Equity Act
- 4.6 No 95 of 1967 Income Tax Act
- 4.7 No 66 of 1995 Labour Relations Act
- 4.8 No 89 of 1991 Value Added Tax Act
- 4.9 No 75 of 1997 as amended Basic Conditions of Employment Act
- 4.10 No 4 of 2013 Protection of Personal Information Act
- 4.11 No 25 of 2002 Electronic Communications and Transactions Act
- 4.12 No 130 of 1993 Compensation for Occupational and Diseases Act
- 4.13 No 2 of 2000 Promotion of Access of Information Act
- 4.14 No 63 of 2001 Unemployment Insurance Act
- 4.15 No 68 of 2008 Consumer Protection Act 25 No 85 of 1993
- 4.16 Occupational Health and Safety Act 32 No 97 of 1998
- 4.17 Skills Development Act 33 No 9 of 1999 Skills Development Levies Act 40 No 4 of 2002
- 4.18 Unemployment Insurance Contributions Act

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5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION AS REQUIRED BY SECTION 51 (1)(d)

Records are kept in accordance with the following legislation (which is not an exhaustive list):

- 5.1 Basic Conditions of Employment Act, 1997
- 5.2 Businesses Act, 1991
- 5.3 Companies Act, 2008
- 5.4 Consumer Protection Act, 2008
- 5.5 Compensation for Occupational Injuries and Diseases Act, 1993
- 5.6 Copyright Act, 1978
- 5.7 Electronic Communications and Transactions Act, 2002
- 5.8 Employment Equity Act, 1998
- 5.9 Harmful Business Practices Act, 1999
- 5.10 Income Tax Act, 1962
- 5.11 Labour Relations Act, 1995
- 5.12 Long Term Insurance Act, 1998
- 5.13 Medical Schemes Act, 1956
- 5.14 Occupational Health and Safety Act, 1993
- 5.15 Pension funds Act, 24 of 1956
- 5.16 Prevention of Organised Crime Act, 1998
- 5.17 Protected Disclosures Act, 2000
- 5.18 Short Term Insurance Act, 1998
- 5.19 Skills Development Act, 1998
- 5.20 Skills Development Levies Act, 1999
- 5.21 Trademarks Act, 1993
- 5.22 Unemployment Insurance Act, 2001
- 5.23 Value Added Tax Act, 1991

This list is not necessarily limited to the above and should not be viewed as a complete list. Please contact the Head of the Company as and when the need for additional information arises.

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6 SUBJECTS AND CATEGORIES OF RECORDS AS REQUIRED BY SECTION 51 (1)(e)

The following records are maintained during the performance of normal business activities:

6.1 Company Secretarial Records

- 6.1.1 Documents of Incorporation
- 6.1.2 Memorandum of Association
- 6.1.3 Articles of Association
- 6.1.4 Shareholders Agreements
- 6.1.5 Minutes of Board of Directors Meetings
- 6.1.6 Minutes of Annual General Meetings
- 6.1.7 Minutes of Shareholders (General) Meetings
- 6.1.8 Records regarding the payment and update of Annual Returns
- 6.1.9 Changes of Address
- 6.1.10 Consent to act as Director
- 6.1.11 Appointment of Directors
- 6.1.12 Appointment of Auditors
- 6.1.13 Change of Directors
- 6.1.14 Change of Auditors
- 6.1.15 Change of Financial Year End
- 6.1.16 Share Registers
- 6.1.17 Shareholding Records
- 6.1.18 Transfers of Shares
- 6.1.19 Allotments of Shares
- 6.1.20 Special Resolutions
- 6.1.21 Records regarding Directors' Interests
- 6.1.22 Audit Reports

6.2 Operational Records

- 6.2.1 Commercial Records with regards to Projects
- 6.2.2 Technical Records with regards to Projects
- 6.2.3 Various Records with regards to all Engineering activities

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6.2.4 Various Records with regards to all Drafting activities

6.2.5 Procurement Records

6.2.6 Term Contracts

6.2.7 Client Information and Details

6.2.8 Sub-Contractor Information and Details

6.2.9 Supplier Information and Details

6.2.10 Marketing Material

6.2.11 Organisational Structures

6.3 **Financial Records**

6.3.1 Annual Financial Statements

6.3.2 Accounting Records

6.3.3 Banking Records

6.3.4 Banking Statements

6.3.5 Banking Details

6.3.6 Electronic Banking Records

6.3.7 Invoices

6.3.8 Details of Auditors

6.3.9 Audit Reports

6.3.10 Guarantees and Securities

6.4 **Tax Records**

6.4.1 Tax Returns

6.4.2 Records of Documents issued to Employees for Income Tax purposes

6.4.3 Record of payments made to the South African Revenue Services on behalf of Employees

6.4.4 Pay As You Earn Records

6.4.5 Value Added Tax Records

6.4.6 Unemployment Insurance Fund Records

6.4.7 Workman's Compensation Fund Records

6.5 **Records regarding Human Resources**

6.5.1 Personnel Files

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- 6.5.2 Employment Contracts
- 6.5.3 Limited Duration / Fixed Term Contracts
- 6.5.4 Removal Contracts
- 6.5.5 Job Descriptions
- 6.5.6 Maternity Leave Contracts
- 6.5.7 Extended Sick Leave Contracts
- 6.5.8 Study Assistance Contracts
- 6.5.9 Indemnity Forms
- 6.5.10 Labour Broker Contracts
- 6.5.11 Secrecy/ Confidentiality Agreements
- 6.5.12 Medical Aid Records
- 6.5.13 Pension Fund/ Provident Fund Records
- 6.5.14 Training Records
- 6.5.15 Training Manuals
- 6.5.16 Annual Leave Records
- 6.5.17 Sick Leave Records
- 6.5.18 Special Leave Records
- 6.5.19 Maternity Leave Records
- 6.5.20 Performance Records
- 6.5.21 Disciplinary Records
- 6.5.22 Remuneration Records
- 6.5.23 Employee Details
- 6.5.24 Recruitment Documentation
- 6.5.25 Appointment Documentation
- 6.5.26 Dismissal Documentation
- 6.5.27 Resignation Documentation
- 6.5.28 Curriculum Vitae
- 6.6 **Records regarding Information Technology**
 - 6.6.1 Software Usage Agreements

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6.6.2 Procurement of Computer Hardware Records

6.6.3 Procurement of Computer Software Records

6.6.4 Service Agreements

6.6.5 Service Records

6.7 **Property Records**

6.7.1 Lease Agreements

6.7.2 Insurance Records

6.7.3 Asset Registers

6.7.4 Maintenance Contracts

6.7.5 Maintenance Records

6.8 **Records regarding Safety**

6.8.1 Incident Reports

6.8.2 Injury Reports

6.8.3 Medical Reports

6.8.4 Occupational Health and Safety Records

6.8.5 Occupational Diseases Records

6.9 **Quality Management Systems**

6.9.1 Company Policies

6.9.2 Quality Management Procedures

6.9.3 Task Descriptions

6.9.4 Codes

6.10 **Communications**

6.10.1 Internal Communication Records

6.10.2 External Communication Records

6.10.3 Document Control Information

This list is not necessarily limited to the above and should not be viewed as a complete list. Please contact the Head of the Company as and when the need for additional information arises.

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7 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4

In terms of Chapter 4 of Part 3, as prescribed under Sections 62 to 69, of the Promotion of Access to Information Act (Act 2 of 2000), certain grounds exist upon which the Head of a Private Body may refuse to grant access to its Records, since the Information contained in such Records may be subject to protection in the interest of privacy. Such Records that shall be protected and be refused access to, shall include, but not be limited to, the following:

- 7.1 Records containing Personal Information concerning a third Party, including a deceased individual
- 7.2 Records containing Trade Secrets of the Private Body or a third Party
- 7.3 Records containing Financial Information of the Private Body or a third Party, the disclosure of which would be likely to cause financial or commercial harm
- 7.4 Records containing Commercial Information of the Private Body or a third Party, the disclosure of which would be likely to cause financial or commercial harm
- 7.5 Records containing Scientific Information of the Private Body or a third Party, the disclosure of which would be likely to cause financial or commercial harm
- 7.6 Records containing Technical Information of the Private Body or a third Party, the disclosure of which would be likely to cause financial or commercial harm
- 7.7 Records containing Information supplied in confidence by a third Party, the disclosure of which would be likely to put that third Party at a disadvantage during contractual or other negotiations
- 7.8 Records containing Information, the disclosure of which would be likely to put the Private Body at a disadvantage during contractual or other negotiations
- 7.9 Records containing Information supplied in confidence by a third Party, the disclosure of which would be likely to prejudice that third Party during commercial competition
- 7.10 Records containing Information, the disclosure of which would be likely to prejudice the Private Body during commercial competition
- 7.11 Records, when disclosed, would constitute a breach of confidence owed to a third Party in terms of an Agreement
- 7.12 Records, when disclosed, could endanger the life or physical safety of an individual
- 7.13 Records, when disclosed, could prejudice the security of buildings or structures
- 7.14 Records, when disclosed, could prejudice the security of systems, including computer systems and communication systems
- 7.15 Records, when disclosed, could prejudice the security of any means of transport
- 7.16 Records, when disclosed, could prejudice the security of any other property
- 7.17 Records, when disclosed, could prejudice the methods, systems, plans and procedures with regards to the protection of an individual in accordance with a witness protection scheme

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- 7.18 Records, when disclosed, could prejudice the methods, systems, plans and procedures with regards to the protection of the safety of the public or any part of the public
- 7.19 Records which are privileged from production in legal proceedings, unless the person afforded the privilege has waived such privilege
- 7.20 Records containing Information on research being carried out on behalf of the Private Body or a third Party, the disclosure of which would be likely to expose the Private Body or a third Party
- 7.21 Records containing Information on research being carried out on behalf of the Private Body or a third Party, the disclosure of which would be likely to expose the person carrying out the research on behalf of the Private Body or a third Party
- 7.22 Records containing Information on research being carried out on behalf of the Private Body or a third Party, the disclosure of which would be likely to expose the subject matter of the research

8 DETAILS TO FACILITATE A REQUEST FOR ACCESS TO RECORDS IN TERMS OF SECTION 53 AND SECTION 54 AS REQUIRED UNDER SECTION 51 (1)(e)

8.1 Form of Request

The Requester is required to make use of the Prescribed Form BMS-01-0.0-002A or use the prescribed form available on the website of the South African Human Rights, in the event of submitting a request for access to Records. The above mentioned and completed Prescribed Form, along with the prescribed fees, shall be submitted to the Information Officer/ Deputy Information Officer of the Private Body [Section 51 (1)(a)].

8.2 Fees

The following fees payable with regards to the reproduction of Records, as prescribed under A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining him/herself.

The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identity, which is to be accompanied by positive proof of identification.

The Requestor must indicate which form of access is required and if he/ she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.

Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to 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 Requestor must then submit proof, to the satisfaction of the Information Officer/Deputy Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

8.3 Decision on Request (Section 56)

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The Requestor will be notified, within 30 days, in the manner indicated by him/ her of the outcome of his/ her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request. o If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s).

In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised that he /she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application. The Requestor may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

9 OTHER INFORMATION AS REQUIRED UNDER SECTION 51 (1)(f)

At the date of compilation of this Section 51 Manual, no regulations in this regard could be found.

10 AVAILABILITY OF THIS SECTION 51 MANUAL AS REQUIRED UNDER SECTION 51 (3)

This Section 51 Manual is available and may be obtained, by written request, from the South African Human Rights Commission [Section 51 (1)(b)] or from the Information Officer/ Deputy Information Officer of this Private Body [Section 51 (1)(a)].

This Manual is available in MegChem's Laserfiche BMS Level 1.