

Registration Number of Company: 2023/921266/07

Industrial Rigging Solutions (Pty) Ltd

prepared in accordance with the terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (the "ACT")




Signed on this 5 day of January 2024 2022 by the Information Officer:



Jaco Philip van Niekerk

LAST UPDATED: 9/13/2023

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1. Useful Terms

The following definitions and interpretations are used to define various terms used in the Act. They have been attached here to assist with the meaning which should be attached to these words in the Act and in this Guide.

“access fee” means a fee prescribed for the purposes of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

“court” means –

- (a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution of the Republic of South Africa, 1996; or
- (b) (i) a High Court or another court of similar status; or
(ii) a Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the Minister; by notice in the Gazette and presided over by a magistrate or an additional magistrate designated in terms of section 91A, within whose area of jurisdiction–
 - (aa) the decision of the information officer or relevant authority of a public body or the head of a private body has been taken;
 - (bb) the public body or private body concerned has its principal place of administration or business; or
 - (cc) the requester or third party concerned is domiciled or ordinarily resident;

“DIO” means Deputy Information Officer;

“Guide” means the book produced by the Human Rights Commission in terms of s10 of the Promotion of Access to Information Act, No. 2 of 2000, for the purposes of reasonably assisting a person who wishes to exercise any right in terms of the Act;

“head” of, or in relation to, a private body means –

- (a) in the case of a natural person, that natural person or any person duly authorised by that natural person;
- (b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- (c) in the case of a juristic person –
 - (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
 - (ii) the person who is acting as such or any person duly authorised by such acting person;

“Human Rights Commission” means the South African Human Rights Commission;

“information officer” of, or in relation to a public body means –

- (a) in the case of a national department, provincial administration or organisational component –
 - (i) mentioned in Column 1 of Schedule 1 or 3 to the Public Service Act, 1994 (Proclamation No. 103 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule 1 or 3 opposite the name of the relevant national department, provincial administration or organisational component or the person who is acting as such;
 - (ii) Not so mentioned, means the Director-General, head, executive director or equivalent officer, respectively, of that national department, provincial administration or organisational component respectively or the person who is acting as such;
- (b) in the case of a municipality, means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act, No. 117 of 1998) or the person who is acting as such; or
- (c) in the case of any other public body, means the chief executive officer or equivalent officer, of that public body or the person who is acting as such;

“Minister” means the Cabinet Minister responsible for the administration of justice;

“official” in relation to a public body or private body means –

- (a) any person in the employ (permanently or temporary and full time or part-time) of the public or private body, as the case may be, including the head of the body, in his or her capacity as such; or
- (b) a member of the public or private body, in his or her capacity as such;

“person” means a natural or a juristic person;

“PAIA” means Promotion of Access to Information Act No. 2 of 2000(as Amended);

“personal requester” means a requester seeking access to a record containing personal information about the requester;

“POPIA” means Protection of Personal Information Act No.4 of 2013;

“private body” means –

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business or profession; or
- (c) any former or existing juristic person; but excludes a public body;

“public body” means –

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere; or
- (b) any other functionary or institution when –

- (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- (ii) exercising a public power or performing a public function in terms of any other legislation;

“record” of, or in relation to, a public or private body, means any recorded information –

- (a) regardless of the form or medium;
- (b) in the possession or under the control of that public or private body respectively; and
- (c) whether or not it was created by that public or private body, respectively;

“Regulator” Information Regulator;

“relevant authority” in relation to:

- (a) a public body referred to in paragraph (a) of the definition of “public body” in the national sphere of government, means –
 - (i) in the case of the Office of the Presidency, the person designated in writing by the President; or
 - (ii) in any other case, the Minister responsible for that public body or the person designated in writing by that Minister;
- (b) a public body referred to paragraph (a) of the definition of “public body” in the provincial sphere of government, means –
 - (i) in the case of the Office of the Premier, the person designated in writing by the Premier; or
 - (ii) in any other case, the member of the Executive Council responsible for that public body or the person designated in writing by that member; or
- (c) a municipality, means –
 - (i) the mayor;
 - (ii) the speaker; or
 - (iii) any other person, designated in writing by the Municipal Council of that municipality;

“request for access” in relation to:

- (a) public body, means a request for access to a record of a public body in terms of section 11 of PAIA;
- (b) a private body, means a request for access to a record of a private body in terms of section 50 of PAIA;

“requester” in relation to –

- (a) a public body, means –

- (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
 - (ii) a person acting on behalf of the person referred to in subparagraph (i);
- (b) a private body means –
- (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - (ii) a person acting on behalf of the person contemplated in subparagraph (i);

“third party” in relation to a request for access to –

- (a) a record of a public body, means any person (including, but not limited, to the government of a foreign state, an international organisation or an organ of that government or organisation) other than –
 - (i) the requester concerned; and
 - (ii) a public body or
- (b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but for the purposes of section 34 and 63 of PAIA, the reference to “person” in paragraphs (a) and (b) must be construed as a reference to “natural person”;

“working days” means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act, No. 36 of 1994).

In this Guide, words importing any one gender shall include the other two genders, and the singular shall include the plural, unless the context indicates otherwise.

2. Purpose Of The PAIA Manual

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;

- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. **Introduction to your company and the type of business**

Industrial Rigging Solutions (Pty) Ltd was incorporated in 2023 and the company's main business description is:

: Customised Rigging Solutions

4. **Section 51 (1)(a) - Contact Information**

Name of Business Industrial Rigging Solutions (Pty) Ltd

Information Officer Jaco Philip van Niekerk

Deputy Information Officer A Tólken

Physical Address
 Unit 13
 N1 Industrial Park
 16th Street
 ELSIES RIVER
 7490

Postal Address
 Unit 13
 N1 Industrial Park
 16th Street
 ELSIES RIVER
 7490

Telephone 083 276 2033

Fax -

Email info@i-rigging.com

Website www.i-rigging.com

5. **Section 51 (1)(b) - Section 10 Guide on how to use the Act**

5.1 Guide On How To Use PAIA And How To Obtain Access To The Guide

- 5.1.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 5.1.2 The Guide is available in each of the official languages and in braille.
- 5.1.3 The aforesaid Guide contains the description of-
- 5.1.3.1 the objects of PAIA and POPIA;
 - 5.1.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.1.3.3 the Information Officer of every public body, and
 - 5.1.3.4 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 5.1.4 the manner and form of a request for-
- 5.1.4.1 access to a record of a public body contemplated in section 11³; and
 - 5.1.4.2 access to a record of a private body contemplated in section 50⁴;
- 5.1.5 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.1.6 the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.1.7 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- (a) an internal appeal;
 - (b) a complaint to the Regulator; and
 - (c) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 5.1.8 the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.1.9 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.1.10 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 5.1.11 the regulations made in terms of section 92¹¹.
- 5.2 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.3 The Guide can also be obtained-
- 5.3.1 upon request to the Information Officer;
- 5.3.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 5.3.3 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- Afrikaans
English
- 5.4 Please direct enquiries to:

The South African Human Rights Commission

PAIA Unit

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Research and Documentation Department

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6. Section 51 (1) (c) - Applicable Legislation

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Income Tax Act No. 95 of 1967
- Occupational Health & Safety Act No. 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act No. 4 of 2013
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001

7. Procedure to follow to access records held by Industrial Rigging Solutions (Pty) Ltd

- (i) Request for access to documents held by the **Industrial Rigging Solutions (Pty) Ltd** will be in accordance with the Act. The type of records available to the person requesting the information are listed hereunder:

Administrative Records

These include, but are not limited to the following:

- Attendance registers
- Founding Documents
- Statutory Returns
- Shareholder Register

Human Resources Records

These include, but are not limited to the following:

- Employment Contracts

- Information relating to Health and Safety Regulations
- Personnel Guidelines, Policies and Procedures
- Statutory Records

Operational Records

These include, but are not limited to the following:

- Suppliers' Registry
- User Manuals

Financial Records

These include, but are not limited to the following:

- Audit Records
- Insurance Information
- Tax Records (company and employee)

Other Parties

Industrial Rigging Solutions (Pty) Ltd may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies and other financial services providers.

These records include:

- service level agreements
- correspondence

Alternatively, such other parties may possess records which can be said to belong to the **Industrial Rigging Solutions (Pty) Ltd**. The following records fall under this category:

- personnel, client or records which are held by another party
 - o correspondence
 - o contractual records

(ii) Steps to consider before submitting a request

1. Are you entitled to use the Act to request access?
Please take note of section 7(1) of the Act.
2. Does the information requested exist in the form of a record?

Please note that the Act only applies to records that are in existence at the time of **Industrial Rigging Solutions (Pty) Ltd** receiving your request.

3. Is the record in the possession or control of **Industrial Rigging Solutions (Pty) Ltd**?
The Act provides that the record requested must be in **Industrial Rigging Solutions (Pty) Ltd's** possession or under our control.

(iii) Procedure for requesting records

1. The requester must use the prescribed form to make the request, which is available on the website (if any) or they can also be found at each provincial office of the South African Human Rights Commission, as well as on the website at www.sahrc.org.za.
2. The requester must provide enough information about himself/herself in order to be easily identified, including the contact details of the requester: postal address, email address, and/or telephone number in South Africa.
3. The request must be addressed to the head of **Industrial Rigging Solutions (Pty) Ltd**.
4. The request must be made by way of hand delivery, posted, faxed or electronic mail, to **Industrial Rigging Solutions (Pty) Ltd**.
5. The requester must properly detail their request on the form so that the head of **Industrial Rigging Solutions (Pty) Ltd** can properly identify the record and the requester. Additional paper may be used to detail the request, as long as each additional page is signed and attached to the request form.
6. The requester must indicate the form of access that is required.
7. The requester must also indicate if any other manner is to be used to inform the requester stating the particulars of such manner.
8. The requester must identify the right that is to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
9. Where a request is made on behalf of a third party, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of **Industrial Rigging Solutions (Pty) Ltd**.

(iv) Duties of the information Officer

1. The Information Officer or Deputy Information Officer must assist the requester in completing the PAIA form, when the request for information may be denied due to incomplete/ incorrectly completed forms.

2. The PAIA request must be responded to within 30 days after receiving the request. The Information Officer may request an extension for a period of no more than 30 additional days. Only one extension is allowed per PAIA request.
3. It is the responsibility of the Information Officer to grant or deny access to the records. This decision must be put to the requester in writing.
4. The Information Officer must notify the requester of the form of access, assess fee and recourse.
5. In case the PAIA request is denied, the Information Officer must state the reasons for refusal and provide the requester with information regarding his/her right to appeal the decision or to file an application in court.
6. The Information Officer may decide to defer the release of a record to a requester in terms of Section 24 of PAIA, if that record is intended to be published within 90 days or if the record is required by law to be published but is yet to be.

(v) Circumstances under which the request for access to information can be refused

Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –

1. Mandatory protection of privacy of a third party who is a natural person.
2. Mandatory protection of certain records of **Industrial Rigging Solutions (Pty) Ltd.**
3. Mandatory protection of commercial information of a third party.
4. Mandatory protection of certain confidential information and protection of certain other confidential information of a third party.
5. Mandatory protection of safety of individuals and protection of property.
6. Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings.
7. Mandatory protection of records privileged from production in legal proceedings.
8. Defence, security and international relations of the Republic.
8. Economic interests and financial welfare of the Republic and commercial activities of public bodies.
9. Mandatory protection of research information of a third party and protection of research information of a public body.
10. Operations of public bodies.
11. Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

(vi) **Course of action if the request for information is refused**

Should the requester not be satisfied with the decision of the Deputy Information Officer, the requester may apply to Court for relief. On hearing such an application the court may grant a just and equitable order including:

1. Confirming, amending or setting aside the decision that is the subject of the application.
2. Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order.
3. Granting an interdict, interim or specific relief, a declaratory order or compensation.
4. Costs.

8. Request- and Access Fees

- 8.1 Section 22(1) of PAIA states that fees payable for access to records of the Regulator are to be prescribed.
- 8.2 A requester who seeks access to any record may be required to pay a fee, unless an exempted, as referred to in paragraph 8.3 below.
- 8.3 The requester does not need to pay an access fee³⁰ to a public body if –
- 8.3.1 He or she is a single person whose annual income, after permissible deductions, such as PAYE and UIF, is less than R14 712 a year, or
- 8.3.2 He or she is married and the joint income with his or her partner, after permissible deductions, such as PAYE and UIF, is less than R27 192 per year.

A requester who seeks access to records containing personal information on that requester is not required to pay a fee. All other requests must pay the required request fees.

1. The head of **Industrial Rigging Solutions (Pty) Ltd** will notify the requester of the requirement to pay the prescribed fee (if any) before further processing the request;
2. The fee that must be paid (Regulation 11(2)) to **Industrial Rigging Solutions (Pty) Ltd** is ZAR140.00. The requester may lodge an application to the court against the payment of the required fee PAIA Manual – **Industrial Rigging Solutions (Pty) Ltd**;
3. After the head of **Industrial Rigging Solutions (Pty) Ltd** has made a decision on the request, the requester must be notified in the required form;
4. If the request is granted then a further access fee may be payable for the search, retrieval, reproduction and preparation of the record that has been requested as well as any time in excess of the prescribed hours to do so:

Photocopies, printed pages The fee for a copy of the manual is ZAR2.00 for every A4-size

page or part thereof.

The fee for every photocopy of an A4-size page or part thereof is ZAR2.00.

The fee for every printed copy of an A4-size page or part thereof for any record held on computer, electronically or in machine-readable format is ZAR2.00

Electronically stored and per machine readable formats The fee for a copy of any electronic record shall be ZAR60.00 compact disc required to provide that data.

Visual images and records The fee for the transcription of visual images is ZAR24.00 per A4-size page or part thereof.

The fee for the reproduction of any visual images is ZAR60.

Audio records The fee for the transcription of audio records is ZAR60.00 per A4-size page or part thereof.

The fee for the reproduction of any audio record is ZAR60.00.

Retrieval of record The rate per hour or part thereof to search for and prepare the record which is request for disclosure is ZAR145.00, to not exceed a total cost of ZAR435.00.

Postage Postage costs for the distribution of the requested record will only be payable when said record must be posted to the requester, by the requester.

9. **Section 51 (1)(f) - Other information as may be prescribed**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

10. **Section 51 (3) - Availability of the manual**

This manual is available for inspection at **Industrial Rigging Solutions (Pty) Ltd** free of charge.

Copies are made available with the South African Human Rights Commission, in the Gazette and for download from **Industrial Rigging Solutions (Pty) Ltd** website/by contacting the Information Officer.

11. **Records That Cannot Be Found Or Does Not Exist**

11.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.

11.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

12. General

The manual will be updated, if necessary, on an annual basis and will be available in English.