



## **PROMOTION OF ACCESS TO INFORMATION ACT**

### **SECTION 51 MANUAL**

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The compilation and input to the manual was obtained from experts in Human Resources Management and Labour Law. Any changes and alterations can only be made with the approval of Winelands Pork's Human Resources Department.

Reference to one gender can be interpreted to imply as belonging to either gender.

All policies and manuals of Winelands Pork (Pty) Ltd. are under the management of the Human Resources Department.

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## 1. INTRODUCTION

This manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act, Act 2 of 2000, and aims to facilitate a request for access to a record held by a private body that is required for the exercise or protection of any legally applicable rights.

## 2. DEFINITIONS

2.1 Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:

2.1.1 **“Act”** means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;

2.1.2 **“WLP”** means Winelands Pork (Pty) Ltd as more fully described in the overview hereunder;

2.1.3 **“Information Officer”** means the person acting on behalf of WLP and discharging the duties and responsibilities assigned to the head of WLP by the Act. The Information Officer is duly authorised to conduct the responsibilities of the Information Officer and such authorisation has been confirmed by the MD of WLP in writing;

2.1.4 **“Information Regulator”** is an independent body established in terms of Section 39 of the Protection of Personal Information Act 4 of 2013;

2.1.5 **“Manual”** means this manual published in compliance with Section 51 of the Act;

2.1.6 **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of WLP, irrespective of whether or not it was created by WLP;

2.1.7 **“Request”** means a request for access to a record of WLP;

2.1.8 **“Requestor”** means any person, including a public body or an official thereof, making a request for access to a record of WLP and includes any person acting on behalf of that person; and

2.1.9 **“SAHRC”** means the South African Human Rights Commission.

2.2 Unless a contrary intention clearly appears, words signifying:

2.2.1 the singular includes the plural and vice versa;

2.2.2 any one gender includes the other genders and vice versa; and

2.2.3 natural persons include juristic persons. Unless otherwise stated, terms defined in the Act shall have the same meaning in this manual.

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### **3. OVERVIEW OF WLP**

- 3.1 WLP was founded in 2001 in the Western Cape, South Africa. Since then we have grown into an export approved abattoir specialising in the slaughtering of pigs and selling thereof.
- 3.2 All our pigs are sourced only from selected, approved and some compartmentalised farms, ensuring quality, consistency and traceability is of the highest standard. We only use residue-free pigs which are bred from suppliers with proven genetics.
- 3.3 WLP is committed in finding constructive ways to participate with its clients in order to ensure the brand involves a sense of pride, quality and superiority at all times.
- 3.4 Being approved as an export abattoir ensures that our products meet the highest standard, not only nationally, but internationally. Our clients can be assured of the best quality at all times.
- 3.5 All WLP employees are experts in their respective fields and certainly our most valuable asset. Not only is teamwork the secret to our success, but we adhere to a Hygiene Management System (FSSC 22 000) and operate with responsibility, ethics and integrity.

### **4. APPLICABILITY**

This manual applies to all WLP departments, sections and its employees, both jointly and severally, and such departments, sections and employees are referred to both individually and collectively as WLP.

### **5. CONTACT DETAILS OF INFORMATION OFFICER (SECTION 21(1)a)**

The below person has been appointed as the Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with requests for information on WLP's behalf and to ensure compliance with the Act.

Name: Adèle Venter  
Email: [adele@wlpork.co.za](mailto:adele@wlpork.co.za)  
Contact: +(27) 82 515 3736  
Website: <https://www.wlpork.co.za>

### **6. GUIDE TO THE ACT (SECTION 51(1)(b))**

- 6.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any legally applicable rights. If a public body lodges a request, the public body must be acting in the public interest.
- 6.2 Requests in terms of the Act 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.
- 6.3 Requesters are referred to the guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of

exercising Constitutional Rights. The guide is available from the SAHRC and subsequent to 01 July 2021 from the Information Regulator.

6.4 The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
Email:	<a href="mailto:section51.paia@sahrc.org.za">section51.paia@sahrc.org.za</a>

## 7. AUTOMATIC DISCLOSURE – CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

7.1 The following records are automatically available without a person having to request access in terms of the Act:

7.1.1 The web page [www.wlpork.co.za](http://www.wlpork.co.za) is accessible to anyone who has access to the Internet.

7.1.2 The above website hosts the following categories of information:

- Company overview & profile
- Information about the company
- Operation specific information – Abattoir & Butchery
- Management team

7.1.3 Available at our premises:

- PAIA manual
- POPI policy
- OHS policies
- HR policies
- BBBEE credentials, if applicable
- Certificates of right standing (SARS, UIF, COIDA and the like)
- Media releases and PR documents

## 8. RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)]

Records are kept in accordance with the provisions of the following legislation and are available subject to the provisions of the PAIA, POPI and other appropriate statutory provisions (which is not an exhaustive list):

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Businesses Act, 1991
- Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993

- Deeds Registries Act, 1937
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Foodstuffs, Cosmetics and Disinfectants Act, 1972
- Harmful Business Practices Act, 1999
- Immigration Act, 2002
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Long Term Insurance Act, 1998
- Occupational Health and Safety Act, 1993
- Pension funds Act, 24 of 1956
- Prevention of Organised Crime Act, 1998
- Protected Disclosures Act, 2000
- Short Term Insurance Act, 1998
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Trademarks Act, 1993
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991
- Promotion of Access of Information Act 12 No 30 of 1996
- Farm Workers Sectoral Determination
- Disaster Management Act 2002
- Extension of Security of Tenure Act of 1997 (“ESTA”) The Extension of Security of Tenure Act 62 of 1997

## 9. CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

9.1 The following records are to be requested using Annexure A:

### 9.1.1 Statutory and Legal:

- Statutory registers
- Annual reports
- Statutory records & returns, including incorporation documents, memorandum of incorporation and share register
- Records of meetings
  - Board
  - Board and statutory committees
  - Management committees
- Contractual and legal agreements
- Intellectual property including trademarks certificates
- Licenses
- Copyrights & designs
- Health and safety records

### 9.1.2 Human Resources

- HR policies & procedures
- Employment equity plan and report
- Workplace skills plan and annual training plan/report
- Employee records

- Employee terms of employment and benefits
- Disciplinary procedure and code
- Grievance procedures
- Union negotiation records

9.1.3 Administration, Finance & Accounting:

- Accounting records
- Auditors reports
- Tax returns
- VAT returns
- Policies & procedures

9.1.4 Retirement Fund:

- Pension and provident fund rules
- Correspondence
- Statutory records and returns

9.1.5 Insurance:

- Public liability
- Professional Indemnity
- Short-term
- Long-term
- Directors and officials
- Business interruption

9.1.6 Sales and Marketing:

- Customer and client records
- Credit application forms
- Statements of account
- Terms & conditions of trade
- Marketing material and media releases: brochures, newsletters and advertising materials

9.1.7 Assets:

- Land and building register
- Fixed assets register
- Title deeds
- Leases

9.1.8 Operational information:

- Other general information in relation to the daily running of the business can also be requested including internal telephone lists, address lists, company policies, company procedures, industry related statistical data, management information reports, and the like.



## 10. FORM OF REQUEST (SECTION 51 (1) (E)) & PRESCRIBED FEES (SECTION 51 (1) (F))

### 10.1 How to request a record (Section 53):

- Requests for access to records must be made to the Information Officer in the prescribed form, at the address, or electronic mail address referred to above. Failure to make use of the prescribed form could result in your request being refused or delayed.
- 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. an 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 identify, 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 another person, the requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the request. Failure to do so will result in the request being rejected.

### 10.2 Decision on request (Section 56):

- 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.
  - 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 the 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.

### 10.3 Availability:

- This manual is available on the WLP website, [www.wlpork.co.za](http://www.wlpork.co.za)

- It is also available in hard copy at the following address **La Belle Street, Stikland, Belville, Western Cape.**

*Refer ANNEXURE A next page 11 - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY FORM C*

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY FORM C**

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 10]

**A: Particulars of private body**

The Information Officer: Winelands Pork (Pty) Ltd in respect of \_\_\_\_\_ (specify company or operating division, if applicable)

If you are aware of the unit / entity within Winelands Pork (Pty) Ltd that holds the record/s you are requesting, please indicate this fact clearly. Where you are unsure of the unit / entity name, please give as much detail to facilitate our search for the record/s concerned. Please note that your failure to specify a unit / entity name will not invalidate your request, but it may cause unavoidable delays.

**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 Name 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:

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Identity Number:

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**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 requestor must sign all the additional folios.**

1. Description of the record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of the record:

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**E. Fees**

(a) A request for access to a record, other than a record containing personal information about you, will be processed only after a request fee has been paid.  
(b) You will be notified of the amount payable 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 of payment of the fee (if any):

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**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 hereunder, state your disability and indicate in which form the record is required.					
Disability:			Form in which record is required:		
Mark the appropriate box with an X. NOTES: (a) Compliance with your request 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.					
<b>1. If the record is in written or printed form:</b>					
Copy of record*			Inspection of record		
<b>2. If record consists of visual images</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
View the images		Copy of the images *		Transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
Listen to the soundtrack (Audio cassette)			Transcription of soundtrack* (Written or printed document)		
<b>4. If record is held on computer or in an electronic or machine -readable form:</b>					
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? <b>Postage is payable</b>				YES	NO

**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. <b>The requestor must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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2. Explain why the requested record is required for the exercising or protection of the aforementioned right:

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**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 compliance with your request.

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

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTOR / PERSON ON WHOSE BEHALF REQUEST IS MADE