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MANUAL

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**



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MANUAL
OF
ASH RESOURCES (PTY) LIMITED

REGISTRATION No : 1975/000746/07

(PRIVATE BODY)

**Prepared in accordance with Section 51 of the
Promotion of Access to Information Act,
No 2 of 2000.**

LAST UPDATED : JANUARY 2003

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1. INTRODUCTION

1.1 THE ACT

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

1.2 PURPOSE OF THE MANUAL

This manual is intended to foster a culture of transparency and accountability by giving effect to the right to information that is required for the exercise or protection of any right and to actively 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.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

And in a manner which balances that right with any other rights including such rights contained in the Bill of Rights in the Constitution.

This manual sets out to provide a generic manual to deal with the requests in a conforming manner, which will enable the requestors to obtain the records which they are entitled to in a quick, easy and accessible manner.

2. CONTACT DETAILS**2.1 INFORMATION OFFICER**

Name: Graeme Michael Gallichan

Postal Address: P O Box 3017
Randburg
2125

Physical Address: Surrey Circle
337 Surrey Avenue
Ferndale
Randburg
2194

Telephone Number: (011) 886 6200

Facsimile Number: (011) 886 6140

E-mail: ggallichan@ash.co.za

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: Ash Resources (Pty) Ltd

2.2.2 Postal Address: P O Box 3017, Randburg, 2125

2.2.3 Physical Address: Surrey Circle
337 Surrey Avenue
Ferndale
Randburg
2194

2.2.4 Telephone Number: (011) 886 6200

2.2.5 Facsimile Number: (011) 886 6140

2.2.6 Website: www.ashresources.co.za

3. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

In terms of Section 10 of the Act a guide will be prepared by the South African Human Rights Commission ("SAHRC") containing such information as may be required by a person who wishes to use the Act.

Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission,

At PAIA Unit (The Research and Documentation Department),

Private Bag X2700, Houghton, 2041;

Telephone Number: (011) 484 8300;

Facsimile Number: (011) 484 1360;

Website: www.sahrc.org.za;

E-mail address: PAIA@sahrc.org.za

4. RECORDS OF ASH RESOURCES (PTY) LIMITED

This clause serves as a reference to the records that Ash Resources (Pty) Ltd holds.

The information is classified and grouped according to records relating to the following subjects and categories:

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out herein.

4.1 STATUTORY COMPANY DOCUMENTATION

4.1.1 Memorandum and Articles of Association of Ash Resources (Pty) Ltd

4.1.2 Company resolutions and statutory company documentation;

4.1.3 Share registers indicating shareholding;

4.1.4 Register of Directors

4.1.5 Minutes of Board Meetings

4.1.6 Minutes of Management Meetings.

4.2 FINANCIAL RECORDS

- 4.2.1 Annual Financial Reports;
- 4.2.2 Management Report;
- 4.2.3 VAT Returns;
- 4.2.4 Income tax returns and assessments;
- 4.2.5 Invoices;
- 4.2.6 Receipts;
- 4.2.7 Overseas transactions
- 4.2.8 Regional Services Council returns;
- 4.2.9 Banking details of the company
- 4.2.10 SETA returns;
- 4.2.11 Cheque returns;
- 4.2.12 Asset registers
- 4.2.13 Accounting system and controls

4.3 HUMAN RESOURCES

- 4.3.1 Documentation relating to discipline and conditions of Employment;
- 4.3.2 Salary advice's;
- 4.3.3 Leave, sick leave, maternity leave and special leave records;
- 4.3.4 Returns to UIF;
- 4.3.5 Returns for Employee tax
- 4.3.6 Employment Contracts
- 4.3.7 Employees' Employment records
- 4.3.8 Correspondence relating to personnel

- 4.3.9 Training schedules and material
- 4.3.10 Internal Policies and Procedures
- 4.3.11 Pension and Provident Fund details
- 4.3.12 Medial Aid details
- 4.3.13 Employee Benefits
- 4.3.14 List of employees

4.4 TECHNOLOGY

- 4.4.1 Computer Literature
- 4.4.2 Software licenses
- 4.4.3 Databases

4.5 MARKETING MATERIAL

- 4.5.1 Brochure and leaflets
- 4.5.2 Other advertising material
- 4.5.3 Marketing records
- 4.5.4 Product records
- 4.5.5 Supply contracts
- 4.5.6 Registered Trade Marks

4.6 AGREEMENTS

- 4.6.1 Agreements relevant to the Ash Resources business and the finance thereof.
- 4.6.2 Employment agreements
- 4.6.3 Shareholder agreements
- 4.6.4 Lease agreements

- 4.6.5 Supply agreements
- 4.6.6 Confidentiality agreements
- 4.6.7 Sale agreements
- 4.6.8 Acquisition and disposal agreements
- 4.6.9 Management agreements

4.7 OTHER

- 4.7.1 Records held by officials of Ash Resources
- 4.7.2 Internal correspondence
- 4.7.3 Insurance Policies
- 4.7.4 Environmental issues
- 4.7.5 Details of Auditors
- 4.7.6 Details of company attorney

5. REQUEST FOR INFORMATION

- 5.1 Please note that some information may be privileged as set out in terms of the Promotion of Access to Information Act 2 of 2000.
- 5.2 To facilitate the process of requesting information, please use the prescribed form at www.sahrc.org.co.za or under regulations at www.doj.gov.za.
- 5.3 Please provide sufficient details to enable Ash Resources to identify:
 - the record you requested
 - the requestor (and if an agent is lodging the request, proof of capacity)
 - your personal contact details
 - the right which you are seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right

6. GROUNDS OF REFUSAL OF ACCESS TO RECORDS

The request for information may be refused on the following grounds:

6.1 MANDATORY GROUND OF REFUSAL:

- Personal information of third party.
- Confidential or commercial information of third party.
- Safety of individuals.
- Records privileged from production.
- Research information of third party.

6.2 DISCRETIONARY GROUNDS OF REFUSAL:

- Commercial information of Ash Resources (Pty) Ltd.
- Confidential information of Ash Resources (Pty) Ltd.
- Protection of property.
- Research information of Ash Resources (Pty) Ltd.

6.3 PUBLIC INTEREST OVERRIDE

- Threat to public safety.
- Failure to comply with the law.

7. REMEDIES AVAILABLE WHEN ASH RESOURCES (PTY) LTD REFUSES A REQUEST FOR INFORMATION

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of the notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the information officer's decision not to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

8. PRESCRIBED FEES

Available on www.sahrc.org.za

9. PRESCRIBED FORMS

Available on www.sahrc.org.za

10. DECISION

10.1 Ash Resources will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

10.2 The 30 days period within which Ash Resources has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires search of information. The requestor will be notified in writing should an extension be sought.

11. AVAILABILITY OF THE MANUAL OF ASH RESOURCES (PTY) LTD

11.1 This manual is made available in terms of Regulation Number R187 of 15 February 2002.

11.2 Ash Resources (Pty) Ltd manual will also be available at the physical address:

Surrey Circle
337 Surrey Avenue
Ferndale
Randburg
2194

11.3 Ash Resources (Pty) Ltd manual will also be available at www.ashresources.co.za

11.4 Please also feel free to contact the SAHRC for further information on:

Telephone: (011) 484 8300
Facsimile: (011) 484 0582
or visit their Website at www.sahrc.org.za