



ENVIROSERV

HOLDINGS

EnviroServ Holdings (Pty) Ltd

Reg No: 2007/026507/07

Information Manual

In terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

PROMOTION OF ACCESS TO INFORMATION ACT
INFORMATION MANUAL FOR ENVIROSERV HOLDINGS (PTY) LTD
(Reg No: 2007/026507/07)

This manual has been prepared for EnviroServ Holdings (Pty) Ltd and the following subsidiary, joint venture and associated companies within the EnviroServ Group and aims to facilitate a Request for access to a Record held by the EnviroServ Group that is required for the exercise or protection of any rights:

Company Name	Registration Number
• EnviroServ Waste Management (PTY) Ltd	2008/021152/07
• EC Incinerator Services (Pty) Ltd	1998/025117/07
• Vissershok Waste Management Facility (Pty) Ltd	1994/010300/07
• EnviroServ Africa Holdings Limited	1994/000280/06
• EnviroServ Tailings (Pty) Ltd	2002/017618/07

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1. DEFINITIONS

1.1. Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely -

Term	Definition
Act	means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
EnviroServ	means EnviroServ Holdings (Pty) Ltd and its subsidiary, joint venture and associated companies;
Guide	refers to the guide drafted and made available by the Information Regulator to inform the Requester on how to access Records;
Information Regulator	means the regulator with the powers and functions set out in s40 of the Protection of Personal Information Act (4 of 2013);
Information Officer	Means the chief executive officer or equivalent officer of EnviroServ or any person duly authorised by that officer; or the person who is acting as such or any person duly authorised by such acting person;
Manual	means this manual published in compliance with Section 51 of the Act;
Record	means any recorded information, regardless of form or medium, which is in the possession or under the control of EnviroServ, irrespective of whether or not it was created by EnviroServ;
Request	means a request for access to a Record of EnviroServ;
Requestor	means any person, including a public body or an official thereof, making a Request for access to a Record of EnviroServ and includes any person acting on behalf of that person;
SAHRC	means the South African Human Rights Commission;

1.2. Unless a contrary intention clearly appears, words signifying:-

1.2.1. the singular includes the plural and vice versa;

1.2.2. any one gender includes the other genders and vice versa; and

1.2.3. natural persons include juristic persons.

1.3. Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

2. COMPANY OVERVIEW



South Africa’s largest waste management company, EnviroServ has been operating since 1979, headquartered in Gauteng, with depots around the country and regional branches in Mozambique and Uganda.

We offer cost-effective solutions to complex hazardous and non-hazardous waste and chemical pollution problems, providing peace of mind around legal compliance, safe handling, transportation and treatment. We were first to market with many waste management solutions, some of which are still recognised as best practice.

After more than four decades in business we remain pioneers because the drive to look for better ways of doing things is deeply embedded in our culture. We were established by forward thinkers with a social conscience - the kinds of people we still employ today.

In addition, by being the first – and for long periods – the only company to tackle complex waste management issues in South Africa, we’ve come to understand that sustainable waste management evolves with society’s needs, habits, and awareness of health and environmental prosperity. We have had to keep evolving to deal with new lifestyles and technologies leading to new and increased waste streams, as well as updated legislation.

We are dedicated to delivering innovative waste solutions that are environmentally responsible, effective and economically viable so that our customers can enhance sustainability and achieve environmental peace of mind.

3. CONTACT DETAILS OF INFORMATION OFFICER IN TERMS OF SECTION 51(1)(a)

The Information Office responsible for dealing with all matters in connection with Requests for information and the Protection of Personal Information Act (POPIA) and Promotion of Access to Information Act (PAIA) on EnviroServ’s behalf and ensure compliance with the Act is:

Information Officer Name	Dean Thompson
Job Title:	Group Chief Executive Officer
Deputy Information Officer Name:	André Otto
Postal Address:	PO Box 1547 Bedfordview 2008
Street Address:	Brickfield Road Meadowdale Germiston 1609
Telephone:	+27 11 456 5660
E-Mail:	Information.officer@enviroserv.co.za
Website:	www.enviroserv.co.za

4. GUIDE TO THE ACT IN TERMS OF SECTION 51(1)(b) READ WITH SECTION 10

Section 10 of the Act requires a guide that must be published by the Human Rights Commission containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

The South African Human Rights Commission: PAIA Unit	
Postal Address:	Private Bag X2700 HOUGHTON 2041
Physical Address:	2nd Floor Braampark Forum 3 33 Hoofd Street Braamfontein
Telephone:	+27 11 877 3600 (Switchboard) +27 11 877 3750 (Gauteng Office) +27 11 887 3803
Facsimile	+27 11 403 0668 (Gauteng Office) +27 11 403 0625
E-Mail:	section51.paia@sahrc.org.za
Website:	http://www.sahrc.org.za

The Information Regulator will be assuming the obligations of the SAHRC from 1 July 2021 and as such any matters that would have been addressed by the SAHRC will now be addressed by the Information Regulator. The Information Regulator can be contacted at –

Information Regulator	
Postal Address:	P.O Box 31533 Braamfontein Johannesburg 2017
Physical Address:	JD House, 27 Stiemens Street Braamfontein Johannesburg 2001
Complaints E-Mail:	complaints.IR@justice.gov.za
General enquiries email	infoereg@justice.gov.za

5. AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF SECTION 51(1)(c)

These records shall be reviewed at least monthly or when there are changes required. The following Records are automatically available without a person having to request access in terms of the Act:

- The web page www.enviroserv.co.za is accessible to anyone who has access to the Internet. EnviroServ's website hosts the following categories of information:
 - Industries
 - Services
 - Products
 - Case Studies
 - Tenders

- Links
- News
- Contacts
- Privacy Policy

6. RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(d)

A requestor may request information which is available in terms of the following legislation:

- Atmospheric Pollution Prevention Act 45 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act, 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act 55 of 1998
- Environment Conservation Act 73 of 1989
- Health Act 63 of 1977
- Income Tax Act 53 of 1962
- Labour Relations Act 66 of 1995
- National Environmental Management Act 107 of 1998
- National Water Act 36 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Protected Disclosures Act, 2000
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-related Information Act (RICA) 70 of 2002
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 36 of 2001
- Value-Added Tax Act 89 of 1991

7. RECORDS AVAILABLE UPON REQUEST IN TERMS OF SECTION 51(1)(e)

7.1. Statutory and Legal

- statutory registers
- annual reports
- statutory Records & returns, including incorporation documents, memorandum of incorporation and share register
- minutes of meetings
 - board
 - board and statutory committees
 - management committees
- contractual and legal agreements
- intellectual property: trademark certificates
- licences
- copyrights & designs
- health and safety records

7.2. Human Resources

- HR policies & procedures
- employment equity plan and report

- skills development plan and report
- employee records
- benefits
- IR disciplinary and grievance procedures and hearings, including CCMA Records
- Union negotiation Records
- incentive scheme rules

7.3. Administration, Finance & Accounting:

- accounting records
- auditors reports
- tax returns
- VAT returns
- policies & procedures

7.4. Retirement Fund

- pension and provident fund rules
- correspondence
- statutory records and returns

7.5. Insurance

- policies, including coverage, limits and insurers
- claim records

7.6. Information Technology

- hardware
- software packages
- licences
- IT policies and procedures
- operating systems

7.7. Sales and Marketing

- customer records
- credit application forms
- statements of account
- terms & conditions
- marketing material and media releases: brochures, newsletters and advertising materials

7.8. Assets

- leases

7.9. Operational Information

- This information can be defined as information needed in the day-to-day running of the organization. (Examples of such information are: internal telephone lists, address lists, company policies, company procedures, employee handbook, administration manual, industry related statistical data, data subject databases, management information reports and lease agreements.)

8. PROCEDURE FOR REQUESTING ACCESS TO THE ABOVE INFORMATION

8.1. How to Request a Record (Section 53)

- 8.1.1. A request for access to a record as contemplated in Section 53(1) of the Act, must be made on a form that corresponds substantially with Form C of Annexure A, to

the Information Officer. The Information Officer must, if a request for access to a record is made orally as a result of illiteracy or a disability of a requester, complete Form C of Annexure A to the Regulations on behalf of the requester and provide a copy thereof to the requester. 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. individual seeking access to Records pertaining him/herself.

- 8.1.2. 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.
- 8.1.3. 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.
- 8.1.4. 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.
- 8.1.5. If a Request is made on behalf of a 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.

8.2. Decision on Request (Section 56)

- 8.2.1. 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.
- 8.2.2. 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)
- 8.2.3. 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
- 8.2.4. The Requestor may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

8.3. Availability

This Manual is available on EnviroServ's website, www.enviroserv.co.za alternatively at the following address: Brickfield Road, Meadowdale, Germiston,1609.

9. REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

In terms of chapter 4 of the Act (Grounds for Refusal of Access to Records), there is provision for mandatory protection of the following information, save in the special circumstances provided for in the Act:

- 9.1. Mandatory protection of privacy of third party who is natural person;
- 9.2. Mandatory protection of commercial information of third party;
- 9.3. Mandatory protection of certain confidential information of third party;
- 9.4. Mandatory protection of safety of individuals, and protection of property;
- 9.5. Mandatory protection of records privileged from production in legal proceedings;
- 9.6. Commercial information of private body;
- 9.7. Mandatory protection of research information of third party, and protection of research information of private body;

10. FEES PAYABLE IN TERMS OF SECTION 51 (1)(f)

10.1. Copy of Manual

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

10.2. Request Fee

- 10.2.1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 10.2.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 10.2.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

10.3. Reproduction Fees

The fees for preparation of Records referred to in regulation 11(1) are as follows:

	Rands
a) For every photocopy of an A4-size page or part thereof	R 1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
c) For a copy in a computer-readable form on -	
(i) Copy on a CD	R 70.00
(ii) Electronic media	R 7.50
d) For Transcription of visual images per A4 page	R 40.00
e) For Copy of a visual image	R 60.00
f) For Transcription of an audio recording per A4 page	R 20.00
g) For Copy of an audio recording	R 30.00

10.4. Access Fees

The access fees payable by a Requestor referred to in regulation 11(3) are as follows:

	Rands
a) For every photocopy of an A4-size page or part thereof	R 1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
c) For a copy in a computer-readable form on -	
(i) Copy on a CD	R 70.00
(ii) Electronic media	R 7.50
d) For Transcription of visual images per A4 page	R 40.00
e) For Copy of a visual image	R 60.00
f) For Transcription of an audio recording per A4 page	R 20.00
g) For Copy of an audio recording	R 30.00

- 10.5. The actual postage is payable when a copy of a Record must be posted to a Requestor.

ANNEXURE "A"

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 in which record is required:
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 compliance with your request.

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

.....

Signed At this day of year

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