

NAME OF COMPANY: FOUNTAIN CIVIL ENGINEERING (PTY) LIMITED

Registration Number of Company: 1994/008629/07

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act

No. 2/2000

("The ACT")

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1. INTRODUCTION

Fountain Civil Engineering (Pty) Ltd is a South African based civil engineering construction company.

The Company has established itself as one of the leading 9CE contractors in South Africa and currently has offices in Kwa-Zulu Natal, Gauteng, Western Cape and the Northern Cape.

2. COMPANY CONTACT DETAILS (Section 51 (1)(a))

Directors:	Mr TS Fountain (Head of Business) Mr BL van Staden (Financial and Administration) Mr KA Stiebel Mr JS Mthimunye
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Information Officer:	Mr BL van Staden (as duly appointed by the Head of Business)
Email Address:	hoffice@fountain.co.za

Contact Information for the Company, Head of Business and Information Officer

Postal Address:	PO Box 1388, Kloof, 3640
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Street Address:	Cycad Building, Fairway Green, 3 Abrey Road, Kloof, 3610
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Telephone Number:	+27 31 764 5660
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Fax Number:	+27 31 764 5661
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Website:	http://www.fountain.co.za
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AVAILABILITY OF THIS MANUAL

A copy of this manual is available by the following means:

- on our website (www.fountain.co.za)
- by sending a request for a copy to our email address (hoffice@fountain.co.za)
- viewing at our head office
- through the SAHRC (contact details provided in Section 3)

This manual will be updated from time to time, as and when required.

3. HOW TO MAKE A REQUEST FOR ACCESS TO RECORDS (Section 51(e))

Requests to access the records held by Fountain Civil Engineering must be made on the prescribed form available on the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za). This form must be completed and submitted, together with the prescribed fees, to the Information Officer at the address, fax number or electronic mail address as provided for above.

For the convenience of requesters, a copy of the Form is attached to the back of this Manual.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record being requested, the requester, which form of access is required and the manner in which the necessary particulars should be informed.

The requester must identify the right that he or she is seeking to exercise and protect and provide an explanation of why the requested record is required for the exercise and protection of such right.

If the request is made on behalf of another party, the requester must then submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

4. THE ACT & SECTION 10 GUIDE (Section 51(1)(b))

Section 51(1)(b) of The Act states that:

1. The [head](#) of a private body must make a manual available in terms of subsection (3) containing -

(b) insofar as this Act is concerned—

- (i) a description of the guide referred to in [section 10](#), if available, and how to obtain access to it;
- (ii) the latest [notice](#) in terms of [section 52\(2\)](#), if any, regarding the categories of [record](#) of the body which are available without a [person](#) having to request access in terms of [this Act](#);
- (iii) a description of the records of the body which are available in accordance with any other legislation; and
- (iv) sufficient detail to facilitate a [request for access](#) to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject.

3.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 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. Form C, to be completed by the requester, is attached to the back of this manual.

3.3 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.

The contact details of the Commission are:

PAIA UNIT

The Research and Documentation Department

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

LATEST NOTICE IN TERMS OF Section 52 (2)

Fountain Civil Engineering has not published any notices in terms of section 52(2).

5. APPLICABLE LEGISLATION (Section 51(1)(c))

Fountain Civil Engineering keeps records in accordance with the following legislation:

Finance and Administration

1. Companies Act No. 71 of 2008
2. Income Tax Act No. 58 of 1962
3. Finance Act No. 35 of 2000
4. Value Added Tax Act No. 89 of 1991
5. Currency and Exchanges Act No. 9 of 1933
6. Customs and Excise Act 91 of 1964
7. International Trade Administration Act 71 of 2002
8. SA Reserve Bank Act No. 90 of 1989
9. National Credit Act of 2005
10. Statistics Act 6 of 1999
11. Broad-Based Black Economic Empowerment Act No. 53 of 2003

Operational

1. Constitution of the Republic of South Africa Act 108 of 1996
2. Public Finance Management Act 1 of 1999
3. Local Government Municipal Finance Management Act 56 of 2003
4. Municipal Supply Chain Management Regulations – GenN 868 in GG 27636 of 30 May 2005
5. Preferential Procurement Policy Framework Act 5 of 2000
6. Preferential Procurement Regulations, 2011
7. Construction Industry Development Board Act 38 of 2000
8. Promotion of Administrative Justice Act 2 of 2000
9. Local Government: Municipal Systems Act 32 of 2000
10. Broad-Based Black Economic Empowerment Act 53 of 2003
11. Public Service Act 103 of 1994
12. National Small Business Act 102 of 1996
13. Electronic Communications and Transactions Act No. 25 of 2002

Health & Safety

1. Occupational Health and Safety Act 85 of 1993 and Regulations
2. Mine Health and Safety Act 29 of 1996 and Regulations
3. Compensation of Injury on Duty Act 61 Of 1997
4. National Road Traffic Act 93 of 1996 and Regulations
5. Basic Conditions of Employment 75 of 1997
6. Employment Equity Act 55 of 1998
7. Health Act 61 of 2003 and Regulations
8. Nuclear Energy Act 131 of 1993 and Regulations
9. Hazardous Substances Act 15 of 1973
10. Atmospheric Pollution Prevention Act 45 of 1965
11. National Building Regulations and Building Standards Act 103 Of 1977
12. Explosives Act 26 of 1956

Human Resources

1. Basic Conditions of Employment No. 75 of 1997
2. Employment Equity Act No. 55 of 1998
3. Labour Relations Act No. 66 of 1995
4. Unemployment Insurance Act No. 63 of 2001
5. Unemployment Contributions Act No. 4 of 2002
6. Skills Development Act No. 97 of 1998
7. Skills Development Levies Act No. 9 of 1999

Environmental Affairs

1. Constitution of the Republic of South Africa Act 108 of 1996: Chapter 2, Section 28
2. National Environmental Management Act (No.107 of 1998 [as amended]): Sections 2, 24, 28
3. EIA Regulations (2010): GN 543 - Sections 28, 31-33, 54; GN 544 – Listing Notice 1; GN 545 – Listing Notice 2; GN 546 – Listing Notice 3
4. National Environmental Management: Waste Act (No. 59 of 2008)
5. Norms and Standards for the Storage of Waste, 2013: GN 926, Sections 7-20
6. Environment Conservation Act (No 73 of 1989) and regulations: Sections 19 & 19A
7. National Heritage Resources Act (No 25 of 1999) and regulations: Sections 34-36, 38
8. National Environmental Management: Air Quality Act (No 39 of 2004): Section 32,34 & 35
9. National Dust Control Regulations (2013): GNR 827 of 1 November 2013
10. Occupational Health and Safety Act (No 85 of 1993): Sections 8 & 9
11. National Water Act (No 36 of 1998) and regulations: Sections 19, 20, 21(a)
12. Minerals and Petroleum Resources Development Act (No 28 of 2002): Sections 22 & 39
13. National Environmental Management Biodiversity Act (Act No. 10 of 2004)
14. National Forests Act (No 84 of 1998) and Regulations: Sections 7, 12-16
15. Hazardous Substances Act (No 15 of 1973) and regulations
16. Asbestos Regulations (2001): Section 19 & 20

Quality/ Marketing / Other

1. Copyright Act No. 98 of 1978
2. Trade Marks Act No. 194 of 1993
3. Promotion of Access to Information Act No. 2 of 2000
4. Protection of Personal Information Act 4 of 2013
5. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
6. Intellectual Property Laws Amendments Act No. 38 of 1997

6. SCHEDULE OF RECORDS (Section 51(1)(d))

Fountain Civil Engineering maintains records on the following categories and subject matters. **Please note, however, that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

Publicly available records

Those items marked with an * in the following categories of records of Fountain Civil Engineering are already publicly available without a request form in terms of the Act needing to be submitted.

Records requiring the request procedure to be followed

Those items not marked with an * require the request process to be followed.

1. STATUTORY BUSINESS RECORDS

*Certificate of Incorporation and to commence business
*Memorandum and Articles of Association
*Company register
Share certificates
Records relating to the appointment of directors/auditors
Resolutions
Minute books

2. ACCOUNTING RECORDS

Annual financial statements
Management reports
Debtor and creditor records
Banking records
Fixed asset register
Statistics SA returns
BEE certificate

3. TAX

Income tax records
UIF, PAYE and SDL records
VAT records

4. OPERATIONS

Operational certificates and records
Operational agreements
Environmental policies and procedures
Environmental management programmes/plans and records
Insurance policies and claims

5. HEALTH AND SAFETY

Policies and Procedures
Occupational Health and Safety records
Management and protection plans
Records of incidents in the workplace
System reviews and audits

6. HUMAN RESOURCES

Employment contracts and employee information
Employee evaluation and performance records
Internal policies and procedures

7. INFORMATION TECHNOLOGY

Agreements and licences
Equipment Register

8. MARKETING & QUALITY

*Quality Manual
*Website
*Media coverage

9. LEGAL

Contracts with other parties
*Title Deeds
Agreements for trademarks and copyrights
PAIA Manual

7. PRESCRIBED FEES (Section 51(1)(f))

The following applies to requests (other than personal requests):

- A requester is required to pay the prescribed fess (R50.00) before a request will be processed;
- 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);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid;
- The complete fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

For ease of reference, the following (non-exhaustive) excerpt from the fee structure is provided below:

Fees in respect of private bodies

1. The fee for reproduction referred to in section 52(3) of the Act, is as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
2. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is **R50,00**.
3. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00

- (ii) For a copy of an audio record **30,00**
- (f) To search for and prepare the record for disclosure, **R30,00** for each hour or part of an hour reasonably required for such search and preparation.
- (2) For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

Appeal Fees

The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act, is **R50,00**.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(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 Head:

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 names and surname:

Identity number:

Postal address:

Fax number:

Telephone 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names and surname:

Identity number:

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 requester must sign all the additional folios. |

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
<p>'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.</p>			<p>YES NO</p>

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 of20.....

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE