



LABAT AFRICA LIMITED
Registration No: 1989/001616/06

Foreword

MANUAL OF LABAT AFRICA LIMITED (“LABAT”)

**Prepared in accordance with Section 15 of the Promotion of Access to Information Act, No. 2 of 2000
(Public Body)
Last Updated: 05 August 2019
Latest Update: 23 September 2020**

Introduction

On 9 March 2001, the Promotion to Access of Information Act, No. 2 of 2000 (“the Act”) became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a public body.

This document serves as the Labat information manual and provides reference to the records held by Labat and the process to request access to such records.

Scope of the manual

The scope of this manual includes the Labat company and the following related entities in which Labat has a direct interest.

- SAMES Proprietary Limited
 - Force Fuel Proprietary Limited
 - Labat Bulk Logistics Proprietary Limited
 - Labat Healthcare Proprietary Limited
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Availability of manual

A copy of this manual is available to the public on request from the designated contact person referred to in this manual.

Contact Person

Section 51(1)(a)

Contact Details

The responsibility for administration of, and compliance with the Act, has been delegated by the Chief Executive Officer (CEO) of Labat to the Information Officer. Requests pursuant to the provisions of the Act should be directed as follows:

Contact person:	Brian van Rooyen
Postal address:	Private Bag X09-248, Weltevreden Park, 1715
Physical address:	23 Kroton Avenue, Weltevreden Park, Roodepoort, 1709
Phone number:	+27 11 675 6841
E-mail:	labatafrica@mwebbiz.co.za

HRC Guide

Section 51(1)(b)

Guide for requesters on how to use the Act

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, *inter alia*, as follows:

The South African Human Rights Commission:

PAIA Unit
29 Princess of Wales Terrace
Cnr York and St. Andrews Street
Parktown
Website: <http://www.sahrc.org.za>

Kindly direct any queries to:

Postal address:	Private Bag 2700, Houghton, 2041
Phone number:	+27 11 484 8300
Fax number:	+27 11 484 0582
E-mail:	PAQIA@sahrc.org.za
Website:	http://www.sahrc.org.za

Automatic Disclosure

Section 51(1)(c)

Records automatically available to the public

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

Legislative Records

Section 51(1)(d)

Records held in accordance with other legislation

Records are held on accordance with the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act, No. 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Constitution of South Africa Act, No. 108 of 1996
- Copyright Act, No. 98 of 1987
- Collective Investment Schemes Control Act, No. 45 of 2002
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Environment Conservation Act, No. 73 of 1989
- Firearms Control Act, No. 60 of 2000
- Financial Advisory and Intermediary Services Act, No. 37 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Formalities in Respect of Leases of Land Act, No. 18 of 1969
- Financial Markets Act 19 of 2012
- Formalities in Respect of Leases of Land Act
- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- Long Term Insurance Act, No. 52 of 1998
- National Building Regulations and Building Standards Act, No. 103 of 1997
- National Road Traffic Act, No. 93 of 1996
- Occupational Health and Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Protected Disclosures Act, No. 26 of 2000
- Patents Act, No. 57 of 1987
- Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002
- Sales and Service Matters Act, No. 25 of 1964

- Skills Development Levy Act, No. 9 of 1999
- Short Term Insurance Act, No. 53 of 1998
- South African Reserve Bank Act, No. 90 of 1989
- Tobacco Products Control Act, No. 12 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

Fuel Acts

- The Petroleum Products Act, 1977 (Act 120 of 1977).
- The Central Energy Fund (CEF) Act, 1977 (Act 38 of 1977).
- The National Energy Act, 2008 (Act 34 of 2008).
- South African Biofuels Regulatory Framework and National Biofuels Feedstock Protocol
- Public Proclamation: B-BEE Petroleum and Liquid Fuels Sector Transformation Charter
- Repeal of the Amendment Regulations regarding Petroleum Products Specifications and Standards
- Amendment of Regulations regarding Petroleum Products Specifications and Standards
- National Environmental Management Act, 1999 (Act 107 of 1999).
- Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002).
- Petroleum Pipelines Act, 2003 (Act 60 of 2003).
- Petroleum Pipelines Levies Act, 2004 (Act 28 of 2004).

Cannabis Acts

- Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992)
- National Road Traffic Act, 1996 (Act No. 93 of 1996)
- Child Justice Act, 2008 (Act No. 75 of 2008)
- Medicines and Related Substances Act 101 of 1965
- The Pharmacy Act 53 of 1974
- Regulations under the Medicines and Related Substances Act 101 of 1965
- Single Convention on Narcotic Drugs, 1961 (as amended by the 1972 Protocol); the Convention on Psychotropic Substances, 1971; and the Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.

Records Held

Section 51(1)(e)

Records subject and categories

Client Services Records

Labat comprises of a number of service lines which can be viewed on the Labat website www.labat.co.za. The following categories of records are held by Labat in respect of clients:

- Client Annual Financial Statements;
- Client Correspondence;
- Client Fee Files;
- Client Contracts;
- Client Internal Control Reports;

- Client Business Information;
- Findings and Recommendation Reports;
- Investigative Material;
- Legal Documentation;
- Proposal and Tender Documents;
- Project Plans;
- Risk Management Records;
- Working Papers.

Client Services Records

- Codes of Conduct;
- Corporate Social Investment Records;
- Governing Board Meeting Minutes;
- Executive Committee Meeting Minutes;
- Enterprise Wide Risk Management Records; and
- Legal Compliance Records.

Policies

Finance and Administration

- Accounting Records
- Annual Financial Statements
- Agreements
- Banking Records
- Correspondence
- Invoices and Statements
- Management Reports
- Tax Records and Returns
- SARB Returns
- Statistics SA Returns

Human Resources

- Accounting and Payroll Records
- BEE Statistics
- Career Development Records
- Personnel Information
- Employment Equity Reports
- General terms of Employment
- Letters of Employment
- Leave Records
- PAYE Records and Returns
- Performance Management Records
- Policies and Procedures
- Returns to UIF
- Retirement Benefit and medical Aid Records

Information management and technology

- Contracts and Agreements
- Equipment Register
- Information Policies, Standards, Procedures and Guidelines

Learning and Education

- Training Material
- Training Records and Statistics
- Training Agreements

Marketing and Communication

- Proposal Documents
- New Business Development
- Brand Information Management
- Marketing Strategies
- Communication Strategies
- Agreements
- Client Relationship Programmes
- Marketing Brochures

Operations

- Access Control Records
- Agreements
- Archival Administration Documentation
- Communication Strategies
- Contracts
- General Correspondence
- Patents and Trade Mark Documents
- Insurance Documentation
- PABX Management Information
- Service level agreements
- Travel Documentation
- Used Order Books
- Vehicle Registration Documents

Secretarial Records (copies)

- Applicable statutory documents such as but not limited to certificates of incorporation and certificates to commence business
- Annual Reports
- Corporate Structure Diagrams
- Memorandum of Incorporation
- Share Registers
- Statutory Returns to Relevant Authorities
- Share Certificates
- Shareholder Agreements
- Meeting Minutes

Access Requests

Section 51(1)(e)

Access Request Procedure

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Completion of Access Request Form

In order to facilitate a timeously response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed.
- Proof of identity is required to authenticate the identity of the requester. Therefore, in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

Submission of Access Request Form

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above.

Payment of Fees

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

The access fee must be paid prior to access being given to the requested record.

This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

An initial, request fee of R57.00 (fifty-seven rand) (including VAT) is payable on submission.

If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

Access Requests

Section 51(1)(e)

Access Request Procedure

Notification

Labat will within 30 days of receipt of the request decide whether to grant and give notice with reasons (if required) to that effect.

The 30-day period within which Labat has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of Labat and the information cannot reasonably be obtained within the original 30-day period. Labat will notify the requester in writing should an extension be sought.

CHAPTER 4

Grounds for refusal of access to records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
- Information disclosed in confidence by a third party to Labat if the disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of Labat which may include:
 - Trade secrets of Labat.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Labat.

Phone number: (.....) -----

Fax number: (.....) -----

E-mail address: -----

Capacity in which request is made, when made on behalf of another person: -----

2b. PARTICULARS OF REQUESTER (If a Legal Entity)

- (a) Particulars of the entity who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Name of entity: -----

Registration number: -----

Postal Address: -----

Postal Code: -----

Phone number: (.....) -----

Fax number: (.....) -----

(c) You will be notified of the required amount to be paid as the **access fee**.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: -----

6a. FORM OF ACCESS TO RECORD

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 under certain circumstances. In such a case you will be informed whether 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 Labat 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 the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack*
(audio cassette) Transcription of soundtrack*
(written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:
(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

Printed copy of record*

Printed copy of information Derived from the record*

Copy in complete 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?

Yes	No
-----	----

Postage is payable.

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? -----

6b. In the event of disability

*If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability **and indicate in the form in which the record is required.***

Disability: -----

Form in which record is required: -----

7. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all additional folios.***

1. Indicate the right to be exercised or protected: -----

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

8. 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 ----- 20—

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

You must:

- 1. Complete all necessary spaces.*
- 2. Sign the access request form.*
- 3. Sign additional folios completed.*

Send with this application:

- 1. R57.00 request fee (if not personal requester).*
- 2. Any additional folios completed.*
- 3. Copy of Identity Document.*

Fees

Section 51(1)(e)

Prescribed Fees

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2001)) [Regulation 11(3)]

1. Please note that all prices listed below are inclusive of Value-Added Tax (VAT):

	Rands
(a) For every photocopy of an A4-size page or part thereof	1.25
(b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	0.85
(c) For a copy in a computer-readable form on:	
(i) Stiffy disc	8.55
(ii) Compact disc	79.80
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	45.60
(ii) For a copy of visual images	68.40
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	22.80
(ii) For a copy of an audio record	34.20
(f) To search for an prepare the record for disclosure – R34.20, for each hour or part thereof reasonably required for such search and preparation	

(Section 54(2) of the Promotion of Access of Information Act, 2000 (Act No. 2 of 2000)) [Regulation 11(3)]

2. Please note that all prices listed below are inclusive of Value-Added Tax (VAT):

- (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.

(Section 54(7) of the Promotion of Access of Information Act, 2000 (Act No. 2 of 2000)) [Regulation 11(3)]

3. Please note that all prices listed below are inclusive of Value-Added Tax (VAT):

The actual postage fee is payable when a copy of a record must be posted to a requester.

Additional information

Section 51(1)(f)

Additional prescribed information

The Minister of Justice has prescribed no additional information to be contained in this Manual.