

**PROMOTION OF ACCESS TO INFORMATION ACT  
MANUAL FOR**

**WILSON BAYLY HOLMES-OVCON LIMITED  
(including all its subsidiaries)**

**PREPARED IN ACCORDANCE WITH SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT**

Revised: 12 June 2012

## **1. INTRODUCTION AND PURPOSE OF THE MANUAL**

- 1.1 This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000 – “the Act”). The Act gives effect to the provisions of Section 32 of the Constitution of South Africa, which provides that “*everyone has the right of access to any information held by another person and that is required for the exercise and/or protection of any right*”. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides for the information may or must not be released.
- 1.2 The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such requested information, other than in terms of the Act.
- 1.3 It is important to note that the Act recognizes certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective 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. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

## **2. SCOPE OF APPLICATIONS**

- 2.1 This manual has been prepared in respect of Wilson Bayly Holmes-Ovcon (WBHO) Limited and its subsidiaries.

The subsidiaries, as listed on annexure 1, together with WBHO Limited shall be collectively referred to as “WBHO Group” for the purposes of this manual.

- 2.2 The Information Officer named below is appointed in respect of the WBHO Group as a whole and in respect of each of the private bodies constituting the WBHO Group.

## **3. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT: CONTACT DETAILS**

<b>Name of private body</b>	:	<b>WBHO GROUP</b>
<b>Information Officer (IO)</b>	:	Shereen Vally-Kara (The Secretariat Division)
<b>Email address of IO</b>	:	shereenv@wbho.co.za
<b>Postal address</b>	:	P.O Box 531, Bergvlei 2012
<b>Physical address</b>	:	53 Andries St, Wynberg Sandton 2012
<b>Phone number</b>	:	011 321 7200
<b>Fax number</b>	:	011 887 4364
<b>Website</b>	:	<a href="http://www.wbho.co.za">www.wbho.co.za</a>

#### **4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)**

4.1 A guide has been prepared by the South African Human Rights Commission in accordance with Section 10 of the Act. The guide contains such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act.

4.2 This guide is available from the SAHRC at their address as detailed below:

<b>Division</b>	:	PAIA UNIT
<b>Physical address</b>	:	Braampark Forum 3 33 Hoofd Street, Braamfontein
<b>Phone number</b>	:	011 877 3600
<b>Fax number</b>	:	011 403 0668
<b>Email</b>	:	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>
<b>Website</b>	:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

#### **5. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(c)**

5.1 No notice in terms of Section 52(2) of the Act, regarding the categories of records of WBHO Group which are available without request has been published.

5.2 The information as regarding WBHO Group is accessible at [www.wbho.co.za](http://www.wbho.co.za) without request. The website contains various categories of information relating to WBHO Group.

**6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION:  
SECTION 51(1)(d)**

WBHO Group keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 95 of 1967
- Labour Relations Act, No. 66 of 1995
- Occupational Health & Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

**7. CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)**

The following are the subject and categories of records held:

**7.1 Human resources**

- Personal records of the personnel
- Employments contracts
- Medical Aid records
- Pension fund and retirement benefit records
- Disciplinary records
- Salary records
- Training Records
- Correspondence relating to personnel
- Leave records
- UIF Returns
- Internal policies and procedures

## **7.2 Secretarial**

- Memorandum of Incorporation
- Minutes of the Board of Directors
- Shareholders agreements
- Company Register
- Records relating to the appointment of directors/auditors
- Share Certificates
- Resolutions
- Minute Book

## **7.3 Financial and administration**

- VAT Records
- PAYE records
- Fixed asset register
- Banking records
- UIF Records
- Management reports
- Invoices
- Debtors and creditors information

## **7.4 Information Management and Technology**

- Services Level Agreements
- Equipment Register
- Policies, Procedures and guidelines
- Licensing agreements

## **7.5 Marketing and communication**

- Marketing strategies
- Communications strategies
- Agreements

## **7.6 Operations**

- Access control records
- Archival Administration Documentation
- Insurance (insurance arrangements, policies and claims)
- Asset register
- BEE Statistics

## **7.7 Safety Records**

- Safety manuals
- Occupational Health and Safety records
- Records of incidents in the workplace

#### **7.7 Customer/Clients and third parties related records**

- Contracts with Clients
- Any records the Client has provided to WBHO Group or a third party acting for or on behalf of WBHO Group
- Records, reports, designs and the like generated by WBHO Group for their clients
- Records generated pertaining to the Client, including transactional records

#### **7.8 Other records**

- Legal proceedings records

### **8. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)**

- 8.1 A requester requiring access to information held the WBHO Group must complete the prescribed form available from SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)), and submit it to the Information Officer at the address, fax number or electronic mail address provided for above, and also make the payment of the prescribed fees.
- 8.2 The prescribed form must be completed with enough particularity to enable the Information Officer to identify:
- 8.2.1 the record(s) requested;
  - 8.2.2 the identity of the requester;
  - 8.2.3 indicate which form of access is required, if the request is granted;
  - 8.2.4 specify the postal address or fax number of the request in the Republic.
- 8.3 The requester must state that which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 8.4 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the

decision in any manner, she or he must state the manner and the particulars so required.

- 8.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 8.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.7 WBHO Group will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

## **9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main reason why WBHO Group may refuse a request for information relates to the –

- 9.1 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 (section 63);
- 9.2 mandatory protection of the commercial information of a third party, if the record contains –
  - 9.2.1 trade secrets of that third party;
  - 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 9.2.3 information disclosed in confidence by a third party to WBHO Group, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);
- 9.3 mandatory protection of the safety of individuals and the protection of property (section 66);

- 9.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
- 9.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- 9.6 the commercial activities of WBHO Group, which may include –
  - 9.6.1 trade secrets of WBHO Group;
  - 9.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of WBHO Group;
  - 9.6.3 information which, if disclosed could put WBHO Group at a disadvantage in negotiations or commercial competition;
  - 9.6.4 a computer program which is owned by WBHO Group, and which is protected by copyright (section 68);
- 9.7 requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **10. REMEDIES AVAILABLE WHEN WBHO GROUP REFUSES A REQUEST FOR INFORMATION**

### **10.1 Internal Remedies**

WBHO Group does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

### **10.2 External Remedies**

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision 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.

### **10.3 Availability of this Manual**

10.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the physical address of WBHO Group.

10.2 Copies may also be requested from the SAHRC.

10.3 This manual is also published on WBHO Group website referred to above.

## **Annexure 1**

### **Subsidiaries**

WBHO Construction (Pty) Ltd  
WBHO Industrial Holdings (Pty) Ltd  
Akani Investment Holdings (Pty) Ltd  
Edwin Construction (Pty) Ltd  
Insitu Pipelines (Pty) Ltd  
Matkvich & Hayes (Pty) Ltd  
Renniks Construction (Pty) Ltd  
Roadspan Surfaces (Pty) Ltd  
Simbithi Eco-Estate (Pty) Ltd  
St Francis Golf Links (Pty) Ltd  
WBHO Building Energy (Pty) Ltd  
Capital Africa Steel (Pty) Ltd  
Roadspan Sanyati JV (Pty) Ltd  
SCE Construction (Pty) Ltd  
WBHO Property Development (Pty) Ltd

WBHO Broad-Based Share Incentive Trust  
The WBHO Management Trust  
WBHO Share Trust  
Edwin Construction Employee Share Incentive Trust