

Engineer - Install - Maintain

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

in terms of Section 51 of The Promotion of Access to Information Act 2/2000

CLARKE ENERGY SOUTH AFRICA (PTY) LTD

Registration Number 2009/016154/07



Distributor & Service Provider
Reciprocating engines

JENBACHER



Distributor & Service Provider

Clarke Energy
South Africa (Pty) Ltd
PostNet Box # 120
Private Bag X5, Aston Manor,
1630, South Africa

Tel. +27 10 590 5531
southafrica@clarke-energy.com
www.clarke-energy.com

Registered address as above.
Company Registered No. 2009/016154/07

1. INTERPRETATION

- 1.1. In this manual, unless the context clearly indicates a contrary intention:
- (a) Clause headings are for convenience and shall not be used in its interpretation;
 - (b) words importing the singular number shall include the plural and vice versa;
 - (c) words importing any gender shall include the other genders;
 - (d) words importing persons shall include created entities (whether corporate or not and including trusts and partnerships) and vice versa;
 - (e) references to numbered clauses and schedules are referenced to the relevant clause in or schedule to this manual;
 - (f) any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the publication date, and as amended or replaced from time to time and to any subordinate legislation or bye-law made under the statute, regulation or other legislation;
 - (g) any obligation on any party not to do or omit to do anything is to include an obligation not to allow that thing to be done or omitted to be done;
 - (h) the following expressions shall bear the meanings assigned to them below:
 - (i) “Act” means the Promotion of Access to Information Act No.2 of 2000 as amended from time to time, including the regulations promulgated in terms of the Act;
 - (ii) “Business Day” means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;
 - (iii) “Company” means Clarke Energy South Africa (Pty) Ltd Registration number 2009/016154/07;
 - (iv) “Information Officer” means the person duly authorised by the head of the Company and appointed by the Company to facilitate or assist the head of the Company with any request in terms of the Act;
 - (v) “this Manual” means this document together with all its annexures, as amended from time to time;
 - (vi) “Requester” means any person requesting information in terms of the Act and/or this Manual;
- 1.2. Time periods expressed in terms of days shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday.

- 1.3. Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be.
- 1.4. If any definition contains a provision having substantive effect, it shall be given effect to as such.
- 1.5. In the case of a conflict or ambiguity between any provision contained in this manual and the Act, the Act shall take precedence.
- 1.6. This manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A Requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Company.

2. INTRODUCTION

The Company is a multinational specialist in the engineering, installation and maintenance of reciprocating engine-based power plants and gas engine compression stations. Please see also <https://www.clarke-energy.com/south-africa/> for further information regarding the Company.

3. CONTACT DETAILS

3.1. Company contact details:

Company Name	Clarke Energy South Africa (Pty) Ltd
Physical address	Unit 2, Blue Drop Business Park, 105 EP Malan Road, Pomona, Kempton Park, 1619
Postal address	PostNet Box 120, Private Bag X5, Aston Manor, 1630
Telephone number	010 590 5531
Facsimile number	
Email address	www.southafrica@clarke-energy.com
Website address	www.clarke-energy.com

3.2. Contact details of head of Company:

Name of head of Company	Emile Hamman
Physical address	Unit 2, Blue Drop Business Park, 105 EP Malan Road, Pomona, Kempton Park, 1619
Postal address	PostNet Box 120, Private Bag X5, Aston Manor, 1630
Telephone number	010 590 5531
Facsimile number	

Email address	Emile.hamman@clarke-energy.com
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3.3. Contact details of Information Officer:

Name of Information Officer	Lorna Gibson
Physical address	Unit 2, Blue Drop Business Park, 105 EP Malan Road, Pomona, Kempton Park, 1619
Postal address	PostNet Box 120, Private Bag X5, Aston Manor, 1630
Telephone number	010 590 5531
Facsimile number	
Email address	lorna.gibson@clarke-energy.com

4. THE ACT AND SECTION 10 GUIDE TO USE OF THE ACT

- 4.1. 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.
- 4.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are set out in paragraphs 6 and 7 of the Act.
- 4.3. Requesters are referred to the Guide in terms of section 10 of the Act, compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights. The guide is available from the SAHRC in all of the official languages of the Republic of South Africa. Please direct any queries to:

The South African Human Rights Commission

Physical address	Braampark Forum 3 33 Hoofd Street, Braamfontein
Postal address	Private Bag 2700, Houghton 2041
Telephone number	+27-11-877 3803
Facsimile number	+27-11-403 0625
Email address	info@sahrc.org.za
Website address	www.sahrc.org.za

5. LATEST NOTICE IN TERMS OF SECTION 52(2)

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

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

Records available in terms of other legislation are as follows:

- 6.1. Basic Conditions of Employment Act, 1997
- 6.2. Broad Based Black Economic Empowerment Act, 2003
- 6.3. Companies Act, 2008
- 6.4. Compensation for Occupational Injuries and Diseases Act, 1993
- 6.5. Competition Act, 1998
- 6.6. Constitution of the Republic of South Africa, 1996
- 6.7. Consumer Protection Act, 2008
- 6.8. Currency and Exchange Act, 1933
- 6.9. Debt Collector Act, 1998
- 6.10. Electronic Communications and Transactions Act, 2002
- 6.11. Employment Equity Act, 1998
- 6.12. Financial Intelligence Centre Act, 2001
- 6.13. Financial Markets Act, 2012
- 6.14. Immigration Act, 2002
- 6.15. Income Tax Act, 1962
- 6.16. Labour Relations Act, 1995
- 6.17. National Credit Act, 2005
- 6.18. National Road Traffic Act, 1996
- 6.19. Occupational Health and Safety Act, 1993
- 6.20. Prescribed Rate of Interest Act, 1975
- 6.21. Prescriptions Act, 1969

- 6.22. Prevention and Combatting of Corrupt Activities Act, 2004
- 6.23. Prevention of Organised Crime Act, 1998
- 6.24. Promotion of Access to Information Act, 2000
- 6.25. Promotion of Equality and Prevention of Unfair Discrimination Act, 2000
- 6.26. Protected Disclosure Act, 2000
- 6.27. Regulation of Interception of Communications and Provision of Communication Related Information Act, 2002
- 6.28. Skills Development Act, 1998
- 6.29. Skills Development Levies Act, 1999
- 6.30. Unemployment Insurance Act, 2001
- 6.31. Unemployment Insurance Contributions Act, 2002
- 6.32. Value Added Tax Act, 1991

7. ACCESS TO COMPANY RECORDS

Records	Subject	Availability
General information and public affairs	Brochures	See website or on request – freely available
	Public product information	
	Media releases	
	Request for access to Company information	
Companies Act Records	Documents of incorporation	Request in terms of the Act
	Memorandum of Incorporation	
	Minutes of Board of Directors meetings	
	Records relating to the appointment of directors/auditor/secretary/public officer and other officers	
	Share register and other statutory registers	
Financial Records	Annual Financial Statements	Request in terms of the Act
	Accounting Records	
	Banking Records	
	Asset register	
	Rental agreements	
	Invoices	
Income Tax Records	Tax Returns	Request in terms of the Act
	PAYE records	

	Documents issued to staff for income tax purposes	
	Records of payments made to SARS on behalf of employees	
	All other statutory compliances: - VAT - Skills Development Levies - UIF - Workmen's Compensation	

Personnel/Human Resource Documents and Records	Employment contracts	Request in terms of the Act
	Employment Equity Plan (if applicable)	
	Medical Aid Records	
	Pension Fund Records	
	Disciplinary Records	
	Salary Records	
	SETA records	
	Disciplinary Code	
	Leave records	
	Training records	
Training manuals		

8. HOW TO REQUEST ACCESS TO INFORMATION (SECTION 51(e))

- 8.1. The Requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record and payment of the prescribed fees.
- 8.2. A request must be made on the prescribed form. A copy of the form is attached as marked Annexure "A" ("the Prescribed Form") and is also available on the website of the SAHRC at www.sahrc.co.za.
- 8.3. The Requester must complete the Prescribed Form and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address as stated in paragraph 3.3 above.
- 8.4. The Prescribed Form must be filled in with enough particularity to enable the Information Officer to identify:
 - (a) the record or records requested;
 - (b) the identity of the Requester;
 - (c) which form of access is required, if the request is granted;
 - (d) the postal address or facsimile number of the Requester.
 - (e) the right and nature of the right to be exercised or protected, with an explanation of the reason the record is required to exercise or protect the right.

- 8.5. The same procedure as set out in 8.1 to 8.4 above applies if the Requester is requesting information on behalf of another person or on behalf of a permanent employee of the Company.
- 8.6. The fees prescribed in the Act are payable before a request will be processed. The fee structure is available on the website of the SAHRC at www.sahrc.co.za.
- 8.7. The head of the Company shall decide whether or not to grant the request as soon as reasonably possible, but within thirty days after the request has been received
- 8.8. The Requester will be notified of the decision of the head of the Company or the Information Officer in the manner indicated by the Requester.
- 8.9. If the request is granted, the Requester shall be informed by the head of the Company or the Information Officer in the manner indicated by the requester in the Prescribed Form.
- 8.10. Notwithstanding the foregoing, the Company will advise the Requester in the manner stipulated by the Requester in the Prescribed Form of:
 - (a) the access fee to be paid for the information as more fully detailed in the Act;
 - (b) the format in which access will be given.
- 8.11. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 8.12. If the request for access is refused, the head of the Company or the Request Liaison Officer shall advise the Requester in writing in a notice of refusal. The notice of refusal shall state adequate reasons for the refusal. The main grounds for the Company to refuse a request for information relates to the following:
 - (a) Mandatory protection of:
 - (i) the privacy of a third party who is a natural person;
 - (ii) the safety of individuals and the protection of property;
 - (iii) records that would be regarded as privileged in legal proceedings.
 - (b) The unreasonable disclosure of personal information of a natural person.
 - (c) Mandatory protection of the commercial information of a third party, if the record contains:
 - (iv) trade secrets of that third party;
 - (v) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;



- (vi) information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
 - (d) The research information of the Company or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
 - (e) Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.
- 8.13. Upon the refusal by the head of the Company or the Information Officer, the deposit paid by the Requester will be refunded.
- 8.14. The head of the Company or the Information Officer may decide to extend the period of thirty days ("original period") for another period of not more than thirty days if:
- (a) the request is for a large number of records;
 - (b) the search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company;
 - (c) consultation among divisions or departments, as the case may be, of the Company is required;
 - (d) the Requester consents to such an extension in writing;
 - (e) the parties agree in any other manner to such an extension.
- 8.15. Should the Company require an extension of time, the Requester shall be informed in the manner stipulated in the Prescribed Form of the reasons for the extension.



ANNEXURE "A"
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 *ONLY* if a request *for information* is made on behalf of *another* 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.

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

- (a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be *notified of* the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends *on* the form *in which* access is required and the reasonable time *required* to search for and prepare a record.
- (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:

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<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)
'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

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.

Indicate which right is to be exercised or protected:

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?

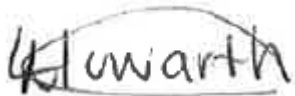
Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE



SIGNED at Johannesburg on the 6th day of November 2020.

AS WITNESSES



1. _____



2. _____



L GIBSON
Information Officer
Clarke Energy South Africa (Pty) Ltd

