



A Guide to

ACCESSING OUR INFORMATION

Our Manual in terms of Section 51 of the
Promotion of Access to Information Act

Cox Yeats



PREAMBLE

The Promotion of Access to Information Act (Act 2 of 2000) (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

INTRODUCTION TO THIS PRIVATE BODY

MAS Corporation (Pty) Limited is a group of franchised motor and agricultural equipment dealerships. This manual has been compiled, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website.

SECTION A – OUR DETAILS

Full Name : MAS Corporation (Pty) Ltd
Registration Number : 1996/000999/07
Head/CEO : WC Comins
Registered Address : 116 Voortrekker Street
GREYTOWN
3250
Postal Address : P.O. Box 102, Greytown, 3250
Telephone Number : +27 (0) 33 413 2164
Fax Number : +27 (0) 33 417 3116
Designated Information Officer : Michael Yeadon
Email Address of Information Officer : michael.yeadon@plenegy.co.za
Website : www.mascor.co.za

SECTION B – THE OFFICIAL GUIDE

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

SECTION C – INFORMATION AVAILABLE IN TERMS OF THE ACT

1. Categories of information

Where relevant to our operations, we hold the following categories of information:

- (a) STATUTORY COMPANY INFORMATION
 - (i) Certificate of Incorporation;
 - (ii) Certificate of Change of Name (if any);
 - (iii) Memorandum and Articles of Association;
 - (iv) Certificate to Commence Business;
 - (v) Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meetings;
 - (vi) Proxy Forms;
 - (vii) Proxy Forms used at Court convened meetings;
 - (viii) A Register of Allotments – after a person ceased to be a member;
 - (ix) Register of Members;
 - (x) Index of Members;
 - (xi) Register of Mortgages and Debentures and Fixed Assets;
 - (xii) Register of Directors' shareholdings;
 - (xiii) Register of Directors and Certain Officers;
 - (xiv) Directors' Attendance Register;
 - (xv) A Branch Register;
 - (xvi) Annual Financial Statements including:-
 - (a) Annual accounts;
 - (b) Directors' reports;
 - (c) Auditor's report.
 - (xvii) Books of Account regarding information required by the Companies Act, 1973;
 - (xviii) Supporting schedules to books of account and ancillary books of account;
 - (xix) The microfilm image of any original record reproduced directly by the camera – "the camera master".

(b) ACCOUNTING RECORDS

- (i) Books of Account including journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

(c) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupation;
- (ii) Time worked by each employee;
- (iii) Remuneration paid to each employee.
- (iv) Date of birth of each employee;
- (v) Wages register;
- (vi) Attendance register;
- (vii) Employment equity plan;
- (viii) Salary and wages register;
- (ix) Records of foreign employees;
- (x) Collective agreements;
- (xi) Arbitration awards;
- (xii) Determinations made in terms of the Wage Act; (xiii) Records of strikes, lockouts or protest action.
- (xiv) Industrial training records;
- (xv) Staff records (after date of employment ceases);
- (xvi) Expense accounts;

(d) OTHER EMPLOYEE RECORDS

- (i) Employee contracts;
- (ii) Incentive schemes;
- (iii) Staff loan schemes;
- (iv) Study assistance schemes;
- (v) Maternity leave policy;
- (vi) Relocation policy;
- (vii) Housing scheme;
- (viii) Disability scheme;
- (ix) Funeral insurance scheme;
- (x) Group personal accident;

- (xi) Group life;
- (xii) Micro loan scheme;
- (xiii) Employee stock purchase plan; (xiv) Code of conduct.

(e) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules;
- (ii) Pension Fund account records;
- (iii) Minutes of Meetings of trustees and members;
- (iv) Actuarial Valuation Reports;
- (v) Contribution Reports; (vi) Annual accounts.

(f) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records;
- (ii) Water quality monitoring programme records;
- (iii) Waste water assessment and monitoring records;
- (iv) Records of waste water discharges;
- (v) Records of waste water storage and waste water disposal;
- (vi) Employee medical surveillance records in respect to hazardous chemical substances;
- (vii) Safety management systems, data and audits;
- (viii) Industrial hygiene programs, data and audits;
- (ix) Employee public health emergency action plans;
- (x) Permits, licences, approvals and registrations for operations of sites and business;
- (xi) Emergency response plans;
- (xii) Environmental impact assessments;
- (xiii) Environmental management programs and systems;
- (xiv) Details of aqueous discharges;
- (xv) Details of solid waste discharges;
- (xvi) Details of air emission discharges.

(g) FIXED PROPERTY

- (i) Title Deeds;
- (ii) Leases;
- (iii) Building plans;
- (iv) Mortgage Bonds or other encumbrances to fixed property.

(h) MOVABLE PROPERTY

- (i) Asset register;
- (ii) Finance and Lease Agreements;
- (iii) Notarial Bonds;
- (iv) Deeds of Pledge.

(j) INTELLECTUAL PROPERTY

- (i) Patents, patent applications, inventions, plant breeders rights, plant breeders registrations;
- (ii) Trademarks, trade names and protected names;
- (iii) Copyrights;
- (iv) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- (v) Litigation and other disputes involving intellectual property.

(k) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or materials;
- (ii) Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
- (iii) Agreements with shareholders, officers or directors;
- (iv) Acquisition or disposal documentation;

- (v) Agreements with contractors and suppliers;
- (vi) Agreements with customers;
- (vii) Warranty agreements;
- (viii) Sale agreements;
- (ix) Distributor, dealer or agency agreements;
- (x) Restraint agreements;
- (xi) Agreements with governmental agencies; (xii) Purchase or lease agreements.

(l) TAXATION

- (i) Copies of all Income Tax Returns and other tax returns and documents;

(m) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- (ii) Settlement agreements;
- (iii) Material licences, permits and authorisations;

(n) INSURANCE

- (i) Insurance policies;
- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

(o) TRANSPORTATION

- (i) Transportation rights;
- (ii) Permits;
- (iii) Transportation System Delivery Plan;
- (iv) Transportation, Warehouse and Storage Contracts.

(p) INFORMATION TECHNOLOGY

- (i) Hardware;

- (ii) Operating Systems;
- (iii) Telephone Exchange Equipment;
- (iv) Telephone Lines, Leased Lines and Data Lines;
- (v) LAN Installations;
- (vi) Software Packages;
- (vii) Disaster Recovery;
- (viii) Internal Systems Support and Programming / Development;
- (ix) Capacity and Utilization of Current Systems;
- (x) Development or Investment Plans;
- (xi) Agreements;
- (xii) Licenses; (xiii) Audits.

(q) SALES AND MARKETING

- (i) Products;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, Newsletters and Advertising Materials;
- (v) Sales;
- (vi) Public Relations Policies and Procedures;
- (vii) Domestic and Export Orders

2. **Procedure for requesting access to the above information**

If you wish to request access to any of the above categories of information, you are required to complete a request form - Annexure "A". These forms are available from:-

- our information officer (whose contact details are on page 3 of this manual);
- the SAHRC website (www.sahrc.org.za)
- the Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

SECTION D – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:-

- Atmospheric Pollution Prevention Act No. 45 of 1965 -
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Credit Agreements Act No. 75 of 1980
- Custody and Administration of Securities Act No. 85 of 1992
- Customs and Excise Act No 91 of 1964
- Debt Collectors Act No. 114 of 1998 -
- Designs Act No. 195 of 1993
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Prevention of Organised Crime Act No. 121 of 1998

- Security Officers Act No. 92 of 1987
- Short-term Insurance Act No. 53 of 1998
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001

Where applicable to our operations, we also retain records and documents in terms of the following statutes:-

- Agricultural Produce Agents Act No. 12 of 1992
- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Co-Operatives Act No. 91 of 1981
- Employment Equity Act No. 55 of 1998
- Immigration Act No. 13 of 2002

Income Tax Act No. 58 of 1962

- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Machinery and Occupational Safety Act No. 6 of 1983
- Mine Health and Safety Act No. 29 of 1996
- Minerals Act No. 50 of 1991
- National Payment System Act No. 78 of 1998
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Prescription Act No. 68 of 1969
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949
- Value-Added Tax Act No. 89 of 1991

SECTION E – INFORMATION AUTOMATICALLY AVAILABLE

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access To Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details are on page 3 of this manual.

1. Newsletters
2. Booklets
3. Pamphlets / Brochures
4. Reports
5. Posters
6. Other literature intended for public viewing