

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000 (The Act)**

SECTION 51 MANUAL FOR



ARQ Consulting Engineers (Proprietary) Limited
(Private Body)

Last Updated: 15 November 2011

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Reference to the Constitution

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

S32 (1) Everyone has the right of access to -

- (a) any information held by the state; and
- (b) any information that is held by another person and that is required for the exercise or protection of any rights.

S32 (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), was enacted on 3 February 2002 to give effect to section 32 of the constitution, that is giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to which the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

Reference to ARQ Consulting Engineers (Proprietary) Limited

ARQ Consulting Engineers (Proprietary) Limited is an award winning consulting engineering firm specialising in bridges, dams & hydro and geotech. The company is also active in structures and civils.

PARTICULARS IN TERMS OF SECTION 51

1. Contact details

Any person who wishes to request any information from ARQ Consulting Engineers (Proprietary) Limited with the object of protecting or exercising a right may contact the Information officer.

Name of the Private Body	ARQ Consulting Engineers (Proprietary) Limited
Registration number	2001/011871/07
Name of the Designated Information Officer	Mr. A Duffy
Alternate Information Officer	Mr. DG Cameron-Ellis
Postal Address	PO Box 76379 Lynnwood Ridge 0040
Street Address	6 Daventry Street Lynnwood Manor Pretoria 0081
Phone Number	+27 (12) 348 6668
Fax number	+27 (12) 348 6669
E-mail address of information officer	albert@arq.co.za
E-mail address of alternate information officer	david@arq.co.za
Website address	www.arq.co.za

2. The Guide as described in section 10 [Section 51(1)(b)]

The guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission:

PAIA Unit
The Research and Documentation Department

Postal address: Private Bag 2700
HOUGHTON
2041

Telephone: +27 11 877 3600
Facsimile: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

3. Categories of records of ARQ Consulting Engineers (Proprietary) Limited which are available without a person having to request access in terms of the act in terms of section 52(2) [Section 51(1)(c)]

No notice of such records has been made to the Minister.

4. Records available in terms of any other legislation [Section 51(1)(d)]

Records are kept in accordance with the following legislation:

Basic Conditions of Employment Act 75 of 1997
Broad-Based Black Economic Empowerment Act 53 of 2003
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Consumer Protection Act 68 of 2008
Currency and Exchanges Act No. 9 of 1933
Electronic Communications and Transactions Act 25 of 2002
Employment Equity Act 55 of 1998
Financial Intelligence Centre Act 38 of 2001
Income Tax Act 58 of 1962
Labour Relations Act 66 of 1995
National Credit Act 34 of 2005
Occupational Health and Safety Act 85 of 1993
Promotion of Access to Information Act 2 of 2000
Skills Development Act 97 of 1998
Unemployment Insurance Act 63 of 2001
Unemployment Insurance Contributions Act 4 of 2002
Value-Added Tax Act 89 of 1991

5. How to request a record. A description of the subjects of the records held by ARQ Consulting Engineers (Proprietary) Limited and the categories in which these subjects are classed [Section 51(1)(e)]

5.1 How to request a record

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body, or his duly authorized deputy. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The head of the private body will then make a decision on the request and notify the requester in the required form.

5.2 Categories of records held by ARQ Consulting Engineers (Proprietary) Limited

We maintain records on the following categories and subject matters.

PERSONNEL RECORDS

- ❖ Personal records provided by personnel;
- ❖ Records provided by a third party relating to personnel;
- ❖ Conditions of employment and other personnel-related contractual and quasi-legal records;
- ❖ Internal evaluation records and other internal records;
- ❖ Correspondence relating to personnel;
- ❖ Training schedules and material

("Personnel" refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.)

CUSTOMER RELATED RECORDS

- ❖ Records provided by a customer to a third party acting for or on behalf of the Private Body;
- ❖ Records provided by a third party;
- ❖ Records generated by or within the Private Body relating or pertaining to its customers, including transactional records;

(A "customer" refers to any natural or juristic entity that receives services from the Private Body)

PRIVATE BODY SPECIFIC RECORDS

- ❖ Financial records;
- ❖ Operational records;
- ❖ Databases;
- ❖ Marketing records;
- ❖ Internal correspondence;
- ❖ Product and service records;
- ❖ Statutory records;
- ❖ Internal Policies and Procedures

OTHER PARTY RECORDS

- ❖ Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;
- ❖ Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

The Private Body may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service

providers. Alternatively, such other parties may possess records that can be said to belong to the Private Body.

6. Other information as may be prescribed [Section 51(1)(f)]

Not applicable.

7. Availability of the manual [Section 51(3)]

This manual is available from the South African Human Rights Commission (see details above). The manual is also available for inspection at the offices of the relevant private body free of charge, and on the private body's website.

8. Fees in respect of Private Bodies

The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za, or the website of the The Department of Justice and Constitutional Development at www.doj.gov.za.

[Regulation 187 published in the Government Gazette on 15 February 2002]

9. Prescribed request form

Access to records held by must be made on the prescribed request form.

The prescribed request form is available on the website of the South African Human Rights Commission at www.sahrc.org.za, or the website of the The Department of Justice and Constitutional Development at www.doj.gov.za.

[Regulation 187 published in the Government Gazette on 15 February 2002]