

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

MANUAL IN TERMS OF SECTION 51 OF THE ACT FOR ARQ Consulting Engineers ("ARQ")

INTRODUCTION

ARQ is an award winning consulting engineering firm specialising in bridges, dams & hydro and geotech.

The company is also active in structures and civils. Through identifying and developing the best solutions for our clients, we have built a reputation as one of the leading specialist civil engineering consultants in South Africa.

PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

The reference, in this Manual, 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 information, other than in terms of the Act.

1. Contact Details [Section 51(1)(a)]

Name of Company	ARQ Consulting Engineers
Designated Information Officer:	David Cameron-Ellis
Email address of Information Officer:	David@arq.co.za
Postal address:	PO Box 76379, Lynnwood Ridge, 0040, Pretoria, South Africa
Street address:	6 Daventry Street, Lynnwood Manor, 0081, Pretoria, South Africa
Phone number:	+27 (12) 348 6668
Fax number:	+27 (12) 348 6669
E-mail:	arq@arq.co.za

2. The guide as described in section 10 of the Act [Section 51(1)(b)]

This guide on how to exercise your rights in terms of the Act can be obtained from the SAHRC.

Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit: Research and Documentation Department

Postal address: Private Bag 2700 Houghton 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

3. Categories of records of ARQ which are available without a person having to request access in terms of the Act, i.e. voluntary disclosure. [Section 51(1)(c)]

ARQ is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so.

Nevertheless ARQ does make certain information freely available to the public in various brochures, press releases, publications, etc. and on its website at www.arq.co.za.

Certain information is also made available to employees of ARQ, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be requested from the designated information office noted in point 1 above.

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

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

- ❖ Administration of Estates Act 66, 1965
- ❖ Basic Conditions of Employment Act 75 of 1997
- ❖ Close Corporations Act 69 of 1984
- ❖ Companies Act 61 of 1973
- ❖ Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- ❖ Employment Equity Act 55 of 1998
- ❖ Income Tax Act 58 of 1962
- ❖ Insolvency Act No. 24 of 1936
- ❖ Occupational Health & Safety Act 85 of 1993
- ❖ Labour Relations Act 66 of 1995
- ❖ Pension Funds Act, 1956
- ❖ Skills Development Act 97 of 1998
- ❖ Skills Development Levies Act 9 of 1999
- ❖ Stamp Duties Act. 77 of 1968
- ❖ Unemployment Contributions Act 4 of 2002
- ❖ Unemployment Insurance Act 30 of 1966
- ❖ Value Added Tax Act 89 of 1991

5. How to request a record, a description of the subjects on which we hold records, and the categories of records held on each subject [Section 51(1)(e)]

5.1 How to request a record

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, www.doj.gov.za.

Requests for access to records held by ARQ must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under "regulations").

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provides 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 another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of our Information Officer.

If a requestor does not use the standard form, the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.

Please note that requestors are also required to pay the prescribed fees. The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted)

The Designated Information Officer will notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee.

The Designated Information Officer will then make a decision on the request and notify the requester in the required form.

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.

All requests to ARQ Consulting Engineers will be evaluated and considered in accordance with the Act.

Publication of this Manual and describing the categories and subject matter of information held by ARQ Consulting Engineers does not give rise to any rights to access such information or records, except in terms of the Act.

5.2 Subjects and categories of records held by ARQ Consulting Engineers

ARQ Consulting Engineers maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

Please note further that many of the records held by ARQ Consulting Engineers are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

5.2.1: Internal records

The following are records pertaining to ARQ Consulting Engineers' own affairs:

- ❖ Memoranda and Articles of Association
- ❖ Financial records
- ❖ Operational records
- ❖ Intellectual property
- ❖ Internal correspondence;
- ❖ Service records;
- ❖ Statutory records;
- ❖ Internal policies and procedures;
- ❖ Minutes of meetings;
- ❖ Annual General Reports
- ❖ Financial Results
- ❖ Charters, codes of conduct and policies (both internal and external) to which ARQ Consulting Engineers and its personnel subscribe; and
- ❖ Records held by officials of ARQ Consulting Engineers.

5.2.2: Personnel records

For the purposes of this section, "personnel" means any person who works for or provides services to or on behalf of ARQ Consulting Engineers and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of ARQ Consulting Engineers. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.

Personnel records include the following:

- ❖ Any personal records provided to us by our personnel;
- ❖ Any records a third party has provided to us about any of their personnel;
- ❖ Conditions of employment and other personnel-related contractual and quasi-legal records;
- ❖ Employment policies and procedures;
- ❖ Internal evaluation and disciplinary records; and
- ❖ Other internal records and correspondence.

5.2.3: *Client-related records*

Client-related information includes the following:

- ❖ Contracts with the client and between the client and other persons;
- ❖ Any records a client has provided to ARQ Consulting Engineers or a third party acting for or on behalf of ARQ Consulting Engineers (including financial, legal, tax, operational, employee and similar records);
- ❖ Records, reports, designs and the like generated by ARQ Consulting Engineers for its clients;
- ❖ Any records a third party has provided to ARQ Consulting Engineers, which concerns a client; and
- ❖ Records generated by or within ARQ Consulting Engineers pertaining to the client, including transactional records.

5.2.4: *Other Parties*

Records are kept in respect of other parties, including without limitation joint ventures and consortia to which ARQ Consulting Engineers is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to ARQ Consulting Engineers.

The following records fall into this category:

Personnel, client, or ARQ Consulting Engineers records which are held by another party as opposed to being held by ARQ Consulting Engineers; Records held by ARQ Consulting Engineers pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

5.2.5: *Other Records*

We hold further records, including:

- ❖ Information relating to ARQ Consulting Engineers' own commercial activities;
- ❖ Procurement and administration for ARQ Consulting Engineers; and
- ❖ Research information belonging to ARQ Consulting Engineers or carried out on behalf of a third party.

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

No such information has as yet been prescribed.

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

The manual is available for inspection at the offices of ARQ free of charge.