



INFORMATION MANUAL

**IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2 OF 2000**

FFS Refiners (Pty) Ltd

Access to Information Manual

(As required and defined by Section 51 of the Promotion of Access to Information Act, 2 of 2000)

Preamble

The Promotion of Access to Information Act No. 2 of 2000 became operational on the 23rd of November 2001. Section 51 of this Act requires a private body such as us, to assemble a manual, providing information and the procedure to be followed by the public in requesting information for the purpose of exercising or protecting rights.

Introduction to this private body

FFS Refiners (Pty) Ltd (“FFS Refiners”) is a national, entirely South African owned, hydrocarbon refining company with the capability of handling unconventional fuels, and of processing used and residual materials into quality marketable fuels. The company has six processing facilities throughout the country, a number of smaller depots and a comprehensive transport network.

FFS Refiners in the interests of transparency and responsibility has compiled this manual to enable members of the public to access information in our possession that may assist them in exercising and protecting their rights.

This manual has been developed in order to comply with the provisions of the Act and outlines the procedure required in order for you to gain access to any of the information contained herein that you are entitled to.

Contact Details:	
Full Name:	FFS Refiners (Pty) Ltd
Registration number:	1986/003962/07
Postal Address:	PO Box 25102, Rosburgh, 4072
Street Address:	104 Umhlatuzana Road. Seaview, Durban, 4094
Ph:	(031) 459 5300
Fax:	(031) 459 5326
email:	ffs@ffs.co.za
Head/Managing Director:	Mr AJ Canning
Designated Information Officer:	Ms M Naicker
Email Address of Information Officer:	monan@ffs.co.za
Website:	www.ffi-refiners.com

THE OFFICIAL GUIDE

The South African Human Rights Commission (SAHRC) in terms of Section 10 of the Act is required to publish a guide in each official language that contains accessible and clear information, which may reasonably be required by a person who wishes to exercise any right in terms of this Act.

The Guide will contain the following:

1. Objects of the Act.
2. Particulars of the information officer of every public body and every deputy information officer of every public body.
3. Particulars of every private body as are practicable.
4. The manner and form of a request for access to information held by a body.
5. Assistance available from both the information officers and the Human Rights Commission in terms of the Act.
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and court application.
7. Requirements of public and private bodies to compile a manual and how to access the information in the manual.
8. Schedules of fees to be paid in relation to requests for access to information.
9. Regulations made in terms of the Act.

The guide will be made available as soon as it has been published by the SAHRC. Enquiries pertaining to the Guide may be addressed to the SAHRC, the contact details are as follows:

Postal address:

South African 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

It is important to note that access to any information is not automatic, you must identify the right that you are seeking to exercise or protect and explain why the information you request, is required for the exercise or protection of that right.

INFORMATION AVAILABLE

Categories of Information

FFS Refiners holds the following categories of information:

(a) STATUTORY COMPANY INFORMATION

- Certificate of incorporation
- Memorandum of Incorporation
- Certificate to commence business
- Minute Books and Resolutions passed at general/board meetings
- Register of members
- Index of members
- Register of Mortgages and debentures and fixed assets
- Register of Directors' shareholdings
- Register of Directors and Certain Officers
- Director's Attendance Register
- Branch Register
- Annual Financial Statements including: Annual Accounts; Directors' reports; and Auditor's reports
- Books of Accounts regarding information required in terms of Companies Act, 2008
- Supporting schedules to books of accounts and ancillary books of accounts

(b) ACCOUNTING RECORDS

- Books of account including journals and ledgers
- Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange

(c) STATUTORY EMPLOYEE RECORDS

- Employees' names and occupations
- Time worked by each employee
- Remuneration paid to each employee
- Workmen's compensation
- Date of birth of each employee
- Attendance register
- Employment equity plan
- Salary and wages register
- Records of foreign employees
- Collective agreements
- Arbitration awards
- Records of strikes, lockout or protest action
- Industrial training records
- Staff records (after date of employment ceases)
- Expense accounts

(d) OTHER EMPLOYEE RECORDS

- Employee contracts
- Incentive schemes
- Staff loan schemes
- Study assistance schemes
- Maternity leave policy
- Relocation policy
- Disability scheme
- Funeral insurance scheme
- Group personal accident
- Group Life
- Micro loan scheme
- Code of conduct

(e) PENSION AND RETIREMENT FUNDING RECORDS

- Pension Fund Rules
- Pension Fund account records
- Minutes of Meeting of trustees and members
- Contribution Records
- Annual accounts

(f) ENVIRONMENTAL, HEALTH & SAFETY RECORDS

- Company Environmental Policy
- Company Health and Safety Policy
- Environmental Management Programs and Systems
- Internal Quality Management Programs and Systems
- Permits, licences, approvals and registrations for operations of the business required by National/Provincial/Local Legislation
- Treated Effluent to sewer records
- Groundwater and Soil Surveys
- Records of solid waste generated and disposal
- Stack emission surveys
- Hazardous Chemical Substances- Ambient Air Quality Surveys
- Noise and Illumination Surveys
- Environmental Impact Assessments
- Internal Environmental and Safety audits
- External Environmental Audits
- Biological monitoring and medical surveillance records
- Major Hazardous Installation Assessments
- Asbestos Assessments
- Underground/Above Ground Storage Tank Test Results
- Emergency Evacuation Plan and relevant documentation
- Calibration Records
- Incident Reports
- Environmental Registers
- Internal Quality Management System

(g) **MOVABLE PROPERTY**

- Asset register
- Finance and Lease Agreements
- Notarial bonds
- Deeds of Pledge

(h) **INTELLECTUAL PROPERTY**

- Finance and Lease Agreements
- Patent, patent applications and inventions
- Trademarks, trade names and protected names and copyrights
- 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
- Litigation and other disputes involving intellectual agreements

(i) **AGREEMENTS AND CONTRACTS**

- Material agreements concerning provision of services or products
- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co promotion or other alliance agreements
- Agreements with shareholders, officers or directors

(j) **ACQUISITION OR DISPOSAL DOCUMENTATION**

- Agreements with contractors and suppliers
- Agreements with customers
- Warranty agreements
- Sales agreements
- Distributor, dealer, or agency agreements
- Restraint agreements
- Agreements with governmental agencies
- Purchase or lease agreements

(k) **TAXATION**

- Copies of Income Tax Returns and other tax returns and documents

(l) **INSURANCE**

- Insurance policies
- Claim records
- Details of insurance coverage, limits and insurers

(m) **TRANSPORTATION**

- Transportation rights
- Permits
- TREMCARDS,
- Dangerous Goods Declarations
- Route maps
- Transportation contracts

(n) **INFORMATION TECHNOLOGY**

- Software licenses

(o) **OPERATIONS**

- Records, purchasing processing and sales of hydrocarbon fuels

(p) **SALES AND MARKETING**

- Products
- Markets
- Customers
- Brochures, Newsletters, and Advertising Materials
- Sales
- Public relations policies and procedures
- Domestic orders

Steps to consider before submitting a request for information

The following steps must be considered before submitting a request:

Step 1

The purpose of the information that you request:

Section 7(1) states that the Act does not apply to a record of a public body or a private body if:

- (a) That record is requested for the purpose of criminal or civil proceedings;
- (b) So requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) The production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.

If Section 7(1) applies, you may not bring a request in terms of this Act. You must follow and use the rules and procedures for the discovery of information of the relevant legal forum.

FFS Refiners reserves the right to claim all expenses, legal costs and institute a claim for damages as a result of you submitting a request in contravention of Section 7(1).

Step 2

Does the information requested exist in the form of a record?

The Act only applies to documents that are in existence at the time of receiving the request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made.

Step 3

Is the document in possession or under the control of FFS Refiners?

The Act provides that the record must be in FFS Refiners' possession or under its control. If the document is not in the possession of FFS, you must request the document from the party under whose control or possession it is in.

Procedure for requesting access to information

If you wish to request access to any of the above categories of information, you are kindly requested to complete a request form for "Access to Record of Private Body" as set out in Annexure A hereto. These forms are available from:

- Our information officer
- The SAHRC website (www.sahrc.org.za)
- Department of Justice and Constitutional Development website (www.doj.gov.za)
- A prescribed fee (detailed on the request form) is payable in advance for requesting and accessing information in terms of the Act.
- Additional fees may be required by regulation in order to cover searching for and compiling the information you have requested, including copying charges.

Grounds for refusal of access to records

In terms of Chapter 4 of the Act, FFS Refiners may be required to refuse access to requests for records that relate to the following:

- Section 63 Mandatory protection of privacy of third party who is a natural person
- Section 64 Mandatory protection of commercial information of third party
- Section 65 Mandatory protection of confidential information of third party
- Section 66 Mandatory protection of safety of individuals, and protection of property
- Section 67 Mandatory protection of records of privileged from production in legal proceedings
- Section 68 Commercial information of private body
- Section 69 Mandatory protection of research information of third party as well as protection of research information of a private body
- Requests to information that are unmotivated, vexatious or which involve unreasonable rerouting of resources.

Mandatory disclosure in public interests (Section 70)

In spite of any other provisions of this section, the head of a private body must grant a request for access to a record of the body contemplated in section 63 (1) 64 (1), 65, 66 (a) or (b), 67, 68 (1) or 69 (1) or (2) if:

- disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or imminent and serious public safety or environmental risks; and
- the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question

Route to take when FFS Refiners refuses your request for information:

The decision made by the Information Officer is final, and as such if the requestor /third party is not satisfied with the answer supplied by the Information Officer, the requestor may within 30 days of notification of the decision, apply to a Court (Constitutional Court, High Court or another court of similar status) for relief.

MANDATORY PROTECTED INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to our operations, other 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. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No 130 of 1993
- Competition Act No. 89 of 1998
- Co-operatives Act No. 91 of 1981
- Designs Act No 195 of 1993
- Environment Conservation Act No 73 of 1989
- Employment Equity Act No 55 of 1998
- Hazardous Chemical Substances Act 15 of 1973
- Labour Relations Act No 66 of 1995
- National Environmental Management Act No 107 of 1998
- National Road Traffic Act No 93 of 1996
- National Building and Standards Act No 103 of 1977
- National Water Act No 36 of 1998
- Occupational Health & Safety Act No 85 of 1993
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act No 26 of 2000
- Road Transportation Act No 74 of 1977
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

INFORMATION AUTOMATICALLY AVAILABLE

The following categories of records may be obtained for inspection, purchasing or photocopying without requesting this information in terms of the Promotion of Access to Information Act.

Requests for these categories of information may be made in writing to our Information Officer whose contact details appear in section A of this manual:-

- Newsletters
- Booklets
- Brochures
- Posters
- Other literature intended for public viewing

PRESCRIBED FEES

Request fee

The designated head of FFS Refiners will 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 payable by the requester, other than a personal requester, referred to in Regulation 11(2), is R50.00.

Access fee

The fee for a copy of the manual as contemplated in Regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in Regulation 11(1) are as follows:

For every photocopy of an A4 size page of part thereof	R 1.10
For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	R0.75
For a copy in a computer-readable form on – (i) Stiffy disc (ii) Compact disc	R7.50 R70.00
For a transcription of visual images for an A4 size page or part thereof For a copy of visual images	R40.00 R60.00
For a transcription of an audio record for an A4 size page or part thereof For a copy of an audio record	R20.00 R30.00

The access fees payable by a requester referred to in Regulation 11(3) are as follows:

For every photocopy of an A4 size page or part thereof	R1.10
For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	R0.75
For a copy in a computer readable form on (i) Stiffy disc (ii) Compact disc	R7.50 R70.00
For a transcription of visual images for an A4 size page or part thereof For a copy of visual images	R40.00 R60.00
For a transcription of an audio record for an A4 size page or part thereof For a copy of an audio record	R20.00 R30.00

To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

For the purposes of Section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.