



**BROOKLYN
ENGINEERING**

PAIA MANUAL

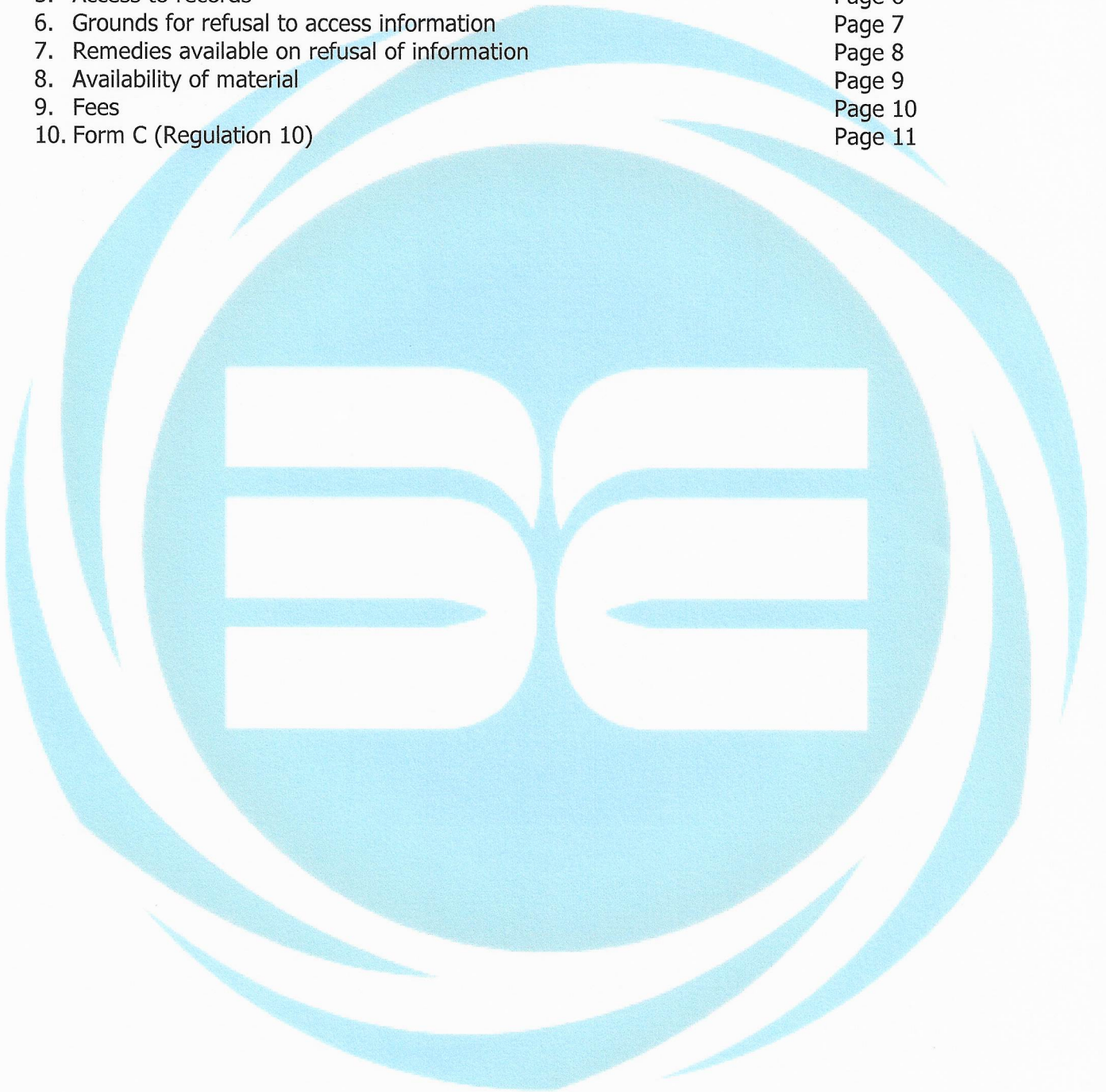
This manual provides necessary information for the Promotion of Access to information Act no. 2 of 2002 (“Act”) to enable persons entitled to information (“you”) to gain access to information from Brooklyn Engineering (Pty) Ltd (“we” or “us”)

JUNE 3, 2021

**BROOKLYN ENGINEERING PTY LTD
46 Brooklyn Road, Jacobs, 4052**

Table of contents

1. Introduction	Page 2
2. Company and contact details	Page 3
3. Guidance on how to use the Act	Page 4
4. Application information and information available	Page 5
5. Access to records	Page 6
6. Grounds for refusal to access information	Page 7
7. Remedies available on refusal of information	Page 8
8. Availability of material	Page 9
9. Fees	Page 10
10. Form C (Regulation 10)	Page 11



2013/016737/07

Brooklyn Engineering (Pty) Ltd

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act

2/2000

(the "ACT")

1. Preamble

The promotion of Access to Information Act 2 of 2000, ("the Act") came into operation on 9 March 2001. Section 51 of the 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.

2. Introduction to this private body

We are a Private company providing services, equipment and maintenance in the manufacturing and engineering industry. We are governed by the main agreement as set out by the MEIBC and MERSETA. Our primary business in manufacturing, engineering, coatings, turning, milling and balancing.

3. Section 51 (1) (a) – Company and contact details

Name of business: Brooklyn Engineering (Pty) Ltd

Company type: Private Company (Pty) Ltd

Company registration number: 2013/016737/07

Company VAT Number: 4100263021

Information officer: Hayley Lindeman

Directors: Mr Dave Blackler

Mr Ravend Roopchund

Postal Address: PO Box 12016, Jacobs, Durban, South Africa, 4026

Street Address: 46 Brooklyn Road, Jacobs, Durban, South Africa, 4052

Telephone Number: 031 468 2307

Fax Number: Not applicable

Email: hayley@brooklyneng.co.za

Website: www.brooklyneng.co.za

4. Section 51 (1) (b) – The section 10 guide on how to use the Act/ Guidance regarding submitting request

The guide is produced and available from the South African Human Rights Commission

4.1 THE ACT

- a) 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.
- b) Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act and are in this manual.
- c) Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

d) Please direct queries to: South African Human Rights Commission

The contact details of the Commission are:

Postal address: Private Bag 2700, Houghton, 2041

Telephone number: 011 877 3600

Fax number: 011 403 0668

Website: www.sahrc.org.za

Email: PAIA@sahrc.org.za

5. Applicable information and information available

Information is available in terms of the following legislation, if applicable.

- (a) Basic conditions of employment Act no. 75 of 1997
- (b) Companies Act no. 71 of 2008, Companies Act 61 of 1973
- (c) Compensation of Occupational injuries and diseases Act no. 130 of 1993
- (d) Copyright Act no. 98 of 1978
- (e) Electronic communications and transactions Act no. 25 of 2002
- (f) Employment Equity Act no. 55 of 1998
- (g) Hazardous substances Act no. 15 of 1973
- (h) Health Act no. 63 of 1977
- (i) Import and Export Control act no. 45 of 1963
- (j) Income Tax Act no. 58 of 1962
- (k) Insolvency Act no. 24 of 1936
- (l) Labour relations Act no. 66 of 1995
- (m) Occupational Health and Safety Act no. 85 of 1993
- (n) Pension Fund Act no. 24 of 1956
- (o) Promotion of Access of information Act no. 2 of 2000
- (p) Skills development Levies Act no. 9 of 1999
- (q) Unemployment Insurance Act no. 30 of 1966
- (r) Value added Tax Act no. 89 of 1991
- (s) Road traffic Act no. 29 of 1989

6. Schedule of records held by Brooklyn Engineering (Pty) Ltd

Companies Act Records

- Documents of incorporation
- Memorandum and articles of association
- Minutes of management meetings
- Register of directors and share certificates
- BBBEE records

General records

- Fidelity and Indemnity insurance policy
- Public company profile

Financial records

- Annual financial statements/Management accounts
- Tax returns/Tax records (company and employees)
- Accounting records
- Banking records and electronic banking records
- Bank statements
- Rental agreements/lease agreements
- Invoices (debtors and creditors)
- General ledger
- Asset register

- Account application records
- Marketing information
- Field Records
- Performance Records
- Product Sales Records
- Marketing Strategies
- Customer Database / Supplier data base
- Dealer Franchise Documents and data sheets

Personal documents and records

- Employment contracts
- Training manuals
- General HR Policies and procedures
- General OHS records, procedures and policies
- Payroll records
- Pension and provident fund records
- Contracts with service providers

7. Section 51 (1) (c) and 52 (2) – Access to records held

The records generally available without a person having to request access are:

- a) Our ownership and documents of incorporation
- b) Internal contact lists
- c) Our company policies
- d) Marketing material
- e) Preferential procurement list

8. Section 50 – are you entitled to access information?

You may only be granted access to information to which you are entitled. In deciding this we will consider whether.

- a) You require the information in order to exercise or protect a right.
- b) You have complied with the procedural requirements of the Act and
- c) The record you have requested contains any information that falls within the grounds for the refusal of access to information.

9. Request for records

Any request for access to other records must be made on the prescribed form (Form C) which appears on this Manual.

Your request for information will be evaluated and you will be notified within 30 days of receipt of your request of our decision.

10. Notification of extension period (if required)

In terms of the Act the 30 (thirty) day period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances. Should we need to extend this period, we will provide you with notification of such extension.

11. The request fee; access fee and/or deposit

You will be informed of the request and/or access fee (if any) that is payable for making a request or having access to records. A deposit may be requested whilst your request is being considered for the access fee, which is fully refundable should your request be refused. You may pay the request and access fee prior to the information being provided to you.

12. Decision on request

Your request for information may be granted or refused. You will be informed accordingly. Should your request be refused, you will be given adequate reasons for the refusal, and you may lodge an application in court against the refusal of the request. We will also provide you with details of the procedure for such application to court.

13. Grounds for refusal

We may legitimately refuse to grant you access to a requested record (if the information does not hide a substantial breach of the law, or a public safety or environmental risk) that falls within any of the following grounds for refusal:

- We are protecting personal information that we hold about a third person (who is a natural person) including a deceased person from unreasonable disclosure.
- We are protecting commercial information that we hold about a third party (for example trade secrets, financial, commercial, scientific or technical information) where disclosure may harm the commercial or financial interests of that third party
- The disclosure of the records would result in a breach of a duty of confidence owed to a third party in terms of an agreement
- The disclosure of the record would endanger the life or physical safety of an individual
- The disclosure of the record would prejudice or impair the security of property or means of transport
- The disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme
- The disclosure of the record would prejudice or impair the protection of the safety of the public
- The record is privileged from production in legal proceedings and the person entitled to legal privilege has not waived that privilege
- The disclosure of the record (where the record contains trade secrets, financial, commercial, scientific or technical information) would harm our commercial or financial interests
- The disclosure of the record would put us at a disadvantage in contractual or other negotiations or prejudice us in commercial competition
- The record is a computer programme and
- The disclosure of the record (where the record contains information about research being carried out or to be carried out by or on behalf of us or a third party) would expose us, the third party, the person carrying out the research or the subject matter of the research itself to serious disadvantage.

14. Records that cannot be found or do not exist

If we have searched for a record and it is believed that the record either does not exist or cannot be found, you will be notified by the way of an affidavit or affirmation of this fact. We will include information regarding the steps that were taken to try relocating the record

15. Third party information

If access is requested to a record that contains information about a third party, you must provide a specific written consent of the third party or show that you require the information in order to exercise or protect a right. We are obliged to attempt to contact the third party to inform them of your request. This enables the third party the opportunity to respond by either consenting to the access or by providing reasons why access should be denied. In the event of the third-party furnishing reasons for the denial of access, we will consider these reasons in determining whether access should be granted or not, and advise you accordingly.

16. Remedies available on refusal to disclose information by an information officer

Internal Remedies

Brooklyn Engineering does not have an internal appeal procedure. As such, the decision made by the Information Officer pertaining to a request is final, and requestors shall have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

External Remedies

A requestor that is dissatisfied with the Information Officer to disclose information, may within 180 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer decision to grant a request for information, may within 180 days of notification of the decision, apply to a court for relief. For purposes of the Act, a court application must be lodged with a High Court or another court having jurisdiction.

17. Description of security measures taken to protect Personal information

Brooklyn Engineering makes use of an outsourced IT company who uses technology to protect personal information on our computers, servers and website. We have the following measures in place;

- Firewalls
- Virus protection software and update protocols
- Secure access control; passwords and log-on tracing
- Secure setup of hardware and software making up the IT infrastructure.
- Outsourced Service Providers who provide secure technology on behalf of Brooklyn Engineering
- Non-Disclosure Agreements with staff, customers, and suppliers

18. Section 51 (1) (f) – Other information as may be prescribed

The Minister of Justice and Constitutional Development has not made any regulations as to prescribed information in terms of this section of the Act

19. Section 51 (3) – Availability of the material

This manual is available for inspection at the offices of the company free of charge upon prior arrangement with the said Information Officer of the company or free of charge on our Website (www.brooklyneng.co.za)

Furthermore, a copy of this manual is available at the Human rights Commission, details are in this manual, as provided in the Act

Conclusion

This manual was created and updated by the Brooklyn Engineering Information officer, Hayley Lindeman who can be contacted for any further information.

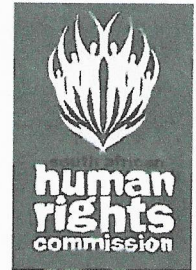
Hayley Lindeman

PAIA and POPI Information Officer

031 468 2307

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity

Chairperson: ML Mushwana; **Deputy Chairperson:** P Govender; **Commissioners:** L Mokate, B Malatji, J Love, D Titus
Chief Executive Officer: K Ahmed

FORM C

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 <i>ONLY</i> 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. |

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified</i> of the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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.

1. Indicate which right is to be exercised or protected:
2. 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



**INFORMATION
REGULATOR
(SOUTH AFRICA)**

*Ensuring protection of your personal information
and effective access to information*

REGISTRATION CERTIFICATE

Registration Number: 11655/2021-2022/IRRTT

This is to certify that **Hayley Lindeman** has been registered with the Information Regulator by **Brooklyn Engineering (Pty) Ltd** as the Information Officer in terms of section 55(2) of the Protection of Personal Information Act 4 of 2013 with effect from **26 May 2021**.

**Chief Executive Officer
INFORMATION REGULATOR**

NB: Please note that it is your responsibility to ensure that the particulars of an Information Officer and/or Deputy Information Officer(s) are correct and updated on an annual basis or as and when it becomes necessary.