

**PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
SECTION 51(1) MANUAL**

**OF**

**Prominent Paints (Pty) Ltd  
Registration No: 1997/006763/07**

**1. Introduction**

This Manual is published in terms of Section 51(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference 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.

**2. PROMINENT PAINTS (PTY) LTD OVERVIEW**

Prominent Paints (Pty) Ltd is a manufacturer and distributor of Paint Products in Southern and Eastern Africa.

PROMINENT PAINTS (Pty) Ltd supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

**3. AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available on our website ([www.prominentpaints.co.za](http://www.prominentpaints.co.za)) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission (“SAHRC”) at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.

**4. HOW TO REQUEST ACCESS TO RECORDS HELD BY PROMINENT PAINTS (PTY) LTD**

Requests for access to records held by PROMINENT PAINTS (Pty) Ltd must be made on the request forms that are available from our website and office, from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under “regulations”).

A request fee may be payable (the schedule of fees [www.sahrc.org.za](http://www.sahrc.org.za)). You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed. Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

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.

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 Information Officer of PROMINENT PAINTS (Pty) Ltd. The standard form that must be used for the making of requests is annexure C. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to PROMINENT PAINTS (Pty) Ltd 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 PROMINENT PAINTS (Pty) Ltd does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

## 5. CONTACT DETAILS

<b>Name of Private Body</b>	<b>PROMINENT PAINTS (Pty) Ltd</b>
<b>Head of Private Body and Designated Information Officer</b>	<i>Head: MR N Bormans Information officer: MR F Fourie</i>
<b>Email address of Head and Information Officer</b>	<a href="mailto:niels.bormans@prominentpaints.co.za">niels.bormans@prominentpaints.co.za</a> <a href="mailto:Francois.fourie@prominentpaints.co.za">Francois.fourie@prominentpaints.co.za</a>
<b>Postal address</b>	PO Box 136166, Alberton North, 1456
<b>Street address</b>	11 Dan Jacobs Street, Alrode, Alberton
<b>Phone number</b>	011 389 4600
<b>Fax number</b>	011 389 4641

## 6. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide to the Act described in Section 10 of the Act is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit  
The 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](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **7. VOLUNTARY DISCLOSURE**

PROMINENT PAINTS (Pty) Ltd has not published a voluntary notice in terms of Section 52(2) of the Act. However, it should be noted that certain information relating to PROMINENT PAINTS (Pty) Ltd and its services is freely available on PROMINENT PAINTS (Pty) Ltd's website. Certain other information relating to PROMINENT PAINTS (Pty) Ltd is also made available on the website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is also made available from time to time.

## **8. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

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

- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993.
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001;

In addition, information is made available to government regulators as and when required by legislation specific to the operations of PROMINENT PAINT (Pty) Ltd

## **9. RECORDS HELD BY PROMINENT PAINTS (PTY) LTD**

PROMINENT PAINTS (Pty) Ltd maintains records on the following categories and subject matters. However, recording a category or subject matter in this Manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

### **9.1. Internal records**

The following are records pertaining to PROMINENT PAINTS (Pty) Ltd's own affairs and those of its divisions, subsidiary and associated companies:

- Constitutional Documents of PROMINENT PAINTS (Pty) Ltd
- Financial records
  - Annual financial statements.
  - Accounting records
  - Asset register
  - Banking Records
    - Bank statements
    - Paid Cheques
    - Electronic Banking Records
  - Invoices
  - Rental agreements
  - Tax returns

- Operational records
- Licences
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records; and
- Internal policies and procedures.

## **9.2. Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of PROMINENT PAINTS (Pty) Ltd and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of PROMINENT PAINTS (Pty) Ltd.

This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to PROMINENT PAINTS (Pty) Ltd by its personnel;
- Any records a third party has provided to PROMINENT PAINTS (Pty) Ltd about any of that third party's personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.
- Disciplinary Code
- Disciplinary Records
- Employment contracts
- Employment equity plans
- Medical Aid records
- Salary records
- SETA Records
- Training manuals
- Training records

## **9.3. Customer records**

PROMINENT PAINTS (Pty) Ltd is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act, relating to the protection of third party information.

Customer information includes the following:

- Any records a customer has provided to PROMINENT PAINTS (Pty) Ltd or a third party acting for or on behalf of PROMINENT PAINTS (Pty) Ltd;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to PROMINENT PAINTS (Pty) Ltd about customers;

- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to PROMINENT PAINTS (Pty) Ltd either directly or indirectly; and
- Records generated by or within PROMINENT PAINTS (Pty) Ltd pertaining to customers, including transactional records.

#### **9.4. Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which may belong to PROMINENT PAINTS (Pty) Ltd. The following records fall under this category:

- Personnel, customer or PROMINENT PAINTS (Pty) Ltd records which are held by another party and not by PROMINENT PAINTS (Pty) Ltd; and
- Records held by PROMINENT PAINTS (Pty) Ltd pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

#### **9.5. Other Records**

Further records are held including:-

- Information relating to PROMINENT PAINTS (Pty) Ltd's own commercial activities; and
- Research carried out on behalf of a client by PROMINENT PAINTS (Pty) Ltd or commissioned from a third party for a customer;
- Research information belonging to PROMINENT PAINTS (Pty) Ltd, whether carried out itself or commissioned from a third party.

#### **9.6. Records In terms of The Companies Act 71 of 2008**

- Documents of Incorporation.
- Memorandum of Incorporation (Articles of Association in terms of the 1973 Act).
- Minutes from the board of directors meetings.
- Records pertained to the appointment of directors, auditor, company secretary, prescribed officers, or any other officer.
- The register of shareholders and other statutory registers.

### **10. Details On How To Submit A Request For Access To Information**

**Form C** - the Requesting Party must submit the form (a copy of which is at the end of this manual) and the request fee ([www.sahrc.org.za](http://www.sahrc.org.za)) to the head of Prominent Paints (Pty) Ltd.

Such a form is to be submitted to:

Email address: [customercare@prominentpaints.co.za](mailto:customercare@prominentpaints.co.za)  
Tel number: +27 86 177 6646/ +27 11 389 4868  
Fax number: +27 11 389 4711 (South Africa).  
Postal Address: PO Box 136166,  
Alberton North,  
1456.

The Requesting Party **must** provide adequate and precise particulars in Form C to enable PROMINENT PAINTS (PTY) LTD to locate the requested records as well as full details of the Requesting Party. The Requesting Party is further directed to provide what means of access is required and to provide the Responsible Party full particulars of what the Requesting Party requires.

The Requesting Party is further required to specify and identify the right that the Requesting Party wishes to exercise and/or protect and/or motivate with sufficient and precise detail as to why such exercise and protection is required. The Requesting Party will receive a written (unless otherwise agreed) reply to its chosen address and/or medium of communication as stated in Form C. If the Requesting Party is submitting the request on behalf of another person, then documentary proof as to what capacity they so act, which is with sufficient detail for the Responsible Party to consider such a request.

## **11. OUTCOME OF DECISIONS AND REASONS**

The Requesting Party will be notified within 30 (thirty) calendar days of the Responsible Party's decision as to whether such requested information will be provided to the Requesting Party or of its refusal to do so. Reasons for such refusals will be provided to the Requesting Party.

## **12. PRESCRIBED FEES:**

If the Requesting Party is requesting his/her own Personal Records then no fees are payable. However all fees are regulated by the Act. A flat rate of R 50.00 (fifty rand) is due and payable should the information requested not be an employee's own Personal Records (if such a request has been accepted by the Responsible Party). You will be notified of any additional costs of the retrieval of such records (this may include access fees or retrieval fees).

## 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

- |                                                                                                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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

<p>This section must be completed <i>ONLY</i> if a request for information is made on behalf of <i>another</i> person.</p>
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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**

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

Reason for exemption from payment of fees:

**F. Form of access to record**

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.

Disability:	Form in which record is required
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request in the specified form may depend on the form in which the record is available. (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. (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	



<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images	copy of the images"	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable</b>			
	printed copy of record*	printed copy of information derived from the record"	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.			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 of .....20.....

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE