

SPILL TECH[®]



Responsible Environmental Management

24 HOUR HAZMAT | 086 100 0366
EMERGENCY RESPONSE | 083 253 6618

B-BBEE Level One Contributor
+ 51% Black Ownership | 34% Black Women Ownership

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MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO

INFORMATION ACT 2 OF 2000 AND

THE PROTECTION OF PERSONAL INFORMATION ACT OF 2013 PREPARED

BY SPILL TECH (PTY) LIMITED

This Manual applies to Spill Tech (Pty) Limited
(herein also referred to as “Spill Tech” or “the Company”)
Registration Number: 2016/210417/07

Registered Office Address: 580 Umbilo Road, Congella, Kwazulu-Natal 4001

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1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) grants third parties the right to request private and public bodies access to information held by them if the information is required in the exercise and/or protection of any rights. On receipt of a request for information in terms of the Act, the private or public body is obliged to release the requested information, unless PAIA expressly states that the requested records may or must not be released. This Manual informs requesters of Spill Tech’s procedural and other requirements which a request. In for information in terms of PAIA must meet.

1.1 OUR NATURE OF BUSINESS

Spill Tech is an Environmental Waste Management Company. Spill Tech offers nationwide rapid spill response, waste management, specialised clean-up activities including fire debris removal, confined space cleaning, asbestos removal and bioremediation. As a turn-key and highly specialised company, Spill Tech supply and import an extensive range of top class chemical and oil absorbent materials.

OUR CONTACT DETAILS

Name of Company: Spill Tech Pty Ltd
Chief Executive Officer: Gerald Carmody
Information Officer: Raymon Rocher
Postal Address: P O Box 17104, Congella, Durban, 4001
Physical Address: 580 Umbilo Rd, Durban, 4013
Telephone: (031) 206 0919
Facsimile: 086 688 6852
E- Mail: info@spilltech.co.za

2. GUIDE OF HUMAN RIGHTS COMMISSION/INFORMATION REGULATOR

A guide to the Act as referred to in section 10 of PAIA is available from the Human Rights Commission. The guide contains information that may reasonably required by a person who wishes to exercise any right provided for in PAIA.

Please direct any queries to: The Human Rights Commission: PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041
Telephone: (011) 484 8300
Facsimile: (011) 484 7146
Website: www.sahrc.org.za.
E-Mail: PAIA@sahrc.org.za

Alternatively, you can contact the PAIA Unit’s successor, The Information Regulator (South Africa) SALU Building, 316 Thabo Sehume Street, Pretoria

Ms. Mmaoroke Mphelo
Telephone: 012 406-4814
Facsimile: 086 500 3351
E-Mail: infoereg@justice.gov.za

3. ACCESS TO RECORDS HELD BY THE COMPANY

Records held by the Company may be accessed on request once the requirements for access set out in PAIA have been met by a requester. A requester is defined in PAIA as any person making a request for access to a record of the Company. PAIA distinguishes between two types of requesters:

- a) A personal requester – a requester who is seeking access to a record containing information about that requester.

Subject to the requirements of PAIA and POPIA, Spill Tech will provide the requested information, or give access to any record requested that contains the requester's personal information. Note that Spill Tech is entitled to charge the fee prescribed in PAIA for reproduction of the requested information.

- b) Other Requesters – defined in PAIA is a requester other than a personal requester who is entitled to request access to information pertaining to third parties.

In terms of the provisions of PAIA, Spill Tech is not obliged to grant access to this category of requesters before the requester fulfilled the requirements for access to information held by Spill Tech as set out in PAIA. Note that a fee for reproduction prescribed in PAIA is also payable for a request by another requester.

4. CATEGORIES OF RECORDS HELD BY SPILL TECH (SECTION 51(1)(E) OF PAIA REFERS):

Companies Act Records

- Documents of incorporation
- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers
- Share Register and other statutory registers

Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

Tax Records

- PAYE Records

- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

Personnel Documents and Records

- Employment contracts
- Employment Equity Plan (if applicable)
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records
- SETA records
- Training records
- Training Manuals

Client Documents and Records

- Contact details (telephone numbers and e-mail addresses) of clients
- Company / CC registration details
- Physical and postal addresses

Operational Records

- Spill reports
- Waste manifests
- Safe disposals
- Operational permits and authorisations
- Customer complaints register
- Policies, procedures and training

WEB PAGE

The company's web page, www.spilltech.co.za, is accessible to anyone who has access to the internet. It contains the following categories:

- Introduction
 - What we do
- About Spill Tech
 - The company
 - National footprint
 - Our people

- Accreditations
- Industries we service
 - Petrochemical
 - Food and beverage
 - Manufacturing
 - Warehousing
 - Mining
 - Oil & gas
 - Power generation
 - Road & rail transport
 - Marine
- Services we offer
 - Spill response
 - Industrial cleaning
 - Hazardous waste management
 - Contaminated land rehabilitation
 - Marine response
 - Super sucker services
- Shop
- Blog
- Gallery
- Contacts

5. PROCESSING OF PERSONAL INFORMATION

Purpose of Processing

The Company uses the Personal Information under its care in the following ways:

1.
 - Rendering service according to instructions given by clients
 - Staff administration
 - Keeping of accounts and records
 - Complying with tax laws

Categories of Data Subjects and their Personal Information

The Company may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

Entity Type	Personal Information Processed
Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

Clients –	Names; registration number; contact details; physical and postal addresses; Tax related information; confidential correspondence
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;

Categories of Recipients for Processing the Personal Information

The Company may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to clients
- Conducting due diligence checks;
- Administration of the Collective Investment Schemes;

Actual or Planned Trans border Flows of Personal Information

The Company may transfer data trans-border in order to store data with third party cloud storage providers.

General Description of Information Security Measures

The Company employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of the Company are contracted to implement security controls.

6. REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED

Internal Remedies

The Company does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will 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's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

7. REQUEST PROCEDURE

- A requester must comply with all the procedural requirements in PAIA relating to a request for access of a record. This entails completion of the prescribed form enclosed in this manual as Appendix 1 and submit this form together with the requested fee and a deposit (if applicable), to the information officer at the postal or physical address, fax number, or electronic mail address mentioned in paragraph of this Manual.
- The form must:
 - provide sufficient particulars to at least enable the information officer to identify the record/s requested and to identify the requester,
 - indicate which form of access is required,
 - specify a postal address or fax number of the requester in the Republic,
 - state that the record is required for the exercise or protection of that right, and clearly state what the nature of the right is to be exercised or protected,
 - provide an explanation why the requested record is required for the exercise or protection of that right,
 - if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner.
- If the request is made on behalf of another person, the requester is required to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

Spill Tech will process a request within 30 (thirty) days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this timeframe cannot be complied with.

The information officer must notify the requester in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. g the requester to pay the prescribed fee before further processing the request.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

8. DECISION

Spill Tech will, within thirty (30) days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The thirty (30) day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than thirty (30) days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30 (thirty) day period. The information officer will notify the requester in writing should an extension be necessary.

9. FEES

PAIA provides for two types of fees: A request fee and an access fee.

A request fee will be a standard fee of R50,00 (Fifty Rand) for private bodies.

The access fee, which will be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable.

When a request is received by the information officer of the Company, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The information officer shall withhold a record until the requester has paid the fee or fees as indicated.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

10. LIST OF APPLICABLE LEGISLATION

Records of the Company's and other legal entities in which the Company has a direct controlling interest or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company and/or its subsidiaries from time to time:

- Basic Conditions of Employment Act 57 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 Copyright Act 98 of 1978;
- Currencies and Exchanges Act 9 of 1993;
- Electronic Communications and Transactions Act 25 of 2002 Employment Equity Act 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Financial Institutions (Protection of Funds) Act 28 of 2001 Financial Services Board Act 97 of 1990;
- Income Tax Act 58 of 1962;
- Inspection of Financial Institutions Act 80 of 1998 Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- Prevention of Organised Crime Act 121 of 1998;
- Prevention and Combating of Corrupt Activities Act 12 of 2004 Promotion of Access to Information Act 2 of 2000;
- Protected Disclosures Act 26 of 2000;
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004 Skills Development Act 97 of 1998;
- Skills Development Levy Act 9 of 1999 Securities Transfer Tax Act 25 of 2007;
- Securities Transfer Tax Administration Act 26 of 2007 Trade Marks Act 194 of 1993;
- Trust Property Control Act 57 of 1988 Unemployment Insurance Act 30 of 1966;
- Unemployment Insurance Contributions Act 4 of 2002 Value Added Tax Act 89 of 1991.

11. REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED

Internal Remedies

The Company does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will have to exercise such external

remedies at their disposal if a request is refused, and therequestor is not satisfied with the response provided by the information officer.

External Remedies

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

12. AVAILABILITY OF THE MANUAL

The Manual is available for inspection, on reasonable prior notice, at Spill Tech's office free of charge.

Copies of the Manual is also available from the SAHRC/ the Information Regulator.

Signed on behalf of Spill Tech on this _____ day of _____ 2021.

PRESCRIBED REQUEST 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 <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names and surname:

Identity number:

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
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.	

1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE