



**PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)  
MANUAL FOR**

**HILLCREST ESTATE DURBANVILLE (PTY) LTD**

**IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT**

## 1. INTRODUCTION AND PURPOSE OF THE MANUAL

- 1.1. This Manual has been prepared in accordance with section 51 of the Act and is aimed at assisting potential requesters in requesting access to information (documents or records) from Haw & Inglis Civil Engineering (Pty) Ltd, its subsidiaries and associates as contemplated under the Act. The names of the relevant subsidiaries and associates are annexed hereto and marked "Annexure A".
- 1.2. The Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be made available on the Hillcrest Estate Durbanville website and at its offices.
- 1.3. The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to the Act.

## 2. SCOPE OF APPLICATIONS

This manual has been prepared in respect of Hillcrest Estate Durbanville (Pty) Ltd, hereinafter referred to as "HILLCREST".

## 3. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT: CONTACT DETAILS

<b>Name of private body</b>	Hillcrest Estate Durbanville
<b>Information Officer (IO)</b>	Kristel Van Tonder
<b>Email address of IO</b>	<a href="mailto:informationofficer@hillcrestfarm.co.za">informationofficer@hillcrestfarm.co.za</a>
<b>Postal address</b>	Private Bag X3, Durbanville 7551
<b>Physical address</b>	Race Course Road Hillcrest Estate Durbanville 7550
<b>Phone number</b>	021 970 5800
<b>Fax number</b>	021 976 8802
<b>Website</b>	<a href="http://www.hillcrestfarm.co.za">www.hillcrestfarm.co.za</a>

## 4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A guide has been prepared by the South African Human Rights Commission (SAHRC) in accordance with section 10 of the Act. The guide contains such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. (The transfer of functions of the Act from the SAHRC to the Information Regulator effective from 30 June 2021.)

This guide is available from the SAHRC and the Information Regulator at their address as detailed below:

<b>SAHRC</b>	
<b>Division</b>	PAIA UNIT
<b>Physical address</b>	Braampark Forum 3, 33 Hoof Street Braamfontein
<b>Phone number</b>	011 877 3600
<b>Fax number</b>	011 403 0668
<b>Email</b>	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>
<b>Website</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
<b>Information Regulator</b>	
<b>Physical address</b>	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
<b>Email</b>	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>
<b>Website</b>	<a href="http://www.justice.gov.za/infoereg/index.html">www.justice.gov.za/infoereg/index.html</a>

## 5. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(c)

No notice in terms of Section 52(2) of the Act, regarding the categories of records of HILLCREST which are available without request, has been published.

The information regarding HILLCREST is accessible at [www.hiconstruction.co.za](http://www.hiconstruction.co.za) without request. The website contains various categories of information relating to HILLCREST.

## 6. THE PROCESSING OF PERSONAL INFORMATION

- 6.1 HILLCREST collects information from its businesses and website, which information may be personal information and which information is protected under the Protection of Personal Information Act (POPIA).
- 6.2 HILLCREST collects personal information where it has obtained the consent of the person to whom the information belongs and where:
- 6.2.1 processing complies with an obligation imposed by law on HILLCREST;
  - 6.2.2 HILLCREST has a legitimate requirement to use or process such information; or
  - 6.2.3 HILLCREST meets its responsibilities to clients, employees and other natural or juristic persons.
- 6.3 HILLCREST may disclose personal information lawfully to:
- 6.3.1 any regulatory authority and the regulators they appoint for the various sectors;
  - 6.3.2 comply with any regulation passed under the relevant legislation, or any legal process;
  - 6.3.3 protect and defend HILLCREST 's rights and property (including its intellectual property);
  - 6.3.4 protect public interest; or
  - 6.3.5 legal advisors or similar service providers with the appropriate undertakings to protect the information.
- 6.4 HILLCREST may supply employee personal information to:
- 6.4.1 recruitment companies; or
  - 6.4.2 credit Bureau.
- 6.5 Where HILLCREST uses the services of third parties to process personal information, HILLCREST will ensure that the necessary contractual measures are in place to protect against loss or disclosure of such personal information.

## 7. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION PROCESSED BY THE COMPANY

Categories of data subjects and personal information processed by the Company include the following:

<i>Categories of Data Subject</i>	<i>Personal Information Processed</i>
Clients / Prospective Clients: Natural Persons	Names; contact details; physical and postal Addresses; dates of birth; identification numbers; financial information; nationality; confidential correspondence.
Clients / Prospective Clients: Juristic Persons	Names of contact persons; name of legal entity; physical / postal addresses and contact details; financial information; registration number; founding documents and related information; authorised signatories; information of connected parties
Contracted Service Providers / Vendors	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; authorised signatories; BEE Certificates.

<i>Categories of Data Subject</i>	<i>Personal Information Processed</i>
Employees / Potential Employees / Contracted staff members	Gender; marital status; race; age; language; identity number; physical and postal addresses and contact details; financial information; pregnancy status; educational information, employment history, medical history, criminal history, opinions

## 8. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

HILLCREST keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
- Electronic Communications Act, 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 95 of 1967
- Labour Relations Act, No. 66 of 1995
- Occupational Health & Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Protection of Personal Information Act no. 4 of 2013
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

## 9. CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)

The following are the subject and categories of records held:

### 9.1. Human resources

- Personal records of the personnel
- Employments contracts
- Medical Aid records
- Pension fund and retirement benefit records
- Disciplinary records
- Salary records
- Training Records
- Correspondence relating to personnel
- Attendance & Leave records
- UIF Returns

- Internal policies and procedures
- Payroll
- Salary and wage register
- Expense accounts
- Workmen's compensation documents

#### 9.2. **Secretarial**

- Memorandum of Incorporation
- Minutes of the Board of Directors
- Shareholder agreements
- Company Register
- Records relating to the appointment of directors/auditors
- Share Certificates & Register
- Resolutions
- Minute Book
- Proxy Forms
- Company forms lodged with the Registrar in terms of the Companies Act

#### 9.3. **Financial and administration**

- VAT Records
- PAYE records
- Fixed asset register
- Banking records
- UIF Records
- Management reports
- Invoices
- Debtors and creditors information
- Annual financial statements
- Books of account
- Sales invoices with supporting documentation
- Purchase orders
- Income tax returns
- Costing records

#### 9.4. **Information Management and Technology**

- Services Level Agreements
- Equipment Register
- Policies, Procedures and guidelines
- Licensing agreements

#### 9.5. **Marketing and communication**

- Marketing strategies
- Communications strategies

- Agreements
- Brochures, Newsletters and Advertising materials

9.6. **Operations**

- Access control records
- Archival Administration Documentation
- Insurance (insurance arrangements, policies and claims)
- Asset register
- BEE Statistics

9.7. **Safety Records**

- Safety manuals
- Occupational Health and Safety records
- Records of incidents in the workplace

9.8. **Customer/Clients and third parties related records**

- Contracts with Clients
- All records provided by the Client has provided to HILLCREST or third party acting for or on behalf of HILLCREST
- Records, reports, designs and the like generated by HILLCREST for their Clients
- Records generated pertaining to the Client, including transactional records
- Correspondence with Clients and third parties
- Other information relating to, or held on behalf of Clients

9.9. **Insurance Records**

- Short term insurance schedules and claim reports.
- Insurance policies taken out for the benefit of HILLCREST and its employees.

9.10. **Immovable and Movable Property**

- Agreements of lease of immovable property occupied by HILLCREST
- Credit sale agreements and/or hire purchase agreements
- Other agreements for the purchase, ordinary sale, conditional sale or hire of assets

9.11. **Information Technology**

- Computer software, support and maintenance agreements
- Other documentation pertaining to computer systems and computer programmes held by HILLCREST

9.12. **Other records**

- Legal proceedings records
- Security agreements, guarantees and indemnities.
- Agreements with suppliers
- Confidentiality and/or non-disclosure agreements
- Any other relevant agreements

9.13. **System Documentation**

- Products
- Templates

- Resources

#### 9.14. Personnel records

Personnel refers to any person who works for or provides services to or on behalf of HILLCREST and receives or is entitled to receive any form of remuneration and any other person who assists in carrying out or conducting the business of HILLCREST. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to HILLCREST by our personnel;
- Any records a third party has provided to HILLCREST regarding any of its personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation records; and
- Other internal records and correspondence

### 10. INFORMATION SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

10.1. HILLCREST is committed to developing appropriate safeguards to make sure that personal data is kept secure and confidential and is protected against reasonably anticipated threats to its security or integrity, and against unauthorised access or use that might result in substantial harm or inconvenience to data subjects.

10.2. Reasonable technical and organisational measures are implemented for the protection of personal information processed by HILLCREST.

10.3. HILLCREST continuously implements and monitors technical and organisational security measures to protect personal information against unauthorised access as well as accident or willful manipulation, loss, or destruction.

### 11. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)

All records shall only be made available subject to the provisions of the Act.

#### 11.1. Form Of Request

11.1.1. When making a request to access a record, the requester must use the prescribed form attached hereto and marked (Annexure C), addressed to the information officer.

11.1.2. The requester must provide sufficient detail on the request form to allow for the identification of the record and the requester. The requester should also indicate which form of access is required and specify a postal address in the Republic of South Africa or email address.

11.1.3. The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

11.1.4. If a request is being made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request.

#### 11.2. Fees

11.2.1. A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee.

11.2.2. Where fees are payable these are detailed in the request form.

11.2.3. If the request is granted, a further fee will be payable for the search, preparation, and reproduction of the record.

- 11.2.4. The requester may lodge an application to the court against the tender or payment of the request fee or may lodge a complaint with the Information Regulator.

### **11.3. Decision**

- 11.3.1. The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request, providing reasons to that effect.
- 11.3.2. The 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 30 days if reasonably required under the circumstances.
- 11.3.3. If the request for access is refused the requester may lodge an application to court or alternatively, lodge a complaint with the Information Regulator.

### **11.4. Grounds for Refusal**

Grounds on which HILLCREST may refuse a request for information relates to the –

- 11.4.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (section 63);
- 11.4.2. Mandatory protection of the commercial information of a third party, if the record contains –
- 11.4.2.1. Trade secrets of that third party;
  - 11.4.2.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 11.4.2.3. Information disclosed in confidence by a third party to HILLCREST, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);
- 11.4.3. Mandatory protection of the safety of individuals and the protection of property (section 66);
- 11.4.4. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
- 11.4.5. Mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- 11.4.6. The commercial activities of HILLCREST, which may include –
- 11.4.6.1. Trade secrets of HILLCREST;
  - 11.4.6.2. Financial, commercial, scientific or technical information which if disclosed would likely cause harm to the financial or commercial interests of HILLCREST;
  - 11.4.6.3. Information which, if disclosed could put HILLCREST at a disadvantage in negotiations or commercial competition;
  - 11.4.6.4. A computer program which is owned by HILLCREST, and which is protected by copyright (section 68);
- 11.4.7. Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

### **11.5. Prescribed Fees and Forms in respect of Private Bodies**

The prescribed fees and form for requests to private bodies, are attached hereto and are marked "Annexure B" and "Annexure C" respectively and are available on the websites of the Information Regulator, <https://www.justice.gov.za/infoleg/docs.html> and the SAHRC, [www.sahrc.org.za](http://www.sahrc.org.za).

## **12. REMEDIES AVAILABLE WHEN HILLCREST REFUSES A REQUEST FOR INFORMATION**



### **12.1 Internal Remedies**

HILLCREST does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

### **12.2 External Remedies**

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

### **12.3 Availability of this Manual**

A copy of this manual is available on our website ([www.hillcrestfarm.co.za](http://www.hillcrestfarm.co.za)) or by sending a request for a copy to the Information Officer by e-mail. The manual may also be inspected at the address set out above. In addition, this manual can be accessed through the SAHRC at its address set out above. This manual will be updated from time to time, as and when required.

## **Annexure A: Fee Schedule**

### **GENERAL: VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

### **PART I**

#### **FEES IN RESPECT OF GUIDE**

The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

### **PART II**

#### **FEES IN RESPECT OF PUBLIC BODIES**

Not applicable to HILLCREST

### **PART III**

#### **FEES IN RESPECT OF PRIVATE BODIES**

1. 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.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
  - a. For every photocopy of an A4-size page or part thereof R1,10
  - b. For every single sided printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
  - c. For a copy in a computer-readable form on –
  - d.
    - i.
    - ii. For a copy of visual images R60,00
  - e.
    - i.
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
  - a. For every photocopy of an A4-size page or part thereof R1,10
  - b. For every single sided printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
  - c. For a copy in a computer-readable form on –
    - ii. For a copy of visual images R60,00
  - d.
    - i.
  - e. 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.
5. For 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.
6. The actual postage is payable when a copy of a record must be posted to a requester.

## **Annexure B: 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:**

**Information Officer:** Kristel Van Tonder

**Postal address:** Private Bag X3, Durbanville, 7551

**E-mail address:** [informationofficer@hillcrestfarm.co.za](mailto:informationofficer@hillcrestfarm.co.za)

**Telephone number:** 021 970 5800

### **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, email 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 ONLY 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.**

**Description of record or relevant part of the record:**

**Reference number, if available:**

**Any further particulars of record:**

<b>Initial</b>
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**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:**

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.

Mark the appropriate box with an X			
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 images
			Transcription of 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*

*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.	<b>YES</b>	<b>NO</b>
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available
In which language would you prefer the record?

<b>Initial</b>
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**G. Notice of decision regarding request for access**

Requesters 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?**

**H. 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.

**Explain why the record requested is required for the exercise or protection of the aforementioned right:**

Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

**SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Surname