

**MANUAL IN COMPLIANCE WITH SECTION 51
OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000**

**J TOLONEN SERVICES CC
Registration No 1999/018419/23**

Introduction

J Tolonen Services cc (JTS) is a consulting company based in the Johannesburg area in South Africa. We provide multiple services to companies and individuals. Our main aim is to help customers to be more productive and technically competitive. We offer new highly productive working methods and services using our own developed proprietary computer programs. Our main field of expertise are pipe work erection and compensator design.

Additionally we offer specialized computer training, software development, project handling and drawing work in 3D.

Contact Details

Postal Address

P.O. Box 20
Allens Nek
1737
South Africa

Street Address

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Weltevreden Park
Roodepoort
South Africa

Telephone Numbers

+27 11 679 1724 Phone
086 645 4386 Fax

E mail

Info@jat.co.za

Website

<http://www.jat.co.za>

The section 10 guide on how to use the act

The guide will be available from the South African Human Rights Commission by not later than August 2003. 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: <http://www.sahrc.org.za>

E-mail: PAIA@sahrc.org.za

Records available in terms of other legislation

Records, which applicant is able to prove to be required and to be made available by a valid South African legislation at the time of application, will be made available within the scope of this manual. The following is a list of possible acts, which may be used for an application.

- Basic Conditions of Employment Act No. 75 of 1997
- Closed Corporations Act No. 69 of 1984
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Currency and Exchanges Act No. 9 of 1933
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Occupational Health & Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Regional Services Councils Act No. 109 of 1985
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Trade Marks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

Subjects and categories of records held by the company

J Tolonen Services holds the following records:

- Personnel records
- Client-related records
- Private records of the company's affairs

Most of the records held are customer related, only in an electronic form, are confidential and require special software to view.

Request procedures

General information of the company and its products is available free of charge from the company's web site as given in this manual. Additional information concerning the services and products may be requested using the contact details given. Such information requests do not fall into the scope of the act and therefore the application procedures or fees do not apply.

To request a document in terms of the Act, the requester must use the prescribed form. This must be submitted to the Information officer of JTS using contact details as listed in this manual. The requester must provide sufficient detail to enable the company to identify the record and the requester. The requester must identify the right that he/she is seeking the exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right. If the request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request. The Information Officer will make a decision whether to grant the request. The prescribed fee for processing the request will be required prior to the undertaking the search, reproduction and preparation of any document.

Any request for information must:

- identify the record(s) requested;
- identify the requester;
- specify a postal address or fax number of the requester within the Republic of South Africa;
- identify the right the requester is seeking to exercise or protect and provide an explanation of why the information requested is required for exercise or protection of such right;
- state the manner in which the requester wishes to be informed of the decision on the request, if other than or in addition to a written reply;
- indicate which form of access is required;
- submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the head of JTS if the request is being made on behalf of a person.

The requester shall be obliged to pay the prescribed request fee before JTS processes a request.

The Company may withhold a record until the request fee and the deposit (if applicable) have been paid.

Requestor other than personal requestor

The information officer must give written notice to a requestor other than a personal requestor of the request fee and amount to be paid before the request may be further processed.

If in the information officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the information officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

The notice given by the information officer must advise the requestor that s/he has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

Personal requestor

A personal requestor is described in terms of the Act as a requestor seeking access to a record containing information about the requestor.

A personal requestor is not liable to pay a request fee, is liable for payment of access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

Grounds for refusal of a request

Notwithstanding compliance with the act, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

Section 63 prohibits the unreasonable disclosure of the personal information of natural person third parties to requestors. This includes the personal information of deceased persons. Section

63(2) does provide exceptions to this, details of these exceptions need not be included in the manual, but must be borne in mind by an information officer considering such a request.

Section 64 mandates that a request must be refused if it relates to records containing third party information pertaining to:

- trade secrets;
- financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party;

or

- information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

In terms of Section 66, a private body must refuse a request if disclosure could reasonably be expected to:

- endanger the life or physical safety of an individual;
- prejudice or impair the security of a building, structure or system, means of transport, or other property; or
- methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. The private body may refuse access to a record if the record:

- contains trade secrets of the private body;

- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the private body;
- contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice the private body in commercial competition; or
- consists of a computer program owned by the private body.

Notwithstanding the above, the information must be released if it pertains to the results of products or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the private body itself.

Notwithstanding any of the abovementioned provisions, section 70 provides that a record must be disclosed if its disclosures would:

- reveal evidence of a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk; and
- the public interest in the disclosure clearly outweighs the harm.

Fees

The fee for a copy of the manual is R30,50 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 or part thereof R10,50
- For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form R10,20
- For every A3 or larger size document in printed format R165,00
- Any colour A4 size page in paper format R80,50
- Any colour A3 or larger size page in paper format R245,00

- For a copy in a computer readable form on
 - compact disc R280,00 per disk
- The request fee payable by a requestor, other than a personal requestor, referred to in regulation 11(2) is R500,00.
- The access fees payable by a requestor referred to in regulation 11(3) are same as above.
- To search for and prepare the record for disclosure, R930,00 for each hour or part of an hour. Estimated number of hours will be given if the request for information has been accepted.
- The actual postage is payable when a copy of a record must be posted to a requestor.

Forms

A requester must use the form that has been printed in the Government Gazette [Govt. Notice R187- 15 February 2002 Form A].

Other Information

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

Availability of the manual

This manual is available for inspection at the company's offices free of charge during office hours.

Copies are available at the South African Human Rights Commission and on the company's website <http://www.jat.co.za>.

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