

## **INFORMATION MANUAL OF DWYKA MINING SERVICES**

### **(PAIA MANUAL)**

**Prepared in accordance with Section 51 of the Promotion of Access to  
Information Act  
2/2000 (“the Act”)**

## INDEX

1. INTRODUCTION .....	3
2. COMPANY OVERVIEW .....	3
3. COMPANY CONTACT DETAILS (SECTION 51 (1) (a)) .....	4
4. THE ACT (SECTION 51 (1) (b)) .....	4
5. APPLICABLE LEGISLATION (SECTION 51 (1) (c)) .....	5
6. SCHEDULE OF RECORDS (SECTION 51 (1) (d)) .....	6
7. FORM OF REQUEST (SECTION 51 (1) (e)).....	7
8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL.....	7
9. PRESCRIBED FEES.....	8

## **1. INTRODUCTION**

On 9 March 2001, new legislation was enacted called the Promotion of Access to Information Act of 2000 (herein after referred to as “the Act”). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person. Therefore, Dwyka Mining Services (DMS) is regarded as a “private body” and both the manual and the requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies. This document serves as the Dwyka Mining Services manual in terms of the abovementioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

## **2. COMPANY OVERVIEW**

Dwyka Mining Services (Pty) Ltd is a LOGS compliant entity established as a mining technology platform offering solutions in the form of products and services including underground installations.

REG NO: 990000873501

Nature of business: MINING CONSULTING SERVICES

The business has grown and evolved to supplying products and niche systems integration services to complement the previous consulting services offered to our mining clients. With strict enforcement of the nature of business at our clients please can you alter this to read:  
Nature of business: MINING TECHNOLOGY SUPPLIER OF PRODUCTS/SERVICES AND SYSTEMS INTEGRATOR

### **3. COMPANY CONTACT DETAILS (SECTION 51 (1) (a))**

The Chief Executive Officer of Dwyka Mining Services is the designated Information Officer below in terms of the Act to handle all requests on DMS's behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner. In the case that the CEO is unable to fulfil the duties of his role the Operations Manager at DMS has been nominated as the Deputy Information Officer.

#### **Information Officer**

Name: James van Schoor

Designation in DMS: CEO

Tel: 0825636267

Email: [jamienvs@dwykaminig.africa](mailto:jamienvs@dwykaminig.africa)

#### **Deputy Information Officer**

Name: Rethabile Letlala

Designation in DMS: Operations Manager

Tel: 0796543141

Email: [rethabilel@dwykaminig.africa](mailto:rethabilel@dwykaminig.africa)

#### **Physical Address:**

59 Pelindaba Rd (R512)

Lanseria

South Africa

1748

### **4. THE ACT (SECTION 51 (1) (b))**

- 4.1. 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.
- 4.2. 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.
- 4.3. 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.

The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## **5. APPLICABLE LEGISLATION (SECTION 51 (1) (c))**

Copyright Act No 98 of 1978

Employment Equity Act No 55 of 1998

Income Tax Act No 95 of 1967

Labour Relations Act No 66 of 1995

Value Added Tax Act No 89 of 1991

Basic Conditions of Employment Act No 75 of 1997

Electronic Communications and Transactions Act No 25 of 2002

Promotion of Access of Information Act No 2 of 2000

Constitution of the Republic of South Africa Act, No 108 of 1996

Consumer Protection Act, No 68 of 2008

The Mine Health and Safety Act No. 29 of 1996;

The Occupational Health and Safety Act No. 85 of 1993;

The Hazardous Substances Act No. 15 of 1973;

Companies Act No. 71 of 2008;

Customs and Excise Act No. 91 of 1964;

Unemployment Insurance Act No. 30 of 1966;

The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;

The Aviation Act No. 74 of 1962;

National Environmental Management: Protected Areas Act No 57 of 2003;

Broad-Based Black Economic Empowerment Act No 53 of 2003

## 6. SCHEDULE OF RECORDS (SECTION 51 (1) (d))

Records	Subject	Availability
Financial Records	Accounting Records	Not available
	Annual Financial Statements	Not available
	Tax Records	Not available
	VAT Records	Not available
	Budgets	Not available
	Purchasing records	Request in terms of PAIA
	Sales records	Request in terms of PAIA
	Audit records	Not available
	Asset Register	Request in terms of PAIA
Administrative, Logistics and Sales Records	Contracts and agreements	Request in terms of PAIA
	General correspondence	Limited information available
	Employee records	Request in terms of PAIA
	Administrative records	Request in terms of PAIA
	Insurance records	Request in terms of PAIA
	Vehicle records	Request in terms of PAIA
Technical Records	Flight records	Request in terms of PAIA
Communications	Public customer information	Request in terms of PAIA
	Customer database	Request in terms of PAIA
	Marketing strategies	Limited information available
	Marketing brochures	Freely available
	Product brochures	Freely available on website
	User manuals	Freely available
Information Technology	Agreements	Request in terms of PAIA
	Disaster Recovery	Request in terms of PAIA
	Hardware and Software Packages	Limited information available
	Policies and Procedures	Freely available
	Internal Systems Support and Programming	Limited information available
		Request in terms of PAIA
	Licenses	Limited information available
	Operating Systems	Request in terms of PAIA

## **7. FORM OF REQUEST (SECTION 51 (1) (e))**

To facilitate the processing of your request, kindly:

- 7.1. Use the prescribed form C, which is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za)
- 7.2. Address your request to the Head of the Company (CEO).
- 7.3. Provide sufficient details to enable the COMPANY to identify:
  - 7.3.1. The record(s) requested;
  - 7.3.2. The requester (and if an agent is lodging the request, proof of capacity);
  - 7.3.3. The form of access required;
  - 7.3.4. The postal address or fax number of the requester in the Republic;
  - 7.3.5. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - 7.3.6. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## **8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL**

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

### **8.1. Requests may be refused on the following grounds, as set out in the Act:**

- 8.1.1. Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- 8.1.2. Mandatory protection of commercial information of a third party or DMS, if the record contains:
- 8.1.3. Trade secrets of the third party or DMS;
- 8.1.4. Financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or DMS; and
- 8.1.5. Information disclosed in confidence by a third party to DMS if the disclosure could put that third party to a disadvantage or commercial competition.

- 8.1.6. Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- 8.1.7. Mandatory protection of the safety of individuals, and the protection of property;
- 8.1.8. Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- 8.1.9. Mandatory protection of research information of a third party and of DMS.

## 8.2. Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

## 9. PRESCRIBED FEES

The following applies to requests (other than personal requests):

- 9.1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 9.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 9.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 9.4. Records may be withheld until the fees have been paid.

The fee structure is indicated below:

Activity	Fee
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.

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.