



**POLICY STATEMENT AND MANUAL OF:**

**PROMOTION OF ACCESS TO INFORMATION**

**FOR**

**PRODIST PROPRIETARY LIMITED and all its subsidiaries**

**(hereinafter referred to as “Prodist”)**

**(Registration number 1984/008258/07)**

**Last Updated: November 2015**

## **A: Prepared in accordance with section 51 of the Promotion of Access to Information Act, No 2 of 2000 (Private Body)**

### **1 INTRODUCTION**

In terms of Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No.108 of 1996 every person has a right to access information. In order to fulfil this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 ("**the Act**") was assented to by Parliament.

The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, public and private companies as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right of access to information is to:

- Foster a culture of transparency and accountability in both public and private bodies.
- Promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Section 9 of the Act however recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitation aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

### **2 PURPOSE**

The purpose of this manual is to facilitate requests for access to information of Prodist and its subsidiaries.

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to Prodist in terms of the Act.

Prodist makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Prodist shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Prodist or from any error therein.

All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Prodist.

### 3 BACKGROUND INFORMATION OF PRODIST

Background information on Prodlist is available on the Prodlist Website – [www.prodlist.co.za](http://www.prodlist.co.za).

### 4 THE MAIN BUSINESS ACTIVITIES OF PRODIST

Prodlist is a wholesale distributor of agricultural requirements, hardware, tools, general merchandise, agricultural spare parts and irrigation. The business is conducted from warehouses in Pomona (Kempton Park) and Bethlehem

### 5 THE HOLDING AND SUBSIDIARY COMPANIES OF PRODIST

NAME	REGISTRATION NO
Senwesbel Limited (Holding company) Holding company of Senwes Limited	1996/017629/06
Senwes Limited	1997/005336/06
Afgri Operations Limited	1995/005872/06
Legendary Retail Brands Limited	2009/009190/06
Hinterland SA Proprietary Limited	2012/035806/07
Partmaster proprietary Limited	1999/003900/07

## PART I

### 6 CONTACT DETAILS

#### INFORMATION OFFICER

- **Name:** The Financial Director – Kobus Meintjes;
- **Postal address:** Private Bag X2, Bonaero Park, 1622;
- **Telephone number:** 010 045 0700;
- **Facsimile number:** 086 206 5594;
- **E-mail address:** [kobus.meintjes@prodlist.co.za](mailto:kobus.meintjes@prodlist.co.za).

#### DEPUTY INFORMATION OFFICER

- **Name:** Financial Manager – Riana Lerm;
- **Postal address:** : Private Bag X2, Bonaero Park, 1622;
- **Telephone number:** 010 045 0700;
- **E-mail address:** [riana.lerm@prodlist.co.za](mailto:riana.lerm@prodlist.co.za)

## 7 GENERAL INFORMATION OF PRODIST

- **Name of Private Body:** Prodist (Pty) Ltd;
- **Physical Address:** 58 Maple Street, Pomona, Kempton Park;
- **Postal Address:** : Private Bag X2, Bonaero Park, 1622;
- **Telephone Number:** 010 045 0700;
- **Website:** www.prodist.co.za

## PART II

## 8 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The guide referred to in Section 10 of the Act has at the time of publication not yet been compiled by the South African Human Rights Commission. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to the **SOUTH AFRICAN HUMAN RIGHTS COMMISSION, AT PIAI UNIT, THE RESEARCH AND DOCUMENTATION DEPARTMENT, Private Bag X2700, HOUGHTON, 2041; Telephone Number: (011) 484-8300, Facsimile Number: (011) 484-1360, Website: [www.sahrc.org.za](http://www.sahrc.org.za); E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).**

## PART III

## 9 THE FOLLOWING RECORDS ARE AVAILABLE IN TERMS OF SECTION 51(1)(D) OF THE ACT.

Prodist has records available in terms of the following legislation of the Republic of South Africa:

- Basic Conditions of Employment Act, No. 75 of 1997;
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Competition Act, No. 89 of 1998;
- Constitution of the Republic of South Africa Act, No. 108 of 1996;
- Credit Agreement Act, No. 75 of 1980;
- The Criminal Procedure Act, No. 51 of 1977;
- Debt Collectors Act, No. 114 of 1998;
- Deed Registries Act, No. 47 of 1937;
- Employment Equity Act, No. 55 of 1998;
- Financial Intelligence Centre Act, No. 38 of 2001;
- Identification Act, No. 68 of 1997;
- National Credit Act, No. 34 of 2005
- Insolvency Act, No. 24 of 1936;
- Inspection of Financial Institutions Act, No. 18 of 1998;
- The Labour Relations Act, No. 66 of 1995;
- The Long Term Insurance Act, No. 52 of 1998;
- Pension Funds Act, No. 24 of 1956;
- Short Term Insurance Act, No. 53 of 1998;
- Skills Development Levies Act, No. 9 of 1999;
- Unemployment Insurance Act, No. 63 of 2001;
- Unit Trust Control Act, No. 54 of 1981;
- Value Added Tax Act, No. 89 of 1991;
- Electronic Communication and Transactions Act, No. 25 of 2002;
- Financial Advisory and Intermediary Service Act, No. 37 of 2002;
- Patents, Designs and Copyright Merchandise Marks Act, No. 17 of 1941;

- Income Tax Act, No. 58 of 1962;
- Occupational Health and Safety Act No. 85 of 1993;
- Co-operatives Act No. 14 of 2005;
- Customs and Excise Act No. 91 of 1964;
- Insider Trading Act No. 135 of 1998;
- Prevention of Organised Crime Act No. 121 of 1998;
- Road Transportation Act No. 74 of 1977;
- Stock Exchanges Control Act No. 54 of 1995;
- Transfer Duty Act No. 40 of 1949;
- Machinery and Occupational Safety Amendment Act No. 181 of 1993;
- National Payment Systems Act No. 78 of 1998;
- National Water Act No. 36 of 1998;
- Prescription Act No. 68 of 1969;
- Trademark Act No. 194 of 1993;
- Intellectual Property Laws Amendment Act No.38 of 1997
- Financial Markets Act No. 19 of 2012

#### **PART IV**

### **10 INFORMATION AVAILABLE IN TERMS OF SECTION 52 OF THE ACT**

Inspection of the company registers and records pertaining to:

- Directors and officers;
- Interests of directors;
- Shareholders;
- Allotments;
- Minutes of meetings of members (only shareholders);
- Licences and permits;
- Liquor Licences;
- Stock remedies and poisonous materials;
- Weapons and ammunition;
- Trademarks and commodity brochures and relevant information;
- Annual reports; and
- Interim reports.

#### **PART V**

### **11 DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY PRODIST.**

The description of the subjects and categories of records held by Prodist are the following:

#### **Incorporation documents**

- The memorandum of association of Prodist.
- The articles of association of Prodist.
- The Prodist Company registration forms.

#### **Secretarial records**

The share register of Prodist;  
 Shareholders' agreements of Prodist, including pre-emption, option and nominee agreements;  
 Minutes of general meetings of the shareholders of Prodist;

Register or list of directors of Prodist  
Minute books of internal resolutions of Prodist;  
Power of attorney agreements and a list of persons authorised to bind Prodist;  
Statutory registers of Prodist;

### **Financial records of Prodist**

- Accounting records, books and documents of Prodist.
- Interim and annual financial reports of Prodist.
- Details of the auditors of Prodist;
- Auditors' reports in respect of audits conducted on Prodist.
- Tax returns of Prodist.
- Other documents and agreements pertaining to tax;
- Financial records of Prodist.

### **Human resources / employment records**

- List of employees.
- Employee benefits.
- Documents in respect of share incentive scheme or trust;
- Information pertaining to share options, share incentives, bonus or profit sharing agreements of each employee;
- Arbitration orders and agreements;
- Attendance registers at working stations and head office;
- Any other information pertaining to employees of Prodist.

### **Pension and provident funds**

- A manual regarding the processes and rules of the pension fund;
- Lists of employees who belong to the respective funds;
- Minutes of meetings of trustees;
- Financial records of the pension and provident funds.

### **Insurance records**

- Family insurance;
- Company life insurance;
- Spouse insurance;
- Disability insurance;
- Retirement insurance.

### **Immovable and movable property**

- Asset register;
- Title deeds of any land owned by Prodist.
- Agreements for the lease or sale of land and/or other immovable property by Prodist.
- Agreements for the lease of movable property by Prodist.
- Mortgage bonds, liens, notarial bonds or security interests on property.
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.

### **Client agreements**

- Agreements for the supply of production and/or trading credit;
- Security agreements, deeds, guarantees, cession and bonds for credit;
- Details of clients and correspondence;

- Invoices, receipts, credit and debit notes.

### **Miscellaneous agreements of Prodist**

- Suretyship agreements.
- Agreements for the trading activities of Prodist.
- Agency, management and distribution agreements.
- Agreements with suppliers of Prodist.
- Agreements with clients of Prodist.
- Credit facilities and letters of credit.

### **Correspondence**

- Correspondence with clients of Prodist.

## **PART VI**

### **12 THE MANNER IN WHICH THE ABOVE RECORDS WILL BE MADE AVAILABLE**

The above-mentioned records are available for public inspection at the offices of Prodist during office hours, by prior arrangement with the Information Officer, subject to the grounds of refusal mentioned in the Act.

### **13 REMEDIES AVAILABLE WHEN PRODIST REFUSES A REQUEST FOR INFORMATION**

#### **Internal Remedies**

Prodist does not have internal appeal procedures, the Courts will have to be approached if the request for information is refused. This would apply to any situation in which the requester wishes to appeal a decision made by the Information Officer.

#### **External Remedies**

A requester who is dissatisfied with an Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a 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 and the Magistrates Court.

### **14 REQUEST PROCEDURE**

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete the prescribed form, as well as payment of a request fee and a deposit, if applicable.

Prodist will process the request within 30 days.

The requester shall be informed whether access is granted or denied.

The requester must indicate that he/she requires the information in order to exercise or protect a right.

## **15 ACCESS TO RECORDS HELD BY PRODIST**

Records held by Prodist may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of Prodist.

## **16 REQUESTER**

A personal requester is a requester who is seeking access to a record containing personal information about the requester.

Prodist will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

The requester (other than a personal requester) is entitled to request access to information on third parties. However, Prodist is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **17 REQUEST**

A request for access to a record must be made on the prescribed form to the Information Officer at his/her address, facsimile number or e-mail address.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate:

- the preferred language if applicable;
- whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
- a facsimile number and/or postal address.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

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

A request must be directed to the Information Officer or any authorised persons.

The prescribed form must be sent to Prodist via mail, facsimile or may be provided to the requester by Prodist.

The requester must pay the prescribed fee, before any further processing can take place.

The form must be adequately completed, with sufficient information particularly so that the official of Prodist can identify:

- From where and from whom the request is made;
- What record(s) are being requested;
- What the access fee will be should access be granted.

## **18 FEES**

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, such 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 the search for the record has been made 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 required fees.

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 must repay the deposit to the requester.

## **19 DECISION**

Prodlist will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which Prodlist has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of Prodlist and the information cannot reasonably be obtained within the original 30 day period. Prodlist will notify the requester in writing should an extension be sought.

## **20 GROUNDS FOR REFUSAL**

The main grounds for Prodlist to refuse a request for information relate to the –

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of the commercial information of a third party;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of records which would be regarded as privileged in legal proceedings;

- mandatory protection of the commercial activities of Prodlist;
- the research information of Prodlist or a third party, if its disclosure would disclose the identity of Prodlist, the researcher or the subject matter of the research and would place the research at a serious disadvantage;and
- requests for information that are clearly frivolous or which involve an unreasonable diversion of resources shall be refused.

## **21 AMENDMENTS TO THIS POLICY**

Amendments to or a review of this Policy will take place on an *ad hoc* basis or at least once a year. Clients are advised to access our website periodically to inform themselves of any changes. Where material changes take place clients will be notified directly or will be available on the Prodlist website.

## **22 AVAILABILITY OF THE MANUAL**

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002. The manual is available at the offices of the South African Human Rights Commission and shall be published in three of the official languages in the Government Gazette.

## **23 INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 51(1)(F)**

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

## **24 INFORMATION REQUIRED IN TERMS OF SECTION 52 (2)**

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

## **25 RECORDS THAT CANNOT BE FOUND**

If Prodlist searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

## **26 THE PRESCRIBED FORMS AND FEES**

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za) under the regulations section.

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**Head of Company**

## 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]

### 1.1 A. Particulars of private body

The Head:

### 1.2 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:

### 1.3 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.

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

## 1.4 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:

## 1.5 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: <ul style="list-style-type: none"> <li>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</li> <li>(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.</li> <li>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</li> </ul>	

### 1. If the record is in written or printed form:

	copy of record*		inspection of record
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### 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*
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### 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
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### 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)
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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
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1.6 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:

1.7 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