



**FML FREIGHT SOLUTIONS**  
SERVICE DRIVEN SOLUTIONS

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# **POPI & PAIA MANUAL**

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**Table of Contents**

- 1. Introduction..... 1
- 2. Contact Details..... 1
- 3. Records available in terms of any other legislation: ..... 1
- 4. Access to records held by Freight Hub Logistics (Pty) Ltd..... 2
- 5. Who may request information or records in terms of the Act..... 5
- 6. Requester Categories ..... 5
- 7. Request Procedure ..... 5
- 8. Request fees ..... 6
- 9. Granting or refusal of requests ..... 7
- 10. Other information as may be prescribed ..... 7
- 11. Availability of the manual ..... 8

# 1. Introduction

The Promotion of Access to Information Act, 2 of 2000, seeks to provide a natural and / or juristic persons the right of access to information held by either a private or public body, subject to certain limitations, in order to enable them to exercise their rights or protect their rights.

Section 51 of the PAIA obliges private organisations to compile a Manual which would assist a person to obtain access to information held by such a private organisation and stipulates the minimum requirements that a manual must comply with.

<b>Entity Type</b>	<b>Personal Information Processed</b>
Customers: Natural Persons	Names; contact details; physical & postal addresses; date of birth; identity number; tax related information; nationality; gender; confidential correspondence
Customer: Juristic Peron / Entities	Names & contact persons; name of legal entity; physical & postal addresses; contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Contracted Service Providers	Names & contact persons; name of legal entity; physical & postal addresses; contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Employees / Directors	Gender; pregnancy; marital status; colour; race; age; language; education information; financial information; employment history; identity number; physical and postal address; contact details; opinions; criminal records; wellbeing

## 2. Contact Details

Our director is by virtue of appointment accountable for legal compliance and governance at FML Freight Solutions (PTY) Ltd.

To assist the General Manager with the administration of defined controls to ensure compliance with PAIA and POPIA, the Financial Controller is the Designated Deputy Information Officer of FML Freight Solutions (PTY) Ltd. shall be the primary point of contact. Requests pursuant to the provisions of the Act should be directed as follows:

Full Name of Organisation:	FML Freight Solutions (PTY) Ltd
Designated Information Officer:	Bianca Pienaar
Email address:	<a href="mailto:bianca@fml-freight-solutions.com">bianca@fml-freight-solutions.com</a>
Physical Address:	3 Tern Tide Birdswood Richards Bay, Kwa-Zulu, Natal South Africa 3900

Telephone No.: +27 35 786 0694

The Information Officer has delegated her/his powers to the Deputy Information Officer in terms of the PAIA Act to handle all requests on the Company's behalf and ensure that the requirements of the PAIA Act are administered in a fair, objective and unbiased manner.

## 3. Records available in terms of any other legislation:

- 3.1 Arbitration Act No. 42 of 1965
- 3.2 Basic Conditions of Employment No.75 of 1997
- 3.3 Broad based Black Economic Empowerment Act No. 53 of 2003
- 3.4 Companies Act No. 61 of 1973
- 3.5 Companies Act No. 71 of 2008
- 3.6 Compensation for Occupational Injuries and Health Disease Act No. 130 of 1993
- 3.7 Consumer Protection Act No. 68 of 2008
- 3.8 Copyright Act No. 98 of 1978
- 3.9 Criminal Procedure Act No. 51 of 1977
- 3.10 Currency and Exchanges Act No. 9 of 1933
- 3.11 Debtor Collectors Act No. 114 of 1998
- 3.12 Employment Equity Act No, 55 of 1998
- 3.13 Electronic Communications and Transactions Act No. 25 of 2002
- 3.14 Financial Intelligence Centre Act No, 38 of 2001
- 3.15 Harmful Business Practices Act No. 23 of 1999
- 3.16 Income Tax No. 95 of 1967
- 3.17 Insolvency Act No. 24 of 1936
- 3.18 Insurance Act No. 27 of 1943
- 3.19 Interception and Monitoring Prohibitions Act No, 127 of 1992
- 3.20 Labour Relations Act No. 66 of 1995
- 3.21 National Credit Act No. 34 of 2005
- 3.22 Occupational Health & Safety Act No, 85 of 1993
- 3.23 Protection of Businesses Act No. 99 of 1978

- 3.24 Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- 3.25 Regulation of Interception of Communications and Provision of Communication related Information Act No. 70 of 2002
- 3.26 Skills Development Levies Act No. 9 of 1999
- 3.27 Skills Development Levies Act No. 97 of 1998
- 3.28 Tax on Retirement Funds Act No. 38 of 1996
- 3.29 Unemployment Contributions Act No. 4 of 2002
- 3.30 Unemployment Insurance Act No. 63 of 2001
- 3.31 Value Added Tax Act No. 89 of 1991

## **4. Access to records held by FML Freight Solutions (PTY) Ltd**

### **4.1 Voluntary Disclosure**

FML Freight Solutions (PTY) Ltd has not published a notice in terms of Section 52(2) of the PAI Act, however, it should be noted that the information relating to FML Freight Solutions (Pty) Ltd, and its services is freely accessible on our website ([fml-freight-solutions.co.za](http://fml-freight-solutions.co.za))

### **4.2 Categories and subjects of information on which FML Freight Solutions (PTY) Ltd holds records.**

#### **4.2.1 Records of Incorporation**

- Company Registration Documents
- Constitution of the Business
- Memorandum and Articles of Association
- Registers
- Powers of Attorney
- Shareholder Agreements
- Minutes of Meetings
- Share Certificates

#### **4.2.2 Financial Documents and Records**

- Municipal Records
- Income Tax Records
- PAYE Records
- SDL Records
- UIF Records
- VAT Records
- Asset Register
- Invoices
- Statements
- Debtor and Creditor Details
- Debit Notes
- Credit Notes
- Banking Details and Account Records
- Financial Documentation
- Accounting Records
- Financial Reports and Statements

### **4.2.3 Operational Documents, Records, and Intellectual Property**

- Minutes of Management Meetings
- Service & Supply Agreements
- Legal and Insurance Records and Correspondence
- Leases
- Goods Received Notes
- Goods Dispatched Notes
- Promotional Records
- Strategy Records
- Vision Statement
- Mission Statement
- Permits, Licences, Consents, Approvals, Authorisations, Applications and Registrations.
- Customer Database
- Customer Application Forms
- Correspondence with Customers
- Customer Account Records
- Sales Records
- Records with regards to Scheduling and Supply of Goods
- Price Lists
- Costing Records
- Market Research Records
- Independent Contractor's Documentation and Records
- Identification Records

### **4.2.4 Insurance**

- Policies
- Insurance Claim Files

### **4.2.5 Human Resource Documents and Records**

- Personnel Files
- Employment Contracts / Letter of Appointment
- Salary Advice Slips / Remuneration Records
- Curriculum Vitae
- Leave Records
- Educational History Records
- Salary Increase Records
- Disciplinary Codes, policies, Procedures and Records
- Performance Management Records
- Training Records
- Training Manuals
- Employment Equity Plan
- SETA Records
- Attendance Register
- Medical Aid Records
- Deductions Records

#### **4.2.6 Safety Records**

- Incident Records
- Occupational Health & Safety Act Records
- Council for Occupational Injuries and Diseases Records
- Quality Control Test Results Records

#### **4.2.7 Information Technology Records**

- Software Licenses
- Software Programs
- Software Applications
- Computer Generated Databases
- Internet Connectivity Reports

#### **4.2.8 Administration**

- Correspondence with External Parties
- Correspondence with Internal Parties

### **5. Who may request information or records in terms of the Act**

The Act provides that a person may only request information in terms of the Act if the information is required for the exercise or protection of a right.

Information will therefore not be furnished unless a person clearly provides sufficient particulars to enable the company to identify the right the requester is seeking to protect as well as an explanation of why the requested information is required for the exercise or protection of that right.

### **6. Requester Categories**

The capacity in which a requester requests information will determine the category he or she falls in. Please note that the requester category has a bearing on the charges pertaining to the access to information.

Requesters have been classified into four categories:

- A Personal Requester: - requests personal information about himself/herself
- A Representative Requester; - requests information on behalf of someone else.
- A Third-Party Requester: - requests personal information of another person.
- A Public Body: - requests information in the public interest.

### **7. Request Procedure**

- 7.1 Completion of Form F

Any request for information in terms of this Act must be contained in Form F. (See Form F). This formality is prescribed by the Act.

Form F must be completed in full and returned to FML Freight Solutions (Pty) Ltd together with any other information that company/s require in order to consider the request. Please note this will also determine the approval/decline of the request.

A request, which does not comply with the formalities as prescribed by the Act will be forwarded back to the requester with advice on the necessary steps for compliance. This includes Forms that are not completed in full.

FML Freight Solutions (Pty) Ltd will not consider a request unless it is contained in Form F. FML Freight Solutions (Pty) Ltd will make copies of the mentioned form available.

## 7.2 Proof of Identity

Proof of identity is required to authenticate the request and the requester. In view hereof, a requester will, in addition to Form F, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

## 8. Request fees

Section 54 in the Act entitles a company to levy a charge or request fee to enable the company to recover the cost of processing a request and giving access to records in terms of the Act.

The fees that may be charged have been published by the Minister of Justice and are displayed below.

Note that where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

<b>1.1</b>	<b>Access / Reproduction Fees</b>	
1.1.1	A4 photocopy per page or part thereof	R1.20
1.2.1	A4 photocopy or part thereof held in digital format or in machine readable format	R0.90
1.3.1	Copy on readable disc (CD)	R90.00
1.4.1	Transcription of visual images A4 or part thereof	R50.00
1.5.1	Copy of visual Images	R70.00
1.6.1	Transcription of an Audio Records – A4 Page or part thereof	R30.00
<b>2.1</b>	<b>Requestors Fee</b>	
2.1.1	Requestors Fee payable by the requestor, other than a personal requester, referred to in Section 51(1) of the ACT.	R60.00
<b>3.1</b>	<b>Access Fee</b>	
3.1.1	The time reasonable required to search for the record for disclosure & preparation R30.00 per hr or part thereof.	R30.00/hr or part thereof
<b>4.1</b>	<b>Deposit</b>	
4.1.1	1/3 (one thirds of the Access Fee is payable as a deposit by the Requestor	
4.1.2	Four Hours is the number of hours to be exceeded before a deposit is payable	
<b>5.1</b>	<b>Postal / Courier Fee</b>	
5.1.1	Postal and/or Courier Fees are payable when such request for postage/courier is required by the requestee.	



## 9. Granting or refusal of requests

All requests complying with the requirements set out above will be processed and considered expeditiously.

Please note that the Act stipulates the following grounds for refusing requests for information:

- Mandatory protection of the privacy of a third party who is a natural person [Section 63]
- Mandatory protection of commercial information of a third party (Section 64)
- Mandatory protection of certain confidential information of a third party (Section 65)
- Mandatory protection of safety of individuals and protection of property (Section 66)
- Mandatory protection of records privileged from production in legal proceedings (Section 67)
- Commercial information of the private body (Section 68)
- Mandatory protection of research information of third party and of the private body (Section 69)

Once a decision is taken the requester will be given notice of the decision in writing, regardless of a positive or negative outcome.

The Act requires that such notification be given within 30 days of the decision being reached.

In case of a request being refused, the notification will include the reasons for the refusal.

Please note that FML Freight Solutions (Pty) Ltd may extend the thirty-day notice period if it is deemed necessary due to the nature of the request and the amount of time required to gather the requested information. The requester will however be given notice of the extension prior to the 30-day period's expiry.

## 10. Other information as may be prescribed

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

## 11. Availability of the Manual

The manual is also available for inspection at the offices of FML Freight Solutions (Pty) Ltd; and on the FML Freight Solutions (Pty) Ltd.'s website at <https://fml-freight-solutions.com>

**FORM F - 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**

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**B. Particulars of person requesting access to the record.**

The particulars of the person who requests access to the record must be given below. The address and/or fax number in the Republic to which the information is to be sent must be given. 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.

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**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**

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. 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 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. You will be notified of the amount required to be paid as the request fee.

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. If you qualify for exemption of the payment of any fee, please state the reason for exemption. Reason for exemption from payment of fees \_\_\_\_\_

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

(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 to the record, if any, will be determined partly by the form.

**1. If the record is in written or printed form**

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of Record
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**2. If the record consists of visual images (this includes photographs, slides, videos. Recordings. Computer generated images, sketches, etc.)**

<input type="checkbox"/>	View Images	<input type="checkbox"/>	Copy of Images	<input type="checkbox"/>	Transcription of Images
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**3. If the record consists of recorded word or information which can be reproduced in sound.**

<input type="checkbox"/>	Listen to Recording* Audio Cassette	<input type="checkbox"/>	Transcript of Soundtrack/recording (written or printed)
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**4. If the record is held on computer or in an electronic or machine-readable format.**

<input type="checkbox"/>	Printed copy of record	<input type="checkbox"/>	Printed copy of information derived from the record	<input type="checkbox"/>	Copy in computer readable form (CD)
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If you requested a copy or transcription of a record (above), do you wish for the copy or transcription to be couriered to you?

**Courier fees are payable.**

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
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**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

\_\_\_\_\_  
\_\_\_\_\_

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 whose behalf request is made