

Manual

For



**This manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000.
("the ACT")**

KEY DISTRIBUTORS (PROPRIETARY) LIMITED

(Registration number: 2001/000964/07),

a subsidiary of VALUE GROUP LIMITED

1. CONTACT DETAILS

- 1.1 Mr S.D. Gottschalk, the Chief Executive Officer of Key Distributors (Pty) Ltd, has delegated the power of Head of Organisation for the purposes of the Act to Mr C.L. Sack (Financial Director) and for the purpose of this manual he will be called the Information Officer.
- 1.2 Physical address: 49 Brewery Road, Isando, 1600
- 1.3 Postal address: P O Box 778, Isando, 1600
- 1.4 Telephone no: (011) 570-2000
- 1.5 Facsimile no: (011) 974-7274
- 1.6 E-mail address: clives@value.co.za
- 1.7 website: www.value.co.za

2. The Guide as described in Section 10 of the Act

The South African Human Rights Commission is required by the Act to compile a guide to assist the public to understand the provisions of the Act, its objects and how to make use of the provisions in the Act.

3. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of Section 52(2)

Not applicable.

4. Records which are available from Key Distributors (Proprietary) Limited in terms of any other legislation

Key Distributors (Proprietary) Limited holds the following records in accordance with the following legislation:

Administrative Adjudication of Road Traffic Offences Act 46/1998
 Basic Conditions of Employment Act 75/1997
 Broadcasting Act, 4/ 1999
 Broad Based Black Empowerment Act, 53/2003
 Carriage By Air Act, 17/1946
 Carriage of Goods By Sea Act, 1/1986
 Companies Act,71/2008
 Compensation for Occupational Injuries and Transactions Act, 130/1993
 Competition Act, 89/1998
 Consumer Protection act,68/2008
 Cross Border Road Transportation Act, 4/1998
 Customs and Excise Act, 91/1964
 Electronic Communications and Transactions Act, 25/2002
 Employment Equity Act, 55/1998
 Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 36/1947
 Financial Advisory and Intermediary Services Act, 37/2002
 Financial Intelligence Centre Act, 38/2001
 Financial Markets Act, 19/ 2012
 Financial Sector Regulations Act, 9/ 2017
 Financial Services Board Act, 97/1990
 Hazardous Substances Act, 15/1973
 Immigration Act, 13/2002
 Income Tax Act, 58/1962
 Insurance Act, 18/ 2017
 JSE Listing Requirements
 Labour Relations Act, 66/1995
 Medicines and Related Substances Act, 101/1965
 National Credit Act, 34/2005
 National Environmental Management: Air Quality Act, 39/2004
 National Environmental Management Act, 107/1998
 National Environmental Management: Waste Act, 59/2008
 National Water Act, 36/1998
 National Regulator for Compulsory Specifications Act, 5/2008
 National Road Traffic Act, 93/1996
 Occupational Health and Safety Act,85/1993
 Pension Funds Act, 2/1956
 Petroleum Products Act, 120/1977
 Postal Services Act 124/1998
 Prevention and Combatting of Corrupt Activities Act, 12/2004

Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 33/2004
 Protection of Personal Information Act, 4/2013
 Prevention of Organised Crime Act, 121/1998
 Promotion of Access to Information Act, 2/2000
 Protected Disclosures Act, 26/2000
 Regulation of Interception of Communications and Provisions of Communication Related Information Act, 70/2002
 Road Transportation Act, 74/1977
 Short Term Insurance Act, 53/1998
 Standards Act, 8/2008
 Skills Development Act, 97/1998
 Skills Development Levies Act, 9/1999
 Tax Administration Act, 28/2011
 Unemployment Insurance Act, 63/2001
 Unemployment Insurance Contributions Act, 2/2002
 Value Added Tax Act, 89/1991

5. Description of the records held by Key Distributors (Proprietary) Limited and the categories in which the records are classed

Key Distributors (Proprietary) Limited has the following records as a matter of standard practice.

5.1 Company Secretarial

- Company statutes
- Registers
- Minutes of meetings
- Statutory returns
- Powers of Attorney
- Share certificates

5.2 Movable and Immovable property

- Title Deeds
- Lease agreements
- Hire agreements
- Hire-purchase agreements
- Credit sale agreements
- Ordinary and conditional sale agreements

5.3 Intellectual Property

- Trademarks
- Patents
- Copyrights
- Designs
- Know-how
- Licensing agreements

5.4 Insurance

- Policies

- Insurance claim files

5.5 Taxation

- Income tax files

5.6 Human Resources

- Policies and procedures
- Employee information
- Personnel files
- Agreements
- Forms and applications
- Standard letters and notices
- Workplace and Union agreements and records
- Benefit arrangements, rules and records

5.7 Finance

- Financial statements
- Reports and returns
- Banking details and bank account records
- Debtors/creditors statements and invoices

5.8 Operations

- Permits, licenses, consents, approvals, authorisations, applications and registrations
- Policies and procedures
- Reports and supporting documents
- Contractor, client and supplier agreements and information
- Security documents

5.9 Information technology

- System documentation and manuals
- Project, disaster recovery and implementation plans
- Licensing documentation

5.10 Administration

- Intranet
- Correspondence with internal and external parties

5.11 Health & Safety

- Policies & Procedures
- Recorded work related incidents

6. Request Procedure

- 6.1 The requester must make use of the prescribed form attached hereto as Appendix I to make the request for access to a record. The list of applicable fees will be obtainable from the head office of Key Distributors (Proprietary) Limited. The applicable fees are to be paid before access to a record will be permitted.

- 6.2 The prescribed form must be completed in full and addressed to the Information Officer of Key Distributors (Proprietary) Limited. The request must then be submitted to the address, fax number or e-mail address of Key Distributors (Proprietary) Limited.
- 6.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 6.4 If a request is being made on behalf of a person, the requester must submit proof of the capacity in which he/she is making the request to the satisfaction of the Information Officer of Key Distributors (Proprietary) Limited.
- 6.5 If the record which the requester has requested exists and that allowing access to such record does not affect a third party, the requester's request will be processed within 30 (thirty) days.
- 6.6 Once the Information Officer of Key Distributors (Proprietary) Limited has heard all submissions, he will make a decision on the request and notify the requester in the required form.
- 6.7 If access is requested to a record that contains information pertaining to a third party, the Information Officer of Key Distributors (Proprietary) Limited must attempt to contact the third party and take all reasonable steps to inform the third party of the request, which must be done within 21 (twenty one) days of receipt of the request.

The third party may within 21 (twenty one) days thereafter make representations to the Information Officer of Key Distributors (Proprietary) Limited as to why access should be given or provide reasons why the access should be denied.

The third party must be informed of the decision taken by the Information Officer of Key Distributors (Proprietary) Limited to grant or decline the request.

7. Fees in respect of private bodies

- 7.1 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.
- 7.2 The fees for reproduction referred to in regulation 11(1) are as follows:
- | | | | |
|-------|---|---|-------|
| 7.2.1 | for every photocopy of A4-size page or part thereof | R | 1.10 |
| 7.2.2 | for every printed copy of A4-size page or part thereof held on a computer or in electronic or machine-readable form | R | 0.75 |
| 7.2.3 | for every copy in a computer-readable form on: | | |
| | a) compact disc | R | 70.00 |
| 7.2.4 | a) For a transcription of visual images for A4-size page or part thereof | R | 40.00 |
| | b) For a copy of visual images | R | 60.00 |

- | | | | | |
|-------|----|---|---|-------|
| 7.2.5 | a) | For a transcription of an audio record for A4-size page or part thereof | R | 20.00 |
| | b) | For a copy of an audio record | R | 30.00 |
- 7.3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.
- 7.4 The access fee payable by a requester referred to in regulation 11(3) are as follows:
- | | | | | |
|-------|----|--|---|-------|
| 7.4.1 | a) | For every photocopy of A4-size page or part thereof | R | 1.10 |
| | b) | For every printed copy of A4-size page or part thereof held on computer or electronic or machine-readable form | R | 0.75 |
| | c) | For every copy in computer readable form on | | |
| | i) | compact disc | R | 70.00 |
| | d) | i) | | |
| | | For transcription of visual images for A-4 size page or part thereof | R | 40.00 |
| | | ii) | | |
| | | For copy of visual images | R | 60.00 |
| | e) | i) | | |
| | | For transcription of audio record for A4-size page or part thereof | R | 20.00 |
| | | ii) | | |
| | | For copy of audio record | R | 30.00 |
| | f) | To search for and prepare the record for disclosure, per hour or part of an hour | R | 30.00 |
- 7.4.2 For purpose 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. |
- 7.4.3 The actual postage is payable when a copy of a record must be posted to a requester.

8. Grounds for refusal of access to records

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

- 8.2 The main grounds for Key Distributors (Proprietary) Limited to refuse a request for information relates to the:
- 8.2.1 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;
 - 8.2.2 mandatory protection of the commercial information of a third party, if the record contains:
 - 8.2.2.1 trade secrets of that third party;
 - 8.2.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 8.2.2.3 information disclosed in confidence by a third party to Key Distributors (Proprietary) Limited, if the disclosure could put that third party at a disadvantage in negotiations or prejudice that third party in commercial competition.
 - 8.2.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - 8.2.4 mandatory protection of the safety of individuals and the protection of property;
 - 8.2.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
 - 8.2.6 the commercial activities of Key Distributors (Proprietary) Limited, which may include:
 - 8.2.6.1 trade secrets of Key Distributors (Proprietary) Limited;
 - 8.2.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Key Distributors (Proprietary) Limited;
 - 8.2.6.3 information which, if disclosed could put Key Distributors (Proprietary) Limited at a disadvantage in negotiations or commercial competition;
 - 8.2.6.4 a computer program which is owned by Key Distributors (Proprietary) Limited, and which is protected by copyright.
 - 8.2.7 mandatory protection of research information of Key Distributors (Proprietary) Limited or a third party, if its disclosure would disclose the identity of Key Distributors (Proprietary) Limited, the researcher or subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

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9. Records that cannot be found or do not exist

- 9.1 If Key Distributors (Proprietary) Limited has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit signed by the Information Officer of Key Distributors (Proprietary) Limited. This notice is deemed to be a refusal of the request for access to the record. If after notice is given, the record in question is found, the requester must be given access thereto, unless a ground for refusal of access exists.
- 9.2 The Information Officer in terms of section 56 must, within 30 (thirty) days after the request has been received, notify the requester of the decision, whether or not to grant the request.
- 9.3 The initial period of 30 (thirty) days within which the Information Officer of Key Distributors (Proprietary) Limited must inform the requester of the decision to grant or refuse access to the information requested, may be extended by a further period not exceeding 30 (thirty) days if:
 - 9.3.1 the requester consents to the extension in writing;
 - 9.3.2 the request is for a large number of records or requires a search through a large number of records and compliance with the original period of 30 (thirty) days would interfere with Key Distributors (Proprietary) Limited's activities.
- 9.4 Should the initial period of 30 (thirty) days be extended, the requester must be notified of the extension within 30 (thirty) days after the request is received.

The notice must state:

 - 9.4.1 adequate reasons for the extension;
 - 9.4.2 the procedure involved should the requester want to lodge an application to court against the extension; and
 - 9.4.3 the period of extension.
- 9.5 Should the Information Officer of Key Distributors (Proprietary) Limited fail to respond to the requester within the 30 (thirty) day period, such failure will constitute a refusal of the request.

Signed at _____ on the ____ day of _____ 201__.

Steven David Gottschalk
Chief Executive Officer
Key Distributors (Proprietary) Limited

APPENDIX I

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**

The Head:

B. Particulars of person requesting access to record

- | | |
|-----|--|
| (a) | <i>The particulars of the person who requests access to the record must be given below.</i> |
| (b) | <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i> |
| (c) | <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i> |

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

<i>This section must be completed ONLY if a request for information is made on behalf of another person</i>

Full names and surname: _____

Identity number: _____

D. Particulars of record

- | | |
|-----|---|
| (a) | <i>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.</i> |
| (b) | <i>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.</i> |

Description of record or relevant part of the record: _____

Certificate of Incorporation _____

Reference number, if available: _____

Any further particulars of record: _____

E. Fees

- | | |
|-----|---|
| (a) | <i>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.</i> |
| (b) | <i>You will be notified on the amount required to be paid as the request fee.</i> |
| (c) | <i>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.</i> |
| (d) | <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption.</i> |

Reason for exemption from payment of fees: _____

F. Form of access to record

<i>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.</i>
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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 in which access is requested.

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 record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	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:

<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* (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

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: _____

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
WHOSE BEHALF REQUEST IS MADE