

# HITACHI

Reliable solutions

## PROMOTION OF ACCESS TO INFORMATION MANUAL

(hereinafter referred to as the “Manual”)

for

**Hitachi Construction Machinery Southern Africa Co., (Pty) Ltd**

with Registration Number: 1951/002418/07

(hereinafter referred to as “the Company”)

Prepared in accordance with section 51 of the **Promotion of Access to Information Act, No. 2 of 2000** (hereinafter referred to as the “Act”).

The purpose of this Manual is, *inter alia*, to assist a requester with the process of requesting access to information held by the Company

**COMP\_001**

Date Effective:

**14-Jul-21**

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## 1 Introduction

### 1.1 Background

This Manual is published in terms of section 51 of the Act.

The Act gives effect to the provisions of section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by any another person. A person that is entitled to exercise a right or who need information for the protection of any right, is entitled to access that information, subject to certain restraints.

Section 51 of the Act creates a general legal obligation on all citizens and juristic persons to provide information. There is no other duty to provide information unless an individual, for example, contracts to provide information or a specific act, such as the Companies Act, creates obligations to provide information.

### 1.2 Purpose

The purpose of this Manual is to facilitate requests for access to information of the Company.

This Manual does not comprehensively deal with every procedure provided for in the Act.

Requesters are advised to familiarize themselves with the provisions of the Act before making any requests to the Company in terms of the Act.

The Company 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 such information shall use such information entirely at their own risk, and the Company 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 the Company or from or any error therein.

All users and requesters irrevocably agree to submit 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 the Company.

### 1.3 Company Details

The detail of the Company is as follow

Physical address:	Cnr Paul Smit and Solomon Jefferson Mahlangu Road Boksburg North, Johannesburg, Gauteng, South Africa
Postal address:	P.O. Box 6331, Dunswart, 1508, South Africa
Telephone	+27 11 841 7700
Fax	+2711 918 2257

### 1.4 Contact details of the Information Officer

The Information Officer contact details are as follow

Physical address:	Cnr Paul Smit and Solomon Jefferson Mahlangu Road Boksburg North, Johannesburg, Gauteng, South Africa
Postal address:	P.O. Box 6331, Dunswart, 1508, South Africa
Telephone	+27 11 841 7700
Fax	+2711 918 2257
Website	<a href="https://www.hitachicm.co.za">https://www.hitachicm.co.za</a>
E-mail	<a href="mailto:paiarequests@hcmsa.co.za">paiarequests@hcmsa.co.za</a>

## 2 Description of Guide referred to in section 10: Section 51(1)(b)

The guide described in section 10 of the Act was published in August 2003 and contains the information as prescribed in the Act. Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission:  
PAIA Unit

The Research and Documentation Department

Postal address:	Private Bag 2700 Houghton 2041
Telephone	+27 11 877 3600
Fax	+27 11 403 0682/25
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
E-mail	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>

## 2.1 Notice in terms of Section 52(2) of the Act

At this stage no notice has been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

## 2.2 Records available in terms of the other Legislation: Section 51(1)(d)

The following legislation creates the obligation to keep certain records:

- Basic Conditions of Employment Act No. 75 of 1997;
- Broad Based Black Economic Empowerment Act No. 53 of 2003;
- Companies Act No. 71 of 2008;
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993;
- Consumer Protection Act No. 68 of 2008;
- Electronic Communication and Transaction Act No. 25 of 2002;
- Employment Equity Act No. 55 of 1998;
- Income Tax Act No. 95 of 1967;
- Immigration Act No. 13 of 2002;
- Labour Relations Act No. 66 of 1955;
- National Credit Act No. 34 of 2005;
- National Road Traffic Act No. 93 of 1996;
- Occupational Health and Safety Act No. 85 of 1993;
- Regulation of Interception of Communications and Provision of Communication – Related Information Act No. 70 of 2002;
- Skills Development Act No.97 of 1998;
- Unemployment Insurance Act No. 63 of 2001;
- Value Added Tax Act No. 89 of 1991.

### 3 Subjects and Categories of Records held by the Company : Section 51(1)(e)

The Act requires that sufficient detail be provided to facilitate a request for access to a record of the Company. A description of the subjects on which the Company holds records and the categories of the records held by each subject can be found in **Annexure “A”** of this Manual. This list of subjects and categories of records that can be found in **Annexure “A”** forms an integral part of this Manual.

### 4 Detail on how to make a request for access: Section 51(e)

#### 4.1 Introduction

Access to information held by the Company is not automatic and can be refused by the Company on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act.

In order to request access to information held by the company, the person requesting access to such information (hereinafter referred to as the “requester”) must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the Act.

If the requester request information on behalf of a public body (i.e. the state), the requester must identify that the request for information is in the public’s interest by stipulating adequate reasons.

#### 4.2 Procedural Requirements

- In order to facilitate such a request for access to information, the requester needs to complete the prescribed access form attached hereto as Annexure “B”. Please note that the prescribed access form must be completed in full. If not, the process may be delayed until such additional information has been provided.
- Proof of identity is required to authenticate the request and the requester. Therefore, in addition to the prescribed access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- The request must be made to the Information Officer at this 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;
  - whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and

- a facsimile number and postal address.
- If a request is made on behalf of another person, then the requester must show, to the reasonable satisfaction of the Information Officer, that he or she is duly authorised to make such application.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- The form must be adequately completed, with sufficient information particularly so that the official of the company can identify:
  - from where and from whom the request is made;
  - what record is requested;
  - what the access fee will be, should access be granted.
- A request will not be processed until the request fee and a deposit of the access fee (if applicable) have been paid. The request fee is an administration fee that must be paid before the request is considered and is not refundable. However, a requester requesting information containing personal information about the requester is excluded from paying the request fee.
- The access fee is intended to reimburse the Company for the costs involved in searching and preparing the record requested for delivery and is payable once access to the record requested is granted. Should this request for access to information be about a person other than the requester and the Company is of the opinion that the preparation of the required record will take more than six hours, a deposit (which is 1/3) of the access fee is payable before the request will be processed by the Company
- A reproduction fee is payable by the requester, in case of the reproduction of a record requested.

### 4.3 Notification

Requestors will be informed within 30 days if the Company's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the Act. Take note that the 30 day period may be extended for a further 30 day period should more time be required to gather the requested information. The requester will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

### 4.4 Fees

There are two basic types of fees applicable in terms of the Act – “request” and “access” fees. The non-refundable request fee is payable on submission of the request for access to a record (unless the request is for personal information in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees

are prescribed in terms of Part III of Annexure “A” as identified in Government Notice Number 187, Regulation 11.

## **5 Availability of Manual**

The Manual is available for inspection, free of charge, at the offices of the Company, as set out in page 2 of this Manual, as well as the Company’s website at <https://www.hitachicm.co.za>



**ANNEXURE “A”****SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)****1. Companies Act Records**

- Black Economic Empowerment Certificate;
- Codes of Conduct;
- Documents of Incorporation;
- Memorandum of Incorporation;
- Minutes of Board of Directors Meetings
- Policies;
- Recommendations by the Health and Safety Committee;
- Records relating to the appointment of directors/ auditors/ secretary/ public officers and other officers;
- Shareholder Register.

**2. Financial Records**

- Accounting Records;
- Annual Financial Statements;
- Asset Register;
- Auditors' Report;
- Bank Statements;
- Banking Records;
- Detail of Auditors;
- Electronic Banking Records;
- Invoices;
- Paid Cheques;
- Rental Agreement;
- Tax Returns.

**3. Income Tax Records**

- Documents issued to employees for income tax purposes;
- PAYE Records;
- Records of payments made to SARS on behalf of the employees;
- All other statutory compliances:

- Value Added Tax;
- Regional Services Levies;
- Skills Development Levies;
- Unemployment Insurance Fund;
- Workmen's Compensation.

#### **4. Personnel Documents and Records**

- Copies of employees identification document;
- Disciplinary Code;
- Disciplinary Records;
- Employment Contracts;
- Leave Records;
- Medical Aid Records;
- Notice of Accident;
- Notice of Occupational Diseases;
- Particulars of Personnel;
- Pension Fund Records;
- Record of time worked by employees;
- Records containing all employees' names and occupation;
- Records of all foreigners employed;
- Residential status of employees;
- Salary Records;
- Sector Education and Training Authority Records
- Training Manuals;
- Training Records;
- Valid working permits.

#### **5. Supplier Records**

- The name of the supplier;
- The name and identity number of the natural person representing the supplier;
- The address of the supplier;
- The date upon which the second-hand goods were acquire or the goods were repossessed;
- A description of the goods;
- The quantity or volume of the goods;
- The consideration for supply;
- Proof of date of payment;

- All goods and services supplied by or to the vendor showing the goods and services, the rate of tax applicable to the supply and the suppliers or their agents, in sufficient detail to enable the goods and services, the rate of tax, the suppliers or the agents to be readily identified, and all invoices, tax invoices, credit notes, debit notes, bank statements, deposit slips, stock lists and paid cheques relating hereto;
- All importations of goods and documents relating thereto;
- The charts and codes of account, the accounting instruction Manuals and the system and programme documentation which describes the accounting system used in each tax period in the supply of goods and services;
- Documentary proof of the vendor's entitlement to the deduction at the time a return in respect of the deduction is furnished;
- List of debtors and creditors in relation to the vendor's enterprise showing the amounts owing by such debtors and the amounts owing to such creditors;
- A rate of zero percent has been applied by any vendor, the documentary proof substantiating the vendor's entitlement to apply the said rate.

## **6. Financial Intelligence Centre Records**

- The identity of the client;
- The identity of the person on whose behalf the client is acting;
- The client's authority to act on behalf of that other person;
- The identity of that other person to act on behalf of the client;
- That other person's authority to act on behalf of the client;
- The manner in which the identity of the person was establish;
- The nature of that business relationship or transaction;
- The amount of the transaction;
- Accounts that are involved in transactions concluded by that accountable institution in the course of that business relationship;
- Accounts that are involved in that single transaction;
- The name of the person who obtained the information on behalf of the accountable institution.

## **7. Regulation of the Interception of the Communications and Provision of the Communication – Related Information Records**

- The Mobile Subscriber Integrated Service Digital Network number (MSISDN-number) of the SIM-card that is to be activated by an electronic communication service provider at the request of a person;
- If a South African citizen who is lawfully and permanently resident in the Republic, the full names and surname, identity number and at least one address of such person who requests that a SIM-card be activated on the electronic communication system of an electronic communication service provider;
- If a person is not a South African citizen or who is not permanently resident in the Republic, and who request that a SIM-card be activated on the electronic communication system of an electronic communication service

provider, the full names and surname, identity number and at least one address of such person and the country where the passport was issued;

- The full names, surname, identity number and an address of the authorised representative of the juristic person;
- The name and address of the juristic person and, where applicable, the registration number of the juristic person;
- The date on and period for which the SIM-car is provided.

#### **8. Electronic Communication and Transactions Records**

- Record of the personal information and the specific purpose for which the personal information was collected.

#### **9. Pension and Provident Fund Records**

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

#### **10. Immovable and Movable Property Records**

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

**ANNEXURE “B”****FORM C**

Request for access to record of private body

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

[Regulation 10]

**A. Particulars of private body**

The Head:

**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:

**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 applicable:

3. Any further particulars of record:

**E. Fees**

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

Reason for exemption from payment of fees:

**F. Form of access to record**

<p>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.</p>	
<p>Disability:</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	<p>Form in which record is required:</p>
<p>Mark the appropriate box with an X.</p> <p>Notes:</p>	

- (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:			
	Copy of record*		Inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	View the images		Copy the images*
			Transcription of the images
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)
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)

**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 records?

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signature of requester / person on  
whose behalf request is made