

# **MANUAL OF SGX LOGISTICS (PTY) LIMITED**

## **Registration Number 1994/001110/07**

In terms of Section 51(1) of the Promotion of Access to Information Act 2 of 2000 (“the Act”)

### **THE PURPOSE**

The purpose of this document is to serve as the Manual of SGX Logistics (Pty) Ltd as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records

### **INTRODUCTION**

SGX Logistics (Pty) Ltd is a juristic person incorporated as a private company in terms of the company laws of the Republic of South Africa. SGX Logistics (Pty) Ltd is classified as “private body” within the definition of Section 1 of the Act, and conducts business as agency for the promotion of fast moving consumer goods.

### **SECTION I:**

#### **CONTACT PERSON AND ADDRESS DETAILS OF SGX LOGISTICS (PTY) LTD**

(as required by Section 51(1)(a))

The Chairman of the Board of SGX Logistics (Pty) Ltd is the contact person to ensure that the Act is complied with:

Contact Person: Paul Alcock

Physical Address: 27 Surprise Road, Westmead, South Africa

Postal Address: PO Box 15315, Westmead, 3608, South Africa

Telephone: (031) 719 0441

Fax: (031) 709 6334

e-mail address: [compliance@kwadenservices.co.za](mailto:compliance@kwadenservices.co.za)

### **SECTION II:**

#### **GUIDE ON HOW TO USE THE ACT**

(as required by Section 51(1)(b), as read with Section 10)

- a) The Act grants a requester access to records of the COMPANY, 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.
- b) 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 paragraph VI.
- c) A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the PAIA or POPIA. The Guide is available for inspection, inter alia, as follows:

The Information Regulator

Braampark Forum 3, 33 Hoofd Street

Braamfontein

Telephone: 010 023 5200

Website: <https://www.justice.gov.za/inforeg/index.html>

E-mail: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

### **SECTION III: CATEGORIES OF RECORDS AVAILABLE**

(as required by Section 51(1)(c))

The following categories of records are automatically available without a person having to request access in terms of this Act:

1. Statutory records
  - Memorandum of association
  - Articles of association
  - Certificate of incorporation
  - Certificate to commence business
  - Register of directors
2. Corporate communications
  - Press releases
3. Human Resources
  - Employment Equity returns to the Dept of Labour
  - Work skills development plan submitted to the relevant SETA's
  - Standard Terms and Conditions of Employment applicable to all Staff
4. Intellectual property
  - SGX Logistics (Pty) Ltd trademark and registration numbers
5. Immovable property
  - Title deeds
6. Company investments
  - Associates and joint ventures
7. Employee benefits
  - Provident Fund,
  - Funeral and disability benefits
  - Discovery Medical Aid
  - Hospitalisation insurance

#### 8. Auditors

SGX Logistics (Pty) Ltd's auditors are Deloitte & Touche, 2 Pencarrow Crescent, Pencarrow Park, La Lucia

Ridge Office Estate, La Lucia, 4051.

### **SECTION IV: RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION**

(as required by Section 51(1)(d))

Records are available in accordance with the following current South African legislation (only to the extent that the relevant Act makes disclosure of records compulsory):

- Basic Conditions of Employment Act 75 of 1997

- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Payment System Act 78 of 1998
- Occupational Health and Safety Act 85 of 1993
- Patent Act 57 of 1978
- Skills Development Act 9 of 1999
- Skills Development Levies Act 9 of 1999
- Trade Mark Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

## **SECTION V: DETAIL TO FACILITATE A REQUEST FOR ACCESS TO RECORDS**

(as required by section 51(1)(e))

Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to the Head of SGX Logistics (Pty) Ltd whose name and address details appear in Section 1 hereof.

SGX Logistics (Pty) Ltd has in its possession the following categories of records on the subject matters referred to hereunder:

### **CATEGORIES AND RECORD SUBJECTS**

#### **Chief Executive's office**

The Chief Executive's office records comprise the following main categories:

- Administration Records
- Internal Reports and Communications
- Financial Reports

#### **Accounting**

The Accounting department maintains financial and management accounts for the company and provides back-office activities that support Treasury and Cash Management.

Accounting records comprise the following main categories:

- Accounting Records
- Investment Records
- General Correspondence
- Management Reports
- Treasury Records
- Transactional Records
- VAT Records
- PAYE Records
- Tax Records
- Consolidation Records
- Internal Reports and Communications

## **Company Secretary**

IT Dynamics (Pty) Ltd provides company secretarial services to the company.

Company Secretary records comprise of the following main categories:

- Contracts and Agreements
- Property Records
- Intellectual Property Rights Records (Trademarks, Patents, Registered Designs and Copyright)
- General Correspondence
- Investment Records
- Share Registration Records
- Statutory Records
- Minute Books
- Internal Reports and Communications

## **SECTION VI:**

### **ACCESS REQUEST PROCEDURE AND PRESCRIBED FEES**

A request for access to records must be made in the prescribed Form C (a copy of which is attached) which should be sent to the address, fax number or electronic mail address.

Please note that an initial, non-refundable request fee of R50,00 (exclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record. Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

#### *Notification of extension period (if required)*

Applicants must take note that in terms of the Act the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension);

#### *The access fee and/or deposit*

The applicant will be informed of the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

#### *Decision on request*

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

#### *Grounds for refusal*

SGX Logistics (Pty) Ltd may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which SGX Logistics (Pty) Ltd may refuse include:

- Protecting personal information that SGX Logistics (Pty) Ltd hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that SGX Logistics (Pty) Ltd holds about a third party (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of SGX Logistics (Pty) Ltd or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;

- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific or technical information) would harm the commercial or financial interests of SGX Logistics (Pty) Ltd;
- Disclosure of the record would put SGX Logistics (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party of SGX Logistics (Pty) Ltd.

*Records that cannot be found or do not exist*

If SGX Logistics (Pty) Ltd has searched for a record and it is believed that the record either does not exist or cannot be found, the applicant will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

*Third party information*

If access is requested to a record that contains information about a third party, SGX Logistics (Pty) Ltd is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.



**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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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:

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**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 below, 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 <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*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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**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. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**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?

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Signed at ..... this day..... of .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE