

PROMOTION OF ACCESS TO INFORMATION

PROMOTION OF ACCESS TO INFORMATION ACT

Section 51 Manual

JOHAN NEETHLING ENVIRONMENTAL SERVICES cc (JNES)

Introduction: This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

OVERVIEW OF JNES:

JNES supply environmental services in the form of Environmental Impact Studies and Management Plans.

AVAILABILITY OF THIS MANUAL:

A copy of this Manual is available on the JNES website – www.jnes.co.za or by sending a request for a copy thereof to info@jnes.co.za marked for the attention of the Managing Member. The Manual may also be obtained from the head office of the South African Human Rights Commission (“SAHRC”) at the addresses set out below. This Manual will be updated from time to time, as and when required.

HOW TO REQUEST ACCESS TO RECORDS HELD BY JNES:

Requests for access to records held by JNES should be made by email to info@jnes.co.za or on the request form that is available on the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under “regulations”). Note that requests need not be accompanied by payment BUT will only be processed upon payment of the prescribed fees. Requests for access to records must be made to JNES’s Managing Member at the address, fax number or electronic mail address provided for below.

The requester must provide sufficient detail to enable JNES to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed. 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. If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of JNES.

Kindly note that all requests to JNES will be evaluated, and considered, in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by JNES does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

CONTACT DETAILS:

Name of Private Body:	Johan Neethling Environmental Services cc
Designated Information Officer:	Johan Neethling
Email address of Information Officer:	info@jnes.co.za

Postal address: P O Box 16594, Vlaeberg, 8018
Street address: 13 Bridle Road, Cape Town, 8001
Phone number: 021 4614386
Fax number: 086 5444868

HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT:

The Guide described in Section 10 of the Act is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

VOLUNTARY DISCLOSURE:

JNES has not published a notice in terms of Section 52(2) of the Act, but, it should be noted that the information relating to JNES and its services is freely available on the JNES website.

Further information in the form of reports and programmes and other public communication is made available from time to time.

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION [Section 51 (1) (d):

Information is available in terms of the following legislation, if and where applicable, which include but is not limited to:

Basic Conditions of Employment Act No. 75 of 1997
Closed Corporation Act No. 69 of 1984
Companies Act 61 of 1973
Electronic Communications and Transactions Act 25 of 2002.
Financial Intelligence Centre Act – Act 38 of 2001
Labour Relations Act 66 of 1995
Promotion of Access to Information Act No. 2 of 2000
Regional Services Councils Act No. 109 of 1985
Skills Development Levies Act No. 9 of 1999
Skills Development Act No. 97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION:

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**

RECORDS HELD BY JNES:

JNES maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be agreed to. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

Internal Records:

- © CC Formation documents
- © Financial records
- © Operational records
- © Intellectual property
- © Marketing records
- © Internal correspondence
- © Product records
- © Statutory records

Personnel records:

Personnel refers to any person who works for or provides services to or on behalf of JNES receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of JNES. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- © Any personal records provided to JNES by their personnel;
- © Any records a third party has provided to JNES about any of their personnel;
- © Conditions of employment and other personnel-related contractual and quasi-legal records;
- © Internal evaluation records; and
- © Other internal records and correspondence.

Customer records:

Please be aware that JNES protects the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- © Any records a customer has provided to JNES or a third party acting for or on behalf of JNES;
- © Contractual information;
- © Personal records of customers;
- © Credit information and other research conducted in respect of customers;
- © Any records a third party has provided to JNES about customers;
- © Performance research conducted on behalf of customers or about customers;
- © Any records a third party has provided to JNES either directly or indirectly; and
- © Records generated by or within JNES pertaining to customers, including transactional records.

Technical records:

- © Technical records generated by, or within JNES pertaining to customers.

Other Parties:

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to JNES. The following records fall under this category:

- © Personnel, customer or JNES records which are held by another party as o Information relating to JNES's own commercial activities; and
- © Research carried out on behalf of a client by JNES or commissioned from a third party for a customer;
- © Research information belonging to JNES, whether carried out itself or commissioned from a third party.