

***Registration Number of Company: 2001/012268/07***

**NAME OF COMPANY: ELEMENT CONSULTING ENGINEERS (PTY) LTD**

***in terms of***

***Section 51 of***

***The Promotion of Access to Information Act***

***2/2000***

***(the "ACT")***

***Date of Compilation:* 21 June 2021 (previous edition 2015)**



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## **1. 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.

A copy of this Manual is available on our website ([www.eceng.co.za](http://www.eceng.co.za)) or by sending a request to the *Information Officer* by email ([info@eceng.co.za](mailto:info@eceng.co.za)). This Manual will be updated from time to time, as and when required.

Element Consulting Engineers (Pty) Ltd (ECE) supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South Africa law. ECE conducts business as a professional services multi-disciplinary engineering firm. ECE is a well-established consulting engineering firm with its Head Office in Durbanville Western Cape with 8 additional branches located nationwide. We have more than 20 years' experience in Southern Africa in the fields of civil engineering, contract administration, electrical engineering, renewable energy, mechanical engineering, roads and transport engineering, structural engineering and water and sanitation engineering. We also offer expertise in the areas of agricultural and dam engineering, project management, facilitation, property and tourism development as well as asset survey and management.

## **2. COMPANY CONTACT DETAILS (Section 51 (1) (a))**

Persons designated/duly authorised persons:

### **Directors:**

1. Mr F de V Ryke, Pr Eng, CEO, Information Officer
2. Mr P A Rossouw, Pr Tech, Executive Director, Durbanville Office Manager
3. Mr NP Mantungwa, ND Civil Techni, Executive Director, based in KwaZulu Natal
4. Mr S Dyantyi Pr Techni Eng, Executive Director, based in East London
5. Mr E Walters Pr Eng, Executive Director, based in Durbanville, Infrastructure
6. Dr MA Shezi, Non-Executive Director, KwaZulu Natal
7. Mr JA Turner, Chairman, SA/Namibia
8. Mr BG Zietsman, Non-Executive Director, SA/Namibia
9. Mr Y Mohamed, Non-Executive Director, SA
10. Mr O Moola on behalf of Ms S Laxhi, Non-Executive Director, SA

**Postal Address:** P.O. Box 1142, Durbanville 7551  
**Street Address:** Oxford Gate Block C, 54 Oxford Street, Durbanville 7550  
**Telephone Number:** 021 975 1718  
**Fax Number:** 086 668 1482  
**Email:** [info@eceng.co.za](mailto:info@eceng.co.za)  
**Website:** [www.eceng.co.za](http://www.eceng.co.za)

### 3. THE ACT (Section 51(1) (b))

- 3.1 The ACT grants a requester access to records of a private body, 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.
- 3.2 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 paragraphs 6 and 7 of the Act.
- 3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. ([Section 10 guide 2014.pdf](#) ([sahrc.org.za](http://sahrc.org.za))).

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11-877 3600  
Fax Number: +27-11-403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### 4. APPLICABLE LEGISLATION (Section 51 (1) (c))

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 9 of 1999	Skills Development Levy Act
14	No 97 of 1998	Skills Development Act
15	No 46 of 2000	Engineering Profession Act
16	No 4 of 2013	Protection of Personal Information Act ("POPI")
17	No 85 of 1993 as amended	Occupational Health & Safety Act
18	No 68 of 2008	Consumer Protection Act

## 5. SCHEDULE OF RECORDS

RECORDS	SUBJECT	AVAILABILITY
Public	1. Company registration information 2. BBBEE Records 3. Previous Experience	Freely available on website <a href="http://www.eceng.co.za">www.eceng.co.za</a>
Financial	1. Annual financial statements 2. Financial & Tax Records (Company & Employees) 3. Asset Register 4. Management Accounts	Proprietary (Pty) Ltd-Request ito PAIA Not available
Employee Records	1. Employee Records 2. Contracts of Employment 3. Disciplinary codes and transgression	Proprietary (Pty) Ltd-Request ito PAIA Not available
Client Records	1. Company registration records 2. Company confidential information 3. Company tax records	Proprietary (Pty) Ltd-Request ito PAIA Not available
Company Information	1. Contact details 2. Services	Freely available on website <a href="http://www.eceng.co.za">www.eceng.co.za</a>
Marketing	1. Market Information 2. Public Customer Information 3. Field Records 4. Performance records 5. Product sales records 6. Marketing strategies 7. Customer database	Limited information available on website Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA

## 6. FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

6.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za) (Form C).

6.2 Address your request to the Head of the Company (CEO).

6.3 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## 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 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 <i>ONLY</i> 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 available.
- 3 Any further particulars of record:

**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:

**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 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.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

<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</b> this includes <u>photographs, slides, video recordings, computer-generated images, sketches, etc</u>			
	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



**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





**7. PRESCRIBED FEES (Section 51 (1) (f))**

The following applies to requests (other than personal requests):

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za) (see overleaf).

**GUIDELINE FOR ECE REPRODUCTION COST, DISBURSEMENT COSTS 2021**

**DISBURSEMENT GUIDELINES - 1 APRIL 2021**

			A0	A1	A2	A3	A4
Plotting CAD Drawings:	Paper	Black + White	R 75.00	R 51.00	R 37.50	R 25.00	R 20.50
		Colour	R 113.00	R 76.00	R 57.50	R 37.50	R 27.50
	Sepia	Black + White	R 97.00	R 75.00	R 54.00	R 37.50	R 32.00
			R 301.00	R 231.00	R 164.00	<b>R 127.00</b>	R 81.00
Plan Printing:	Papier		R 25.00	R 16.50	R 12.00	R 10.00	
	Sepia		R 64.00	R 43.00	R 28.00	R 20.00	R 15.00
Photocopying:	Paper	Black + White				R 2.50	R 1.50
			Colour	R 102.00	R 68.00	R 50.00	R 14.90
Laminating			R 90.00	R 60.00	R 40.00	R 15.00	R 9.00

<b>OTHER COSTS</b>		
Outgoing faxes:	Local	R 6.00
	National	R 13.00
	International	R 30.00
Incoming faxes:		R 9.00
Email:	Outgoing	R 6.00
	Incoming	R 6.00
	Print/page	R 1.00
Spiral binding	A4	R 21.50
	A3	R 32.00
	A2	R 41.00
Typing - 1.5 spacing	A4 page	R 31.00
Typing - single spacing	A4 page	R 37.50

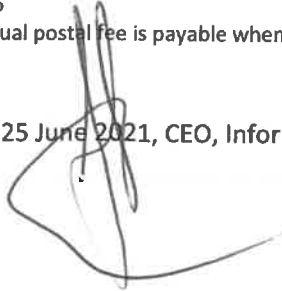
<b>DRAWINGS</b>	
Email	R 57.75
On Stiffie	R 43.00
On CD	R 71.50
<b>Conversions (example dxf)</b>	
Email	R 50.00
On Stiffie	R 57.75
On CD	R 86.00

<b>COSTS PER KM - VEHICLES</b>	
Tariff per km - tar road	R 5.20
Tariff per km - gravel road	R 6.29

Request Fees (Section 22 (8)) Payable by a requester, other than a personal requester referred to in Regulation 7(2): R35

Postal Fees: The actual postal fee is payable when a copy of a record must be posted to a requester

FD RYKE Pr Eng, 25 June 2021, CEO, Information Officer, ECE




**SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

Tel: (011) 877 3600

Fax: 011 403 0626

**Physical Address**  
33 Hoofd Street  
Braampark Forum 3  
Braamfontein  
2196

**Postal Address**  
Private Bag X 2700  
Houghton  
2041



**NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000  
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE  
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES**

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

**1. The Promotion of Access to Information Act**

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively*, and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

**2. Regulations to PAIA**

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

**Fees for Requesting Records**

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

**Fees for Accessing Records**

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

**Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**Private Bodies:**

- Copy per A4 page – R110
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L.M. Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

Chairperson: ML Mushwana Deputy Chairperson: P Govender, Commissioners: L Mokate, B Mkhali, J Loois, D Titus  
Chief Executive Officer: K Ahmed