

**Venco Fruit Processors (Pty) LIMITED T/A
Venco**

**PAIA Manual
in terms of
Section 51 of
The Promotion of Access to Information Act 2 of
2000
(the "ACT")**

Date of Compilation – 10 June 2021

Registration Number of Company: 2012/193965/07

INDEX

1.	BACKGROUND TO THE ACT	1
2.	INTRODUCTION TO VENCO FRUIT PROCESSORS (PTY) LIMITED	1
3.	PARTICULAR OF COMPANY [SECTION 51(1)(A)].....	2
4.	THE ACT AND SECTION 10 GUIDE [SECTION 51(1)(B)]	3
5.	RECORDS AUTOMATICALLY AVAILABLE [SECTION 51(1)(C)]	3
6.	DESCRIPTION OF THE RECORDS OF THE BODY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION [SECTION 51(1)(D)].....	4
7.	SCHEDULE OF RECORDS [SECTION 51(1)(E)]	5
8.	FORM OF REQUEST [SECTION 51 (1) (E)].....	7
8.1.	Process to facilitate requests:.....	7
8.2.	Refusal of Access to Records.....	8
8.3.	Appeals regarding decisions of information officers	9
9.	PRESCRIBED FEES [SECTION 51 (1) (F)].....	10

1. BACKGROUND TO THE ACT

1. The Promotion of Access to Information Act, No. 2 of 2000 (the "Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the "Constitution") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual ("PAIA Manual").

3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

This PAIA Manual of Venco Fruit Processors is available at its premises:

2. INTRODUCTION TO VENCO FRUIT PROCESSORS (PTY) LIMITED

Venco Fruit Processors (Pty) Limited ("Venco") is a fruit juicing company based in the Sundays River Valley. Venco is classified as a "private body" within the definition of Section 1 of the Act. Venco is involved in processing of oranges, lemons and softs into concentrated juice for both local and export markets. Venco also harvests citrus oils and aromas from the fruit.

3. PARTICULAR OF COMPANY [SECTION 51(1)(A)]

Company contact details

Company Name	Venco Fruit Processors (Pty) Limited
Business Address	Farm Commando Kraal 113 (remaining portion 38), Addo/ Sunland Road (R336), Sundays River Valley, Eastern Cape, 6105
Postal Address	P.O. Box 148 Addo Eastern Cape 6105
Phone number	042 233 0438
Fax number	042 233 0457
Email Address	andre@vencofruit.co.za
Website Address	www.vencofruit.co.za/

Contact details of the Information Officer

The Act prescribes the appointment of an Information Officer for public bodies where they are responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51. Venco has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.

Information Officer	Andre Swart
Business Address	Farm Commando Kraal 113 (remaining portion 38), Addo/ Sunland Road (R336), Sundays River Valley, Eastern Cape, 6105
Phone number	042 233 0438
Fax number	042 233 0457
Email Address	andre@vencofruit.co.za

4. THE ACT AND SECTION 10 GUIDE [SECTION 51(1)(B)]

- 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.
- 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.
- 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.
- 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

5. RECORDS AUTOMATICALLY AVAILABLE [SECTION 51(1)(C)]

Records Available without a Request to Access in terms of the Act

- Records of a public nature, typically those disclosed on the Venco Fruit Processors website, may be accessed without the need to submit a formal application.
- Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

6. DESCRIPTION OF THE RECORDS OF THE BODY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION [SECTION 51(1)(D)]

Venco keeps documents in accordance with the following legislation (this is not an exhaustive list):

Basic Conditions of Employment Act, No 75 of 1997;
Broad- Based Black Economic Empowerment Act, No 75 of 1997;
Business Act, No 71 of 1991;
Companies Act, No 71 of 2008;
Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
Competition Act, No.71 of 2008;
Consumer Protection Act 68 of 2008
Copyright Act, No 98 of 1978;
Customs & Excise Act, 91 of 1964;
Electronic Communications Act, No 36 of 2005;
Electronic Communications and Transactions Act, No 25 of 2002;
Employment Equity Act, No 55 of 1998;
Financial Intelligence Centre Act, No 38 of 2001;
Income Tax Act, No 58 of 1962;
Intellectual Property Laws Amendment Act, No 38 of 1997;
Labour Relations Act, No 66 of 1995;
Occupational Health & Safety Act, No 85 of 1993;
Prescription Act, No 68 of 1969;
Prevention of Organised Crime Act, No 121 of 1998;
Promotion of Access to Information Act, No 2 of 2000;
Protection of Personal Information Act, No. 4 of 2013;
Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
Skills Development Levies Act No. 9 of 1999;
Trust Property Control Act 57 of 1988
Unemployment Insurance Act, No 63 of 2001;
Unemployment Insurance Contributions Act 4 of 2002;
Value Added Tax Act 89 of 1991.

7. SCHEDULE OF RECORDS [SECTION 51(1)(E)]

Subjects and Categories of Records Available only on Request to Access in Terms of the Act (Section 51(1) (e)).

The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Corporate/Statutory	Documents of Incorporation; Index of names of Directors; Memorandum of Incorporation; Minutes of meetings of the Board of Directors; Minutes of meetings of Shareholders; Share certificates; Share Register/other statutory registers and/or records and/or documents; Special resolutions/Resolutions passed at meetings; Records relating to the appointment of: <ul style="list-style-type: none"> • Auditors; • Directors; • Public Officer; • Secretary PAIA Manual POPI Manual
Financial Records	Accounting Records; Annual Financial Statements Asset Registers; Bank Statements; Banking details and bank accounts; General ledgers and subsidiary ledgers; Management Accounts Lease Agreements
Tax Records	PAYE Records; VAT Skills Development Levies UIF Workmen's Compensation Income Tax Returns

<p>Personnel Records Employees</p>	<p>Accident records; Address Lists; Disciplinary Code and Records; Documents issued to employees for income tax purposes; Employee benefits arrangements rules and records; Employment Contracts; Employment Equity Plan Forms and Applications; Grievance Procedures; Leave Records; Medical Aid Records; Payroll reports (Salaries and Wages); Pension Fund Records; Records of payments made to SARS on behalf of employees; Safety, Health and Environmental records; SETA records Standard letters and notices Training Manuals and Training Records; Workplace and Union agreements and records.</p>
<p>Suppliers/ Purchasing</p>	<p>Standard Terms and Conditions for supply of products; Contractor, client and supplier agreements; Lists of suppliers, products, services and distribution; Policies and Procedures. Creditors statements and invoices;</p>
<p>Customers</p>	<p>Customer details Credit application information Information and records provided by a third party Debtors statements and invoices;</p>
<p>Risk Management and Audit</p>	<p>Audit reports; Risk management frameworks; and Risk management plans.</p>
<p>IT</p>	<p>Computer / mobile device usage policy documentation; Disaster recovery plans; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing; and System documentation and manuals.</p>

8. FORM OF REQUEST [SECTION 51 (1) (E)]

8.1. Process to facilitate requests:

1. The Requestor must
 - 1.1. Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za
 - 1.2. Make payment of a request fee and a deposit
 - 1.3. Use the postal address, the fax number or the electronic mail address of the information officer;
2. Address your request to the Information Officer
3. Provide sufficient details to enable Venco to identify:
 - 3.1. The record(s) requested;
 - 3.2. The identity of the requester;
 - 3.3. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (**section 53(2)(f)**).
4. The form of access required;
5. The requester's postal address, fax number or electronic mail address in RSA;
6. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
7. 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.
8. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

Decision on request and notice thereof (**Section 56**)

1. Venco will process the request within 30 (thirty) days
2. The requester will be notified of whether access is granted or denied in writing or in the manner they requested to be informed.

If the request for **access is granted**, the notice must state:

- (a) the access fee (if any) to be paid upon access;
- (b) the form in which access will be given; and

(c) that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.

If the request for **access is refused**, the notice must:

- a) state adequate reasons for the refusal, including the provisions of this Act relied on;
- b) exclude, from any such reasons, any reference to the content of the record; and
- c) state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

If the head of a private body fails to give the decision on a request for access to the requester concerned within the period contemplated in section 56 (1), the head of the private body is regarded as having refused the request.

8.2. Refusal of Access to Records

The main grounds for to refuse a request for information relates to the:

- a) mandatory protection of the privacy of a third party who is a natural person or a deceased person (**section 63**) which would involve the unreasonable disclosure of personal information of that person;
- b) mandatory protection of the commercial information of a third party (**section 64**) if the record contains:
 - i. trade secrets of the third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. information disclosed in confidence by a third party to Adept Advisory, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- c) mandatory protection of confidential information of third parties (**section 65**) if it is protected in terms of any agreement;

- d) mandatory protection of the safety of individuals and the protection of property **(section 66)**;
- e) mandatory protection of records which would be regarded as privileged in legal proceedings **(section 67)**.
- f) The commercial activities **(section 68)** of a private body, which may include:
 - i. trade secrets;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests
 - iii. information which, if disclosed could put Venco at a disadvantage in negotiations or commercial competition;
 - iv. a computer program which is owned, and protected by copyright;
- g) Mandatory protection of research information of third party, and protection of research information of private body **(section 69)**.

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

8.3. Appeals regarding decisions of information officers

Internal Appeals

Venco does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

External Appeals

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.

9. PRESCRIBED FEES [SECTION 51 (1) (F)]

Please attach the Fee schedule to the manual downloadable from the SAHRC website and the prescribed form C which is also available from the SAHRC website.

Fees Provided by the Act

The Act provides for two types of fees, namely:

- A request fee, which is a form of administration fee to be paid by all requesters except personal requests. Prescribed fees (R50.00) are payable before a request will be processed;
- An access fee, which includes the costs involved in obtaining and preparing a record for delivery to the requester.

If the preparation of the record requested requires more than the prescribed hours 6 (six) hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

Records may be withheld until the fees have been paid.

The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

Where Venco has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

SOUTH AFRICAN HUMAN RIGHTS DISCLAIMER

The South African Human Rights Commission reserves all rights and makes no warranty, either express or implied, with respect to the information and/or promotional material contained herein and is not responsible for any expenses, inconvenience, damage (whether special or consequential) or claims arising out of posting, time and costs incurred and or associated with this information and will not be liable for the latter. Specific exemption from any liability is claimed with regard to the following:

- The SAHRC does not endorse any third party private service provider and will not bear any costs related to your transaction to compile the manual on your behalf.
- Submission to the SAHRC is free and the SAHRC does not charge any fees for advice or administration however all cost to lodge manuals is at the relevant private entities own cost e.g. registered mail etc.
- Manuals are subject to review and comment with the possibility of manuals being rejected on the basis of not meeting the minimum requirements and the SAHRC is not liable for the amendment costs if any and resubmission if any of any manuals.