

Nkhulu Group Proprietary Limited

(Registration Number: 2021/578732/07)

Manual in terms of section 51 of the Promotion of
Access to Information Act, 2 of 2000

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(Registration number: 2021/578732/07)

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PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)

SECTION 51 MANUAL OF NKHULU GROUP PROPRIETARY LIMITED (REGISTRATION NUMBER: 2021/578732/07)

1. CONTACT PARTICULARS

Head of business:	Willem Adriaan Smit	Information officer:	Willem Adriaan Smit
Deputy Information officer(s):	Sarel Arnoldus Smit		
Postal Address:	2 Sea Breeze Unit 52 Mossel Bay 6500	Physical Address:	2 Sea Breeze Unit 52 Mossel Bay 6500
Telephone Number:	082 829 5700	Fax Number:	N/A
E-mail Address:	rikus@nkhulu.co.za		
Website:	www.nkhulugroup.co.za		

2. INTRODUCTION

Nkhulu Group Proprietary Limited is a company that specialises in the supply of normal yellow equipment and trucks for construction work. Nkhulu Group also specialises in crushing and screening services and the supply of mining equipment for mining operations.

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT

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 section 53 and 54 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. 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

4. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request, are available from **Nkhulu Group Proprietary Limited**, www.nkhulugroup.co.za.

5. INFORMATION AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Businesses Act, 71 of 1991
- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Competition Act 89 of 1998
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act, 25 of 2002
- Employment Equity Act 55 of 1998
- Employment Services Act 4 of 2014
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Mine Health and Safety Act 29 of 1996
- Occupational Diseases in Mines and Works Act, 78 of 1973
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act of 4 of 2000
- Protection of Personal Information Act 4 of 2013
- South African Revenue Services Act 34 of 1997
- Skills Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Tax Administration Act 28 of 2011
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

6. INFORMATION AUTOMATICALLY AVAILABLE

- Pamphlets \ Brochures
- Pricelists
- Reports
- www.nkhulugroup.co.za

7. INFORMATION AVAILABLE IN TERMS OF THE ACT - ON REQUEST

Statutory Business Records

- Certificate of Change of Name
- Certificate of Incorporation
- Certificate to Commence Business
- Dividend Register
- Directors Attendance Register
- Memorandum of Incorporation
- Minutes of Shareholders Meetings
- Minutes of Directors Meetings
- Register of Directors and Officers
- Register of Directors Shareholding
- Resolutions
- Shareholders Agreements
- Minute Books
- Resolutions Passed at Meetings

Accounting Records

- Annual financial statements and working papers
- General ledger
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Cash books and petty cash books
- Fixed asset register
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Budgets and business plans
- Insurance records
- Systems documentation
- Management reviews
- Capital expenditure
- Credit agreements

Environment, Health and Safety

- Permits, licenses, approvals and registrations for operations of sites and business
- Records of medical surveillance, working hours and remuneration in respect of mine employees
- Safety management systems, data and audits

Fixed Property

- Leases



Information Technology

- Agreements
- Capacity and utilisation of current systems
- Client database
- Disaster recovery
- Hardware
- Internet
- Licenses
- Systems support, programming and development
- Operating systems

Insurance

- Claim records
- Details of coverage, limits and insurers
- Insurance policies

Legal, Agreements and Contracts

- Agreements with contractors, suppliers and clients
- Agreements with customers
- Agreements with shareholders, officers or directors
- Contracts, including lease agreements and finance agreements
- Sale agreements

Personnel Records

- Employee information records
- Employment applications
- Employment contracts
- Employment equity plan
- Expense accounts
- Health and safety records
- IRP 5 and IT 3 certificates
- Letters of appointment
- Leave applications
- Maternity leave policy
- Medical aid records
- Payroll
- Personnel File
- Policies and procedures
- Recruitment and appointments
- Salary and wage registers
- Salary slips and wage cards
- Tax returns of employees
- UIF, PAYE and SDL returns
- Workmen's Compensation Documents

Sales and Marketing

- Brochures, newsletters and marketing material
- Customers
- Sales

8. GENERAL

N/A

9. REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request forms that is available at the offices of Nkhulu Group Proprietary Limited, or can be accessed on www.justice.gov.za/infoereg. The completed request form must be sent to the address or fax number provided in this manual and marked for the attention of the Information Officer.

Please 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. The postal address or fax number of the requester in the Republic
- e. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof
- f. 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.

10. PRESCRIBED FEES

- A requestor is required to pay the prescribed fees before a request will be processed;
- 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);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- 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 and as an appendix to this manual.

11. PROTECTION OF PERSONAL INFORMATION PROCESSED

COMPANY is committed to protecting the privacy of personal information of our data subjects. The information you share with us as a data subject allows us to provide you with the best experience with our products and services, or as a stakeholder.

COMPANY has dedicated policies and procedures in place to protect all personal information collected and processed by us. Please read below for more information on how we collect, process, use and disclose personal information.

11.1 The purpose of processing of personal information

We process personal information for various reasons, including but not limited to the following:

- To manage information, products and/or services requested by data subjects
- To help us identify data subjects when they contact us
- Manage customers
- To maintain customer records
- Employment purposes
- General administration
- Financial and tax purposes
- Legal or contractual purposes
- Health and safety purposes
- To monitor access, secure and manage our premises and facilities
- To transact with our suppliers
- To help us detect and prevent fraud and money laundering under FICA
- To help us recover debts
- Marketing purposes
- Engaging with the public

11.2 Data subject categories and personal information processed

Customers	e-mail address Financial history ID number Language and birth of the person Location information Physical address Telephone number
Employees	Colour Criminal history, alleged commission of offence and proceedings in respect of these offences Education history e-mail address Employment history Gender ID number Language and birth of the person Location information Marital status Name of individual if it appears with other personal information National, ethnic or social origin Physical address Race Telephone number
Prospective employee	Colour Criminal history, alleged commission of offence and proceedings in respect of these offences Education history e-mail address Employment history Gender ID number Language and birth of the person Location information Marital status Name of individual if it appears with other personal information National, ethnic or social origin Physical address Race Telephone number
Suppliers	Colour Disability e-mail address Gender ID number Location information National, ethnic or social origin Physical address Race Telephone number

11.3 Recipients with whom personal information is shared

In processing your personal information, we may share it within the group of companies or with other third parties. These include but are not limited to:

- Statutory authorities
- Law enforcement agencies
- Tax authorities
- Contractors, vendors, or suppliers
- Payment processors
- Email management and distribution tools
- Server hosts
- Group companies
- Service providers

11.4 Security measures implemented to protect personal information

We have identified our security risks over the personal information we process in line with the Protection of Personal Information Act, and we have implemented various security measures to ensure reasonable protection against the risk of loss, misuse, unauthorised access and disclosure, alteration and destruction of the personal information.

We also take steps to ensure that operators that process personal information on behalf of company name apply adequate safeguards as outlined above.

11.5 Trans-border flows of personal information

We may transfer to, and store personal information we collect about you, in countries other than South Africa, if the relevant business transactions or situation requires trans-border processing. These countries may not have the same data protection laws as South Africa, and in this instance, we will only transfer the information if we have consent from you, or it is necessary for the performance or conclusion of a contract between us.

11.6 Personal information received from third parties

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

Where information on third parties is provided by a data subject, or a third party provides information on a data subject, that information may be taken into account with other personal information.

11.7 Data Breaches

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, NKHULU GROUP PROPRIETARY LIMITED shall notify:

- a) the Regulator; and
- b) the data subject, unless the identity of such data subject cannot be established.

The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

12. AVAILABILITY OF THE MANUAL

Copies of the manual are available for inspection, free of charge, at the offices of Nkhulu Group Proprietary Limited, from the South African Human Rights Commission and at: www.nkhulugroup.co.za.

