

ACCESS TO INFORMATION MANUAL

Compiled in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000 ("the Act")

1. Purpose of the Manual

This guide to accessing records held by Babcock International Group |Africa ("Babcock"), specifically relating to its group of entities reflected in **Annexure 1**. It is intended to provide guidelines to members of the public who wish to exercise their constitutional right to access to information. Below you will find information on how to lodge your request, a description of the types of records we hold, grounds for refusal, what procedure will be followed in considering your request, the applicable fee structure and other applicable information.

2. Further guidance from the South African Human Rights Commission ("SAHRC")

The SAHRC is required by legislation to provide a guide to the Act. Further information is available from the SAHRC at: -

The South African Human Rights Commission PAIA unit

The Research and Documentation Department:

Postal address: PO Box 2700, Houghton, 2041

Tel: +27(0) 11 484 8300

Fax: +27(0)11 4841360

Website: www.sahrc.org.za

Email: paia@sahrc.org.za

3. Babcock Contact Details

The Information Officer

Physical Address: Riley Road Office Park, 15e Riley Road, Bedfordview, 2007

Postal Address: PO Box 4561, Johannesburg, 2000

Email: enquiries@Babcock.co.za

Website: www.babcock.co.za

4. Categories of records

4.1 Information available on request

Babcock has under its control or in its possession the following records under the subjects described below. The categories of records are not exhaustive and are subject to amendment from time to time. A request made for access to these records will not be automatically granted but will be evaluated in accordance with the provisions of the Act, any other legal requirement, and Babcock's policies.

Record category	Record description
Accounting	Financial statements, source documents, accounting records including journals and ledgers, asset registers, banking records, delivery notes, orders, invoices, statements, receipts and vouchers, tax returns, vat returns.
Statutory Company information	Statutory company documents such as memoranda of incorporation, share registers, records relating to auditors, directors, and public officers; governance documents such as minutes of meetings, shareholder agreements and resolutions. Permits necessary to carry on business.
Human resources	Statutory employee records. Other employee records.
Pension and Retirement Funding records	Rules, account records, minutes of meetings of trustees and members, actuarial valuation reports, contribution reports, beneficiaries, annual accounts.
Environmental Health and Safety	Health and safety records, risk assessments and monitoring results, safety management systems, data and audits, Environmental impact assessments, permits, licenses, certifications, and registrations for operations of sites and business.
Intellectual Property	Patents, trademarks, copyrights, agreements relating to intellectual property such as license agreements, user agreements, joint venture and joint development agreements, design specifications, statutory and other quality documents.
Legal Agreements and contracts	Joint venture agreements, partnership agreements, other alliance agreements, sale agreements, lease agreements, distributor dealer or agency agreements, warranty agreements, restraint agreements, purchase or license agreements, licensing for vehicle and construction equipment, settlement agreements and any other agreement entered within the course and scope of conducting business, license permits and authorisations.
Insurance	Insurance policies, claims records.

Sales and Marketing	Products, customers, brochures, newsletters, advertising material, stakeholder management policies and procedures, sales, domestic and export orders.
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4.2 Records automatically available

The following categories of records are automatically available for inspection. A copy of the record is available for purchase at the costs indicated in **Annexure 3**. You do not need to request this information in terms of the Act. These categories are: -

- Any promotional material for public viewing
- Posters
- Campaigns
- Product information

Requests for this information may be made by emailing enquiries@babcock.co.za or contacting the company directly.

4.3 Records held in terms of any other legislation

Where applicable and insofar as the requester complies with the requirements set out in the relevant act, the requester may request information which is available in terms of the following legislation:

- Atmospheric Pollution Prevention Act No. 45 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, 53 of 2003
- Companies Act, 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer protection act 68 of 2008
- Council for the Built Environment Act 43 of 2000
- Customs and Excise Act No. 91 of 1964
- Debt Collectors Act No. 114 of 1998
- Designs Act No. 195 of 1993
- Employment Equity Act No. 55 of 1998
- Engineering Profession Act No. 46 of 2000
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Immigration Act No. 13 of 2002
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Legal Deposit Act No. 54 of 1997
- Long-term Insurance Act No. 52 of 1998
- National Credit Act, 34 of 2005
- National Environmental Management Act No. 107 of 1998
- National Key Points Act No. 102 of 1980
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998

- Occupational Health and Safety Act No 85 of 1993
- Prescription Act No. 68 of 1969
- Project and Construction Management Professions Act 48 of 2000
- Promotion of Access to Information Act No.2 of 2002
- Public Finance Management Act No. 1 of 1999
- Road Transportation Act No. 74 of 1977
- Short-term Insurance Act No. 53 of 1998
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001
- Value-added Tax Act No. 89 of 1991
- Protection of Personal Information Act No. 4 of 2013
- Electronic Communications and Transactions Act, 25 of 2002

5. Considerations before submitting a request

Before you submit a formal request for access the following need to be considered: -

5.1 Are you submitting the request for the exercise of protection of any of your legitimate rights?

The exercise of your rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance. This legislation may not be used for access to a record for criminal or civil proceedings or requested after commencement of such proceedings.

5.2 Is the information you require in record form and under the control of Babcock?

This Act only applies to records that have already been created, at the date of the request, and that are under the control of Babcock. Babcock is not obliged to receive any records on your behalf that are no longer under its control, even where Babcock created the record.

5.3 Do you have a legitimate right to access the record?

A request may only be made to exercise your own right, or where the request is made on behalf of another person, the requestor must submit proof of his/her capacity to act on behalf of the person in whose name the request is made. For example, a power of attorney must be submitted with the request where a legal representative makes the request on behalf of his/her client.

6. Request Procedure

If you are satisfied that you are entitled to make a request for access to records under this Act, please follow the procedure outlined below: -

6.1 Request Form

No application will be considered unless it is completed on the request form in **Annexure 2** to this manual. The completed form must be submitted to the Information Officer or the Deputy Information Officer by electronic mail to enquiries@Babcock.co.za.

Please ensure that sufficient information is provided to enable us to establish: -

The record requested

The proof of identity of the requestor

The form of access required if the request is granted; and

The contact details of the requestor

6.2 Definition of your rights

Please describe fully the right you seek to protect in line with the considerations outlined in paragraph 5.1 above.

6.3 Payment of the prescribed fee

There are 2 types of fees: Request fee (R50,00) and Access fee (calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in **Annexure 2**.

The requestor will be notified whether the Information Officer requires a deposit (calculated from the access fee) and subsequent balance of the access fee. Where a deposit has been taken and the request has subsequently been refused, the Information Officer will refund the deposit to the requestor. Deposits paid by a requestor will be refunded if the request is refused.

7. Timelines for consideration of your request

- 7.1** Requests will be processed within 30 days unless the request contains considerations that are of such a nature that an extension of the 30-day limit is needed.
- 7.2** Should an extension be needed, you will be notified, together with reasons explaining why the extension is necessary.

8. Grounds for refusal of access to information

The main grounds on which Babcock could refuse access to records relate to the mandatory protection of: -

- 8.1** The privacy of a third party who is a natural person
- 8.2** The commercial information of a third party
- 8.3** Certain confidential information of a third party
- 8.4** The safety of individuals and safety of property
- 8.5** Records privileged from production in legal proceedings
- 8.6** Commercial information of Babcock which may include, without limitation: -
 - 8.6.1** Trade secrets
 - 8.6.2** Financial, commercial, scientific, or technical information, the disclosure of which could likely harm the financial or commercial interests of Babcock

- 8.6.3 Information that if disclosed, could place Babcock at a disadvantage in negotiations or commercial competition
- 8.6.4 Computer programs and related information technology software that are owned by Babcock and that are protected by copyright; and
- 8.6.5 Research information compiled by Babcock or a third party, if disclosure would expose the third party, the researcher, or the subject matter of the research to serious disadvantage.

Requests for access to records that are clearly frivolous or vexatious, or that involve an unreasonable diversion of resources, will be refused.

9. Remedies available to a requestor on refusal of access

Babcock does not have an internal procedure that may be followed after a request for access to information is refused. If you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

ANNEXURE 1**BABCOCK INTERNATIONAL|AFRICA – GROUP OF SOUTH AFRICAN REGISTERED ENTITIES**

Entity Name:	Registration number:
Babcock Africa Investments (Pty) Ltd	2006/037622/07
Babcock Africa Holdings (Pty) Ltd	2008/011726/07
Babcock Africa (Pty) Ltd	1960/003214/07
Babcock Ntuthuko Engineering (Pty) Ltd	1948/032084/07
Babcock Africa Services (Pty) Ltd	1968/008464/07
Babcock Education and Training (Pty) Ltd	1954/002294/07
Babcock Plant Services (Pty) Ltd	2002/021428/07
Babcock Financial Services (Pty) Ltd	2000/000798/07
Babcock Ntuthuko Aviation (Pty) Ltd	2009/00549/07
Babcock Africa Employee Empowerment Trust	IT 919/2012

ANNEXURE 1

FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

- If your request is granted the—
 - amount of the deposit, (if any), is payable before your request is processed; and
 - requested record/portion of the record will only be released once proof of full payment is received.
- Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

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Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD</p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer