



BERGSIG ESTATE (PTY) LTD
(Registration number: 2000/017931/07)

MANUAL

Published in terms of section 51
of the

Promotion of Access to Information Act 2 of 2000
(the "ACT")

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MANUAL FOR THE PROMOTION OF ACCESS TO INFORMATION ACT
(ACT NO. 2 OF 2000)
(PAIA)

1. INTRODUCTION:

This Manual has been drafted in accordance with the provisions as set out in the Promotion of Access to Information Act, Act No. 2 of 2000, for the purpose of complying with the constitutional right to access information held by **BERGSIG ESTATE (PTY) LTD**, and to exercise the protection of rights, as mentioned by law, are required. It is important that this Manual will be read in conjunction with the said Act.

2. AVAILABILITY:

A copy of this Manual has been made available to Human Right's Commission of South Africa, as set out in Article 181(1)(b) of the Constitution of South Africa., No.108 of 1996.

This manual is published on the Company website at www.bergsig.co.za or alternatively, a copy can be requested during office hours and on request, at the address as mentioned in paragraph 3.

3. CONTACT DETAILS: MOUNTAIN RIDGE WYNKLEDER (PTY) LTD

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4. USER GUIDE TO THE ACT:

The South African Human Rights Commission has published a guide in each official language, in accordance with Section 10 of PAIA, 2000. It contains information that is reasonably required by a person who wishes to exercise any right, as contained in the Act.

The Act is available at the office of the Human Rights Commission, as well as on their website (www.sahrc.org.za). Inquiries with regards to the guide, can be directed to the Human Rights Commission at their business address or by telephone (011 877 3678).

5. THE AUTOMATIC AVAILABILITY OF RECORDS:

The Head of the private body did not voluntarily submit a description in terms of Section 52 of the Act, with regards to categories of records that are automatically available, without a person having to make a request to access the information, in terms of the Act. However, the head of the private body will automatically make publications and any other records of information about the private body, which are already available in the public domain, available on request.

6. PROCEDURE FOR SUBMITTING A FORMAL REQUEST TO ACCESS INFORMATION & FEES PAYABLE:

6.1 PROCEDURE FOR SUBMITTING A FORMAL REQUEST

Any request for formal access to a record of a private body must conform to the format of the prescribed application form for private bodies, as indicated in Regulation No. R. 187, dated 15 February 2002. The application must be addressed to the Head of the private body, at the address or the electronic mailing address, as indicated in this manual.

The requester must provide his/her address or electronic mailing address and indicate the appropriate form of access required. Adequate particulars must be provided to enable the Head of the Private Body to identify the requester as well as the record or records requested. The requester must identify the right that has to be enforced or protected to access the information, as well as provide an explanation as to why the requested records are required, to exercise the right of protection.

If the request is made on behalf of another person, the requester must provide proof of the capacity in which the request is made. If the request is made on behalf of another person, the requester must, to the reasonable.

The requester shall be notified within thirty (30) days, or a prescribed extended period, and in the prescribed manner by the Head of the private body, whether the request for access to a record has been granted or denied. If, in addition to a written answer, the requester wishes to be informed in any other way of the decision of the Head of the private body regarding the request, the necessary details must be stated.

Applicants' attention is drawn to the provisions of Section 78(2)(d) of PAIA, 2000. This Section must be read in conjunction with Government Notice No. 585 published in Government Gazette No. 26332, dated 12 May 2004.

6.2 FEES PAYABLE

The monetary structure for the calculation of fees (payable in respect of a request to access a record of a private body) is set out in Regulation No. R. 187, dated 15 February 2002. The monetary structure may be amended from time to time by the Minister of Justice and Constitutional Development.

A requester requesting access to a record containing personal information about the requester, does not have to pay any fees in respect to such request. The Head of the private body will require any requester, other than a personal requester, by written notice, to pay the prescribed request fee and applicable access fee, if any, before the request will be further processed.

If a request for access to a record is granted, by the Head of the private body, the requester must pay the prescribed fee for reproduction, search and preparation; provided that if the Head considers that the search and preparation of a record will take more than six (6) hours, the requester (excluding a personal requester) will be required to make a one-third deposit of the prescribed fee. The head of the private body will withhold a record until the requester has paid the appropriate fees.

7. DESCRIPTION OF THE CATEGORIES OF RECORDS HELD, ON EACH SUBJECT, BY THE PRIVATE BODY:

7.1 ADMINISTRATIVE RECORDS

Deed/statutes of incorporation
Names and details of Directors
Customer records
Correspondence
Licenses
Board documents/minutes/reports/statements
Shareholder/members register
Records in connection with the appointment of directors/auditors

7.2 PERSONNEL RECORDS

Employment Contracts
Employee Files
Employment Equity Analysis, Plan, Reports
Leave Records
Attendance Registers
Disciplinary Code and records
WCA Records
Salary and Wage Records
Policies and Procedures
Training Records
All audit Reports

7.3 FINANCIAL RECORDS

Annual Financial Statements
Share Certificates
Bank records and statements
Audit Reports
Income Tax records
VAT records
PAYE records
Insurance records
Warranties
Agreements with service providers
Invoices
Receipts

7.4 PROPERTY RECORDS

Asset registers
Title deed
Notarial Deeds
Mortgage records
Lease and -agreements
Inventory lists

8. RECORDS KEPT UNDER OTHER LEGISLATION:

The private body may keep records in terms of other legislation, such as, but not necessarily limited to:

Income Tax Act, 167 (No. 95 of 1967)
Value Added Tax Act, 1991 (No.89 of 1991)
Basic Conditions of Employment Act, 1997 (No. 75 of 1997)
Occupational Health and Safety Act, 1993 (No. 85 of 1993)
Compensation for Occupational Injuries and Diseases Act, 1993 (No. 103 of 1993)
Labour Relations Act, 1995 (No. 66 of 1995)
Unemployment Insurance Act, 1966 (No. 30 of 1996)
Skills Development Act, 1999 (No. 9 of 1999)
Employment Equity Act, 1998 (No. 55 of 1998)
Medical Schemes Act, 1998 (No. 131 of 1998)
Trademarks Act, 1993 (No. 194 of 1993)
Companies Act, 2008 (No. 71 of 2008)

9. OTHER INFORMATION THAT MAY BE PRESCRIBED:

The Minister of Justice and Constitutional Development has not issued any regulations regarding other information to be contained in this manual.