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PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

PRIVATE BODY MANUAL

1. CONTACT DETAILS OF PRIVATE BODY

- 1.1 Name of Body: African Oxygen Limited  
(Company Registration Number: 1927/000089/07)
- 1.2 Physical Address: Grayston Office Park  
Building 7, 128 Peter Road  
Sandown, Sandton, 2196  
Republic of South Africa
- 1.3 Postal Address: P O Box 5404  
Johannesburg  
2000
- 1.4 Telephone: +27(11) 490-0400 / 27 (0) 76 154 1676
- 1.5 E-mail: [Kubashnie.Pillay@afrox.linde.com](mailto:Kubashnie.Pillay@afrox.linde.com)
- 1.6 The Head: Kubashnie Pillay
- 1.7 Who we are: We carry on the business of a gas and welding supply company and have expertise in the manufacture, procurement and supply of gases and welding and related equipment and products.

2. SECTION 10 GUIDE

- 2.1 In terms of section 10 of the Promotion of Access to Information Act 2 of 2000 as amended by the Protection of Personal Information Act 4 of 2013, the South African Human Rights Commission has published a guide containing information relating to:
- 2.1.1 obtaining access to a record of a private body and the assistance that is available from the South African Human Rights Commission and/or the Information Regulator in this regard;
- 2.1.2 lodging a court application against a decision by the head of a private

- body;
- 2.1.3 the fees that are payable for accessing a record; and
  - 2.1.4 the voluntary disclosure of information by private bodies.
- 2.2 The contact details of the South African Human Rights Commission are as follows:

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

- 2.3 The contact details of the Information Regulator are as follows:

Information Regulator

The Research and Documentation Department

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 10 023 5200

Website: [justice.gov.za](http://justice.gov.za)

E-mail (complaints): [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

E-mail (general enquiries): [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

### 3. RECORDS THAT ARE AVAILABLE IN TERMS OF OTHER LEGISLATION

- 3.1 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, as amended:

3.1.1 Basic Conditions of Employment Act 75 of 1997

3.1.2 Broad Based Black Economic Empowerment Act 53 of 2003

- 3.1.3 Companies Act 61 of 1973, 75 of 2008
- 3.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.1.5 Competition Act 89 of 1998
- 3.1.6 Copyright Act 98 of 1978
- 3.1.7 Drugs Control Amendment Act 65 of 1964
- 3.1.8 Electronic Communications and Transactions Act 25 of 2002
- 3.1.9 Employment Equity Act 55 of 1998
- 3.1.10 Gas Act 48 of 2001
- 3.1.11 Gas Regulator Levies Act 2002 Act 75 of 2002
- 3.1.12 Hazardous Substances Act 15 of 1973
- 3.1.13 Income Tax Act 58 of 1962
- 3.1.14 Insolvency Act 24 of 1936
- 3.1.15 Labour Relations Act 66 of 1995
- 3.1.16 Medical Schemes Act 131 of 1998
- 3.1.17 Medicines and Related Substances Control Act 101 of 1965
- 3.1.18 Mineral and Petroleum Resources Development Act 28 of 2002
- 3.1.19 Occupational Health and Safety Act 85 of 1993
- 3.1.20 Patents Act 57 of 1987
- 3.1.21 Pension Funds Act 24 of 1956
- 3.1.22 Petroleum Products Act 120 of 1997
- 3.1.23 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 3.1.24 Regional Services Councils Act 109 of 1985
- 3.1.25 SA Securities Act 36 of 2004
- 3.1.26 Skills Development Act 97 of 1998
- 3.1.27 Skills Development Levies Act 9 of 1999

- 3.1.28 Trade Marks Act No 194 of 1993
- 3.1.29 Unemployment Insurance Act 63 of 2001
- 3.1.30 Unemployment Insurance Contributions Act 4 of 2002
- 3.1.31 Value Added Tax Act 89 of 1991
- 3.1.32 Protection of Personal Information Act 4 of 2013.

#### **4. SUBJECTS AND CATEGORIES OF INFORMATION HELD**

##### **GENERAL**

The subjects and categories of official and/or confidential information on which the private body holds records are as follows:

- 4.1 Financial records, including:
  - 4.1.1 statutory books of account;
  - 4.1.2 budget reports;
  - 4.1.3 bank reports;
  - 4.1.4 audited financial statements;
  - 4.1.5 audit reports; and
  - 4.1.6 insurance records.
  
- 4.2 Operational Information, including:
  - 4.2.1 budget reports;
  - 4.2.2 monthly reports; and
  - 4.2.3 minutes of management meetings.
  
- 4.3 Business Strategy Information, including
  - 4.3.1 business plan;
  - 4.3.2 budget reports;
  - 4.3.3 minutes of board meetings;
  - 4.3.4 monthly reports; and
  - 4.3.5 annual reports.

- 4.4 Assets, including:
  - 4.4.1 asset register;
  - 4.4.2 bank account reconciliations;
  - 4.4.3 debtors' information; and
  - 4.4.4 share certificates.
  
- 4.5 Liabilities, including:
  - 4.5.1 general ledger; and
  - 4.5.2 loan agreements.
  
- 4.6 Marketing, including:
  - 4.6.1 business plan; and
  - 4.6.2 communication plans.
  
- 4.7 Information Technology, including:
  - 4.7.1 asset register;
  - 4.7.2 IT usage register;
  - 4.7.3 software licenses;
  - 4.7.4 repair and maintenance records;
  - 4.7.5 software programmes; and
  - 4.7.6 software records.
  
- 4.8 Human Resources, including:
  - 4.8.1 HR policies and procedures;
  - 4.8.2 employment equity reports;
  - 4.8.3 skills development reports;
  - 4.8.4 contracts of employment;
  - 4.8.5 payroll data; and
  - 4.8.6 employee records.

- 4.9 Management, including:
  - 4.9.1 records of management meetings.
  
- 4.10 Client care, including:
  - 4.10.1 client contracts;
  - 4.10.2 client review records;
  - 4.10.3 status reports; and
  - 4.10.4 call reports.
  
- 4.11 Contractual relationships, including:
  - 4.11.1 contracts with clients;
  - 4.11.2 leases;
  - 4.11.3 HP agreements; and
  - 4.11.4 shareholders' agreements.
  
- 4.12 Quality, including:
  - 4.12.1 ISO accreditation and manuals.
  
- 4.13 Company organisational structure, including:
  - 4.13.1 organogram; and
  - 4.13.2 shareholders' agreements.
  
- 4.14 Company secretarial, including:
  - 4.14.1 statutory documents;
  - 4.14.2 board resolutions;
  - 4.14.3 share certificates;
  - 4.14.4 minute book;
  - 4.14.5 company registers; and
  - 4.14.6 audited results.

- 4.15 Investor Relations, including:
- 4.15.1 general investor relations communications;
  - 4.15.2 announcements on SENS;
  - 4.15.3 presentations to analysts.

### PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

We process personal information that is necessary to enable us to provide our various products and services. Below are the various categories of personal information we collect and who we share personal information with.

Subject	Category
Data subject categories and their personal information	<p>Employees: record of employee life cycle</p> <p>General public: general enquiries and viewing the company website; name, e-mail address</p> <p>Industry bodies: membership records</p> <p>Media: records of media interactions</p> <p>Service providers: record of service provider life cycle</p>
Recipients of personal information	<p>Employee pension funds</p> <p>Industry bodies</p> <p>Law enforcement</p> <p>Medical aid schemes</p> <p>purchasers on the sale or other substantial transfer of all of the business of Afrox or the Afrox group of companies</p> <p>operators (service providers)</p> <p>statutory authorities</p>
Expected transnational transfer of personal information	<p>Transfer of personal information to operators</p> <p>Transfer of personal information to Afrox group companies</p>
Security measures to protect personal	We use reasonable security methods to

information	<p>protect data that is provided to us and resides on our servers. Our security measures include:</p> <p>Physical security measures:</p> <ul style="list-style-type: none"> <li>·Access control measures</li> <li>·Internal security measures</li> </ul> <p>Cyber security measures:</p> <ul style="list-style-type: none"> <li>·Anti-virus measures</li> <li>·Installing security firewalls</li> <li>·Password control</li> </ul> <p>Training programs on information security Information security audits IT-related company policies</p>
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For more information on how we process personal information, please see our privacy policy available at [http://www.afrox.co.za/en/footer\\_information/privacypolicy](http://www.afrox.co.za/en/footer_information/privacypolicy).

## 5. THE REQUEST PROCEDURE

### 5.1 Forms and fees

- 5.1.1 A request for information must be made in the prescribed form, a copy of which is annexed hereto as Appendix 1, must be addressed to the head of the private body and must be submitted with the prescribed fee.
- 5.1.2 The prescribed request form and details regarding the prescribed fees are available from the head of the private body and from the South African Human Commission, whose contact details are set out above.

### 5.2 Form of request

- 5.2.1 The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, facsimile number or electronic mail address of the body concerned.
- 5.2.2 The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should indicate if it requires notice of the decision of the head of the private body in any manner, other than in writing.
- 5.2.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.



- 5.2.4 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- 5.3 Fees
  - 5.3.1 A requester who seeks access to a record containing personal information must pay the required request fee.
  - 5.3.2 The head of the private body must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
  - 5.3.3 The requester may lodge an application to the high court relating to the payment of the request fee.
  - 5.3.4 After the head of the private body has made a decision on the request, the requester must be notified in the required form.
  - 5.3.5 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.

## 6. OTHER INFORMATION REQUIRED BY LEGISLATION

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

## 7. AVAILABILITY OF THE MANUAL

- 7.1 This manual is available for inspection at the private body's physical address, free of charge.
- 7.2 A copy of this manual can be obtained from the South African Human Rights Commission.
- 7.3 The request forms and fee structure can be obtained via the South African Human Rights Commission's website, details of which are set out above, or via the website of the Department of Justice and Constitutional Development, which website can be accessed using the universal resource locator: [www.doj.gov.za](http://www.doj.gov.za).
- 7.4 This manual will be published electronically in the Government Gazette.

## APPENDIX 1

### FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Section 53(1) of the Promotion of Access to Information Act 2 of 2000

#### A. PARTICULARS OF PRIVATE BODY

Name of Private Body: African Oxygen Limited  
Registration No 1927/000089/07

The Head: Kubashnie Pillay

Physical Address: Grayston Office Park  
Building 7, 128 Peter Road  
Sandown, Sandton, 2196

Postal Address: Republic of South Africa  
P O Box 5404  
Johannesburg  
2000

Telephone: (27 (0) 76 154 – 1676)

E-Mail: [Kubashnie.Pillay@afrox.linde.com](mailto:Kubashnie.Pillay@afrox.linde.com)

#### B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- (a) *The full 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 ONLY 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.***

Description of record or relevant part of the record: \_\_\_\_\_

Reference number, if available: \_\_\_\_\_

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 an impediment or 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: _____ _____ _____	
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Mark the appropriate box with an "X":

**NOTES:**

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

<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 photographs, slides video recordings, computer-generated images, sketches, etc.):			
	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)

<p>*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.</p>	<p>YES</p>	<p>NO</p>
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**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