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Empyreal Construction (Pty) Ltd

Registration Number: 2006/024158/07

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (Act 2 of 200, as amended)

for

EMPYREAL CONSTRUCTION (PTY) LTD AND ITS SUBSIDIARIES

Compiled 17 November 2015

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1. Introduction and Contact Details [Section 51(1)(a)]

Empyreal Construction (Pty) Ltd is a multi-disciplinary civil engineering construction company, with proven capabilities over a wide range of different technical fields in the Civil Engineering Industry since 1997.

Empyreal is registered with the Construction Industry Development Board as a contractor with the ability to perform work within the 8CE, 6GB scope. Empyreal is a BBBEE Level Two Contributor.

Contact Details

Name of Private Body	Empyreal Construction (Pty) Ltd
Designated Information Officer	Andre Booyens
E-mail address of Information Officer	hq@empyreal.co.za
Postal address	P O Box 13994 Sinoville 0129
Street address	20 Moloto Road Wolmaranspoort 0035
Phone number	086 143 6264
Fax number	086 630 7125

This manual is published in terms of section 51 of the Promotion of Access to information Act, 2000 (Act 2 of 2000) ("The Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and the information held by another person that is required for the exercise and/or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of The Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of The Act.

This manual applies in respect of each constituent private body that is a member of the Empyreal Group as set out in Annexure A. the information officer named above, is appointed in respect of Empyreal Construction (Pty) Ltd and its subsidiaries.

Date	Version	Description	Author
17.11.2015	1.0	S51 Manual	Information Officer

2. Availability of this manual

A copy of this manual is available on our website www.empyreal.co.za or by sending a request for a copy to the Information Officer by e-mail. The manual may also be inspected at

the address set out above. In addition, this manual can be accessed through the SAHRC at its address set out below in paragraph 3. This manual will be updated from time to time, as and when required.

3. 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 4 and 5 of this manual.

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 existing 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
E-mail	paia@sahrc.org.za

4. Form of Request [Section 51 (1)(e)]

To facilitate the processing of your request, kindly:

- Use the prescribed form C which is attached hereto as Annexure b and also available on the website of the South African human rights Commission at www.sahrc.org.za
- Address your request to our information Officer at the contact details provided in paragraph 1.
- Provide sufficient details to enable the company to identify:
 - The record(s) requested;
 - The requester (if agent is lodging the request, proof of capacity);
 - The form of access required;
 - The postal address or fax number of the requester in the RSA;
 - If the requester wishes to be informed of the decision in any matter (in addition to written) such manner and particulars thereof;
 - 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.

5. Prescribed fees [Section 51(1)(f)]

The following applies to requests (other than personal requests):

- A requester is required to pay the prescribed fees as per Annexure C 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 requester 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

Note that all requests to Empyreal Construction (Pty) Ltd or any of its subsidiaries that constitutes a private body, will be evaluated and considered in accordance with The Act. Publication of this manual and describing the categories and subject matter of information held by Empyreal Construction (Pty) Ltd does not give rise to any rights, in contract or otherwise, to access such information or records except in terms of The Act.

6. Voluntary disclosure (Latest notice in terms of Section 52(2)) [Section 51(1)(c)]

Notices in terms of Section 52 are voluntary, yet Empyreal Construction (Pty) Ltd does make certain information freely available at www.empyreal.co.za without request. The website contains various categories of information relating to Empyreal Construction (Pty) Ltd, such as the structure, current projects, career information and contact details.

7. Records available in terms of any other legislation [Section 51(1)(d)]

Empyreal Construction (Pty) Ltd is subject to all laws of the Republic of South Africa. The list of Acts shown below may not be exhaustive; accordingly Empyreal Construction (Pty) Ltd may be subjected to further acts; alternatively there may be Acts listed which are not applicable to Empyreal Construction (Pty) Ltd:

Companies Act 71 of 2008
Income Tax Act 58 of 1962
Value Added Tax act 89 of 1991
Labour Relations Act 66 of 1995
Basic Conditions of Employment Act 75 of 1997
Employment equity Act 55 of 1998
Compensation for Occupational injuries and Health Diseases Act 130 of 1993
Competition Act 89 of 1998
Credit Agreement Act 75 of 1980
Financial Markets Control Act 55 of 1989
Insider Trading Act 135 of 1998
Occupational Health and Safety Act 85 of 1993
Harmful Business Practices Act 23 of 1999
Protection of Business Act 99 of 1978
Prescription Act 68 of 1969
Skills Development Act 97 of 1998
Stamp Duties Act 77 of 1968
Skills Development Levies Act 9 of 1999
Transfer Duty Act 40 of 1949
Unemployment Insurance Act 63 of 2001

8. Records held by Empyreal Construction (Pty) Ltd

Empyreal Construction (Pty) Ltd maintains records on the categories and subject matters listed below. However, please note that recording a category or subject matter in the manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provision of the Act. Please note further that many records held by us are those of third parties, such as customers and employees and we take the protection of third parties' confidential information very seriously, and will not divulge such information without their written consent. Please ensure that request for such records are carefully motivated to avoid rejection.

8.1 Internal Records

The following are records pertaining to Empyreal Construction (Pty) Ltd.'s own affairs and those of its constituent companies:

- Memorandum of Incorporation;
- Financial records;
- Operational records;
- Intellectual Property;
- Marketing Records;
- Internal Correspondence;
- Product Records;
- Statutory Records;
- Internal Policies and Procedures;
- Minutes of Meetings;
- Charters, codes of conduct and policies , both internal and external, to which Empyreal Construction (Pty) Ltd subscribes; and
- Records held by officials of Empyreal Construction (Pty) Ltd.

8.2 Personnel Records

Personnel refers to any person who works for or provides services to or on behalf of Empyreal Construction (Pty) Ltd and receives or is entitled to receive any remuneration, and any other person who assists in carrying out or conducting the business of Empyreal Construction (Pty) Ltd. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of our/their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation records; and
- Other internal records and correspondence.

8.3 Customer-related records

Customer-related information includes the following:

- Contracts with the customer and between the customer and other persons;
- Any records a customer has provided to Empyreal Construction (Pty) Ltd or a third party acting for or on behalf of Empyreal Construction (Pty) Ltd including plans, specifications, approvals, licences, reports, intellectual property rights and the like);
- Any credit records or other research conducted by Empyreal Construction (Pty) Ltd in respect of its customers or research derived by Empyreal Construction (Pty) Ltd from its customers and their activities;
- Records, reports, designs and the like generated by Empyreal Construction (Pty) Ltd for its customers;
- Any records a third party has provided to Empyreal Construction (Pty) Ltd either directly or indirectly; and
- Records generated by or within Empyreal Construction (Pty) Ltd, including transactional records.

8.4 Other Parties

Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Empyreal Construction (Pty) Ltd is a party, contractors and sub-contractors, suppliers, subsidiary/holding/sister companies, service providers, and general market conditions. In addition, such other parties may possess records which can be said to belong to Empyreal Construction (Pty) Ltd. The following records fall under this category:

- Personnel, customer, or Empyreal Construction (Pty) Ltd records which are held by another party as opposed to being held by Empyreal Construction (Pty) Ltd; and
- Records held by Empyreal pertaining to other parties, including financial records, correspondence, contractual records, records provided by other party, and records third parties have provided about contractors or suppliers.

8.5 Other Records

Further records are held including:

- Information relating to Empyreal Construction (Pty) Ltd.'s own commercial activities;
- Procurement and administration for Empyreal Construction (Pty) Ltd; and
- Research information belonging to Empyreal Construction (Pty) Ltd or carried out on behalf of a third party.

Annexure A

	Name of Private Body	Registration Number
1	The 4 Sum Trust	IT 8715/06
2	The Borbus Trust	IT 10652/06
3	The Handre Trust	IT 10653/06
4	The ANT Business Trust	IT 3633/13
5	The Baruch Family Trust	IT 2931/15
6	The Pacific Trust	IT 8200/02
7	Empyreal Civils cc	1997/049948/23
8	Empyreal Civils North cc	1997/043431/23
9	8 Mile Investments 234 (Pty) Ltd	2004/029670/07
10	Mr B Projects cc	1997/049749/23
11	Empyreal Construction (Pty) Ltd	2006/024158/07
12	The Andre Booyens Family Trust	IT 1899/03
13	The Bornman Family Trust	IT 3167/00

FORM C

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
 (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
 [Regulation 10]**

A. Particulars of private body

.....

B. Particulars of person requesting access to the record

- (a) The 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 he request is made, if applicable, must be attached.

Full names and surname:

Identity Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal Address:

Telephone no.: Fax no.:

E-mail Address:

Capacity in which request is made if 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.

1. Description of record or relevant part of the record:

.....

.....

.....

.....

.....

2. Reference number, if available:

.....

3. 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:

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.....

F. Form of Access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X.	
Notes:	
(a) Compliance with your request for access 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 required.	

1. If the record is in written or printed form:

Copy of record*

Inspection of record

2. If record consists of visual images – (this includes photographs, slides, video recordings, computer generated images, sketches, etc.):

View the images

Copy of images

Transcription of images*

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (CD)

Transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

Printed copy of record*

Printed copy of information derived from the record*

Copy in computer readable form (CD)

* 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.	YES	NO
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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 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

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day of year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Annexure C

FEES

Where an institution 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.

The applicable fees for reproduction as referred to above are:

<i>Item</i>	<i>Rand</i>
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine readable form	0.75
For a copy on a computer readable form (CD)	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

Request fees:

Where a requester submits a request for access to information held by an institution on a person other than the requestor himself/herself, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of The Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

<i>Item</i>	<i>Rand</i>
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine readable form	0.75
For a copy on a computer readable form (CD)	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30.00
Where a copy of a record needs to be posted the actual postal fee is payable	

Where the institution receives a request for access to information held a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable by the requester.