



This is a Manual prepared in terms of the Promotion of Access to Information Act (“PAIA”) and the Protection of Personal Information Act (“POPIA”) for Bidfreight Port Operations (Pty) Ltd (including Ensimbini Terminals (Pty) Ltd and South African Container Stevedores (Pty) Ltd) (collectively referred to as “BPO”).

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1. **INTRODUCTION**

1.1 **Overview:**

- 1.1.1 Bidfreight Port Operations (Pty) Ltd is a member of the Bidvest Freight division of the Bidvest Group of companies. BPO is one of the largest providers of in-port logistics in South Africa with a major presence in each of the country's commercial cargo ports.
- 1.1.2 BPO offers an integrated solution to customers importing or exporting to and from South Africa.
- 1.1.3 BPO's areas of expertise include stevedoring, warehousing and terminal operating services and transportation.
- 1.1.4 The information contained in this Manual shall apply mutatis mutandis to BPO's subsidiary South African Container Stevedores (Pty) Ltd ("SACS") and BPO's joint venture with ArcelorMittal, Ensimbini Terminals (Pty) Ltd ("Ensimbini").
- 1.1.5 Any requests in terms of PAIA made by BPO, SACS or Ensimbini shall be made in terms of this Manual. Any reference to BPO made herein shall therefore include these companies. The contact details for the aforesaid companies are the same as the contact details mentioned below.

1.2 **Contact details:**

- 1.2.1 Company Name: Bidfreight Port Operations (Pty) Ltd
- 1.2.2 Head Office: 1st Floor Millweed House
169-175 Maydon Road
Maydon Wharf, Durban 4001
- 1.2.3 Postal Address: PO Box 900
Durban, 4000
- 1.2.4 Website: www.bidports.co.za
- 1.2.5 Phone: +27 31 274 2400
- 1.2.6 Email: marketing@bidports.co.za
- 1.2.7 Head of Company: Jannie Roux (Managing Director)
- 1.2.8 Information Officer: Colin Shaw (General Manager – Legal and Risk)

2. **MANUAL**

2.1 **The Promotion to Access to Information Act, No.2 of 2000 ("the PAIA")**

- 2.1.1 The PAIA gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights.

2.1.2 The PAIA sets out the procedures attached to such request, and also recognises that such right to access to information is subject to certain justifiable limitations.

2.1.3 The PAIA obliges private bodies to compile a manual which would assist a person to obtain access to information held by the private body and stipulates the minimum requirements with which a manual has to comply.

2.2 **The Protection of Personal Information Act, No. 4 of 2014 (“the POPIA”)**

2.2.1 The POPIA gives effect to the constitutional right to privacy, in particular, the protection against the unlawful collection, retention, dissemination and use of personal information.

2.2.2 Personal information means certain information relating to an identifiable living natural person or existing juristic person.

2.2.3 The POPIA requires people or companies to comply with eight principles regarding the processing of personal information.

2.3 **BPO’s Manual**

2.3.1 BPO’s Manual is available for inspection at its Head Office (address set out in clause 1.2 above), on BPO’s website (www.bidports.co.za) and at the South African Human Rights Commission (see clause 2.4 below).

2.3.2 The Bidvest Group Manual is available at www.bidvest.com.

2.4 **South African Human Rights Commission (“SAHRC”)**

2.4.1 SAHRC is responsible for compiling a guide that will facilitate the ease of use of the PAIA for persons who wish to exercise any right contemplated in the PAIA. This guide is available in all of the eleven official languages from SAHRC. Please address any queries in this regard to:

The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department

Physical address: 29 Princess of Wales Terrace, Parktown, Johannesburg
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484 8300
Fax: +27 11 484 0582
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

3. **RECORDS**

3.1 **Records available without request**

3.1.1 There are currently no records available without request.

3.2 **Records kept in terms of other legislation (Acts and Regulations)**

3.2.1 Corporate:

Companies Act No. 71 of 2008
Competition Act No. 89 of 1998
Broad-Based Economic Empowerment Act No. 53 of 2003
Trade Marks Act No. 194 of 1993

3.2.2 Finance:

National Credit Act No. 34 of 2005
Consumer Protection Act No. 68 of 2008
Financial Intelligence Centre Act No. 38 of 2001
Prevention of Combating of Corrupt Activities Act No. 12 of 2004
Prevention of Organised Crime Act No. 121 of 1998
Pension Funds Act No. 24 of 1956
Tax on Retirement Funds Act No. 38 of 1996

3.2.3 Tax and Duties:

Income Tax Act No. 58 of 1962
Value Added Tax Act No. 89 of 1991
Customs and Excise Act No. 91 of 1964
South African Revenue Service Act No 34 of 1997

3.2.4 Human Resources:

Labour Relations Act No. 66 of 1995
Basic Conditions of Employment Act No. 75 of 1997
Employment Equity Act No. 55 of 1998
Manpower Training Act No. 56 of 1981
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Skills Development Act No. 97 of 1998
Skills Development Levies Act No. 9 of 1999
Unemployment Insurance Contributions Act No. 4 of 2002
Unemployment Insurance Fund Act No. 63 of 2001

3.2.5 Safety, Health and Environment:

Occupational Health and Safety Act No. 85 of 1993
Occupational Diseases Act No. 130 of 1993
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Tobacco Products Control Act No. 83 of 1993
Medicines and Related Substances Control Act No. 101 of 1965
National Building Regulations and Building Standards Act No. 103 of 1977
National Environmental Management Act No. 107 of 1998
NEM Air Quality Act No. 39 of 2004
National Water Act No. 36 of 1998
Environmental Conservation Act No. 73 of 1989
Disaster Management Act No. 57 of 2002
Hazardous Substances Act No. 15 of 1973

3.2.6 Information:

Promotion of Access to Information Act No. 54 of 2002
Electronic Communications and Transactions Act No. 25 of 2002
Regulation of Interception of Communications and Provision of Communications Related
Information Act No. 70 of 2002

3.2.7 Transport:

Administrative Adjudication of Road Traffic Offences Act No. 46 of 1998
National Land Transport Act No. 5 of 2009
Road Traffic Act No. 29 of 1989

3.3 **Other records**

3.3.1 Corporate:

Statutory information
Agendas and Minutes of internal meetings
Internal Policies and Procedures

3.3.2 Finance:

Accounting and taxation records
Annual Financial Statements
Banking statements
Client contracts and related information
Service provider contracts and vendor details
Insurance records

3.3.3 Tax and Duties:

Customs documentation

3.3.4 Human Resources:

Employee file contracts
Payroll records
Employment Equity reports
UIF records
Medical Aid details

3.3.5 Safety, Health and Environment:

Property lease files

3.3.6 Information:

Various reports

4. **REQUESTS AND FEES**

4.1 **What can be requested?**

4.1.1 A requester must be given access to any BPO record if:

4.1.1.1 that record is required for the exercise or protection of any rights;

4.1.1.2 the requester complies with the procedural requirements in the PAIA relating to a request for access to that record; and

4.1.1.3 access to that record is not refused in terms of any ground set out below.

4.1.2 BPO has the right to refuse requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources.

4.1.3 The other main grounds on which BPO has the right in terms of the PAIA or the POPIA to refuse a request for information are the mandatory protection of:

4.1.3.1 the privacy of a third party, who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

4.1.3.2 the commercial information of a third party, if the record contains trade secrets, financial commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

4.1.3.3 information disclosed in confidence by a third party to BPO if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

4.1.3.4 confidential information of third parties if it is protected in terms of any agreement;

4.1.3.5 the safety of individuals and the protection of property and the operations of BPO;

4.1.3.6 records which would be regarded as privileged in legal proceedings;

4.1.3.7 the commercial activities of BPO which may include trade secrets, financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of BPO;

4.1.3.8 information which, if disclosed, could put BPO at a disadvantage in negotiations or commercial competition;

4.1.3.9 computer software that is owned by BPO;

4.1.3.10 the research information of BPO or a third party if disclosure would disclose the identity of BPO, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

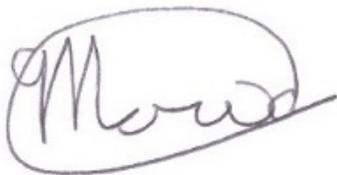
4.2 **How is it requested?**

4.2.1 A requester wishing to access information held by BPO as listed in 3.2 or 3.3 above must complete the prescribed form as set out in 4.3 below.

- 4.2.2 The completed request form must be submitted to the BPO Information Officer at the address as set out in clause 1.2 above by hand, post or email.
- 4.2.3 The request form must be accompanied by the prescribed fee (Annexure “A”, Part 3 of the PAIA – available on request from the SAHRC) or proof of payment thereof into BPO’s bank account (details available on request).
- 4.2.4 The BPO Information Officer will consider the request to see whether the required information is available within BPO.
- 4.2.5 The requester will be notified within 10 business days of receipt of the request as to whether it has been accepted or rejected.
- 4.2.6 If the request is accepted, the requester will be advised of the time required to gather and prepare the information and the cost involved (calculated in line with the abovementioned Annexure “A”, Part 3 of PAIA). Once the time period required has passed and the requester has made payment of the required amount, the information will be released to the requester.
- 4.2.7 If the request is rejected, the requester will be advised of the reasons for the rejection.

4.3 Request Form

- 4.3.1 The Request Form can be found at www.justice.gov.za a copy of which is attached hereto for your convenience.



DAVID ROUX
Managing Director, BPO

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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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 a 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.	

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 the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		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* (stiffy or compact disc)

*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 the additional folios.

1. Indicate which right is to be exercised or protected:

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

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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?

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Signed at this day..... ofyear

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE