



PROMOTION OF ACCESS TO INFORMATION MANUAL 2024

ORCA FUEL SOLUTIONS (PTY) LTD (Registration Number 2017/195329/07) (HEREINAFTER REFERRED TO AS “THE COMPANY”). THIS MANUAL HAS BEEN PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (“THE ACT”) AND THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (“POPIA”).

1. INTRODUCTION

- 1.1. The Company is a private body, as defined in the Act, and this Information Manual (“**Manual**”) contains the information specified in section 51(1) of the Act which is applicable to such a private body.
- 1.2. The aim of the Manual is to assist potential requesters in requesting access to information (documents or records) from the Company, as contemplated under the Act and POPIA.
- 1.3. The Manual may be amended from time to time and as soon as any amendments have been effected, the latest version of the Manual will be published and distributed in accordance with the Act.
- 1.4. A requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual. Any reference in this Manual to the Information Officer includes the Deputy Information Officer, if applicable.

2. DETAILS OF THE PRIVATE BODY (SECTION 51(1) (A) OF THE ACT)

Name of Business:	Orca Fuel Solutions (Pty) Ltd
Postal Address:	PO Box 1162, Humeral, Gqeberha, 6000, South Africa
Street Address:	Transnet Narrow Gauge Yard, Pommern Road, Humeral, Port Elizabeth South Africa
Head and Information Officer:	Jhone Smith
Telephone No:	+27 (60) 967-7382
Company Email:	info@orcafuels.co.za
Head of the Company Email:	Jhone.smith@orcafuels.co.za
Website:	https://www.orcafuels.co.za

3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B)

- 3.1 A guide has been compiled in terms of Section 10 of the Act by the South African Human Rights Commission. The guide contains information required by a person wishing to exercise any right contemplated by the Act. The guide is available in all of the official languages and in braille, and it is currently available for inspection at the offices of the Information Regulator and on its



website, which can be found here: <https://www.justice.gov.za/inforeg> alternatively at www.sahrc.org.za. A copy of the guide is also available in the following two official languages, for public inspection during normal office hours in English and Afrikaans at the head office of the Company.

- 3.2 The Information Regulator contains the forms available under the Act on its website as listed in clause 3.1 and which include but are not limited to:
- 3.2.1 Form 01. Request for the guide from the Information Regulator or the Information Officer;
 - 3.2.2 Form 02. Request for Access to Record;
 - 3.2.3 Form 03. Outcome of Request and of Fees Payable;
 - 3.2.4 Form 04. Internal Appeal Form;
 - 3.2.5 Form 05. Complaint Form; and
 - 3.2.6 Form 13. PAIA Request for Compliance Assessment Form.

4. PURPOSE OF PROCESSING PERSONAL INFORMATION

- 4.1. The Company processes certain types of personal information in the course of its day to day operations, as included in Annexure "B".
- 4.2. The Company does not store any personal information outside of the Republic of South Africa.
- 4.3. The following security safeguards are implemented or are under implementation to ensure the confidentiality, integrity and availability of the information;
 - 4.3.1. Anti-virus and Anti-malware solutions, on both server infrastructure and end-points;
 - 4.3.2. Access control (this includes: strong password enforcement and having a strategy in place regarding restriction of access rights to certain categories of information, and the required permissions for certain users to such information);
 - 4.3.3. Defensive measures (this includes: third party firewalls, intrusion prevention system software);
 - 4.3.4. Data backups; and
 - 4.3.5. Awareness and vigilance.



4.4. The Company processes the following types of personal information in respect of the following categories of data subjects:

Categories of data subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details; agreements
Supplier and Service Providers	names, registration number, vat numbers, address, trade secrets and bank details, agreements
Employees	address, qualifications, banking details, tax numbers, identity numbers, employment contracts

Note: The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

4.5. The Company may disseminate personal information to the following recipients and/or categories of recipients:

Category of Personal Information	Recipients or categories of Recipients
Full names; identity number for criminal checks.	South African Police Services
Qualifications, for qualification verifications.	South African Qualifications Authority
Credit and payment history, for credit information.	Credit Bureaus

Note: The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

5. RECORDS HELD IN TERMS OF APPLICABLE LEGISLATION (SECTION 51(1)(D))

5.1. The Company is required by law to keep certain records. These records are kept in terms of different Acts of Parliament. The Company holds records in terms of the Acts of Parliament as set out in Annexure “A” hereto.

5.2. *Note: The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act.*



In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

6. RECORDS HELD AS A MATTER OF STANDARD PRACTICE (SECTION 51(1)(E))

The Company keeps certain records in the conduct its day to day business and as a matter of standard practice. The Company holds the records as set out in Annexure “B” hereto.

7. RECORDS WHICH ARE AUTOMATICALLY AVAILABLE WITHOUT HAVING TO MAKE A REQUEST IN THE PRESCRIBED FORM

	Marketing and promotional material	X	Website
	Manual	X	Website
	Privacy Policy	X	Website

8. MAKING A REQUEST IN TERMS OF THE ACT

- 8.1. Complete Form 2 “*Request for Access to Record*” [Regulation 7] (attached to this Manual).
- 8.2. Submit the completed Form 2 to the Information Officer at the physical, postal or email address listed above. Where a request for access to a record is made orally because of illiteracy or a disability, the Information Officer will complete Form 2 on your behalf and will provide you with a copy of the completed Form 2.
- 8.3. Fees (please note that these fees are inclusive of value added tax and must be paid in full before access to a record will be allowed):
 - 8.3.1. A request fee of R140.00 (one hundred and forty Rand) is payable on submission of the completed Form 2. You may make an application to court to be exempted from paying such fee.
 - 8.3.2. Fees may also be levied for the reproduction of the record.
- 8.4. If the record you have requested exists, and allowing access to it does not affect a third party, your request will be processed within 30 (thirty) days.
- 8.5. This period may be extended once for a further 30 (thirty) days if:
 - 8.5.1. the request is for a large number of records or requires a search through a large number of records, and compliance with the original period would unreasonably interfere with the activities of the Company;
 - 8.5.2. the request requires a search for records in, or collection thereof from, an office or premises not situated at Transnet Narrow Gauge Yard, Pommern Road, Humeraill, Port Elizabeth South Africa and this search cannot reasonably be completed within the original 30 (thirty) days;



- 8.5.3. consultation with another private body is necessary or desirable to decide upon the request, and this consultation cannot reasonably be completed within the original period;
- 8.5.4. more than one of the circumstances contemplated above exist in respect of the request, making compliance with the original period not reasonably possible; or
- 8.5.5. you, as the requester, consent in writing to such extension.

9. GROUNDS FOR REFUSAL

- 9.1. There are various grounds upon which your request for access to a record may be refused. They are:
 - 9.1.1. the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
 - 9.1.2. the protection of commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - 9.1.3. if disclosure would result in the breach of a duty of confidence owed to a third party;
 - 9.1.4. if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
 - 9.1.5. if the record was produced during legal proceedings, unless legal privilege has been waived in respect of the record;
 - 9.1.6. if the record contains any trade secrets, financial or sensitive information or any information that would put the Company at a disadvantage in negotiations or prejudice it in commercial competition; and/or
 - 9.1.7. if the record contains any information about research being carried out, or about to be carried out, on behalf of a third party or by the Company.
- 9.2. Section 70 of the Act contains an overriding provision. Disclosure is compulsory if it would reveal a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.
- 9.3. If your request does affect a third party then the Company will first need to inform the third party within 21 (twenty-one) days of the Company receiving your request (i.e. if the record you request affects any third party in any way, that third party will have to be informed that you are requesting access to the above record. The third party then has 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record).



10. THE INFORMATION OFFICER'S DECISION

Once the Information Officer has heard all the submissions, s/he will make a decision as to whether or not access to the record will be granted. If the Information Officer determines that access to the record will be granted, you must then be granted access to the record within 30 (thirty) days of being informed of the decision.

11. AVAILABLE RECOURSE

- 11.1. Where the Information Officer grants your request for access to a record, the Information Officer will inform you of the fee payable for such record, and the form in which the access will be granted. You are entitled to lodge a complaint with the Information Regulator (or to make an application to court) against the fee payable and/or the form of the record to be provided to you. The complaint form can be found on the Information Regulator's website, at the following address: <https://info regulator.org.za/paia-forms/>.
- 11.2. Where the Information Officer refuses your request for access to a record, the Information Officer will inform you as to reasons of refusal. You are entitled to lodge a complaint with the Information Regulator (or to make an application to court) against the refusal. The complaint form can be found on the Information Regulator's website, at the following address: <https://info regulator.org.za/paia-forms/>.
- 11.3. Where the 30 (thirty) day period within which the record is to be provided to you is extended, as described in paragraph 8.5 above, the Information Officer will inform you of such extension and the reason for the extension. You may lodge a complaint to the Information Regulator, or make an application with the court against the extension. The complaint form can be found on the Information Regulator's website, at the following address: <https://info regulator.org.za/paia-forms/>.

12. THE AVAILABILITY OF THIS MANUAL

- 12.1. A copy of the Manual is available:
 - 12.1.1. On <https://www.orcafuels.co.za>;
 - 12.1.2. The head office of Orca Fuel Solutions (Pty) Ltd for public inspection during normal business hours;
 - 12.1.3. To any person upon request and upon the payment of a reasonable prescribed fee; and
 - 12.1.4. To the Information Regulator upon request.



12.2. A fee for a copy of the Manual, as contemplated in Form 3 “*Outcome of Request and of Fees Payable*” [Regulation 8] attached to this Manual, shall be payable per each A4-size photocopy made.

A handwritten signature in black ink, consisting of the letters 'ASL' followed by a horizontal line and a small dot.

Signed on behalf of the Board of Directors
Orca Fuel Solutions (Pty) Ltd
30 September 2024



ANNEXURE "A" - RECORDS AVAILABLE IN TERMS OF LEGISLATION

Records are kept in accordance with such legislation as is applicable to the Company from time to time, which includes but is not limited to, the following legislation:

1. Basic Conditions of Employment 75 of 1997;
2. Companies Act 71 of 2008;
3. Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
4. Consumer Protection Act 68 of 2008;
5. Electronic Communications & Transactions Act 25 of 2002;
6. Employment Equity Act 55 of 1998;
7. Income Tax Act 58 of 1962;
8. Labour Relations Act 66 of 1995;
9. Occupational Health and Safety Act 85 of 1993;
10. Promotion of Access to Information Act 2 of 2000;
11. Protection of Personal Information Act 4 of 2013;
12. Skills Development Act 97 of 1997;
13. Skills Development Levies Act 9 of 1999;
14. Unemployment Insurance Act 63 of 2001; and
15. Value Added Tax Act 89 of 1991



ANNEXURE "B" - RECORDS HELD BY THE COMPANY

1. Companies Act Records

- 1.1. Documents of incorporation;
- 1.2. Memorandum of Incorporation;
- 1.3. Minutes of Board of Directors meetings;
- 1.4. Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers; and
- 1.5. Share Register and other statutory registers.

2. Firm documents and Legal Records

- 2.1. Operational records;
- 2.2. Domain name registration;
- 2.3. Computer Software;
- 2.4. Insurance policies;
- 2.5. Client files; and
- 2.6. Asset registers.

3. Client Records

- 3.1. Client files and Mandates;
- 3.2. Client account information; and
- 3.3. Client information provided in terms of the Financial Intelligence Centre Act 38 of 2001.

4. Supplier and Services Records

- 4.1. Agreements with suppliers and service providers; and
- 4.2. Records generated by or within the Company, pertaining to suppliers including transactional records

5. Communication

- 5.1. Internal and external correspondence and memorandums.

6. Financial and Accounting Records

- 6.1. Accounting and tax (including VAT, PAYE and similar) records;
- 6.2. Banking records;
- 6.3. Invoices;



- 6.4. Documents issued to employees for income tax purposes;
- 6.5. Records of payments made to SARS on behalf of employees;
- 6.6. All other statutory compliances;
- 6.7. VAT;
- 6.8. Regional Services Levies;
- 6.9. Skills Development Levies;
- 6.10. UIF; and
- 6.11. Workmen's Compensation.

7. Personnel Documents and Records

- 7.1. Employment contracts (including any addendums thereto);
- 7.2. Employment Equity Plan (if applicable);
- 7.3. Medical Aid records;
- 7.4. Identity documents;
- 7.5. Contact detail records;
- 7.6. Residential address records;
- 7.7. Birth date records;
- 7.8. Bank Records;
- 7.9. EEA1 forms;
- 7.10. Security check records;
- 7.11. Curriculum Vitae;
- 7.12. Qualification records;
- 7.13. Disciplinary records;
- 7.14. Salary records;
- 7.15. SETA records;
- 7.16. Disciplinary code;
- 7.17. Leave records;
- 7.18. Training records; and
- 7.19. Training Manuals.