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M A N U A L S

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO

INFORMATION ACT (NO. 2 OF 2000)



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TRANSNET LIMITED

INFORMATION MANUAL

AS REQUIRED BY SECTION 14 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT

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1 INTRODUCTION

This information manual ("the Manual") is published in terms of Section 14 of the Promotion of Access to Information Act No. 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 to information held by another person that is required for the exercise and/or protection of any right.

The purpose of the Act is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.

The purpose of this Manual is to set out the procedures to be followed and criteria that have to be met for anyone (the "requester") to request access to records in the possession or under the control of Transnet Limited and its Operating Divisions ("Transnet").

2 AVAILABILITY OF THIS MANUAL

This Manual can be accessed on our website at www.transnet.co.za or by requesting a copy by e-mail from the relevant Information Officer as provided for in paragraph 4 below. The Manual may also be obtained from the South African Human Rights Commission.

3 FUNCTIONS AND STRUCTURE OF TRANSNET

Transnet is a publicly-owned bulk freight transport and logistics company with the South African Government as its sole shareholder. Transnet comprises of its ports, rail and pipeline assets. Transnet's 4 point turn-around plan resulted in the disposal of assets or businesses which do not form part of the building of a world-class bulk freight transport and Logistics Company.

Transnet is made up of the following Operating Divisions:

- 3.1 Transnet Freight Rail: Transnet's freight rail division (formerly known as Spoornet);
- 3.2 Transnet National Ports Authority: The main function of the Authority is to own, manage, control and administer ports to ensure their efficient and economic functioning;
- 3.3 Transnet Port Terminals: Previously known as SAPO was established in 2000 when Portnet was divided into Operations and Landlord businesses called South African Port Operations (SAPO) and National Ports Authority (NPA) respectively and its main function is cargo terminal operations;
- 3.4 Transnet Pipelines: Transnet's fuel and gas pipeline Division, which, pumps and manages the storage of petroleum and gas products through its network of high-pressure, long distance pipelines; and (formerly known as Petronet);
- 3.5 Transnet Rail Engineering: Transnet's rolling stock maintenance Division (formerly known as Transwerk).

4 INFORMATION OFFICERS AND CONTACT DETAILS

- 4.1 In terms of the Act, the Chief Executive Officer of a public body is automatically designated as Chief Information Officer. Transnet's Group Chief Executive's details are as follows:
- 4.2 Brian Molefe , Group Chief Executive,
- 4.3 Transnet, 49th Floor, Carlton Centre, 150 Commissioner Street, Johannesburg.
- 4.4 Tel: 011 – 308 2309
- 4.5 Fax: 011 – 308 2315
- 4.6 Requesters are required to address all requests to the Information Officer, Transnet Limited at the contact details listed below.

4.7 INFORMATION OFFICER AND CONTACT DETAILS:-

- 4.7.1 In terms of the Act, the Chief Executive Officer of a public body is automatically designated as the Chief Information Officer. Transnet Limited's Group Chief Executive Officer contact details are as follows:-

Brian Molefe
Group Chief Executive
Transnet
49th Floor, Carlton Centre
150 Commissioner Street
Johannesburg

PO Box 72501

Parkview

2122

e-mail: Brian.Molefe@Transnet.net / Zanele.Mbele@Transnet.net

- 4.7.2 Requesters are required to address all requests to the Information Officer as per contact details above.

5 SOUTH AFRICAN HUMAN RIGHTS COMMISSION ("SAHRC") GUIDE ON THE ACT

A guide to the Act and the rights of requesters is available from the SAHRC or from their website: www.sahrc.org.za.

Should you have any queries in this regard, please contact the SAHRC directly at: The South African Human Rights Commission: PAIA Unit; The Research and Documentation Department; Postal address: Private Bag 2700, Houghton, 2041; Telephone: +27 11 484-8300; Fax: +27 11 484-0582; Website: www.sahrc.org.za; E-mail: paia@sahrc.org.za

6 HOW TO REQUEST ACCESS TO RECORDS HELD BY TRANSNET

The following steps must be considered before submitting a request:

6.1 Step 1: Are you entitled to use the Act to request access?

6.1.1 Please take note of section 7(1) of the Act which states:

"This Act does not apply to a record of a public body or a private body if—

(a) that record is requested for the purpose of criminal or civil proceedings;

(b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and

(c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law."

6.1.2 If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. Transnet reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

6.1.3 Please have regard to section 45 of the Act which entitles Transnet to refuse a request for access to a record if: (a) the request is manifestly frivolous or vexatious; or (b) the work involved in processing the request would substantially and unreasonably divert the resources of Transnet.

6.2 Step 2: Does the information requested exist in the form of a record?

- 6.2.1 Please note that the Act only applies to records which are in existence at the time of us receiving your request.
- 6.2.2 The Act does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, the Act cannot be used to obtain reasons for a decision taken by Transnet if such reasons are not in the form of a record.
- 6.2.3 If you are not sure whether the record exists, please indicate that to us in the relevant request form.

6.3 Step 3: Is the record in the possession or under the control of Transnet?

- 6.3.1 Transnet is a large organisation and the search for records requested may involve substantial time, resources and expenses.
- 6.3.2 The Act provides that the record requested must be in the possession or under the control of Transnet. However, for the purposes of this Act, a record in the possession or under the control of (a) a Transnet official or (b) an independent contractor engaged by Transnet, is regarded as being a record of that public body or private body, respectively. If you are not sure whether the record is in the possession or under the control of Transnet, please indicate that to us in the relevant request form.
- 6.3.3 As referred to earlier, section 45(b) of the Act entitles Transnet to refuse a request for access to a record if the work involved in processing the request would substantially and unreasonably divert the resources of Transnet.

6.4 Step 4: Should you bring the request in terms of Chapter 2 or 3 of the Act?

- 6.4.1 Although Transnet is a public body as referred to in subsection (b)(ii) of the definition of a public body in the Act, there may be certain instances where Transnet must be regarded as a private body in terms of Section 8 of the Act.

- 6.4.2 In determining if Transnet qualifies as a private body, the *conduct* of Transnet should be considered and particularly whether its actions qualify as administrative in nature. Whether particular conduct constitutes administrative action depends primarily on the nature of the power that is being exercised rather than the identity of the person (i.e. Transnet) who exercises it.

The following general rules can be considered as guidelines:

- 6.4.3 *Transnet as a public body:* Transnet will generally qualify as a public body where the records relate or are relevant to the exercise of public power or the performance of a public function in terms of any legislation.
- 6.4.4 *Transnet as a private body:* In employee related matters such as disciplinary proceedings, Transnet generally does not exercise a “public power” and it will therefore qualify as a private body for purposes of the Act.

6.5 **Step 5: Form of Request**

6.5.1 Transnet as a public body

- 6.5.1.1 Requests for access to records held by Transnet in its capacity as a public body must only be made on the request form prescribed by the Act, a copy of which is attached as **Annexure 1**.
- 6.5.1.2 If you wish to type in your information into an MS Word version of the request form, please send an email to the relevant Information Officer in order to email you a copy.

6.5.2 Transnet as a private body

- 6.5.2.1 Requests for access to records held by Transnet in its capacity as a private body must only be made on the request form prescribed by the Act, a copy of which is attached as **Annexure 3**.
- 6.5.2.2 Please note that in respect of requests where Transnet qualifies as a private body, you must clearly state the right you seek to protect or enforce.

- 6.5.2.3 If you wish to type in your information into an MS Word version of the request form, please send an email to the relevant information officer in order to email you a copy.

7 CONSIDERING YOUR REQUEST

- 7.1 Subject to the provisions of the Act, access to records requested from Transnet will only be given if -
- all the procedural requirements set out in the Act relating to a request are met; and
 - access to the requested record/s is not refused in terms of any ground for refusal set out in the Act.
- 7.2 The grounds of refusal are outlined in Part 2 of Chapter 4 and Part 3 Chapter 4 and includes mandatory protection of -
- 7.2.1 commercial information of a third party;
- 7.2.2 certain confidential information;
- 7.2.3 safety of individuals, and protection of property;
- 7.2.4 records privileged from production in legal proceedings;
- 7.2.5 economic interests and financial welfare of the Republic and commercial activities of public bodies;
- 7.2.6 research information of third a party, and protection of research information of a public body; or
- 7.2.7 certain information regarding the operations of public bodies.
- 7.3 Transnet may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

8 PRESCRIBED FEES

8.1 The Act sets out two types of fees, namely a *request fee* and an *access fee*, that are required to be paid prior to Transnet accessing the request for information.

8.2 A personal requester, i.e. a requester who requests access to a record containing personal information is not required to pay the request fee. Any other requester will be required to pay such fee, subject to the exemptions listed below.

8.3 Where Transnet acts as a *public body* -

8.3.1 the fees for reproduction of this manual and records are listed in **Annexure 2**;

8.3.2 the request fee payable by every requestor, other than a personal requestor is listed in Annexure 2;

8.3.3 the access fees payable by a requester referred to section 22(7), unless exempted under section 22(8), of the Act are listed in Annexure 2.

8.4 Where Transnet acts as a *private body* -

8.4.1 the fees for reproduction of voluntarily disclosed and automatically available records are listed in **Annexure 4**;

8.4.2 the request fee payable by a requestor other than a personal requestor is listed in Annexure 4;

8.4.3 the access fee payable by a requestor, unless exempted, are listed in Annexure 4.

8.5 Exemptions

8.5.1 The following persons are exempt from paying access fees:

8.5.1.1 a single person whose annual income, after permissible deductions does not exceed R14 712, 00 per annum; and

- 8.5.1.2 married persons or a person and his or her life partner whose annual income, after permissible deductions does not exceed R27 192, 00 per annum.
- 8.5.2 Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure, exceeds the amount charged, such fee does not apply.
- 8.5.3 The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requester.
- 8.5.4 The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act No. 99 of 1998 or the regulations made under section 44 of that Act.

9 RECORDS AUTOMATICALLY AVAILABLE

We hereby provide you with a list of record categories that are automatically available to requesters as required by section 15 of the above Act.

A: RECORDS AUTOMATICALLY AVAILABLE FOR FREE

No	Description
1	The Annual Report of Transnet
2	Documentation and information relating to Transnet which is held by the Registrar of Companies

All records listed above are only available for free subject to available stock in print at any given time. Access to these records will be granted to requesters in respect of a request for access to records, subject to the provisions of the Promotion of Access to Information Act, 2000.

B: RECORDS AUTOMATICALLY AVAILABLE SUBJECT TO PAYMENT OF PRESCRIBED FEE

No	Description
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1	All documents relating to the incorporation of Transnet that are retained by the Corporate Centre
2	Laws, regulations and by laws that govern the functioning and conduct of Transnet.
3	Details of auditors of the Corporate Centre.
4	Details of actuaries of the pension scheme and the medical aid fund utilized by Transnet.
5	Rules of benefit, housing and medical schemes and funds.
6	Newsletters.

Requesters will be advised of prescribed fees on receipt of a request for access to records. Access to these records will be granted to requesters in respect of a request for access to records, subject to the provisions of the Promotion of Access to Information Act, 2000.

10 SERVICES AVAILABLE TO THE PUBLIC

10.1 Transnet National Ports Authority

- 10.1.1 Plans, provides, maintains and improves port infrastructure.
- 10.1.2 Prepares and periodically updates a port development framework plan for each port, which must reflect the Authority's policy for port development and land use within such port.
- 10.1.3 Provides or arranges for road and rail access within ports.
- 10.1.4 Maintains the sustainability of the ports and their surroundings.
- 10.1.5 Regulates and controls the development of ports.
- 10.1.6 Controls land use within ports, and has the power to let land under such conditions as the Authority may determine.
- 10.1.7 Arranges services such as water, light, power, and sewage and telecommunications within ports.

- 10.1.8 Maintains the sustainability of the ports and their surroundings.
- 10.1.9 Regulates and controls the loading, unloading and storage of cargo and the embarkation and disembarkation of passengers.
- 10.1.10 Regulates and controls off-shore cargo-handling facilities.
- 10.1.11 Regulates and controls pollution and the protection of the environment within the port limits.
- 10.1.12 Regulates and controls the enhancement of safety and security within the port limits.
- 10.1.13 Prescribes the limits within which and the levels to which dredging may be carried out in the ports and the approaches thereto.
- 10.1.14 Ensures that adequate, affordable and efficient port services and facilities are provided.
- 10.1.15 Exercises licensing and controlling functions in respect of port services and port facilities.
- 10.1.16 Ensures that any person who is required to render any port services and port facilities is able to provide those services and facilities efficiently.
- 10.1.17 Promotes efficiency, reliability and economy on the part of the licensed operators in accordance with recognized international standards and public demand.
- 10.1.18 Promotes the achievement of equality by measures designed to advance persons or categories of persons historically disadvantaged by unfair discrimination in the operation of facilities in the port environment.
- 10.1.19 Promotes the use, improvement and development of ports.
- 10.1.20 Advises on all matters relating to the port sector, port services and port facilities.

- 10.1.21 Promotes greater representivity, in particular to increase the participation in terminal port operations of historically disadvantaged persons.
- 10.1.22 Exercises the licensing of the erection and operation of off-shore cargo handling facilities and services relating thereto.
- 10.1.23 Discharges or facilitates the discharge of international obligations relevant to ports.
- 10.1.24 Facilitates the performance any function of any organ of state in a port.
- 10.1.25 Promotes research and development in the sphere of port services and facilities.
- 10.1.26 Regulates and control navigation within port limits and the approaches to the ports.
- 10.1.27 Regulates and controls the entry of vessels into ports, stay, movements or operation in and departures from ports.
- 10.1.28 Provides or arranges for tugs, pilot boats and other facilities and services for navigation and berthing of vessels in the ports.
- 10.1.29 Provides, controls and maintains vessel traffic services.

(for information on how to gain access to such services kindly visit Transnet's website at www.transnet.co.za).

10.2 Transnet Pipelines

- 10.2.1 Transnet Pipelines operates, manages and maintains a network of high pressure petroleum and gas pipelines, and provides transportation and storage of petroleum products of both the Government and petroleum companies; and
- 10.2.2 Transnet Pipelines pumps petroleum and gas (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.co.za).

10.3 Transnet Port Terminals:

- 10.3.1 Manages the operation of South Africa's 6 (six) major ports;
- 10.3.2 Attends to the loading and unloading of cargo;
- 10.3.3 Provides value added services of packaging and unpackaging cargo, in transit storage; and
- 10.3.4 Has a vision of being the logistics business partner of choice (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.co.za).

10.4 Transnet Freight Rail:

- 10.4.1 Provides freight logistics solutions for customers in the mining as well as the heavy and light manufacturing sectors (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.co.za).

10.5 Transnet Rail Engineering:

- 10.5.1 Is an engineering undertaking;
- 10.5.2 Is a leading South African, upgrader and refurbisher of rail related products;
- 10.5.3 Refurbishes and upgrades railroad products, locomotives and wagons; and
- 10.5.4 Provides components for rail freight products, and builds rail freight wagons (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.co.za).

11 YOUR REMEDIES

- 11.1 A requester (or a third party, where applicable) may seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:

- 11.1.1 refusal or partial refusal of the request for access;
- 11.1.2 the amount of fees required to be paid;

- 11.1.3 the extension of the period within which to deal with the request; or
- 11.1.4 the form of access in which the information will be furnished.
- 11.2 All legal processes must be served on the Information Officer who dealt with the request.

12 RECORDS HELD BY TRANSNET

Transnet maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

12.1 Internal records

The following are records pertaining to Transnet's own affairs:

- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of Transnet.

12.2 Employee records

"Employee" refers to any person who works for or provides services to or on behalf of Transnet and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for Transnet. This includes, without limitation, heads of

departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- 12.2.1 Any personal records provided to Transnet by their personnel;
- 12.2.2 Any records a third party has provided to Transnet about any of their personnel;
- 12.2.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 12.2.4 Internal evaluation records; and
- 12.2.5 Other internal records and correspondence.

12.3 Work-related records

Work-related information includes the following:

- 12.3.1 Any records a third party has provided to Transnet; and
- 12.3.2 Records generated by or within Transnet pertaining to work or services, including transactional records.

12.4 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, departments, service providers. Alternatively, such other parties may possess records which can be said to belong to Transnet. The following records fall under this category:

- 12.4.1 Personnel, work or service related records which are held by another party as opposed to being held by Transnet; and
- 12.4.2 Records held by Transnet pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

ANNEXURE 1: REQUEST FORM PUBLIC BODIES

This annexure must accompany the cover letter addressed to the relevant Information Officer

A. Particulars of Transnet or Division

The Information Officer for: [Information Officer Name] as indicated above.

Attention: **Mr Brian Molefe**

Transnet Operating Division _____

Fax number (011) 308 2315

Email address -mail: Brian.Molefe@Transnet.net / Zanele.Mbele@Transnet.net

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 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 the 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.

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:

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 hereunder, 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 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 for 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
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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 images*
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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
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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* (floppy, stiffy or compact disc)
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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

G. 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 thereof 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 _____ on this ____ day of _____ 20____

Signature of requester / person on who's behalf request is made

FOR TRANSNET INTERNAL USE ONLY

Reference number:

Information Officer:

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER

ANNEXURE 2: FEES IN RESPECT OF PUBLIC BODIES

DESCRIPTION	Rand
1 The fee for a copy of the manual as contemplated in regulation 5 (c) - for every photocopy of an A4-size page or part thereof.	0,60
2 The fees for reproduction referred to in regulation 7 (1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	0, 60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0, 40
(c) For a copy in a computer-readable form on—	
(i) Stiffy disc	5, 00
(ii) Compact disc	40, 00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	22, 00
(d)(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(e)(ii) For a copy of an audio record	17,00
3 The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2).	35,00
4 The access fees payable by a requester referred to in regulation 7 (3) are as follows:	
4.1(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) Stiffy disc	5,00
(ii) Compact disc	40,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	12,00
(e)(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
4.2 For purposes of section 22 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) One third of the access fee is payable as a deposit by the requester.	
4.3 The actual postage is payable when a copy of a record must be posted to a requester.	

ANNEXURE 3: REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

This annexure must accompany the cover letter addressed to the relevant Information Officer

A. Particulars of Transnet or Division

The Information Officer for: [Information Officer Name and Transnet Operating Division]

Attention: _____

Transnet Operating Division _____

Fax nr _____

Email address _____

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 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 the 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.

4 Description of record or relevant part of the record:

5 Reference number, if available:

6 Any further particulars of record:

E. Fees

- | |
|---|
| <p>(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.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|---|

Reason for exemption from payment of fees:

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 hereunder, state your disability and indicate in which form the record is required.
--

Disability: Form in which record is required:

Form in which record is required

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 a case you will be informed if access will be granted in another form.
 (c) The fee payable for access for 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 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
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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

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 _____ 200__

Signature of requester / person on whose behalf request is made

FOR TRANSNET INTERNAL USE ONLY

Reference number: _____

Information Officer: _____

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER

ANNEXURE 4: FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION	Rand
1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
2 The fees for reproduction referred to in regulation 11 (1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(d)(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii) For a copy of an audio record	30,00
3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2)	50,00
4 The access fees payable by a requester referred to in regulation 11 (3) are as follows:	
4.1(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
4.2 For purposes of section 54 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) One third of the access fee is payable as a deposit by the requester.	
4.3 The actual postage is payable when a copy of a record must be posted to a requester.	

TRANSNET BEPERK INLIGTINGSHANDLEIDING

**SOOS VEREIS DEUR ARTIKEL 14 VAN DIE WET OP
TOEGANG TOT INLIGTING**

INHOUD

1. INLEIDING
2. BESKIKBAARHEID VAN DIE HANDLEIDING
3. FUNKSIES VAN TRANSNET SE STRUKTURE
4. INLGTINGSBEAMPTSE SE KONTAK BESONDERHEDE
5. GIDS VAN DIE SUID-AFRIKAANSE MENSEREGTEKOMMISSIE
6. HOE ON 'N VERSOEK TE RIG OM TOEGANG TE VERKRY TOT 'N REKORDS ONDER
7. OORWEEG JOU VERSOEK
8. VOORGESKREWE FOOIE
9. REKORDS WAT AUTOMATIESE EN GRATIS BESKIKBAAR IS
10. DIENSTE BESKIKBAAR VIR DIE PUBLIEK
11. JOU REMEDIES
12. REKORDS WAT DEUR TRANSNET GEHOU IS

ANNHEGTING 1: VERSOEKFORM VIR OPENBARE LIGGAME

ANNHEGTING 2: BETAALBAAR KRAGTENS DIE WET OF DIE BEVORDERING VAN TOEGANG TOT INLIGTING VAN 2000 TEN OPSIGTE VAN 'N OPENBARE LIGGAAM

ANNHEGTING 3: VERSOEK OM TOEGANG TOT REKORD VAN 'N PRIVATE LIGGAAM

AANHEGTING 4: FOOIE IN BETREKKING TOT 'N PRIVATE LIGGAME

1. INLEIDING

Ingevolge Artikel 32 van die Handves van Regte in die Grondwet van die Republiek van Suid-Afrika, Wet Nr. 108 ("die Grondwet") het elke persoon'n reg om toegang tot inligting. Om sodoende die grondwetlike verpligting na te kom het die Parlement die Wet op Bevordering van Toegang tot Inligting, Nr. 14 van 2000 ("die Wet") goedgekeur. Die inligtingshandleiding is gepubliseer in terme van Afdeling 14 vir die promisie van die toegang tot inligting wetgewing no 2 van 2000.

Die oogmerk van die wet is om gevolg te gee aan die konstitusionele reg van toegang tot enige inligting gehou deur die staat, asook inligting gehou deur 'n ander persoon wat benodig word vir die uitoefening an enige reg.

Die doel van die handleiding is om prosedures en bepaalde kriterias in plek te stel wat mense aan moet r. Jlle sou belangstel om aansoek te doen om toegang te verkry tot Transnet rekords. Dit geld ook vir die rekords wat onder Transnet se bedryfsafdeling val.

2. BESKIKBAARHEID VAN DIE VAN DIE HANDLEIDING

Die handleiding kan ook bereik word by (www.transnetco.za) of deur 'n kopie per e-pos by die relevante inligtings bearnpte soos hieronder voorsien. Die handleiding is beskikbaar by die Suid-Afrikaanse Menseregtekommissie en sal gepubliseer word in drie amptelike tale in die Staatskoerante.

3. FUNKSIES VAN TRANSET SE STRUKTURE

Ingevolge 'n vierpuntomdraaiplan is gevolg gegee aan die vervreemding van alle bates of besigheidsafdelings wat nie deel vorm van 'n wêreldklas vragvervoerder en logistieke maatskappy nie.

TRANSNET BESTAAN UIT DIE VOLGENDE BEDRYFSAFDELINGS:

Transnet Skeepsvrag, Transnet se Skeepsvrag afdeling is (amptelik bekend as Spoomet);

3.1 Transnet Rail Engineering.

3.2 Die hoof doel van die owerheid is om te bestuur, kontroleer, en om die administratiewe aspekte van die hawetr hanteer om doeltrefendheid te verseker asook ekonomiese funksionering.

- 3.3 Transnet hawe terminale wat voorheen bekend was as SAHO, was in 2000 gestig is. Dit het gebeur toe Portnet in bedryfsafdelings en ook opsigtersbesighede verdeel was, wat bestempel was as Suid-Afrikaanse Hawe Operasies(SAHO) en die Nasionale Hawe Owerheid. Sy hoof funksie is die hatering van lading terminaal operasies.
- 3.4 Transnet pyplyne: Dit is Transnet se brandstof en gas afdeling. Dit pomp en bestuur die stroom van brandstof- en gasprodukte deur sy hoedruk netwerk en langafstandpyplyne(voorheen bekend as Petronet.)
- 3.5 Transnet Rail Engineering: hierdie afdeling, voorheen bekend as Transwerk, is gemoeid met die onderhoud van Transnet se bewegende spoorwegbates.

4. **INLIGTINGSBEAMPTES SE KONTAKBESONDERHEDE:**

- 4.1 Interne van die wet, is die groep uitvoerende hoof van die openbare liggaam outomaties die hoof inligtingsbeampte. Transnet se groep uitvoerende hoof se besonderhede is soos volg:
- 4.2 Brian Molefe, Groephoofuitvoerendebeampte
- 4.3 Transnet, 49 ste Vloer Carlton Sentrum Commissionerstraat 150, Johannesburg.
- 4.4 Telfoon: 011 – 3082235
- 4.5 Faks: 011 – 3082315

- 4.6 'Versoekers word vereis om al die nodige versoeke aan al die relevante Adjunk Inligtingsbeamptes te rig, aan Transnet of aan enige Bestuursafdeling soos hier onder aangewys.
- 4.7 Versoeke aan die Transnet Groep (en nie aan 'n bepaalde werkende afdeling nie) moet soos volg ann die Adjunk inligtings beampte gerig word:

Adjunk Inligtingsbeampte	Mnr. Brian Molefe
E-pos adress	Brian.molefe@transnet.net / Zanele.mbele@transnet.net
Pos adress	PO Box 72501 Parkview 2122
Straat adress	49ste vloer, Carlton Centre 150 Commissioner Straatt Johannesburg 2001
Telefoon	(011) 308 3927
Faks	(011) 308 3726

5. GIDS VAN DIE SUID-AFRIKAANSE MENSEREGTEKOMMISSIE

Die gids vermeld in Artikel 10 van die Wet is saamgestel deur die Suid-Afrikaanse Menseregtekommissie. Die gids bevat sodanige inligting wat redelikerwys benodig mag word deur'n persoon wat wens om enige reg in die Wet beoog, uit te oefen. Enige navrae rakende hierdie gids moet gerig word aan die SUID-AFRIKAANSE MENSEREGTEKOMMISSIE, te PIAIEENHEID, DIE NAVORSINC EN DOKUMENTASIE DEPARTEMENT,

Telefoonnommer (011) 484-8300, Faksimilee nommer (011) 484-0582, Webtuiste www.sahrc.org.za, E-posadres PIA@sahrc.org.za.

6. HOE OM 'N VERSOEK TE RIG OM TOEGANG TE VERKRY OT 'N REKORD IN DIE BESIT VAN TRANSNET

Die volgende stappe moet inag geneem word voor 'n versoek ingehandig word.

6.1 Stap 1: Is jy gemagtig om die wet te gebruik om toegang te verkry tot die rekords:**6.1.1** Neem asseblief kennis van afdeling 7(1) van die wet:

Die wet is nie van toepassing by'n rekord van'n openbare- of private liggaam nie indien:

- (a) Die aanvra van die rekord is vir die doeleindes van kriminele of siviele prosedures.
- (b) Indien dit so aangevra is na die aanvang van die kriminele of siviele prosedures, soos die saak mag staan, en
- (c) Die produksie of toegang tot die rekords vir die doeleindes soos verwys in paragraaf a, is voor voorsien in enige ander wet.

6.1.1 Indien afdeling 7(1) geld, mag daar nie'n versoek gerig word in terme van die wet nie. Die reëls en prosedures vir die opsporing van inligting van die relevante wetlike forum en verrigtinge waarin betrokke is, moet hier gebruik of toegepas word. Transnet behou die reg voor om alle uitgawes en kostes te verhaal indien 'n versoek gerig word wat teenstrydig met arikel 7(1) van die Wet is.

6.1.2 Neem asseblief kennis van afdeling 45 van die wet wat Transnet bemagtig om'n versoek vir toegang tot'n rekord af te staan of te weier. indien (a) die versoek problematies van aard is of.

6.1.3 (b) Die werk wat betrokke is by die verwerking van die versoek, Transnet se hulpbronne substantief en onredelik sal verspil.

6.2 Stap 2: Is die inligting wat versoek word in die vorm van 'n rekord beskikbaar

6.2.1 Neem asseblief kennis dat die wet net geld vir rekords wat wel bestaan teen die tyd wat 'n versoek gerig word.

6.2.2 Die wet verplig niemand om'n rekord te skep wat nie bestaan teen die tyd wat 'n versoek gerig word vir die bepaalde rekord nie. Byvoorbeeld; die wet kan nie gebruik word om redes te skep van besluite wat deur Transnet geneem is as die bepaalde redes nie bestaan in die vorm van 'n rekords nie.

6.2.3 Indien daar onsekerheid is of die rekord wet bestaan dui dit asseblief aan in die

relevante aansoek vorm.

6.3 Stap 3: Is die rekord wat versoek word in die besit en onder die kontrole van Transnet?

6.3.1 Transnet is 'n groot organisasie en die soek na rekords aangevra kragtens hierdie Wet mag lank duur en aansienlike koste tot gevolg hê.

6.3.2 Die wet bepaal dat die rekords wat versoek word, deur Transnet besit word en ook onder Transnet se beheer moet wees. Vir die doel van die wet, moet 'n rekord, wat deur Transnetbeamptes besit word of onder die kontrole van Transnet is, of selfs die van 'n onafhanklike kontrakteur, in ag geneem word as 'n rekord van openbare of private liggaam. Indien daar onsekerheid bestaan oor bogenoemde, dui dit asseblief aan in die relevante aansoek vorms.

6.3.3 Soos hierbo aangedui, en kragtens artikel 45 (b) is Transnet geregtig om 'n versoek te weier, indien die werk wat betrokke is by die verwerking van die versoek, Transnet se hulpbronne substantief en onredelik sal verspil.

6.4 Stap 4: Moet die versoek gerig word interne van hoofstuk 2 of 3 van die wet.

6.4.1 Alhoewel Transnet 'n Openbare liggaam is soos verwys na in subafdeling (b)(ii) in die beskrywing van 'n Openbare liggaam in die wet daarop, is daar sekere gevalle waar Transnet as 'n private liggaam bestempel moet word in terme van afdeling 8 van die wet.

6.4.2 Om vas ten einde te bepaal of Transnet binne die definisie van 'n privaatlighaam of 'n openbare liggaam val, word Transnet se optrede beskou en meer spesifiek of sodanige optrede van administratiewe is en dit hang af van die aard van die bevoegdheid wat uitgeoefen word in teenstelling met die identiteit van die persoon (byvoorbeeld Transnet) wat die bevoegdheid uitoefen.

Hoe word bepaal of Transnet in 'n gegewe geval 'n openbare of privaatlighaam is? Die volgende kan as riglyne dien:

6.4.3 Transnet as 'n openbare liggaam: Transnet se optrede sal normaalweg administratiewe optrede van 'n openbare liggaam wees indien die rekords

verband hou met, of relevant is tot, die uitoefening van 'n openbare bevoegdheid of die uitoefening van 'n openbare plig ingevolge enige wetgewing.

- 6.4.4 Transnet as 'n privaatlīgaam: In werknemersverwante aangeleenthede soos dissiplinêre verrigtinge, verrig Transnet gewoonlik nie 'n openbare bevoegdheid nie en sal enige rekords daarvan gevolglik kwalifiseer as rekords van 'n privaatlīgaam vir doeleindes van hierdie wet.

6.5 Stapp 5: Vorm van Versoek

6.5.1 Transnet as 'n openbare līgaam;

6.5.1.1 'n Versoek vir die toegang tot rekords wat in die besit van Transnet is in sy kapasiteit as openbare līgaam is.

6.5.1.2 Versoeke om toegang tot rekords gehou deur Transnet in sy hoedanigheid as 'n openbare līgaam moet gerig word in die voorgeskrewe vorm, afskrif waarvan hierby aangeheg is as Aanhangsel 1.

6.5.1.3 Indien u verkies om die inligting aan te vrae in MS Word-formaat, stuur dan gerus 'n pos aan die relevante inligtingbeampte om sodoende inligting te bekom.

6.5.2 Transnet as 'n private līgaam

6.5.2.1 Versoeke om toegang tot rekords gehou deur Transnet in sy hoedanigheid as 'n privaatlīgaam moet gerig word in die vorm wat voorgeskryf is deur hierdie Wet, afskrif waarvan aangeheg word as Aanhangsel 2

6.5.2.2 Neem asseblief ken nis dat in gevalle waar versoeke gerig is waar Transnet kwalifiseer as 'n private līgaam, moet daar duidelik aangedui word tussen versoeke vir beskermingsdoeleindes en die van toepasbaarheid.

6.5.2.3 Indien u verkies om die inligting aan te vrae in MS Word-formaat, stuur dan gerus 'n e-pos aan die relevante inligtingsbeampte om sodoende die inligting te bekom.

7. OORWEEG JOU VERSOEK

- 7.1 Toegang tot rekords wat versoek word kan net verkry word indien:
- 7.2 Toegang tot rekords wat deur Transnet gehou word, kan slegs op versoek verkry word sodra die noodsaaklike vereistes vir toegang nagekom is soos dit deur die wet bepaal word.
- 7.3 Die gronde vir weiering van 'n versoek is uiteengesit in Deel 2 en Deel 3 van hoofstuk 4 van hierdie Wet en sluit in verpligte beskerming van:
- 7.3.1 Kommersiële inligting van derde partye;
 - 7.3.2 Sekere vertroulike inligting;
 - 7.3.3 Veiligheid van individue en beskerming van eiendom;
 - 7.3.4 Inligting onderhewig aan regsprofessionele privilegie;
 - 7.3.5 Ekonomiese belang en finansiële welstand van die Republiek en handelsaktiwiteite van openbare liggame;
 - 7.3.6 Navorsingsinligting van derde partye en beskerming van navorsingsinligting van openbare liggame; of
 - 7.3.7 Sekere inligting aangaande die aktiwiteite van openbare liggame.
- 7.4 Transnet mag ook versoeke om inligting weier wat kwelsugtig of beuselagtig is en verspilling van Transnet hulpbronne ten gevolg het.

8. VOORGESKREWE FOOIE

- 8.1 Hierdie Wet maak voorsiening vir betaling van twee tipes gelde naamlik versoek gelde en toegangsgeld en moet aan Transnet betaal word alvorens toegang tot die aangevraagde inligting toegestaan sal word.
- 8.2 'n Persoonlike versoeker (dit wil sê 'n versoeker wat toegang tot rekords verlang wat persoonlike inligting bevat) is nie verplig om enige geld te betaal nie. Enige ander versoeker sal egter die voorgeskrewe geld moet betaal onderhewig aan die uitsonderings, hieronder gelys.

8.3 Waar Transnet as 'n openbare liggaam optree:

- 8.3.1 Is die fooie vir die kopiëring van hierdie handleiding en enige rekords uiteengesit in Aanhangsel 2;
- 8.3.2 Die versoekfooie wat betaal moet word deur elke versoeker, uitgesluit 'n persoonlike versoeker, is uiteengesit in Aanhangsel 2;
- 8.3.3 Die toegangsfooie betaalbaar deur 'n versoeker ingevolge Artikel 22(7), tensy vrygestel ingevolge artikel 22(8) van hierdie Wet, is uiteengesit in Aanhangsel 2.

8.4 Waar Transnet as 'n privaatliggaam optree:

- 8.4.1 Is die gelde betaalbaar vir kopiëring van enige inligting wat vrywillig en outomaties beskikbaar gestel word uiteengesit in Aanhangsel 4;
- 8.4.2 Die versoekfooie betaal deur 'n versoeker, uitgesluit 'n persoonlike versoeker, is uiteengesit in Aanhangsel 4;
- 8.4.3 Die toegangsfooie betaalbaar deur 'n versoeker tensy vrygestel is uiteengesit in Aanhangsel 4.

8.5 Vrystellings:

8.5.1 Die volgende persone is vrygestel van betaling van enige geld:

- 8.5.1.1 'n ongetroude persoon wie se jaarlikse inkomste na toelaatbare aftrekkings nie R14 712.00 oorskry nie; en
- 8.5.1.2 'n getroude persoon (of 'n persoon en sy/haar lewensmaat) wie se jaarlikse inkomste na aftrekking van toelaatbare aftrekkings nie R27 192.00 oorskry nie;

- 8.5.2 Waar die koste van invordering van enige gelde bedoel in hierdie Wet die gevraagde bedrag oorskry, is betaling van sodanige gelde nie van toepassing nie;
- 8.5.3 Die toegangsgeld met betrekking tot die soek en voorbereiding van 'n rekord vir openbaarmaking is nie van toepassing op die persoonlike rekord van 'n versoeker nie;
- 8.5.4 Die versoek en toegangsgeld is ook nie van toepassing op 'n rekord aangevra deur 'n onderhoudsbeampte of onderhoudsondersoeker vir doeleindes van 'n onderhoudsonderzoek ingevolge die Onderhoudswet, No. 99 van 1998, of die regulasies ingevolge sodanige Wet nie.

9. REKORDS WAT AUTOMATIESEN EN GRATIS BESKIKBAAR IS

Ingevolge Artikel 15 van hierdie Wet is die volgende kategorieë van rekords outomaties beskikbaar aan versoekers:

A: REKORDS OUTOMATIES GRATIS BESKIKBAAR WORD HIERONDER AANGEDUI

No.	Beskrywing
1	Transnet se Jaarverslag
2	Dokumentasie en inligting met betrekking tot Transnet wat gehou word deur die Registrateur van Maatskappye

Alle rekords hierbo gelys is gratis beskikbaar onderhewig aan beskikbaarheid van gedrukte voorraad op enige gegewe tyd. Toegang tot hierdie rekords sal toegestaan word aan versoekers onderhewig aan die bepalinge van hierdie Wet.

B: REKORDS OUTOMATIES BESKIKBAAR ONDERHEWIG AAN BETALING VAN 'N VOORGESKREWE FOOI

No.	Beskrywing
1	Alle dokumente met betrekking tot Transnet se inlywing en wat gehou word deur Transnet se Hoofkantoor
2	Wette, regulasies en ondergeskikte wetgewing wat die funksionering en optrede van Transnet beheer en reguleer
3	Besonderhede van ouditeure van Transnet Groep

4	Besonderhede van aktuarisse van die pensioenskema en mediese fonds wat deur Transnet administreer word
5	Reëls met betrekking tot voordele, behuising en mediese skemas van Transnet en sodanige Fondse
6	Nuusbriefe

Versoekers sal ingelig word van voorgeskrewe fooie by indiening van 'n versoek ingevolge toegang tot rekords onderhewig aan die bepalinge van hierdie Wet.

10 DIENSTE BESKIKBAAR AAN DIE PUBLIEK

10.1 Transnet National Ports Authority:-

10.1.1 Beplan, voorsien, onderhou en verbeter infrastruktuur in hawens;

10.1.2 Is verantwoordelik vir die opstel en periodieke opdatering van 'n ontwikkelingsraamwerkplan vir elke hawe waarin uiteengesit en vervat die TNPA se beleid vir hawe-ontwikkeling en grondgebruik binne sodanige hawe;

10.1.3 Voorsien en reël pad-en spoortoegang binne hawens;

10.1.3.1 Is verantwoordelik vir die onderhoud en volhoubaarheid van hawens en hul omgewings;

10.1.3.2 Reguleer en beheer die ontwikkeling van hawens;

10.1.3.3 Beheer grondgebruik binne hawens en beskik oor die bevoegdheid om haweground te verhuur onderhewig aan sodanige voorwaardes wat die TNPA mag goeddink;

10.1.3.4 Voorsien dienste soos water, ligte, krag, riool en telekommunikasie binne hawens;

10.1.3.5 Onderhou die volhoubaarheid van hawens en hul omgewings;

10.1.3.6 Reguleer en beheer die laai, aflaai en berging van vrag en op-en aflaai van passasiers op skepe;

10.1.3.7 Reguleer en beheer vragbergingsfasiliteite langs, of by, die kus;

10.1.3.8 Reguleer en beheer besoedeling en die beskerming van die omgewing binne die hawegrense;

10.1.3.9 Reguleer en beheer veiligheid en sekuriteit binne die hawegrense;

10.1.3.10 Skryf voor grense en vlakke met betrekking tot baggerwerk in hawens;

- 10.1.3.11 Verseker die voldoende, bekostigbare en effektiewe dienste en fasiliteite binne hawens;
- 10.1.3.12 Uitoefening van lisensiëring en beheerfunksies van hawedienste en hawe-fasiliteite;
- 10.1.3.13 Verseker dat voorsieners van dienste en fasiliteite in hawens in staat is om sodanige dienste en fasiliteite effektief te voorsien;
- 10.1.3.14 Bevorder effektiwiteit, betroubaarheid en kostedoelmatigheid met betrekking tot gelisensieerde operateurs in ooreenstemming met internasionale standaarde en openbare aanvraag;
- 10.1.3.15 Bevorder gelykheid met behulp van maatreëls daarop gerig om agtergeblewe individue of kategorieë van persone by te staan en onregverdige diskriminasie te beperk in die werksaamhede en fasiliteite van die hawe-omgewing;
- 10.1.3.16 Bevorder die gebruik, verbetering en ontwikkeling van hawens;
- 10.1.3.17 Adviseer met betrekking tot alle aangeleenthede binne die hawesektor, hawedienste en hawefasiliteite;
- 10.1.3.18 Bevorder groter verteenwoordiging, veral verhoging van deelname in haweterminaalbedrywighede ten aansien van historiesagtergeblewe persone;
- 10.1.3.19 Beoefen die lisensiëring en oprigting en bedryf van vraghanterings-fasiliteite en dienste aan, of by, die kus;
- 10.1.3.20 Voldoening aan of fasilitering van internasionale verpligtings met betrekking tot hawens;
- 10.1.3.21 Fasilitering van die uitoefening van enige funksie van staatsorgane binne hawens;
- 10.1.3.22 Bevorder navorsing en ontwikkeling met betrekking tot hawedienste en-fasiliteite;
- 10.1.3.23 Reguleer en beheer navigasie binne hawegrense en toegang tot hawens;
- 10.1.3.24 Reguleer en beheer toegang van skeepsvaartuie in hawens, verblyf, beweging of aktiwiteite in en verlating van hawens;
- 10.1.3.25 Voorsien sleepboot-, gidsboot en ander fasiliteite en dienste met betrekking tot navigasie en ankerplekke van skeepsvaartuie in hawens;
- 10.1.3.26 Voorsien, beheer en onderhou skeepsvaartuigverkeersdienste. Vir meer inligting besoek Transnet se webwerf by www.transnet.co.za.

10.2 TRANSNET PIPELINES

10.2.1 Transnet Pipelines bedryf, bestuur en onderhou 'n netwerk van hoëdruk-petroleum en gaspyple en voorsien vervoer en berging van petroleumprodukte namens die Staat en petroleummaatskappye; en

10.2.2 Transnet Pipelines pomp petroleum en gas deur 'n netwerk pyplyne. Vir meer inligting besoek Transnet se webwerf by www.transnet.co.za.

10.3 TRANSNET PORT TERMINALS

10.3.1 Bestuur die werking van Suid-Afrika se ses hoofhawens;

10.3.2 Hanteer oplaai en aflaai van vrag;

10.3.3 Voorsien waardetoevoegingsdienste ten aansien van oplaai en aflaai van vrag asook berging van vrag in transito;

10.3.4 Het as visie om die logistiekebesigheidsvennoot van keuse te wees. Vir meer inligting besoek Transnet se webwerf by www.transnet.co.za.

10.4 TRANSNET FREIGHT RAIL

10.4.1 Voorsien spoogerigte logistieke oplossings aan klante in die mynbou asook die swaar en ligte vervaardigingssektors. Vir meer inligting besoek Transnet se webwerf by www.transnet.co.za.

10.5 TRANSNET RAIL ENGINEERING

10.5.1 Is 'n ingenieursonderneming;

10.5.2 Is 'n leidende Suid-Afrikaanse opgradeerder en hersteller van spoorverwante produkte;

10.5.3 Herstel en opgradeer spoorprodukte, lokomotiewe en spoorwegwaens, en

10.5.4 Voorsien komponente vir spoorvragprodukte en bou spoorvragwaens. Vir meer inligting besoek Transnet se webwerf by www.transnet.co.za.

11 JOUR REMEDIES

11.1.1 'n versoeker van inligting (of 'n derde party, waar toepaslik) mag regshulp aanvra by enige hof met toepaslike jurisdiksie met betrekking tot die volgende besluite van 'n inligtingsbeampte:

- 11.1.1.1 Weiering, of gedeeltelike weiering, van 'n versoek om toegang tot inligting;
- 11.1.1.2 Die bedrag geld versoek;
- 11.1.1.3 Die verlenging van die periode waarbinne die versoek hanteer moet word; of
- 11.1.1.4 Die vorm van toegang aangebied.

11.1.2 Alle regsdokumente moet beteken word op die inligtingsbeampte wie met die versoek gehandel het.

12 REKORDS GEHOU DEUR TRANSNET

Transnet hou rekord met betrekking tot die volgende kategorieë en onderwerpe. Neem egter kennis dat die feit dat 'n betrokke kategorie of onderwerp hieronder gelys is, nie noodwendig beteken dat 'n versoek tot sodanige Transnet rekords toegestaan sal word nie: alle versoeke tot toegang word oorweeg op individuele basis in ooreenstemming met die bepalings van hierdie wet.

12.1.1 Interne Rekords

Die volgende rekords word deur Transnet gehou met betrekking tot sy eie sake:

- Finansiële rekords;
- Operasionele rekords;
- Intellektuele eiendomsrekords;
- Bemerkingsrekords;
- Interne korrespondensie;
- Statutêre rekords;
- Interne rekords gehou deur beamptes van Transnet.

12.2 WERKNEMERS REKORDS

Met "werknemer" word verwys na enige persoon in diens van Transnet of enige persoon wat dienste aan (of ten behoeve van) Transnet voorsien of ontvang of geregtig is op ontvangs van enige vergoeding asook enige persoon wat hulp verleen met betrekking tot uitvoer of verrigting van enige werk of dienste vir Transnet. Dit sluit in sonder beperking departementshoofde, bestuurders, alle permanente tydelike en deeltydse personeel sowel as kontrakwerkers. Personeelrekords sluit in die volgende:

- 12.2.1.1 Enige personeelrekords deur Transnet aan personeel voorsien;
- 12.2.1.2 Enige rekords aan Transnet voorsien deur 'n derde party van enige personeel;
- 12.2.1.3 Diensvoorwaardes en ander personeelverwante kontraktuele en quasi-regsrekords;
- 12.2.1.4 Interne evalueringsrekords; en
- 12.2.1.5 Ander interne rekords en korrespondensie.

12.3 WERKVERWANTE REKORDS

Werkverwante inligting sluit in die volgende:

- 12.3.1 Enige rekords aan Transnet voorsien deur 'n derde party; en
- 12.3.2 Rekords opgestel deur of binne Transnet met betrekking tot werk of dienste met insluiting van transaksierekords.

12.4 ANDER PARTYE

Rekords word deur Transnet gehou met betrekking tot ander partye insluitend maar nie beperk tot kontrakteurs, diensverskaffers, departemente en verskaffers, alternatiewelik sodanige ander partye wat moontlik oor rekords mag beskik wat aan Transnet behoort. Die volgende rekords val onder hierdie kategorie:

- 12.4.1 Personeel, werk, of diensteverwante rekords wat gehou word deur 'n ander party, in teenstelling met Transnet self;
- 12.4.2 Rekords gehou deur Transnet met betrekking tot ander partye insluitend finansiële rekords, korrespondensie, kontraktuele rekords, rekords voorsien deur ander partye en rekords deur derde partye voorsien aan kontrakteurs of verskaffers.

AANHANGSEL 1: VERSOEK GERIG AAN 'N OPENBARE LIGGAAM

Hierdie aanhangsel moet vergesel wees van 'n brief gerig aan die betrokke inligtingsbeampte.

A. Besonderhede van Transnet of 'n bedryfsafdeling

(die inligting hierin vervat identifiseer die korrekte inligtingsbeampte asook die korrekte Transnet bedryfsafdeling)

Inligtingsbeampte: Naam _____

Transnet bedryfsafdeling: _____

Faksnommer: _____

E-pos adres: _____

B. Besonderhede van versoeker

(a) die inligting in hierdie afdeling vervat identifiseer die naam en besonderhede van die versoeker asook die hoedanigheid waarin die versoek gerig word (waarvan bewys verlang word) verkieslik aangeheg.

Volle naam en van: _____

Identiteitsnommer: _____

Posadres: _____

Faksnommer: _____

Telefoonnommer: _____

E-pos adres: _____

Hoedanigheid waarin die versoek gerig word, indien namens 'n ander persoon:

C. Besonderhede van persoon namens wie die versoek gerig word

Hierdie afdeling moet alleen voltooi word indien 'n versoek gerig word namens 'n ander persoon.

Volle naam en van: _____

Identiteitsnommer: _____

D. Besonderhede van rekord

In hierdie afdeling moet volledige besonderhede voorsien word van die rekord waartoe toegang verlang word met insluiting van die verwysingsnommer, indien bekend, ten einde identifisering van die rekord te bespoedig. Indien die gegewe spasie onvoldoende is, voltooi asseblief 'n aparte folio bladsy en heg dit hierby aan. Geliewe asseblief daarop te let dat die versoeker elke aangehegte folio bladsy moet onderteken.

1 Beskrywing van die aangevraagde rekord, of relevante gedeelte daarvan:

2 Verwysingsnommer, indien toepaslik:

3 Enige verdere besonderhede van die rekord:

E. Gelde betaalbaar

- (a) Enige versoek om toegang tot 'n rekord, behalwe indien die rekord persoonlike inligting van uself bevat, sal alleenlik verwerk word indien die toepaslike versoekgeld betaal is;
- (b) u sal in kennis gestel word van wat hierdie versoekgeld beloop;
- (c) die bedrag versoekgeld hang af van die vorm waarin toegang verlang word en die redelike tyd beskikbaar vir die soek en voorbereiding van 'n rekord;
- (d) indien u kwalifiseer vir vrystelling van enige geld, vermeld asseblief die redes vir sodanige vrystelling.

Redes vir vrystelling van betaling van geld:

F. Vorm van toegang tot rekord

Indien u as gevolg van fisiese onvermoë nie in staat is om die rekord te lees, daarna te kyk of daarna te luister nie, vermeld asseblief volledig wat u tekortkoming behels en dui asseblief volledig aan in welke vorm die rekord aan u voorsien moet word.

Fisiese ongeskiktheid:	Vorm waarin die rekord verlang word

Merk die betrokke blokkie hieronder met 'n "x"

Notas:

(a) voldoening aan die versoek in die voorgeskrewe vorm mag afhanklik wees van die vorm waarin die rekord wel beskikbaar is;

(b) toegang tot die rekord in die vorm deur u versoek, mag geweier word onder sekere omstandighede. In sodanige geval sal u ingelig word of toegang toegestaan sal word in 'n ander vorm;

(c) die fooi betaalbaar vir toegang tot die rekord, indien enige, sal gedeeltelik afhang van die vorm waarin toegang versoek is.

1. Indien die rekord in 'n skriftelike of gedrukte vorm is:

Afskrif van rekord	Inspeksie van rekord

2. Indien die rekord bestaan uit sigbare afbeeldings: dit sluit in foto's, skyfies, video opnames, elektroniese afbeeldings, sketse, ens.

	Besigtig die afbeeldings		Afskrif van die afbeeldings		Transkripsie van afbeeldings
3. As die rekord uit klankopnames bestaan of uit inligting wat in klank gereproduseer kan word:					
	Luister na die klankbaan		Transkripsie van klank opname: skriftelike of gedrukte dokument		
4. Indien die rekord op 'n rekenaar of in elektroniese of masjienleesbare vorm bestaan:					
	Gedrukte afskrif van rekord		Gedrukte afskrif van inligting afgelei van die rekord		Afskrif in rekenaar leesbare formaat (slapskyf, hardeskyf of kompakskyf)
Indien u 'n afskrif van die rekord (hierbo) verlang: verkies u dat die afskrif of transkripsie aan u gepos word? indien wel, word betaling van posgeld verlang.				Ja	Nee

G. Kennisgewing van besluit met betrekking tot versoek tot toegang tot rekord

U sal skriftelik in kennis gestel word of u versoek goedgekeur of afgewys is. Indien u sou verlang dat kennisgewing aan u geskied op enige ander wyse, spesifiseer asseblief die wyse en voorsien genoegsame besonderhede ten einde voldoening aan die versoek te verseker.

Hoe sou u verkies om ingelig te word van die besluit met betrekking tot u versoek vir toegang tot die rekord?

Onderteken te _____ op hierdie dag van _____ 20____

Handtekening van versoeker / persoon namens wie die versoek gemaak word

Vir Transnet interne gebruik alleenlik

Verwysingsnommer:

Inligtingsbeampte:

Versoekfooi: R _____

Deposito: R _____

Toegangsfooi: R _____

HANDTEKENING VAN INLIGTINGSBEAMPTE/ADJUNKINLIGTINGSBEAMPTE

BHUKWANA LOKWAZISA LAKWA-TRANSNET LIMITED

**NJENGOKULANDISA KWESIGABA 14 SOMTHETHO I-
PROMOTION OF ACCESS TO INFORMATION ACT**

Revision date:

13 May 2011

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1. ISINGENISO

Lolulwazi oluqukethwe yilelibhukwana lushicilelwe ngokwesigaba 14 somthetho iPromotion of Access to Information Act No 2 ka 2000 (“umthetho”).

Lomthetho ulawula ukusebenza kweSigaba 32 soMthetho-sisekelo wezwe esinika igunya lokuthola ulwazi olugodlwe umbuso kanye nolwazi olugodlwe omunye umuntu oludingeka ekusetsezisweni kanye nokuvikela noma yiliphi ilungelo.

Ihloso yalomthetho ukuqinisa isiko-mpilo lokuvuleleka nokuzwana kwezinkampani zomphakathi nalezo ezizimele ngokunikeza nanoma ubani ilungelo lokuthola ulwazi oluzobenza bakwazi ukuvikela amalungelo abo.

Kanti inhloso yalelibhukwana ukubonisa ngezindlela okufanele zilandelwe kanye nokumele kweziwe ofisa ukuthola ulwazi oluphethwe noma olungaphansi kwabenkampani yakwa Transnet kanye nophiko lwe Operations lwakhona kwaTransnet

2. UKUTHOLAKALA KWALELIBHUKWANA

Lelibhukwana lingatholakala ku website yethu ethi www.transnet.co.za noma ungalicela ngokuthumelela i e-mail omunye wabanikezana ngolwazi kulenkampani phecelezi ama Information Officers njengoba kulotshiwe esigabeni 4 ngenzansi. Kanti lelibhukwana liyatholakala nakwi Khomishana yamalungelo esintu yakuleli

3. UKUSEBENZA NOHLAKA LWENKAMPANI YAKWA-TRANSNET

U-Transnet uyinkampani yomphakathi yezokuthuthwa kwempahla kanye nokuhlela kanti yenganyelwe nguhulumeni kuphela. UTransnet ubhekene namachweba, uloliwe kanye namapayipi angaphansi komhlaba. Kanti isu lokuhlela kabusha lenkampani olunamaphuzu amane lwaholela ekudayisweni kwempahla namabhizinisi okungeyona ingxenye yezinhlelo zokwakha inkampani ehlonishwa emhlabeni jikelele kwezokuthuthwa kwezimpahla ezinkulu nezokuhlela.

Inkampani yakwa Transnet ihlukaniswe kanje:

- 3.1 I-Transnet Freight Rail: Uphiko oluthwala impahla ngololiwe (Loluphiko belwaziwa njenge Spoornet)
- 3.2 I- Transnet National Ports Authority: Umsebenzi omkhulu waloluphiko ukongamela, ukuphatha, ukulawula kanye nokubhekelela amachweba ukuqinisekisa ukuthi asebenza ngendlela enobuchwepheshe nengenisa inzuzo.
- 3.3 I-Transnet Port Terminals: Eyayaziwa ngelika SAPO, yasungulwa ngonyaka ka 2000 ngesikhathi iPortnet ihlukaniswa phakathi yenziwa amabhizinisi amabili okuyi SAPO ebhekele ukusebenza kwamachweba ne National Port Authority (NPA) eyengamele amachweba. Kanti umsebenzi wayo omkhulu ukubhekelela ukusebenza kwezingxenye ezibhekele ukuthuthwa kwempahla.
- 3.4 I-Transnet Pipelines: Loluphiko lubhekele amapayipi okuthutha nokugcina uphethiloli kanye nama gesi kanti lunenxanxathela yamapayipi ahamba ibanga elide. Beyaziwa ngokuthi yi Petronet.

- 3.5 I-Transnet Rail Engineering: Loluphiko lubhekene nokulungisa impahla yokusebenza ezokuthutha yakwaTransnet. Belwaziwa nge Transwerk.

4. AMA-CHIEF INFORMATION OFFICERS NEMININGWANE YABO

- 4.1 Ngokusho kwalomthetho, oyi Chief Executive Officer yenkampani yomphakathi nguye onikwa umsebenzi wokuba yi-Chief Information Officer. Kanti imininingwane yezikhulu eziphezulu zakwa Transnet imi kanje:

- 4.2 u-Brian Molefe, uyi-Group Chief Executive,

- 4.3 Ikheli lakhe lithi: Transnet Limited, 49th Floor, Carlton Centre, 150 Commissioner Street, Johannesburg.

- 4.4 Inombolo yocingo: Tel: 011 – 308 2309

- 4.5 Inombolo yesikhahlamezi: Fax: 011 – 308 2315

- 4.6 Abadinga okuthize kumele baqondise zonke izidingo zabo kumaphini ama-Information Officer, akwa-Transnet noma yisiphi isigaba salenkampani kulemininingwane engezansi:

Mr Brian Molefe
Group Chief Executive
Transnet
49th Floor, Carlton Centre
150 Commissioner Street
Johannesburg

PO Box 72501

Parkview

2122

151 e-mail: Brian.Molefe@Transnet.net / Zanele.Mbele@Transnet.net

- 4.7 Izicelo eziqondisiwe enkampanini yakwa-Transnet (hhayi kumnyango othize) kufanele zithunyelwe ku-Information Officer kulemininigwane elandelayo:

5. UKUFINGQWA KOMTHETHO YI-SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

Umthetho ofingqiwe kanye namalungelo aloyo ofaka isicelo kuyatholakala kwa-SAHRC noma kwi website yabo ethi: WWW.SAHRC.ORG.ZA.

Uma unombuzo ngalokhu, thintana ngqo nabakwa SAHRC, kulelikheli ku: The South African Human Rights Commission: PAIA Unit; The Research and Documentation Department; Ikheli labo leposi: Private Bag 2700, Houghton, 2041; ungabashayela ucingo ku: +27 11 484-8300; Bathumele isikhahlelamezi noma i-fax ku +27 11 484-0582; i-website yabo ithi: www.sahrc.org.za; I-e-mail ithi: paia@sahrc.org.za

6. UNGAYICELA KANJANI IMIQULU NOLWAZI OLUPHETHWE ABAKWA-TRANSNET

Nakhu okufanele kulandelwe ngaphambi kokufaka isicelo

- 6.1 Step 1: Ingabe uvumelekile yini ukusebenzisa umthetho ekufakeni isicelo sokufunayo?

- 6.1.1 Qaphela u-section 7(1) walomthetho othi:

“Lomthetho awusebenzi kuma rekhodi enhlangano yomphakathi noma ezimele uma:

- (a) Lelo rekhodi lifunelwa ekusetsenziselwa ecaleni lobugebengu noma elamademeshe;