# Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

# Section 51 Manual for

# Ford Motor Company of Southern Africa (Pty) Ltd and its Subsidiaries

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#### Introduction

The Ford Motor Company of Southern Africa Group of Companies is the authorised importer, assembler and distributor of motor vehicles and spare parts for the Ford, Mazda, Jaguar, Land Rover and Volvo brands in Southern Africa. This Manual relates to the records held by all of the following Companies in the Group:

- 1. Ford Motor Company of Southern Africa (Pty) Ltd. (1983/008879/07);
- 2. Ford Motor Company of Southern Africa (Manufacturing) (Pty) Ltd (1923/002555/07);
- 3. Ford Southern Africa (Pty) Ltd. (2000/027070/07);
- 4. Jaguar Cars South Africa (Pty) Ltd (2000/026853/07);
- 5. Land Rover (South Africa) (Pty) Ltd. (2001/027269/07):
- 6. Volvo Car South Africa (Pty) Ltd. (2000/023904/07);
- 7. Eglin Investments No 47 (Pty) Ltd. (1994/008617/07).

The Group's head office and assembly operations are located at Silverton in Pretoria and it has an engine manufacturing plant at Struandale in Port Elizabeth.

## Particulars in terms of the Section 51 Manual

#### 1) Contact Details

Information Officer: Mr Ben Pillay Postal Address: P.O. Box 411

Pretoria 0001

Street Address: Simon Vermooten Road

Silverton 0184

Telephone: +27 12 842 2296 Fax: +27 12 842 3031

Website: www.fordmotorcompany.co.za

E-mail: bpillay@ford.com

#### 2) The Section 10 Guide on how to use the Act

The Guide will be available from the South African Human Rights Commission by not later than August 2004. Please direct any queries to:

#### 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 7146 Website: www.sahrc.org.za E-mail: PAIA@sahrc.org.za

# 3) Records available in terms of other legislation

- 1. Administration of Estates Act, No. 66 of 1965;
- 2. Arbitration Act No. 42 of 1965;
- 3. Basic Conditions of Employment No. 75 of 1997;
- 4. Companies Act No. 61 of 1973;
- 5. Compensation for Occupational Injuries and Health Diseases Act No, 130 of 1993;
- 6. Copyright Act No. 98 of 1978;
- 7. Custom and Excise Act No 91 of 1964;
- 8. Currency and Exchanges Act No. 9 of 1933;
- 9. Debtor Collectors Act No. 114 of 1998;
- 10. Employment Equity Act No. 55 of 1998;
- 11. Income Tax Act No. 95 of 1967;
- 12. Insolvency Act No. 24 of 1936;
- 13. Intellectual Property Laws Amendments Act No.38 of 1997;
- 14. Labour Relations Act No. 66 of 1995;
- 15. Medical Schemes Act No. 131 of 1998;
- 16. Occupational Health & Safety Act No. 85 of 1993;
- 17. Pension Funds Act No. 24 of 1956;
- 18. Regional Services Councils Act No. 109 of 1985;
- 19. SA Reserve Bank Act No 90 of 1989;
- 20. Skills Development Levies Act No.9 of 1999;
- 21. Skills Development Act No.97 of 1998;
- 22. Stamp Duties Act No. 77 of 1968;
- 23. Trade Marks Act No. 194 of 1993;
- 24. Unemployment Contributions Act No. 4 of 2002;
- 25. Unemployment Insurance Act No.63 of 2001;
- 26. Value Added Tax Act No.89 of 1991.

## 4) Access to the records held by the private body in question

- i) Categories of records that are available without having to request access in terms of this Act;
  - Advertising material of products

#### ii) Categories of records that may be requested

- Corporate and Public Affairs:
  - Public Corporate records;
  - Media releases.
- Human Resources:
  - Staff recruitment policies;
  - Employment contracts;
  - Policies and Procedures;
  - Health and safety records;
  - Remuneration records and policies.
- Customer Services:
  - Spare part records;
  - Warranty records.
- Finance:
  - Annual Financial statements;
  - Financial and Tax records;
  - Motor Industry Development Program records;
  - Asset Register;
  - Management Accounts;
  - Import and Export records.
- Sales and Marketing:
  - Market information:
  - Field records:
  - Performance records;
  - Product sales records;
  - Marketing Strategies;
  - Customer database.
- Manufacturing and Supply:
  - Production records;
  - Vehicle and component specifications;
  - Quality records;
  - Vehicle assembly data;
  - Stock records;
  - Supplier records.

- Legal and Company Secretarial:
  - Source Supplier Agreements:
  - Dealer Franchise Agreements;
  - General Contract documents;
  - Trade Marks;
  - Statutory records;
  - Insurance records.

## iii) Request procedures

- Form of request:
  - The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
  - The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
  - The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
  - <sup>a</sup> If a request is made on behalf of a another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

#### • Fees:

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

#### 5) Other information as may be prescribed

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

## 6) Availability of the manual

The manual is available for inspection at the offices of the FMCSA free of charge; and copies are available with the SAHRC, in the Government Gazette and on the FMCSA's website.

# Attachment A • Fee Structure

Section 51(1)(f)

Fees in respect of Request for Information Fees in respect of Private Bodies

- 1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size thereof.
- 2. The fees for reproduction referred to in regulation 11(1) are as follows:

	(a)	for every photocopy of an A4-size page and part thereof		
	(b)	for every printed copy of an A4-sized page or part thereof held on a computer or in an electronic or machine readable form		
	(c)	for a copy in a computer-readable form on  (i) stiffy disk		
	(d)	for a transcription of visual images,  (i) for an A4-size page or part thereof		
	(e)	for a transcription of an audio record, for an A4-size page or part thereof		
3.	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) R50.00			
4.	The acc	access fees payable by a requester referred to in regulation (11)3 are as follows:		
		For every photocopy of an A4-size page or part thereof		
	(b)	for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form		
	(c)	for a copy of a computer readable form on  (i) stiffy disk		
	(d)	for a transcription of visual images,  (i) for an A4-sized page or part thereof		
	(e)	for a transcription on audio record,  (i) for an A4-size or part thereof		
	(f)	to search for and prepare the record for disclosure,		

- 2. for purpose of Section (54(2) of the Act, the following applies:
  - (a) Six hours as the hours exceeded before a deposit is payable: and
  - (b) one third of the access fee is payable as a deposit by the requester.
- 3. The actual postage is payable when a copy of the record must be posted to a requester.

# Attachment B • Appointment of Information Officer

In terms of the Act, each Company in the FMCSA Group (i.e. seven Companies in total, excluding New Holland) is required to appoint an Information Officer by Feb 28, 2003.

Corporate and Public Affairs is currently the conduit for dealing with requests for information from the public about the Group.

It is proposed that that department also be responsible for responding to requests made in future in terms of this Act for records held by the Group, including PAG, but that Legal Affairs be included in the process only for the purpose of confirming whether the terms of the Act are being strictly complied with by the requester. It should be noted that all requests not strictly in terms of the Act would continue to be dealt with as in the past.

The formal nomination of the Information Officer by the "head" of each Company will be prepared for signature by that "head", should the proposal be accepted.