

# **MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000**

## **1. SCOPE**

This manual has been prepared in respect of IBM South Africa (Proprietary) Limited (“IBM”), as well as its following subsidiaries:

- ISG Properties (Proprietary) Limited; and
- Cognos SA (Proprietary) Limited

The above companies together with IBM shall collectively be referred to as the “IBM Group”.

## **2. INTRODUCTION**

The Promotion of Access to Information Act No. 2 of 2000 (“Act”) gives effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights.

Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

## **3. SECTION 51 (1) (a) OF THE ACT**

### **a. *CONTACT DETAILS***

#### **i. Chief Executive Officer:**

Oliver Fortuin

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 70 Rivonia Road,  
Sandton, 2196

Phone number: (011) 302 9111

Fax number: (011) 302 8265

Email address: [oliver@za.ibm.com](mailto:oliver@za.ibm.com)

**ii. Legal Manager and Information Officer:**

Ziaad Suleman

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 70 Rivonia Road,  
Sandton, 2196

Phone number: (011) 302 9111

Fax number: (011) 302 8265

Email address: [ziaads@za.ibm.com](mailto:ziaads@za.ibm.com)

**4. SECTION 51 (1) (b) OF THE ACT**

**a. *GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (“GUIDE”)***

i. A Guide has been prepared by the South African Human Rights Commission in accordance with section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

ii. This Guide is available from the South African Human Rights Commission as follows:

Postal Address: Private Bag 2700, Houghton, Johannesburg  
2041

Street Address: PAIA Unit, 29 Princess of Wales Terrace,  
Cnr York and St Andrews Streets, Parktown, Johannesburg

Phone Number: (011) 484 8300

Fax Number: (011) 484 0582

Email Address: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

**5. SECTION 51 (1) (c) OF THE ACT**

**a. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST**

- i. No notice in terms of section 52 (2) of the Act, regarding the categories of records of the IBM Group which are available without request, has to date been published.
- ii. The information as regarding the IBM Group and accessible at [www.ibm.co.za](http://www.ibm.co.za) is available without request.

**6. SECTION 51 (1) (d) OF THE ACT**

**a. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

Records are being held by the IBM Group in accordance with the following other legislation:

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act, No.130 of 1993
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 95 of 1967
- Labour Relations Act, No. 66 of 1995
- Occupational Health & Safety Act, No. 85 of 1993
- Patents Act, No. 57 of 1987
- Promotion of Access to Information Act, No. 2 of 2000
- South African Reserve Bank Act, No. 90 of 1989
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Trade Marks Act, No. 194 of 1993
- Unemployment Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

## **7. SECTION 51 (1) (e) OF THE ACT**

### ***a. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT:***

- Human Resources
- Accounting and Payroll Records
- BEE Statistics
- Personnel Information
- Employment Equity Reports
- General Terms of Employment
- Letters of Employment
- Leave Records
- PAYE Records and Returns
- Performance Management Records
- Policies and Procedures
- UIF Returns
- Retirement Benefit and Medical Aid Records
- Finance and Administration
- Accounting Records
- Annual Financial Statements
- Banking Records
- Correspondence
- Invoices and Statements
- Management Reports
- Tax Records and Returns
- South African Reserve Bank Returns
- Information Management and Technology
- Agreements

- Equipment Register
- Policies, Procedures, and Guidelines
- Marketing and Communication
- Brand Information Management
- Marketing Strategies
- Communications Strategies
- Operations
- Access Control Records
- Archival Administration Documentation
- Correspondence
- Insurance Documentation
- Vehicle Registration Documentation
- Secretarial
- Annual Reports
- Statutory Documentation
- Memoranda and Articles of Association
- Share Registers
- Share Certificates
- Statutory Returns to Relevant Authorities
- Minutes

## **8. SECTION 51 (1) (e) OF THE ACT**

### ***a. DETAILS TO FACILITATE A REQUEST FOR ACCESS TO RECORDS***

i. Requesters of access to information must:

A. complete the form attached hereto as Annexure “A” in BLOCK LETTERS;

B. make a copy of his/her identity book (or a copy of the identity book of a director, member, trustee, etc., if the requester is a juristic person);

C. submit the items as listed in A and B above, together with the applicable fee/s in terms of Annexure “B”, to the CEO of the IBM Group (as set out in section “A” of Annexure “A” hereto).

#### **9. SECTION 51 (1)(f) OF THE ACT**

It has to date not been prescribed that any other information should be contained herein.

## **ANNEXURE A**

### **SECTION 53 (1) OF THE ACT**

#### ***FORM FOR APPLICATION OF INFORMATION REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY***

##### **A. Particulars of Private Body**

###### **Chief Executive Officer:**

Oliver Fortuin

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 70 Rivonia Road,  
Sandton, 2196

Phone number: (011) 302 9111

Fax number: (011) 302 8265

Email address: oliver@za.ibm.com

##### **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 of South Africa 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 (if natural person): \_\_\_\_\_

Full name of Entity (if juristic person): \_\_\_\_\_

Identity Number (if natural person): \_\_\_\_\_

Registration Number (if juristic person): \_\_\_\_\_

Physical address: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

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### 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. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.*

Full Names and Surname:

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Identity Number:

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### 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.***

Description of record or relevant part of the record:

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Reference number, if available:

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Any further particulars of record:

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### E. Fees



- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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#### F. Form of access to record

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

Disability: <hr/>	Form in which record is required: <hr/>
<p>Mark the appropriate box with an <b>X</b>.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	
<p><b>1. If the record is in written or printed form:</b></p>	

Copy of record*		inspection of record	
<b>2. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
View the images		copy of the images*	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)	
<b>4. If record is held on computer or in an electronic or machine-readable Form:</b>			
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? <b>Postage is payable.</b>			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.***

Indicate which right is to be exercised or protected:

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

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**H. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved /denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

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

\_\_\_\_\_  
\_\_\_\_\_  
Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of Requester/Person  
on whose behalf Request is  
made

## **ANNEXURE B**

### **FEES**

All prices listed below are exclusive of value added tax as set out in the Value Added Tax Act, No. 89 of 1991.

#### **SECTION 54(7) OF THE ACT**

The request fee payable by a requester, other than a personal requester (i.e. a person seeking access to records that contain their personal information), is R50.00.

The fee for a copy of the manual is R1.10 for every photocopy of an A4-size page or part thereof.

(a) For every photocopy of an A4-size page or part thereof	R1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(c) For a copy in a computer-readable form on compact disc	R70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R40.00 R60.00
(e) (i) For a transcription of an audio record, for an A6-size page or part thereof (ii) For a copy of an audio record	R20.00 R30.00
(f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00
(g) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(h) For a copy in a computer-readable form on compact disc	R70.00

(i) (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R40.00
	R60.00
(j) (i) For a transcription of an audio record, for an A6-size page or part thereof (ii) For a copy of an audio record	R20.00
	R30.00

The actual postage is payable when a copy of a record must be posted to a requester.

#### **SECTION 54(2) OF THE ACT**

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.