

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 the following companies:

- ISG Properties (Proprietary) Limited
- IBM South Africa Group (Pty) Limited;
- IBM Global Financing South Africa (Pty) 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

3.1. CONTACT DETAILS

3.1.1. Chief Executive Officer:

Hamilton Ratshefola

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 90 Grayston Drive, Sandton, 2196

Phone number: (011) 302 9111

Fax number: (011) 302 8265

Email address: HAMILTRA@za.ibm.com

3.1.2. Legal Manager and Information Officer:

Anja Schirmer

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 90 Grayston Drive, Sandton, 2196

Phone number: (011) 302 9111

Fax number: (011) 302 8265

Email address: anjas@za.ibm.com

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

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

4.1.1. 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.

4.1.2. 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.

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

5.1. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST

5.1.1. 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.

5.1.2. The information as regarding the IBM Group and accessible at <http://www.ibm.com/za/> is available without request.

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

6.1. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

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

Basic Conditions of Employment Act, No. 75 of 1997, as amended;

Companies Act, No. 71 of 2008;

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;
Protection of Personal Information Act, No. 4 of 2013;
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

7.1. 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
Personal 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 Registers

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

8.1. DETAILS TO FACILITATE A REQUEST FOR ACCESS TO RECORDS

8.1.1. Requesters of access to information must:

8.1.1.1. complete the form attached hereto as Annexure "A" in BLOCK LETTERS;

8.1.1.2. 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);

8.1.1.3. 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

Hamilton Ratshefola

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 90 Grayston Drive, Sandton, 2196

Phone number: (011) 302 9111

Fax number: (011) 302 8265

Email address: HAMILTRA@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:

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: _____

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.***

Description of record or relevant part of the record:

Reference number, if available:

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 to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
Copy of record		inspection of record	
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
View the images		copy of the images	transcription of the images
3. If record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack (audio cassette)		Transcription of soundtrack (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable Form:			
Printed copy of record		Printed copy of information derived from the record	Copy in computer readable form (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	N/O	
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G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

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:

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	R20.00

(ii) For a copy of an audio record	R30.00
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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.