



east london idz
business streamlined

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL (ENGLISH)

Document Reference: LEGAL-MANUAL-001

Revision: 3

Document Owner:

Michelle Botha

DOCUMENT HISTORY**REVISION HISTORY**

2	March 2018	Minor changes have been made to the document in respect of the following: Migration of document to standard template, updating of corporate structure (as per corporate plan) – page 6, replace IDZ regulation aspects with SEZ Act aspects – page 7; update records held by the ELIDZ (as per file plan)- pages 10 to 14; update services offered – page 17	Michelle Botha
3	April 2022	Manual revised to ensure compliance with POPIA requirements and PAIA revisions. Manual revised to reflect revised organisational structure and corporate mission / vision statements.	Michelle Botha & Matthew Bell

DISTRIBUTION

Name	Title
All	All Staff Members
All	All Public

APPROVAL

This document requires the following review / verification / approval:

Name	Designation	Role	Signature	Date
Vernon Moonieya	Manager: SHEQ	Reviewed by		
Nomsa Makhoba	Executive Manager: Corporate Affairs	Recommended by		
Simphiwe Kondlo	Chief Executive Officer	Approved by		

TABLE OF CONTENTS

1	INTRODUCTION	5
2	DETAILS OF THE ELIDZ	5
3	DESCRIPTION OF THE STRUCTURE AND FUNCTIONS.....	6
3.1	STRUCTURE	6
3.2	FUNCTIONS	8
4	INFORMATION OFFICERS	8
4.1	INFORMATION OFFICER	8
4.2	DEPUTY INFORMATION OFFICER.....	8
5	SOUTH AFRICAN HUMAN RIGHTS COMMISSION OFFICIAL GUIDE.....	9
6	RECORDS HELD BY THE ELIDZ.....	9
6.1	INFORMATION AUTOMATICALLY AVAILABLE	10
6.2	INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION	10
6.3	INFORMATION AVAILABLE BY CATEGORY / SUBJECT.....	11
7	ACCESS TO RECORDS.....	15
7.1	PROCEDURE FOR REQUESTING ACCESS TO INFORMATION	15
7.2	RIGHT OF ACCESS	15
7.3	REQUEST	16
7.4	FEES	16
7.5	DECISION.....	17
8	ACCESS TO RECORDS REFUSED	18
9	SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC	18
9.1	SERVICES PROVIDED.....	18
9.2	ACCESS TO SERVICES	19
10	PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR EXERCISE OF POWERS	19
11	OTHER INFORMATION.....	19
12	AVAILABILITY OF THE MANUAL.....	19
	FORM 2.....	ERROR! BOOKMARK NOT DEFINED.

1 INTRODUCTION

This Manual is published in compliance with section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”), a statute contemplated in section 32 of the Constitution of the Republic of South Africa, 1996, which requires that all public bodies compile a manual giving information to the public regarding the procedure to be followed in requesting information from a public body for the purposes of exercising or protecting rights

The purpose of PAIA is to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to actively promote a society in which people would have effective access to all information necessary for the full and proper exercise and protection of their rights.

The ELIDZ respects the privacy of personal information, and undertakes to process personal information in a manner which is compliant with the Protection of Personal Information Act, 2013 (Act No, 4 of 2013).

This Manual has been prepared by the ELIDZ to facilitate access to records held by the ELIDZ and it contains inter alia the following information:

- (a) A description of the structure and functions of the ELIDZ;
- (b) The postal and street address, phone and fax number, electronic mail address of the information officer of the body and of the deputy information officer;
- (c) A description of the Guide compiled by the South African Human Rights Commission and how to access it;
- (d) Information to assist in facilitating access to a record held by the ELIDZ, as well as a description of the subjects on which the body holds records and the categories of records held on each subject;
- (e) The categories of records of the body which are available without a person having to request access in terms of PAIA;
- (f) A description of the services available to members of the public from the ELIDZ and how to gain access to those services;
- (g) A description of any arrangement or provision for a person to consult, make representations or otherwise, to participate in or influence the formulation of policy; or the exercise of powers or performance of duties, by the ELIDZ;
- (h) The actions to be taken if access to information has been refused.

2 DETAILS OF THE ELIDZ

Name:	East London Industrial Development Zone SOC Ltd
Registration number:	2003/012647/30
Physical Address:	Lower Chester Road, Sunnyridge, East London
Postal Address:	PO Box 5458, Greenfields, East London, 5208
Telephone Number:	043 702 8200

Fax Number:	043 702 8251
Website:	www.elidz.co.za
E-mail Address:	info@elidz.co.za

3 DESCRIPTION OF THE STRUCTURE AND FUNCTIONS

3.1 Structure

The ELIDZ is a state-owned profit company that was incorporated during 2003. The ELIDZ is also a Schedule 3D Provincial Government Business Enterprise, with reference to its status in terms of the Public Finance Management Act, 1999.

The ELIDZ is governed by a Board of Directors as required by the Companies Act and is subject to the provisions of the Public Finance Management Act, 1999. The business and affairs of the ELIDZ are managed by or under the direction of the Board that is supported by a framework of committees.

The ELIDZ has the following structure:



3.2 Functions

The ELIDZ is intended to be a catalyst for growing a strong regional industrial base, supported and sustained by a business ecosystem that serves to extend the global competitiveness of local industries

It's mission is to attract and retain targeted industries through the operation of a world class investment location, supported by a conducive business environment and special economic zone benefits, where industries excel and prosper.

The ELIDZ is the operator of the East London Industrial Development Zone and is the holder of an Operator Permit in terms of the Special Economic Zone Act, Act 16 of 2014.

The organisation's high-level objectives are defined as the following:

- Drive Industrial Development and Diversification
- Upgrade and Extend Regional Industrial Capabilities
- Upgrade Economic Enabling Infrastructure to improve ELIDZ's value proposition
- Leverage Broad-based Industrial Transformation and Impact
- Prioritise long-term Sustainability

4 INFORMATION OFFICERS

4.1 Information Officer

The information officer of the ELIDZ is the Chief Executive Officer ("CEO"), whose contact details are as follows:

Physical Address:	Lower Chester Road, Sunnyside, East London
Postal Address:	PO Box 5458, Greenfields, East London, 5208
Telephone Number:	043 702 8200
Fax Number:	043 702 8251
Email Address:	info@elidz.co.za

4.2 Deputy Information Officer

The Deputy Information Officer of the ELIDZ is an employee upon whom the Information Officer has delegated his powers and duties in terms of PAIA. This means that the Deputy Information Officer will receive requests for information, facilitate the request and provide the necessary assistance to a requester where need be on behalf of the Information Officer. The Information Officer still maintains direction and control over the Deputy Information Officer.

The deputy information officer of the ELIDZ is the Executive Manager: Corporate Affairs whose details are as follows:

Physical Address:	Lower Chester Road, Sunnyridge, East London
Postal Address:	PO Box 5458, Greenfields, East London, 5208
Telephone Number:	043 702 8200
Fax Number:	043 702 8251
Email Address:	info@elidz.co.za

5 SOUTH AFRICAN HUMAN RIGHTS COMMISSION OFFICIAL GUIDE

The South African Human Rights Commission (“SAHRC”) is required by law to publish a Guide in each official language containing information reasonably required by a person wishing to exercise or protect any right in terms of the PAIA. The Guide contains inter alia the following information:

- A description of the objects of PAIA;
- Details of how to make a request for access to information;
- What assistance should be available from the information officer;
- When access to information may be legally refused;
- What legal remedies are available where information has been withheld without reasonable cause;
- The fees payable in relation to requests for access; and
- A reference to the regulations promulgated.

The Guide also lists public bodies from which information can be requested, along with contact details of their information officers.

An electronic version of the Guide is available on the SAHRC website. A hard copy of the Guide is available at the SAHRC’s offices and various distributions centres listed in the Guide.

Please use the following SAHRC contact details for enquiries regarding the Guide and/or collection and access to the Guide:

Physical Address:	Braampark Forum 3, 33 Hoofd Street, Braamfontein
Telephone Number:	011 877 3600
Website:	www.sahrc.org.za
Email Address:	paia@sahrc.org.za

6 RECORDS HELD BY THE ELIDZ

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

In general, the ELIDZ, maintains records of all its activities in a manner which is consistent with POPIA. Files no longer required by the users are transferred to archives. Records which have reached their disposal date are destroyed according to retention schedules. Records of lasting legal, social, historical or research value are retained permanently.

6.1 Information Automatically Available

The following information / records can be obtained without a formal request:

- Marketing brochures of the ELIDZ.
- The Manufacturing and Development Act and the IDZ Programme Regulations in respect thereof.
- Current ELIDZ Tender Information.
- Current ELIDZ Employment opportunities.
- Information relating to potential partnerships with Investors.
- Corporate Social Investment projects and how to get involved.
- ELIDZ Annual Review.
- General Information.

All of the above records are available on request at the ELIDZ Head Office, Lower Chester Road, Sunnyridge, East London and/or on the ELIDZ website at www.elidz.co.za.

6.2 Information Available in terms of other Legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes, as may be amended or revised:

- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational injuries and Diseases Act No. 130 of 1993
- Construction Industry Development Board Act No. 38 of 2000
- Customs and Excise Act No. 91 of 1964
- Eastern Cape: Provincial Archives and Records Service Act No. 7 of 2003
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55. of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Manufacturing Development Act No. 187 of 1993
- National Archives and Records Services Act No. 43 of 1996
- National Environmental Management Act No. 107 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Preferential Procurement Policy Framework Act No. 5 of 2000

- Promotion of Access to Information Act No. 2 of 2000
- Promotion of Administrative Justice Act No. 3 of 2000
- Public Finance Management Act No. 1 of 1999
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Special Economic Zones Act, Act 16 of 2014
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value-Added Tax Act No. 89 of 1991

6.3 Information Available by Category / Subject

Information at the ELIDZ is categorized as per an approved Records Management File Plan and information pertaining to the categories and subjects as appearing below will be subject to a formal request:

CATEGORY	SUBJECT OF INFORMATION
1. STATUTORY AND REGULATORY FRAMEWORK	Policy Enquiries Applicable Legislation
2. ORGANISATION AND CONTROL	Policy Enquiries Delegations of authority Survey to ascertain extensions Establishment of Departments/Offices Secretariat <ul style="list-style-type: none"> - Board charter and code of ethics - Appointment of Board members - Board member's disclosure of interest - Board packs - Recordings - Company registration documentation - Board approvals Work planning and procedures Office Procedures and instructions Strategic planning Performance Information Management Quality Management Risk Management Internal Audit External Audit Insurance Enterprise Development Programme / Projects performance monitoring

	Health, safety and environment management (internal) Security management (internal)
3. HUMAN RESOURCE MANAGEMENT	Policy Enquiries Conditions of service Organizational development Recruitment Termination of Service Training Skills Development Employee health and wellness programmes Employment Equity Labour relations Employee Engagement Forum
4. FINANCIAL MANAGEMENT	Policy Enquiries Budgeting Accounting responsibility Expenditure Revenue Authorities Banking arrangements Reconciliation Journal Financial statements Funding Stakeholders
5. SUPPLY CHAIN MANAGEMENT	Policy Enquiries Procurement <ul style="list-style-type: none"> - Supplier Database - Requisitions - Purchase Orders - Tenders - Contracts/service level agreements Stock control management Asset Management Small Medium Micro Economic (SMME) Development
6. FACILITIES MANAGEMENT	Policy Enquiries Maintenance and repairs of buildings Cleaning Services

	Facilities management
7. TRAVEL AND TRANSPORT SERVICES	Policy Enquiries Vehicles
8. INFORMATION MANAGEMENT	Policy Enquiries User rights management Services support management Architecture management Asset management Information results management Information leadership Records Management
9. COMMUNICATIONS	Policy Enquiries Publicity Publications Printing Marketing Branding Events Management Exhibitions Public outreach programmes Letters Memoranda Advertisements Corporate gifts
10. LEGAL SERVICES	Policy Enquiries Legal opinions Current Awareness Agreements Zone rules Zone enterprise permits Contracts Management Litigation Claims Legal compliance Promotion of access to information Disclosure of interest - employees Legal panel Training and workshops Reports

<p>11. ATTENDING AND HOSTING GATHERINGS</p>	<p>Policy Enquiries Meetings (Board, Board Committee and Executive Management Committees, Associations - Agenda - Minutes - Resolutions</p>
<p>12. OPERATIONAL MANAGEMENT</p>	<p>Policy Enquiries Investment Promotion Investment Facilitations Due Diligence Sector development coordination Project Management Investor shared service management Client relations management Liaison with service providers Services Provision of incentives Investors Customs controlled areas Reports Prototype development Incubator programmes Laboratory management Skill development programmes Property management Maintenance and facilities management</p>
<p>13. SAFETY, HEALTH AND ENVIRONMENT MANAGEMENT</p>	<p>Policy Enquiries Investor support services Evacuation Plan Compliance Auditing Reports Investigations Waste Management Inspections Environmental management Ground and surface water monitoring Environmental surveys Illumination survey Ergonomics Vegetation management Security management</p>

7 ACCESS TO RECORDS

Notwithstanding the contents of this section, the requester must comply with the procedures set out in PAIA, any Regulations made in terms of that Act and the SAHRC Guide, as well as any conditions imposed by the ELIDZ unless inconsistent with the Act, Regulations and Guide referred to in this section.

7.1 Procedure for Requesting Access to Information

A request for access to a record is to be made by completing the request form called Form A attached hereto. The form is also available from:

- The ELIDZ Deputy Information Officer
- The SAHRC website (www.sahrc.org.za)

The prescribed request form must be completed and submitted to the Deputy Information Officer. The form can be faxed, electronically mailed or hand delivered.

The requester will be required to pay the prescribed fee (payable in advance) for requesting and accessing information in terms of PAIA.

The requester may be called upon to pay additional fees prescribed by the regulations for searching for and compiling the information, including copying charges.

The requester will be notified of the decision, as soon as reasonably possible as more fully set out below.

Information may be withheld until the fees have been paid in full.

7.2 Right of Access

A requester has the right to request access to a record and must be given access to a record if the following is complied with:

- The request is made on the standard request Form 2;
- The completed request is faxed or electronically mailed or hand delivered to the Deputy Information Officer;
- The prescribed fees have been paid; and
- Access to the requested record is not refused in terms of any of the grounds for refusal under PAIA or in terms of any of the limitations as specified by POPIA.

7.3 Request

The requester must provide the following information in his/her/its request:

- Sufficient particulars to enable an official of the ELIDZ to identify the requestor;
- Sufficient particulars to enable an official of the ELIDZ to identify the record, including a reference number if available and known;
- Clearly indicate the form of access or nature of the record in which the record should be provided;
- The preferred language of the record if applicable;
- The postal address, fax number or email address of the requestor in the Republic;
- The manner in which the requestor would like to be informed about the decision on the request;
- Proof of the capacity in which the requestor is making the request if the request is made on behalf of another person;

Please Note that:

- (a) If any space on the request Form 2 is inadequate, the requestor may continue on a separate folio and attach it to the request form. Any additional folios must be signed by the requestor.
- (b) Requestors who cannot read or write can make oral requests to the Deputy Information Officer who will complete the form for the requestor.

Please note further that if it reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such requester.

7.4 Fees

PAIA provides for two types of fees, namely:-

- a Request Fee, which will be a standard fee; and
- an Access Fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Deputy Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

Access to the record shall be withheld until the requester has paid the required fees.

A requester whose request for access to a record has been granted, must pay an Access Fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. The Deputy Information Officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee

which would be payable if the request is granted

If a deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer must repay the deposit to the requester.

All fees payable are prescribed by the PAIA regulations.

7.5 Decision

The ELIDZ shall, within 30 days of receipt of the request advise whether to grant or refuse the request.

The 30-day period may be extended for a further period of not more than 30 days if:-

- the request is for a large amount of information;
- the request requires information that cannot reasonably be obtained within the original 30-day period;
- consultation among units within the ELIDZ is necessary;
- the requestor has consented thereto in writing;
- the parties agree in any other manner to such an extension.

If the request is granted the requestor will be given a notice stating the access fee (if any) to be paid and the form in which access will be given. The notice shall also state that the requestor may lodge an application with a court of competent jurisdiction against the access fee or form of access granted and the period in which to do so.

If the request for access is refused the requestor will be given a notice stating the adequate reasons for the refusal. The notice shall also state that the requestor may lodge an internal appeal as prescribed by section 75 of the Act, after which the requestor may lodge an application with a court as per section 78 of the Act.

The ELIDZ shall notify the requestor in writing should an extension be sought.

7.6 THIRD PARTY INFORMATION

If access is requested to a record that contains information about a third party, the ELIDZ is obliged to contact this third party to inform them of this request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third-party furnishing reasons, the ELIDZ shall consider these reasons in determining whether or not access to the information shall be granted.

8 ACCESS TO RECORDS REFUSED

The requester will be informed whether or not the application for access has been granted, or denied.

In the event that the application is refused, the requester will be given adequate reasons for the refusal.

Where a requestor is aggrieved by the decision of the Deputy Information Officer to refuse a request for access to records or in regard to a decision of the Deputy Information Officer relating to fees, extension of the period to deal with the request, access and forms of access, then the requestor may within 60 days of the decision lodge and internal appeal with the Information Officer of the ELIDZ.

Where the requestor is aggrieved by the decision of the Information Officer in respect of the Internal Appeal, the requestor may within 30 days of the decision and by way of application, apply to a court of competent jurisdiction for the appropriate relief, or lodge a complaint with the Information Regulator, where applicable.

Where the records cannot be located and it is believed that the record wither does not exist or cannot be found, the requester will be notified. This notification shall include the steps that were taken to try and locate the record.

9 SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC

9.1 Services Provided

The ELIDZ provides services to businesses which qualify as IDZ enterprises and/or are located within the ELIDZ properties. These services include –

- Business continuity monitoring
- Canteen
- Electricity (street lighting, substation and anomalies maintenance)
- Estate security
- Facilities management
- Gates and fence monitoring
- Landscaping (maintenance, grass-cutting and fire breaks)
- Medical facility
- Road cleaning, maintenance
- Industrial environmental monitoring
- Meeting and conference facilities
- Municipal Type services (Potable water, sewerage, refuse collection)
- Sea water reticulation
- Information Communication Technology

The ELIDZ also offers the following services to the public and private bodies, subject to set fees:

- Meeting and conferencing facilities
- Accredited water testing

9.2 Access to Services

Access to any of the services available from the ELIDZ may be gained by making a request, in writing, to the Deputy Information Officer.

10 PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR EXERCISE OF POWERS

Potential investors and other stakeholders are also free to approach the ELIDZ to discuss ways in which the East London Industrial Development Zone and the policies relating thereto can be improved.

11 OTHER INFORMATION

The implementation of this Manual will in so far as possible be aligned with the ELIDZ communication Policy.

12 AVAILABILITY OF THE MANUAL

Copies of this manual, in English, isiXhosa or Afrikaans, may be obtained from the ELIDZ or may also be accessed at the ELIDZ's website at www.elidz.co.za.

FORM 2
REQUEST FOR ACCESS TO RECORD

[Regulation 7.]

Note:

1. *PROOF OF IDENTITY MUST BE ATTACHED BY THE REQUESTER.*
2. *IF REQUESTS MADE ON BEHALF OF ANOTHER PERSON, PROOF OF SUCH AUTHORISATION, MUST BE ATTACHED TO THIS FORM.*

TO: THE INFORMATION OFFICER

.....

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full names:			
Identity number:			
Capacity in which request is made (when made on behalf of another person):			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity number:			
Postal Address:			
Street Address:			
E-mail Address:			
Contact numbers:	Tel. (B):		Facsimile
	Cellular:		
PARTICULARS OF RECORD REQUESTED			
<p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			

(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	
---	--

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
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:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason:	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (<i>Please specify</i>)

Signed at this day of 20

.....
Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (<i>state rank, name and surname of information officer</i>)	
Date received:	
Access fees:	
Deposit (if any):	

.....

Signature of information officer