



# Promotion of Access to Information Manual

PO-BRD-007

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# Promotion of Access to Information Manual

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## 1 Purpose

Promotion of Access to Information Manual (the Manual) for Fuchs Lubricants South Africa Proprietary Limited (Registration Number 2014/272890/07) and all its subsidiaries and related entities (the Company) as prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (the Act).

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (hereinafter referred to as the “Constitution”) stipulates that:

Everyone has the right of access to –

- any information held by the state; and
- any information that is held by another person and that is required for the exercise or protection of any rights.

National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.”

Based on the above section 32 as well as section 8, which provides for the horizontal application of the rights set out in Chapter 2 (“the Bill of rights”) of the Constitution, the Promotion of Access to Information Act, No. 2 of 2000 was promulgated in order to give effect to the above-mentioned constitutional right of access to information subject to justifiable limitations as specifically set out in section 50 of the Act.

Section 50 of the Act provides that a requester must be given access to any record of a private body if:

- any information held by the state; and
- that person complies with the procedural requirements in this Act relating to a request for access to that record; and
- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

In addition to the above limitations, a requester also has to act in the public interest if such requester is a public body (i.e. the State) requesting information from such a private body.

According to the Act a “private body” means:

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- a natural person who carries or has carried on any trade, business, or profession, but only in such capacity.
- a partnership which carries or has carried on any trade, business, or profession.
- any former or existing juristic person but excludes a public body. “

## 2 Scope / Validity

The manual provides a mechanism for stakeholders to request documents from the company in a prescribed manner.

## 3 Terms & Abbreviations

OEM:	Original Equipment Manufacturer
CR:	Controlled Record/Form
BRD:	Board of Directors

## 4 Responsibilities

N/A

## 5 Process Description

### 5.1 Company Overview

Fuchs Southern Africa is a subsidiary of Fuchs Petrolub SE, the largest independent manufacturer of lubricants in the world. FUCHS is a global Group with German roots that has developed, produced, and sold lubricants and related specialties for more than 85 years – for virtually all areas of application and sectors. With 62 companies and more than 5,600 employees worldwide, the FUCHS Group is the leading independent supplier of lubricants.

The FUCHS product program comprises more than 10,000 products and related services in six key categories:

- [Automotive Lubricants](#)
- [Industrial Lubricants](#)

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- [Lubricating Greases](#)
- [Metal Processing Lubricants](#)
- [Special Application Lubricants](#)
- [Services](#)

FUCHS has more than 100,000 customers from the following industries: automotive suppliers, OEM, mining and exploration, metalworking, agriculture and forestry, aerospace, power generation, mechanical engineering, construction and transport, steel, metal and cement industries, food, glass production, casting, forging industry and many others.

In close contact with its customers, FUCHS develops holistic, innovative, and custom-made solutions for the most diverse applications. As a lubricant manufacturer, FUCHS stands for performance and sustainability, safety, reliability, efficiency, and cost savings. FUCHS represents a promise: technology that pays back.

Across South Africa, a team of more than 200 specialists works to guarantee the satisfaction of our customers. Whatever their requirements, FUCHS Lubricants South Africa has the ideal lubricant for their specific applications and processes. In our technology center we link interdisciplinary expertise in a quick and efficient way – and work on innovative lubricant solutions to meet the demands of today and tomorrow every single day.

This document therefore serves as the Promotion of Access to Information Manual of the Company including but not limited to all its operating and non-operating divisions and related entities set out above.

## 5.2 Contact Details of the Company

Physical Address	:	10 Isando Road, Isando 1600, Gauteng, South Africa
Postal Address	:	PO Box 95, Isando, 1600
Head of Body	:	Paul Deppe (Managing Director)
Telephone Number	:	(011) 565 9600
E-mail	:	Paul.Deppe@fuchs.com

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## 5.3 Description of Section 10 Guide

A Guide has been compiled in terms of section 10 of the Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by the Act. Any queries should be directed to:

Postal Address : Private Bag 2700, Houghton, 2041  
Telephone Number : (011) 484 8300  
Fax Number : (011) 484 0582  
Website : www.sahrc.org.za  
E-mail : paia@sahrc.org.za

## 5.4 Voluntary disclosure and automatic availability of certain records

The Company has to date not yet published any notice in terms of section 52(2) of the Act, describing categories of records which are automatically available without a person having to request such information in terms of the provisions of the Act.

Take note that if such notice is published, the only fee payable for access to such information will be the prescribed fee for the reproduction of such information requested as more fully set out in Annexure "C" attached hereto.

## 5.5 Availability of records in terms of other legislation

A requester is not obliged to request access to information held by the Company in terms of the Act, should there be other legislation that provide a requester with access to such a record held by the Company. Take note that such other legislation may include, but is not limited to:

### **Financial related Legislation**

Income Tax Act, No. 58 of 1962

Value-Added Tax Act, No. 89 of 1991

### **Labour related Legislation**

Basic Conditions of Employment Act, No. 3 of 1983

Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Skills Development Levies Act, No. 9 of 1999

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Employment Equity Act, No. 55 of 1998  
Unemployment Insurance Act, No. 63 of 2001  
Unemployment Insurance Contributions Act, No. 4 of 2002  
Pension Fund Act, No. 24 of 1956  
Medical Schemes Act, No. 131 of 1998  
Labour Relations Act, No 66 of 1995  
Broad Based Black Economic Empowerment Act, No. 53 of 2003

## **Company related Legislation**

Companies Act, No. 71 of 2008  
Trade Marks Act, No. 194 of 1993

## **Safety, Health and Environmental related Legislation**

Occupational Health and Safety Act, No. 85 of 1973  
The Hazardous Substance Act, No. 15 of 1973  
Environment Conservation Act, No. 73 of 1989

## **General**

Plant Pests and Diseases Regulation, 1958  
Genetically Modified Organisms Act, 15 of 1997  
Cereal Products Agricultural Product Standards Act, 119 of 1990  
Customs and Excise Act 91 of 1964

## **5.6 How to facilitate a request for access to information**

### 5.6.1 Introduction

Access to information held by the Company is not automatically available and can be refused by the Company on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act.

In order to request access to information held by the Company, the person requesting access to such information (hereinafter referred to as the “requester”) must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the Act. Should the person

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requesting access to the information be a public body (i.e. state), such person must identify that it is requesting such information in the public's interest by stipulating adequate reasons.

## 5.6.2 Procedural Requirements

- In order to facilitate such a request for access to information, the requester needs to complete the prescribed access form attached hereto as Annexure "A", (CR-BRD-001). Please note that the prescribed access form must be completed in full of which failure to do so may result in the process being delayed until such additional information is provided.
- Proof of identity is required to authenticate the request and the requester. Therefore, in addition to the prescribed access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- A request will not be processed until the request fee of R50 (fifty Rand) and a deposit of the access fee (if applicable) have been paid. The request fee is an administration fee that must be paid before the request is considered and is not refundable. However, a requester requesting information containing personal information about the requester is excluded from paying the request fee.
- The access fee, as set out in Annexure "B" attached hereto, is intended to reimburse the Company for the costs involved in searching and preparing the record requested for delivery and is payable once access to the record requested is granted. Should this request for access to information be about a person other than the requester himself/herself and the Company is of the opinion that the preparation of the required record will take more than six hours, a deposit (which is 1/3) of the access fee is payable before the request will be processed by the Company.
- A reproduction fee, as set out in Annexure "C" attached hereto, is payable by the requester, in case of the reproduction of a record requested, notwithstanding the fact that it is automatically available.

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## 5.6.3 Notification

Requestors will be informed within 30 days of the Company's decision to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the Act. Take note that the 30-day period may be extended for a further 30-day period should more time be required to gather the requested information. The requester will, however, be notified if the initial 30-day notice period is to be extended for a further 30 days.

## 5.7 Categories of records kept by the company

### 5.7.1 Operational Information

Such information is required for the day to day running of the Company and include, but is not limited to company policies, employee records, permits, licenses, authorisations, approvals, and general "house-keeping" information.

### 5.7.2 Communications

This includes correspondence between persons within and without the Company.

## 5.8 Availability of Manual

The Manual is available for inspection, free of charge, at the offices of the Company as set out in 2 above as well as the Company's website at [www.fuchs.com/za](http://www.fuchs.com/za)

## 6 Key Performance Indicators

N/A

## 7 Other Valid Documentation

CR-BRD-001 Request for Access to Information form



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## 8 Appendix

### 8.1 Annexure A

Annexure A is form CR-BRD-001 – Request for Access to Information form

### 8.2 Annexure B

Access fee payable (If applicable)

	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
Diskette	7.50
Compact disc	70.00
A transcription of visual images, for and A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
To search a record that must be disclosed, per hour or part of the hour	30.00
Where a copy of the record needs to be posted the actual postal fee is payable	

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## 8.3 Annexure C

Reproduction Fee (If applicable)

	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form:	
Diskette	7.50
Compact disc	70.00
A transcription of visual images, for and A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

## 9 References

N/A