



CARTRACK HOLDINGS LIMITED
(Registration number: 2005/036316/06)

**PROMOTION OF ACCESS TO
INFORMATION MANUAL**



THE CARTRACK HOLDINGS LIMITED (“CARTRACK”) PROMOTION OF ACCESS TO INFORMATION MANUAL

1 Introduction

In terms of Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No. 108 of 1996 (“the Constitution”) every person has a right to access information. In order to fulfill this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 (“the Act”) was assented to by Parliament.

The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right of access to information is to:

- foster a culture of transparency and accountability in both public and private bodies; and
- promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Section 9 of the Act however recognizes that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance; and
- in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

2 Purpose

The purpose of this manual is to facilitate requests for access of information of Cartrack.

This manual is not exhaustive of, nor does it comprehensively deal, with every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to Cartrack in terms of the Act.

Cartrack makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a Requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own



risk, and Cartrack shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Cartrack or from any error therein.

All users irrevocably agree to submit exclusively to the laws of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Cartrack.

3 **Company background**

Cartrack is a holding company for businesses providing Stolen Vehicle Recovery (“SVR”), Fleet Management (“FM”) and insurance telematics services (collectively, “Telematics”). Cartrack is listed in the Support Services sector of the Main Board of the JSE.

4 **Company Contact Details**

Full name : Cartrack Holdings Limited

Registration Number : 2005/036316/06

Registered Address : 11 Keyes Avenue, Rosebank, 2196

Postal Address : P O Box 4709, Rivonia, 2128

Telephone Number : (+27 11) 250 3000

Fax Number : (+27 11) 250 3001

Designated Information Officer : Anname de Villiers

E-mail address : anname.devilliers@cartrack.com

Payments should be made to : Cartrack Holdings Limited

5 **Guide of the South African Human Rights Commission**

In terms of Section 10 of the Act the South African Human Rights Commission (“SAHRC”) published a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of the Act.





The Guide contains the following information:

- The objects of the Act;
- Particulars of the information officer of every public body;
- Particulars of every private body as are practicable;
- The manner and form of a request for access to information held by a body;
- Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
- All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
- Schedules of fees to be paid in relation to requests for access to information; and
- Regulations made in terms of the Act.

The Guide is available from the website of the SAHRC at <http://www.sahrc.org.za/home/21/files/Reports/PAIA%20GUIDE%20english.pdf>

or contact the SAHRC at:

Postal: South African Human Rights Commission
Promotion Of Access to Information Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (+27 11) 484 8300

Fax: (+27 11) 484 0582

E-mail: PAIA@sahrc.org.za

6 Information available in terms of Section 51(1)(d) of the Act

Where applicable to Cartrack's operations, information is also available in terms of certain provisions of the following statutes:

- (a) Basic Conditions of Employment Act No. 75 of 1997;
- (b) Companies Act No. 71 of 2008;
- (c) Employment Equity Act No. 55 of 1998;
- (d) Skills and Development Levies Act, No. 9 of 1999;
- (e) Income Tax Act No. 58 of 1962;
- (f) Labour Relations Act No. 66 of 1995;
- (g) Unemployment Insurance Act No. 63 of 2001;
- (h) Value-added Tax Act No. 89 of 1991





7 **Information available in terms of Section 52 of the Act**

Inspection of the subjects and categories of records held by Cartrack pertaining to:

- Directors;
- Interests of directors; and
- Annual reports.

are available without a person having to request access in terms of the Act. This information is made available on Cartrack's website: www.cartrack.co.za

8 **Subjects and Categories of Records held by Cartrack**

Cartrack holds the following subjects and categories of records for Cartrack and also in respect of each company (where applicable) within the Cartrack Group of companies ("the Group"):

(a) **Statutory Company Information**

- (i) Certificate of Incorporation;
- (ii) Certificate of Change of Name (if any);
- (iii) Memorandum of Incorporation;
- (iv) Certificate to Commence Business;
- (v) Minute Book containing minutes of shareholder and board meetings;
- (vi) Resolutions passed by shareholders and the board of directors;
- (vii) Register of Directors' shareholdings;
- (viii) Register of Directors and Prescribed Officers;
- (ix) Directors' Attendance Register of meetings;
- (x) Annual returns;
- (xi) Annual Financial Statements including:
 - i. Annual Accounts;
 - ii. Directors' Reports;
 - iii. Auditors' Report.

(b) **Accounting Records**

- (i) Books of Accounts including journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers.

(c) **Statutory Employee Records**

- (i) Employees' names and occupations;
- (ii) Date of birth of each employee;
- (iii) Remuneration paid to each employee;
- (iv) Salary and wages register;
- (v) Staff records;
- (vi) Expense accounts;
- (vii) PAYE Tax records;
- (viii) Employment Equity Plan;



(ix) Skills Development Plan.

(d) **Other Employee Records**

- (i) Employee contracts;
- (ii) Staff loan schemes;
- (iii) Study assistance schemes;
- (iv) Maternity leave policy;
- (v) Group insurance scheme;
- (vi) Employee share scheme;
- (vii) Code of conduct;
- (viii) HIV/AIDS policy.

(e) **Pension and retirement Funding Records**

- (i) Pension Fund Rules;
- (ii) Pension Fund account records;
- (iii) Minutes of Meetings of Trustees;
- (iv) Contribution records;
- (v) Annual accounts.

(f) **Movable Property**

- (i) Asset register;
- (ii) Lease agreements.

(g) **Intellectual Property**

- (i) Trademark applications and protected names;
- (ii) Agreements relating to intellectual property such as licence agreements;
- (iii) Copyrights.

(h) **Agreements and Contracts**

- (i) Material agreements concerning provision of services;
- (ii) Joint venture agreements, co-promotion or other alliance agreements;
- (iii) Agreements with contractors and suppliers;
- (iv) Agreements with clients;
- (v) Lease agreements;
- (vi) Confidentiality agreements;
- (vii) Non-Disclosure agreements.

(i) **Taxation**

- (i) Copies of Income Tax Returns, VAT returns and other tax returns and documents.

(j) **Legal**

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation;
- (ii) Material licences, permits and authorisations.



- (k) **Insurance**
 - (i) Insurance policies;
 - (ii) Claim records;
 - (iii) Details of insurance coverages, limits and insurers.

- (l) **Information Technology**
 - (i) Hardware;
 - (ii) Operating Systems;
 - (iii) Telephone lines, leased lines and data lines;
 - (iv) Software Packages;
 - (v) Disaster Recovery Plan;
 - (vi) Internal Systems Support and Programming;
 - (vii) Capacity and Utilisation of Current Systems;
 - (viii) Agreements;
 - (ix) Licences.

- (m) **Sales and Marketing**
 - (i) Product brochures;
 - (ii) Market research reports;
 - (iii) Market information;
 - (iv) Clients;
 - (v) Newsletters and Advertising Materials;
 - (vi) Orders.

9 Procedure for requesting access to information

Anyone (other than a **personal requester**) who wishes to request access to any of the above categories of information are required to complete a request form as set out in annexure "A" hereto. These forms are also available from:

- (a) our information officer (whose details appear on the first paragraph of this manual);
- (b) the SAHRC website (www.sahrc.org.za);
- (c) the Department of Justice and Constitutional Development website (www.doj.gov.za).

The Act provides for two types of fees, namely:

- request fee, which will be a standard fee payable in advance; and
- access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs. Details of these fees are contained in the request form.

It is important to note that access is not automatic. You must identify the right you are seeking to protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner





indicated by you on the request form whether your request has been approved or declined.

A **personal requester** is a requester who is seeking access to a record containing personal information about the requester. Cartrack will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information will be charged.

10 **Decision**

Cartrack will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which Cartrack has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office and the information cannot reasonably be obtained within the original 30 day period. Cartrack will notify the requester in writing should an extension be sought.

11 **Grounds of refusal**

The main grounds for Cartrack to refuse a request for information relates to the following:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of the commercial information of a third party;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of the commercial activities of Cartrack;
- the research information of Cartrack or a third party, if its disclosure would disclose the identity of Cartrack, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- requests for information that are clearly frivolous or which involve an unreasonable diversion of resources.

12 **Records that cannot be found**

If Cartrack searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the relevant record.





13 **Remedies available when Cartrack refuses a request for information**

(a) **Internal remedies**

Cartrack does not have internal appeal procedures.

(b) **External remedies**

A requestor who is dissatisfied with the Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a competent Court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another Court of similar status, and the Magistrate's Court.

JOHN RICHARD EDMESTON

Global CFO/Deputy Global CEO



ANNEXURE "A"

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

Regulation 10

A. Particulars of private body

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname:

Identity number:

Postal address:

Fax number: _____ Telephone number: _____

E-mail 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.

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 page and attach it to this form. **The requester must sign all the additional pages.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. 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:
<hr/>	<hr/>

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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*





3. If record consists of recorded words or information which can be reproduced in sound:							
<input type="checkbox"/>	Listen to the soundtrack (audio)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)				
4. If record is held on computer or in an electronic or machine-readable form:							
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*				
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (memory stick or 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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	YES	NO	<input type="checkbox"/>	<input type="checkbox"/>
YES	NO						
<input type="checkbox"/>	<input type="checkbox"/>						

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.***

1. Indicate which right is to be exercised or protected:

2. 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”

PRESCRIBED FEES

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations.

The following applies to requests:

- 1.1 A requestor is required to pay the prescribed request fee (R50.00) before a request will be processed;
- 1.2 If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit shall be payable (of not more than one third of the access fee which would be payable if the request were granted);
- 1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 1.4 Records may be withheld until the fees have been paid.
- 1.5 Payments should be made to Cartrack Holdings Limited.

Current Prescribed Fees

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 page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as below:



		R
(a)	For every photocopy of an A4-size page or part thereof	1-10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0-75
(c)	For a copy in a computer-readable form on a memory stick or compact disc	70-00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40-00
	(ii) For a copy of visual images	60-00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20-00
	(ii) For a copy of an audio record	30-00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50-00.

4.1 The access fees payable by a requester referred to in regulation 11(3) are as follows:

(a)	For every photocopy of an A4-size page or part thereof	1-10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0-75
(c)	For a copy in a computer-readable form on memory stick or CD	70-00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40-00
	(ii) For a copy of visual images	60-00
(e)	(i) For a transcription of an audio record, for an A4-size	20-00





	page or part thereof	
	(ii) For a copy of an audio record	30-00
(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.	30-00

4.2 For purposes of section 54(2) of the Act, the following applies:

- (a) Six (6) 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.

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

