

# **Magni S.A. Proprietary Limited**

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**(Registration Number: 2019 063029 07)**

Manual in terms of section 51 of the Promotion of  
Access to Information Act, 2 of 2000

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## PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)

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# PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)

## SECTION 51 MANUAL OF MAGNI S.A. PROPRIETARY LIMITED (REGISTRATION NUMBER: 2019 063029 07)

### 1. CONTACT PARTICULARS

<b>Head of business:</b>	Robert Lindsay Shankland	<b>Information officer:</b>	Robert Lindsay Shankland
<b>Postal Address:</b>	15 Dakota Crescent, Dakota Business Park, Unit 2 Airport Park, Germiston 1401	<b>Physical Address:</b>	15 Dakota Crescent, Dakota Business Park, Unit 2 Airport Park, Germiston 1401
<b>Telephone Number:</b>	+27 (011) 383 - 2227		
<b>E-mail Address:</b>	<a href="mailto:lindsay@magnisa.co.za">lindsay@magnisa.co.za</a>		
<b>Website:</b>	<a href="http://www.magnisa.co.za">www.magnisa.co.za</a>		

### 2. INTRODUCTION

Magni S.A is a wholly owned subsidiary of Magni Group in Italy. Magni has been represented in S.A since 2014 & the Subsidiary was established in 2019. Magni is a family-owned business & the Magni Range of Telescopic Handlers, both fixed boom and full rotation Telescopic Handlers, boasts the widest range of Telehandlers in the world. Magni also offer parts, technical and aftermarket service.

### 3. GUIDE IN TERMS OF SECTION 10 OF THE ACT

**3.1** The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

**3.2** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 53 and 54 of the Act.

**3.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

**Postal Address:** Private Bag 2700, Houghton, 2041  
**Telephone Number:** (+27)11 877 3600  
**Fax Number:** (+27)11 403 0625  
**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)



## 4. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request, are available from **Magni S.A. Proprietary Limited, www.magnisa.co.za**.

## 5. INFORMATION AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Businesses Act, 71 of 1991
- Credit Rating Services Act 24 of 2012
- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Competition Act 89 of 1998
- Currency and Exchanges Act 9 of 1933
- Customs and Excise Act 91 of 1964
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act, 25 of 2002
- Employment Equity Act 55 of 1998
- Employment Tax Incentive Act 26 of 2013
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insurance Act, 18 of 2017
- Labour Relations Act 66 of 1995
- Medical Schemes Act 131 of 1998
- Mine Health and Safety Act 29 of 1996
- National Environmental Management Act 107 of 1998
- National Credit Act 34 of 2005
- Occupational Diseases in Mines and Works Act, 78 of 1973
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prescription Act 68 of 1969
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act of 4 of 2000
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Second-hand Goods Act 6 of 2009
- Securities Transfer Act 25 of 2007
- Securities Transfer Tax Administration Act 26 of 2007
- South African Reserve Bank Act 90 of 1989
- Short Term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Stamp Duties Act 77 of 1968



- Tax Administration Act 28 of 2011
- Transfer Duty Act 40 of 1949
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

## 6. INFORMATION AUTOMATICALLY AVAILABLE

- Newsletters
- Pamphlets \ Brochures
- Posters
- Pricelists
- Reports
- Marketing and Promotional Material
- www.magnisa.co.za
- Product Technical Information
- Mailshots to Clients regarding Promotions
- Magni Facebook

## 7. INFORMATION AVAILABLE IN TERMS OF THE ACT - ON REQUEST

### Statutory Business Records

- Certificate of Change of Name
- Certificate of Incorporation
- Certificate to Commence Business
- Dividend Register
- Index of Members
- Memorandum of Incorporation
- Minutes of Shareholders Meetings
- Minutes of Directors Meetings
- Other Minute Books
- Proxy Documents
- Register of Directors and Officers
- Register of Directors Shareholding
- Resolutions
- Shareholders Agreements
- Cooperation Agreements
- Founding Statements and Amendments
- Resolutions Passed at Meetings



## **Accounting Records**

- Annual financial statements and working papers
- General ledger
- Subsidiary ledgers (receivables, payables, etc.)
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Deposit slips
- Cash books and petty cash books
- Fixed asset register
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Budgets and business plans
- Insurance records
- Investment records
- Auditor's reports
- Inventory records
- Systems documentation
- Management reviews
- Capital expenditure
- Credit agreements

## **Distribution and Transportation**

- Permits and licenses
- Transportation system delivery plan and routing
- Transportation, warehouse and storage contracts

## **Environment, Health and Safety**

- Environmental impact assessments
- Environmental management programs and systems
- Permits, licenses, approvals and registrations for operations of sites and business
- Records of medical surveillance, working hours and remuneration in respect of mine employees
- Safety management systems, data and audits

## **Fixed Property**

- Building plans
- Leases
- Mortgage bonds or other encumbrances
- Title deeds



## **Information Technology**

- Agreements
- Audits
- Client database
- Development or investment plans
- Disaster recovery
- Hardware
- Internet
- Licenses
- Systems support, programming and development
- Operating systems
- Software packages
- Telephone exchange equipment
- Telephone lines, leased lines and data lines

## **Insurance**

- Claim records
- Details of coverage, limits and insurers
- Insurance policies

## **Legal, Agreements and Contracts**

- Acquisition or disposal documentation
- Agreements with contractors, suppliers and clients
- Agreements with customers
- Agreements with governmental agencies
- Agreements with shareholders, officers or directors
- Complaints, pleadings, briefs and other documents pertaining to actual, pending or threatened litigation, arbitration or investigation
- Distributor, dealer or agency agreements
- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements
- Material agreements relating to provision of services or materials
- Contracts, including lease agreements and finance agreements
- Sale agreements
- Settlement agreements
- Warranty agreements



## **Personnel Records**

- Arbitration awards
- Collective agreements
- Disciplinary records
- Employee evaluation and performance records
- Employee information records
- Employee loans
- Employment applications
- Employment contracts
- Employment equity plan
- Expense accounts
- Funeral insurance scheme
- Health and safety records
- Industrial training records
- IRP 5 and IT 3 certificates
- Letters of appointment
- Leave applications
- Maternity leave policy
- Medical aid records
- Micro loan scheme
- Organisational design
- Payroll
- Pension fund information
- Personnel File
- Policies and procedures
- Provident fund information
- Records of foreign employees
- Recruitment and appointments
- Relocation policy
- Salary and wage registers
- Salary slips and wage cards
- Scholarships and bursaries
- Staff loan schemes
- Staff records after employment
- Study assistance schemes
- Training and development
- UIF, PAYE and SDL returns
- Workmen's Compensation Documents





## Sales and Marketing

- Brochures, newsletters and marketing material
- Customers
- Domestic and export orders
- Media releases
- Products
- Public relations policies and procedures
- Sales
- Service and product information

## 8. GENERAL

Not Applicable

## 9. REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request forms that is available at the offices of Magni S.A. Proprietary Limited, or can be accessed on [www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg). The completed request form must be sent to the address or fax number provided in this manual and marked for the attention of the Information Officer.

Please provide sufficient details to enable the company to identify:

- a. The record(s) requested
- b. The requester (and if an agent is lodging the request, proof of capacity)
- c. The form of access required
- d. The postal address or fax number of the requester in the Republic
- e. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof
- f. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## 10. PRESCRIBED FEES

- A requestor is required to pay the prescribed fees before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za) and as an appendix to this manual.



## 11. PROTECTION OF PERSONAL INFORMATION PROCESSED

Magni S.A. Proprietary Limited is committed to protecting the privacy of personal information of our data subjects. The information you share with us as a data subject allows us to provide you with the best experience with our products and services, or as a stakeholder.

Magni S.A. Proprietary Limited has dedicated policies and procedures in place to protect all personal information collected and processed by us. Please read below for more information on how we collect, process, use and disclose personal information.

### 11.1 The purpose of processing of personal information

We process personal information for various reasons, including but not limited to the following:

- To manage information, products and/or services requested by data subjects
- To help us identify data subjects when they contact us
- Manage customers
- To maintain customer records
- Employment purposes
- Apprenticeship purposes
- Training purposes
- Travel purposes
- General administration
- Financial and tax purposes
- Legal or contractual purposes
- Health and safety purposes
- To monitor access, secure and manage our premises and facilities
- To transact with our suppliers
- To improve the quality of our products and services
- To help us detect and prevent fraud and money laundering under FICA
- To help us recover debts
- Marketing purposes
- Engaging with the public

### 11.2 Data subject categories and personal information processed

<b>Business partners</b>	Age Colour Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence Disability Education history e-mail address Employment history Financial history Gender ID number Language and birth of the person Location information Medical history, health and sex life Name of individual if it appears with other personal information Online identifier Physical address Race Sex Telephone number
<b>Customers</b>	Age Colour Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence e-mail address Financial history Gender ID number Language and birth of the person Location information Name of individual if it appears with other personal information Physical address Race Telephone number
<b>Employees</b>	Age Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence Disability Education history e-mail address Employment history Financial history ID number Language and birth of the person Location information Name of individual if it appears with other personal information Online identifier Physical address Race Sex Telephone number



<b>Group companies</b>	Age Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence Disability e-mail address Financial history Gender ID number Language and birth of the person Location information Name of individual if it appears with other personal information Online identifier Physical address Race Telephone number
<b>Suppliers</b>	Colour Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence Disability Education history e-mail address Financial history Gender ID number Language and birth of the person Location information Medical history, health and sex life Name of individual if it appears with other personal information Physical address Race Telephone number
<b>Visitors (Walk-in)</b>	ID number Location information Physical address Telephone number Well-being



### **11.3 Recipients with whom personal information is shared**

In processing your personal information, we may share it within the group of companies or with other third parties. These include but are not limited to:

- Statutory authorities
- Tax authorities
- Medical schemes
- Employee pension and provident funds
- Industry bodies
- Contractors, vendors, or suppliers
- Payment processors
- Email management and distribution tools
- Data storage providers
- Server hosts
- Group companies
- Service providers

### **11.4 Security measures implemented to protect personal information**

We have identified our security risks over the personal information we process in line with the Protection of Personal Information Act, and we have implemented various security measures to ensure reasonable protection against the risk of loss, misuse, unauthorised access and disclosure, alteration and destruction of the personal information.

We also take steps to ensure that operators that process personal information on behalf of MAGNI S.A. PROPRIETARY LIMITED apply adequate safeguards as outlined above.

### **11.5 Trans-border flows of personal information**

We may transfer to, and store personal information we collect about you, in countries other than South Africa, if the relevant business transactions or situation requires trans-border processing. These countries may not have the same data protection laws as South Africa, and in this instance, we will only transfer the information if we have consent from you, or it is necessary for the performance or conclusion of a contract between us.

### **11.6 Personal information received from third parties**

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

Where information on third parties is provided by a data subject, or a third party provides information on a data subject, that information may be taken into account with other personal information.



## 11.7 Data Breaches

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, MAGNI S.A. PROPRIETARY LIMITED shall notify:

- a) the Regulator; and
- b) the data subject, unless the identity of such data subject cannot be established.

The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

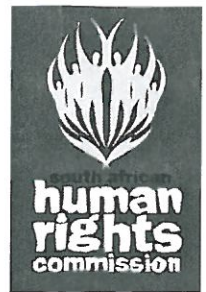
## 12. AVAILABILITY OF THE MANUAL

Copies of the manual are available for inspection, free of charge, at the offices of Magni S.A. Proprietary Limited, from the South African Human Rights Commission and at: [www.magnisa.co.za](http://www.magnisa.co.za).



**Physical Address**  
33 Hoofd Street  
Braampark Forum 3  
Braamfontein  
2198

**Postal Address**  
Private Bag X 2700  
Houghton  
2041



**NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000**  
**RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE**  
**REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES**

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

**1. The Promotion of Access to Information Act**

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

**2. Regulations to PAIA**

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

**Public Bodies:**

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**Private Bodies:**

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.





**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.

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

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2. Reference number, if available:

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3. 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 below, 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 <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	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? Postage is payable.	YES	NO
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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. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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.....

.....

2. 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 .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE