



## **PAIA INFORMATION MANUAL**

**COMPILED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000 (the Act)**

**PROVIDING GUIDANCE ON HOW TO REQUEST INFORMATION FROM SOUTH AFRICAN EXPRESS AIRWAYS SOC LTD (SA EXPRESS)**

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## CHAPTER 1

### 1. INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person that is required for the exercise or protection of any rights.

Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL

This manual is intended to foster a culture of transparency and accountability by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote effective governance of public bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

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

- Limitations aimed at 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. This manual provides a broad guide which will enable the requestors to obtain records which they are entitled to, in a quick, easy and accessible manner. The manual is available in English and will in future be translated in other official languages.

## CHAPTER 2

### 2. FUNCTIONS AND STRUCTURE OF SOUTH AFRICAN EXPRESS AIRWAYS

#### 2.1 FUNCTIONS

The functions of South African Express Airways (SA Express) are prescribed by the South African Express Act No.34 of 2007. The main objects of SA Express are to:

- (a) provide transportation of passengers, cargo and mail, air charters and other related aviation services; and
- (b) promote frequency of services on lower density routes and expand regional air services capability in the Republic and to the African continent and surrounding islands.

## **2.2 STRUCTURE**

The Executive Management of SA Express, comprises of General Managers, the Chief Executive Officer, is accountable to a Board of Directors. The Company also has Company Secretary who is accountable to the Board through the Chief Executive Officer. In general, SA Express employs approximately 750 employees.

## **CHAPTER 3**

### **CONTACT DETAILS**

#### **3.1 INFORMATION OFFICER**

3.1.1 Information Officer:

**Email: Prequest@flyexpress.aero**

3.1.2 Deputy Information Officer:

**Email: Prequest@flyexpress.aero**

#### **3.2 SA EXPRESS ADDRESS**

##### **Physical Address**

2nd Floor, E Block Offices

Airways Park, 1 Jones Road

O.R Tambo International Airport

Kempton Park

##### **Postal Address**

P O Box 101

O.R Tambo International Airport

1627

Tel No: +27 11 978 9900

Fax No: +27 (0)11 978 5578

## **CHAPTER 4**

## GUIDE ON HOW TO USE THE ACT

This Guide is available from the offices of the South African Human Rights Commission. Any queries relating thereto must be directed to:

- Ramadimeja Legodi: [rlegodi@sahrc.org.za](mailto:rlegodi@sahrc.org.za)
- Nomfundo Khulu: [nkhulu@sahrc.org.za](mailto:nkhulu@sahrc.org.za)
- Mpho Tshimane: [mtshimane@sahrc.org.za](mailto:mtshimane@sahrc.org.za)

OR

The Research and Documentation Department

South African Human Rights Commission

PAIA Unit

Private Bag 2700

HOUGHTON

2041

Tel: 011 877 3803

Fax: 011 403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

## CHAPTER 5

### 5. ACCESS TO RECORDS HELD BY SA EXPRESS

#### 5.1 AUTOMATIC DISCLOSURE

##### 5.1.1 Companies Act 71 of 2008

All documents of incorporation of SA Express are lodged at the offices of the Companies and Intellectual Property Commission, and may be inspected there. These documents include the memorandum of incorporation of SA Express, as well as the relevant company forms.

- A register of the directors' and officials' interests in contracts entered into by SA Express is kept at the Company Secretary's office, and is available for inspection.
- Copies of the annual financial statements of SA Express are available for inspection at the Company Secretary's office.

##### 5.1.2 Pension Funds Act 24 of 1956

The rules of the fund utilised by SA Express are available for inspection at the offices of the Registrar of Pension Funds.

##### 5.1.3 Employment Equity Act 55 of 1998

As a designated employer, SA Express is required to publish a summary of its employment equity report in SA Express' annual financial report. A copy of the employment equity report has been lodged at the Department of Labour.

## **5.2 RECORDS HELD BY SA EXPRESS**

**Note: This section of the Manual sets out the categories of records held by SA Express.**

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 the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to requests for such records.

### **5.2.1 Incorporation documents**

- The memorandum of Incorporation of SA Express
- The incorporation forms of SA Express

### **5.2.2 Constitution of SA Express**

- The share register of SA Express
- Shareholder's agreement of SA Express
- Minutes of general meetings of the shareholder of SA Express
- Register or list of directors of SA Express
- Minute books and internal resolutions of SA Express

### **5.2.3 Financial records of SA Express**

- Accounting records, books and documents of SA Express
- Interim and annual financial reports of SA Express
- Details of auditors of SA Express
- External auditors' reports in respect of audits conducted on SA Express
- Tax returns of SA Express
- Other documents and agreements relating to taxation
- Other financial records of SA Express

### **5.2.4 Banking details of SA Express**

- Bank facilities and accounts details
- Bank statements
- Guarantees given by, or in respect of, SA Express
- Other financial commitments of SA Express

### **5.2.5 Human resources / employment records**

- Contracts of employment with directors, officers and employees of SA Express
- Documents relating to employee benefits
- Compensation or redundancy payments
- Personnel files
- Collective agreements with trade unions
- Employment equity plan of SA Express
- Procedural agreements and policies of SA Express
- Disciplinary records and documentation pertaining to disciplinary proceedings
- Training manuals

#### **5.2.6 Aviation agreements**

- Licence agreements
- Aircraft purchase agreements
- Aircraft finance agreements
- Aircraft lease agreements
- Aircraft maintenance agreements
- Code share agreements
- Commercial agreements

#### **5.2.7 Intellectual Property**

- Trade-marks, patents, copyrights, designs held by SA Express
- Other agreements relating to intellectual property rights

#### **5.2.8 Permits**

- Licences, consents, approvals, authorisations and certificates.

#### **5.2.9 Insurance records**

- Insurance policies taken out for the benefit of SA Express and its employees.
- Insurance claims

#### **5.2.10 Immovable and movable property**

- Agreements for the lease of immovable property by SA Express
- Agreements for the lease or sale of movable property by SA Express
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.

#### **5.2.11 Information technology**

- Licence and distribution agreement in respect of computer reservation systems.

- Computer software support and maintenance agreements.
- Web site development, support and maintenance agreements.
- Computer software licence agreements.
- Agreements in respect of computer hardware used by SA Express.
- Agreements with Internet Service Providers, and other telecommunications entities.
- Individual contracts in respect of usage of cellular telephones.
- SITA agreements

#### 5.2.12 **Miscellaneous agreements of SA Express**

- Structured finance agreements
- Agency, management and distribution agreements
- Marketing agreements
- Agreements with suppliers of SA Express
- Agreements with customers of SA Express
- Confidentiality and/or non-disclosure agreements

#### 5.2.13 **Correspondence**

- Correspondence of SA Express, including internal and external memoranda.

#### 5.2.14 **Information relating to legal proceedings**

- Records relating to legal proceedings involving SA Express.

#### 5.2.15 **Environmental records**

- Environmental impact assessments and documents pertaining to studies conducted in this regard.
- Policy of SA Express regarding environmental issues.

### 5.3. **VOLUNTARY DISCLOSURE**

Information on the following subjects is available without formal request as prescribed in the Act. Note however, that an appointment to view documentation will still have to be made with the Information Officer, although the formal application need not be submitted.

5.3.1 Annual and associated reports

5.3.2 General information pertaining to SA Express

5.3.3 Flight Information

5.3.4 Services Information and Brochures

5.3.5 Information available on SA Express website: [www.flyexpress.aero](http://www.flyexpress.aero)

## **5.4 INFORMATION TO BE FORMALLY REQUESTED (SECTION 14 (1) (D))**

SA Express holds information pertaining to the following subjects which must be formally requested in terms of the Act. 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 the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

### **5.4.1 Finance and Administration**

- Memorandum of Incorporation of SA Express
- Register of list of Directors
- Minute books of Board Meetings
- Minutes of Executive Meetings
- Minutes of Annual General Meetings

### **5.4.2 Financial Records of SA Express**

- Accounting Records Books and Documents
- Interim and Annual Financial Reports
- Details of Auditors
- External Auditors Reports
- Tax returns of SA Express
- Other documents relating to Taxation
- Banking details
- Bank statements
- Guarantees and securities

### **5.4.3 Human Resources**

- Organisation structure
- Recruitment and appointment documentation
- Employment equity plan
- Training and development plan
- Minutes of meetings with unions
- Disciplinary records and documentation pertaining to disciplinary proceedings
- Training manuals
- Documentation relating to employee benefits
- Personnel files

- Policies and Procedures of Human Resources

#### **5.4.4 Risk Management**

- Occupational health and safety reports
- Insurance reports and policies
- Incident reports relating to security and safety
- Risk Management Framework

#### **5.4.5 Procurement**

- Procurement policy
- Tender documents

#### **5.4.6 Aviation Services**

- Flight schedule
- Route network

### **5.5 THE REQUEST PROCEDURE**

The requester of the information will be given access to a record of SA Express if the Requester complies with the following:

- The Requester complies with all the procedural requirements laid down in the Act when requesting access to a record; and access to that record is not refused on any ground of refusal mentioned in the Act.
- The Requester must use the prescribed Form (attached hereto)
- The prescribed form must be completed with sufficient details to enable the Information Officer to identify the record(s) in question.
- If the request is made on behalf of another person, the Requester must submit proof of such capacity to the reasonable satisfaction of the Information Officer.
- If the Requester is unable to read or write, or has a disability, they can then make the request for the record orally and in person.
- The Requester must also indicate if the request is for a copy of the record or if the Requester wants to come in and look at the record at the offices of SA Express. Alternatively, if the record is not in a printed form then the document can be viewed in the manner prescribed in section 29 (2).
- If a person asks for access in a particular form then the Requester should get access in the manner that has been requested, this is unless doing so would interfere unreasonably with the running of SA Express, or damage the record, or infringe a copyright not owned by SA Express. If, for practical reasons, access cannot be given in the required form but in an alternate manner, then the fee will be calculated according to the manner originally requested (Section 29(3) and (4)).
- If, in addition to a written reply to their request for the record, the Requester wants to be told about the decision in any other way, e.g. telephone, this must be indicated (s18(2)(e)).

- Where an extension of the 30 (thirty) day time limit is required, the Requester shall be notified together with reasons explaining why the extension is required.
- Once the request is processed, the Requester will be informed whether access will be granted or refused with reasons for any refusal.

## **5.6 REMEDIES AVAILABLE WHEN SA EXPRESS REFUSES A REQUESTER FOR INFORMATION**

### **5.6.1 Internal Remedies**

SA Express does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the Requestor is not satisfied with the answer supplied by the Information Officer.

### **5.6.2 External Remedies**

A Requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a 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.

## **CHAPTER 6**

### **SERVICES AVAILABLE**

#### **6.1 Nature of Services**

SA Express has the following services available to the members of the public:

- Transportation of passengers, cargo and mail, air charters and other related aviation services.

#### **6.2 How to Gain Access to these Services**

Access to these services and information related thereto can be obtained via SA Express' reservation centre or through travel agencies. Furthermore, details can be obtained via the SA Express website.

## **CHAPTER 7**

### **MISCELLANEOUS**

**7.1** This Manual will be updated annually, if necessary and shall be available at the following places:

- The South African Human Rights Commission;
- SA Express' offices
- SA Express' website at [www.flyexpress.aero](http://www.flyexpress.aero)

## CHAPTER 8

### SCHEDULE 1

#### THE APPLICABLE FEES ARE AS FOLLOWS

#### PART II OF NOTICE 187 IN THE GOVERNMENT GAZETTE OF 15 FEBRUARY 2002 FEES IN RESPECT OF PUBLIC BODIES

1. The fee for a copy of the manual as contemplated in regulation 5 (c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R0,60
  - (b) For every printer copy of an A4-size page or part thereof  
Thereof held on a computer or in electronic or machine readable form R0,40
  - (c) For a copy in a computer-readable form on –
    - (i) stiffy disc R5,00
    - (ii) compact disc R40,00
  - (d) (I) For a transcription of visual images, for an A4-size page or part thereof R22,00  
(ii) For a copy of visual images R60,00
  - (e) (I) For a transcription of an audio record, for an A4-size page or part thereof R12,00  
(ii) For a copy of an audio record R17,00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R0,60
  - (b) For every printed copy of an A4-size page or part thereof  
held on a computer or in electronic or machine readable form R0,40
  - (c) For a copy in a computer-readable form on –
    - (i) stiffy disc R5,00
    - (ii) compact disc R40,00
  - (d) (I) For a transcription of visual images, for an A4-size page or part thereof R22,00  
(ii) For a copy of visual images R60, 00
  - (e) (I) For a transcription of an audio record, for an A4-size page of part thereof R12,00  
(ii) For a copy of an audio record R17,00

(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonable required for such search and preparation.

(5) For purposes of section 22(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.
- (6) The actual postage is payable when a copy of a record must be posted to a Requester.

**SCHEDULE 2**  
**PRESCRIBED FORMS FOR ACCESS TO RECORDS**  
**APPLICATION FOR ACCESS TO INFORMATION FORM**

**Request for access to records in accordance with Section 53 (1) of the Promotion of Access to Information Act, No 2 of 2000.**

A. Name of the Company to which this application is addressed:

\_\_\_\_\_

B. Particulars of person requesting access to the record

<b>Full Name &amp; Surname of Requester:</b>
<b>Id/Passport/Corporate Registration Number:</b>
<b>Work Telephone Number:</b>
<b>Home Telephone number:</b>

C. Address/ Fax /e- mail address to which information must be sent

<b>Postal address</b>		
<b>Code</b>		
<b>Fax Number</b>	<b>E-Mail Address</b>	

D. Request on behalf of another person (This section must be completed only if a request for information is made on behalf of another person)

<b>Please state capacity in which request is made on behalf of another person:</b>
<b>Full names and surname of person on whose behalf request is made:</b>
<b>ID/Passport/Company Registration Number:</b>
<b>Contact details:</b>

E. Particulars of record to which access is required (if the space below is adequate, please continue on a separate page and attach it to this form)

<b>Full description of information required:</b>
--

F. Form of access to the record

- Please mark with an X your indication as to the required form of access. (eg. Photocopy; inspection, transcript, soft copy etc).
- Our ability to provide the record in the form of access you have chosen depends on the form in which the record is available.
- Access in the form that you have requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.
- The fees payable for access to the record, if any, will be determined partly by the form in which access is requested. See schedule 1 for details of fees.

<b>For records in printed or written form:</b>
--

<b>Copy of record</b>		<b>Inspection of Record</b>	
<b>For records consisting of visual images (including photographs, slides, videos etc)</b>			
<b>View the image</b>		<b>Copy of the image</b>	<b>Transcript of the image</b>
<b>For records held on computer or in an electronic format:</b>			
<b>Printed copy of records</b>		<b>Copy in computer readable form</b>	
<b>If you requested a copy or transaction of record (above), do you wish to copy or transcription to be posted to you? Please note that a postal fee is payable:</b>		<b>Yes</b>	<b>No</b>
<b>If you are prevented by a disability to read or review the record in any of the forms of access described above, state your disability and indicate in which form the record is required:</b>			

G. Particulars of right to be exercised or protected of protected (if the space provided below is inadequate, please continue on a separate page and attach it to this form)

<b>Indicate which right is to be exercised or protected and explain why the requested record is required for the exercising or the protection of the afore-mentioned right:</b>
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H. Fees (See Schedule 1)

- A request for access to a record, other than record containing personal information about Yourself, will be processed only after a request fee has been paid.

- You will be notified of the amount of request fee.
- The fee payable for access to a record depends on the form in which the access is required a the reasonable time required to search for and prepare a record.
- You will be notified of the amount of request fee.
- The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare a record.
- If you qualify for exemption of the payment of any fee, please state the reason for the exemption.

**Reasons for exemption of payment of fee:**

I. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved or /denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars below. We will use our reasonable endeavours to comply with your request.

**How would you prefer to be informed of the decision regarding your request for access to the record?**

J. Language

**In which language would you prefer the record?**

Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
**Signature of Requester**

\_\_\_\_\_  
**Signature of Person on whose behalf request is made**