

# MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 FOR PIKITUP JOHANNESBURG (SOC) LIMITED

## 1. INTRODUCTION TO PIKITUP JOHANNESBURG (SOC) LTD

The Promotion of Access to Information Act, No. 2 of 2000 (the Act) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any right(s). The Act sets out the procedures attached to such a request.

Section 9 of the Act, however, recognises that such a right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

Section 14 of the Act obliges public bodies to compile a Manual, which would assist a person to obtain access to information held by a public body and stipulates the minimum requirements that a manual has to comply with. As a result of the enactment of the Protection of Personal Information Act, No.4 of 2013, the Manual does not have to be lodged with the South African Human Rights Commission (SAHRC) but must be available on Pikitup's website and made available to anyone requesting a copy thereof.

The purpose of this manual is therefore to inform a person on how to obtain access to a record held by Pikitup Johannesburg (SOC) Ltd and thereby giving effect to Section 14 of the Act.

## 2. THE FUNCTIONS AND STRUCTURE OF PIKITUP JOHANNESBURG (SOC) LTD (Section 14(1)(a))

### 2.1 The functions of Pikitup Johannesburg (SOC) Ltd

Pikitup Johannesburg (SOC) Limited ("Pikitup") was established in 2001 as an independent municipal entity, wholly owned by the City of Johannesburg ("The City"), to serve and provide waste management services in the Greater Johannesburg area. Pikitup's vision is "to be *the* pioneering and environmentally focused waste management company in Africa". The City, by means of the service delivery agreement as monitored by the Environment, Infrastructure and Services Department of the City, regulates the service delivery in respect of the following:

- Financial services (annual Operating and Capital budgetary allocations and appropriate tariff levels); and

- Levels of service delivery in the different market segments by Pikitup.

## 2.2 Major Products and Services

In terms of the service delivery agreement, Pikitup is contracted to the City to provide a wide range of waste management services to its citizens. Pikitup provides two categories of services, viz, Council services and commercial services. The Council services, which the City has mandated Pikitup to provide exclusively, comprise of the collection and disposal of domestic, business and putrescible waste, street cleaning, lane flushing, area cleaning, the management of litter bins, the collection of illegally dumped waste, the collection and disposal of animal carcasses found in a public place and the operation of garden sites.

The commercial services, which Pikitup provides in competition with other private waste management companies, comprise of the collection and treatment of healthcare risk waste, bulk collection services, the collection and disposal of hazardous waste, composting, recycling activities, providing services for special events and the operation of landfill sites. The table below categorises Pikitup's main product/service offerings:

**Table1: Council Services / Commercial Services**

<b>COUNCIL SERVICES</b>	<b>COMMERCIAL SERVICES</b>
Domestic round collected refuse	Healthcare risk waste
Business round collected refuse	Bulk services
Putrescible waste	Hazardous waste
Street cleaning	Composting
Lane flushing	Recycling activities
Area cleaning	Special events
Litter bin management	Landfill services
Illegal dumping	Safe disposal
Animal carcasses	
Garden sites	

### 2.3 Area of Operations

Pikitup executes its mandate to the City and its residents through 11 depots, 4 landfill sites, 48 garden sites and one composting site called Panorama based in Weltevreden Park, Roodepoort as indicated in the map below:

**Figure 1: Pikitup Area of Operation**



## **2.4 The Executive Management of Pikitup**

### **Executive Committee**

#### **The Executive Committee of Pikitup comprises of:**

Managing Director, Company Secretary, Executives: Landfill & Disposal, Fleet & Facilities Management, Human Resources, Operations, Planning & Capital Execution, Customer Services, Finance, Internal Audit, Legal Compliance Environment & Safety and Chief Information Officer.

## **2.5 The structure of Pikitup**

2.5.1 Overall responsibility for the management of Pikitup rests with the Board of Directors, including executive and non-executive directors. A Managing Director is charged with the day-to-day operational responsibility. The Board of Directors and the Managing Director are responsible for developing a business plan, strategy and policies, this includes service standards, customer care improvement, safety standards, environmental protection, social and economic development and new income ideas.

2.5.2 The City has entered into a Service Delivery Agreement (SDA) with Pikitup to operate the waste management services in the City. This SDA includes Pikitup's functions and obligations, service standards, five-year business plan and performance and development targets. The City also regulates Pikitup's services with regard to financial issues such as tariffs and capital expenditure, human resource issues such as skills development, delivery targets in terms of maintenance of assets and addressing backlogs and standards for customer care.

2.5.3 The high-level organisational design of Pikitup is as follows:

- 2.5.3.1 Board of Directors.
- 2.5.3.2 Managing Director.
- 2.5.3.3 Company Secretary.
- 2.5.3.4 Executives: Landfill & Disposal, Fleet & Facilities Management, Human Resources, Operations, Planning & Capital Execution, Customer Services, Finance, Internal Audit, Legal Compliance Environment & Safety and Chief Information Officer.

## **3. CONTACT DETAILS (Section 14(1)(b))**

### General Information:

Name: Pikitup Johannesburg (SOC) Ltd

Registration Number: 2000/029899/07

Physical Address:

Jorissen Place  
66 Jorissen Street  
Braamfontein  
2017

Postal Address:

Private Bag X74,  
Braamfontein  
2017

Telephone No.: (011) 712-5200  
Facsimile No.: (011) 712-5321  
E-mail Address: [info@pikitup.co.za](mailto:info@pikitup.co.za)  
Website: [www.pikitup.co.za](http://www.pikitup.co.za)

### **3.1 INFORMATION OFFICERS**

The Managing Director is, in terms of Section 1 of the Act, the information officer of Pikitup Johannesburg (SOC) Limited.

The contact details of the information officer and deputy information officer designated in terms of Section 17 of the Act are as follows:

**Information Officer:**

The Managing Director  
Pikitup Johannesburg (SOC) Limited  
Private Bag X74  
Braamfontein  
2017  
Tel No: 011 712 5200  
Facsimile No: 086 648 1611  
E-mail Address: [PAIA@pikitup.co.za](mailto:PAIA@pikitup.co.za)

**Deputy Information Officer:**

Mr Francois Dekker  
Pikitup Johannesburg (SOC) Limited  
Private Bag X 74  
Braamfontein  
2017  
Tel No: 087 357 1001  
E-mail Address: [PAIA@pikitup.co.za](mailto:PAIA@pikitup.co.za)

#### **4. THE SECTION 10 GUIDE ON HOW TO USE THE ACT (Section 14(1)(c))**

The guide will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission: PAIA Unit  
The Research and Documentation Department

Postal Address:  
Private Bag X2700  
Houghton  
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

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

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

#### **5. ACCESS TO THE RECORDS HELD BY PIKITUP (Sections 14(1)(d))**

##### **5.1 Automatically available records (Section 14(1)(e))**

At this stage no notice has been submitted to the Minister by Pikitup in terms of section 15(1) and the Minister has therefore not made public any notice in terms of section 15(2) of the Act. However, the following records are automatically available and may be inspected, collected, or copied (at the prescribed fee for reproduction) at our registered offices without formally requesting the records in terms of the Act:

- Pamphlets;
- Brochures;
- Delivery Route maps and
- Delivery schedules including dates and times

##### **5.2 Records that may be requested (Section 14(1)(d))**

The following is a list of subjects and categories of records held by Pikitup. Upon a proper request and the payment of a fee in terms of the Act, access may be granted to such records, unless Pikitup is entitled to refuse access to such records, or the records are exempted in terms of the Act:

###### **5.2.1 Personnel Records**

- 5.2.1.1 Including employment policy, conditions of service, labour relations policy, training policy, records of termination of service, post control records and records of evaluation of posts, key result documents, records of vacancies and appointments, internal evaluations, leave requests, acting and overtime requests, unusual hours requests, housing records, salary scales, pension fund and medical scheme records, long term service

awards and correspondence with Trade Unions.

## **5.2.2 Records relating to Pikitup**

5.2.2.1 Including annual financial statements, annual budgets as approved by the CoJ, banking details, waste removal tariffs, procurement policy, credit control policy, loan agreement with the CoJ, VAT and RSC details, tax registration details, insurance records and records pertaining to the subsidy from the CoJ in respect of services rendered for waste removal.

## **5.2.3 Contracts and Agreements**

5.2.3.1 Including records with suppliers, contractors, business partners and other persons;

5.2.3.2 Information relating to immovable, movable and incorporeal property of Pikitup including asset registers;

5.2.3.3 Information relating to the rights and obligations of Pikitup.

## **5.2.4 Environmental Health and Safety**

5.2.4.1 Various licences and permits;

5.2.4.2 Registration certificates concerning scheduled processes such as waste incineration.

## **5.2.5 Legal Records**

5.2.5.1 Records relating to threatened, pending or past litigation, arbitration or investigation.

## **5.3 The Request Procedures**

### **5.3.1 A record must be made available to a requester if:**

5.3.1.1 The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and

5.3.1.2 Access to that record is not refused on any ground of refusal mentioned in the Act.

### **5.3.2 Form of Request**

5.3.2.1 The requester must use the form (Form A) that has been printed in the Government Gazette (Govt. Notice R187, 15 February 2002). The request must be made to the Information Officer/Deputy Information Officer of Pikitup using the above mentioned contact details.

5.3.2.2 The requester must also indicate if the request is for a copy of the

record or if he/she wants to make an appointment to look at the record at the offices of Pikitup. Alternatively, if the record is not a document, it can then be viewed in the requested form, where possible (s 29(2)).

- 5.3.2.3 If a person asks for access in a particular form (e.g. a paper copy, electronic copy, etc) then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of Pikitup, or damage the record, or infringe a copyright not owned by the State or Pikitup. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee must be calculated according to the way that the requester first asked for it (s 29(3) and (4)).
- 5.3.2.4 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. telephonically, this must be indicated (s 18(2)(e)).
- 5.3.2.5 If a request is made on behalf of another person, the capacity in which the request is being made should be indicated (s 18(2)(f)).
- 5.3.2.6 If the requester is unable to read or write, or has a disability, then they can make the request for the record orally. The Information Officer/ Deputy Information Officer must then fill in the form on behalf of such a requester and give them a copy of the completed form (s 18(2)).

### **5.3.3 There are two types of fees paid under the Act, a request fee and an access fee (Section 22)**

- 5.3.3.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee of R35.
- 5.3.3.2 The Information Officer/Deputy Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- 5.3.3.3 The requester may lodge an internal appeal, where appropriate, or an application to the court against the tender or payment of a fee.
- 5.3.3.4 After the Information Officer/Deputy Information Officer has made a decision on the request, the requester must be notified in the manner requested by the requester.
- 5.3.3.5 If the request is granted, then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.



5.3.3.6 Access to a record will be withheld until all the applicable fees have been paid.

5.3.3.7 Pikitup is registered as a VAT vendor (number 470191292) under the Value-Added Tax Act 89 of 1991 and is thus entitled to charge VAT on all fees.

## **6. ARRANGEMENTS ALLOWING FOR PUBLIC INVOLVEMENT IN FORMULATION OF POLICIES AND EXERCISE OF POWERS (Section 14(1)(g))**

At Pikitup, such arrangements would include: Local Integrated Development Plan meetings that take place through the regions on an annual basis, Representations through local councilors, ratepayer associations and stakeholder forums. Pikitup also advertises in local newspapers if it requires input from the public on specific issues such as comments on by-laws. Pikitup has a call centre and a website where members of the general public can participate in formulation of Pikitup's policies and influence the exercise of functions.

## **7. REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH (section 14(1)(h))**

The following are options that are available to any member of the public who feels aggrieved by an act or failure to act by an official of Pikitup:

- If an Information Officer/Deputy Information Officer refuses a request for a record, then the requester can lodge an internal appeal against that decision (s 74 (1)(a)). The requester may not go to court before following this route. After exhausting the internal appeal remedy, an application may be lodged with a court (sections 78 - 82).
- A person may apply for an interdict (a remedy through which a person can ask the court to compel a person to take or not to take a particular action).
- Constitutional damages (where a person's right is unjustifiably infringed, he can claim constitutional damages).
- Lodge a complaint with the Public Protector.
- Report on Corruption Hotline.
- Invoke Section 5 Remedies in terms of Promotion of Administrative Justice Act, No. 3 of 2000.

## **8. OTHER INFORMATION PRESCRIBED IN TERMS OF THE ACT (Section 14(1)(i))**

The Minister has, to date, not prescribed any additional information which should be included in an Information Manual.

**9. UPDATING OF THE MANUAL (Section 14(2))**

Pikitup Johannesburg (SOC) Ltd is responsible for the update of its manual at the intervals of not more than a year.

**10. AVAILABILITY OF THE MANUAL (Section 14(3))**

A copy of this Information Manual will be made available in English, Zulu and Sesotho on the web site as well as at the registered offices of Pikitup Johannesburg (SOC) Ltd.

**A FORM TO REQUEST ACCESS TO A RECORD OF A PUBLIC BODY IS ATTACHED HERETO MARKED ANNEXURE A (FORM A)**

**11. REQUEST TO THE MINISTER FOR THE COMPILATION OF ONE MANUAL (Section 14(4)(b))**

This Manual is solely compiled for Pikitup Johannesburg (SOC) Ltd.

**12. EXEMPTION BY THE MINISTER FROM ANY PROVISION OF THIS SECTION FOR A DETERMINED PERIOD (Section 14(5))**

Pikitup Johannesburg (SOC) Ltd is not exempted from any provision of this section.

**ANNEXURE A  
FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY** (Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 6]

<p><b>FOR DEPARTMENTAL USE:</b></p> <p>REFERENCE NUMBER _____</p> <p>Request received by _____ (state rank, Name and Surname of Information Officer/Deputy Information Officer) on _____ (date) at _____ (place)</p> <p>Request Fee (if any): R.....</p> <p>Deposit (if any): R.....</p> <p>Access Fee: R.....</p> <p>_____</p> <p>SIGNATURE OF INFORMATION OFFICER/ DEPUTY INFORMATION OFFICER</p>
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**A. Particulars of public body:**

The Information Officer/Deputy Information Officer:

Mr Francois Dekker  
Pikitup Johannesburg (SOC) Limited  
Jorissen Place  
66 Jorissen Street  
Braamfontein  
2017  
Tel. No: 087 357 1001  
E-mail Address: [francoisdekker@pikitup.co.za](mailto:francoisdekker@pikitup.co.za)

**Particulars of person requesting access to the record**

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

Full names and surname:

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Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

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\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

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**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:

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Identity number: \_\_\_\_\_

**D. Particulars of record**

- (a) Provide full particulars of the record of 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.

Description of record or relevant part of the record: <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
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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 for 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:

<hr/> <hr/> <hr/> <hr/> <hr/>
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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.

Mark the appropriate box with an **X**.

**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.

**1. If the record is in written or printed form:**

	Copy of record*		Inspection of record
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**2. If record consists of visual images**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

	View Images		Copy of Images*		Transcription of the images
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**2. If record consists of recorded words or information which can be reproduced in sound**

	Listen to the sound track (Audio Cassette)		Transcription of soundtrack* (Written or printed document)
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**4. If record is held on computer or in an electronic or machine-readable Form:**

	Printed copy of record*		Printed copy of information derived from the record*		Copy of computer form* (Stiffy or compact disc)
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<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  <b>Postage is payable.</b>  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.</p>	<p>YES</p>	<p>NO</p>
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In which language would you prefer the record?

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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. **The requester must sign all the additional folios.***

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?

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

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

