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NU-WORLD INDUSTRIES PTY LTD



## SECTION 51 MANUAL

Compiled In Accordance with  
The South African Human Rights Commission  
Guideline



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## APPENDIX 1



## 2. PARTICULARS IN TERMS OF SECTION 51

### 2.1. INTRODUCTION AND STRUCTURE OF NU-WORLD INDUSTRIES (PTY) LTD

#### 2.1.1. INTRODUCTION

*"The system of government in South Africa before 27 April 1994, amongst others, resulted in a secretive and unresponsive culture in public and private bodies which often led to the abuse of power and human rights violations."*

Promotion of Access to Information Act

In terms of section 32(1) of the Constitution of South Africa, information is a protected human right, and the constitution provides as follows:

1. *Everyone has the right of access to –*
  - a. *any information held by the State;*
  - b. *any information that is held by another person and that is required for the exercise or protection of any rights*
2. *National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the State*

Nu-World Industries (Pty) ("**Nu-World**") is a company registered in terms of the Companies Act (No 61 of 1973). The company is required in terms of the Promotion of Access to Information Act No 2 of 2000 ("the Act") to make provision for the access of certain information in terms of the Act.

Section 50(1) of the Act provides for the right of access to records of private bodies and states that:

- A requester must be given access to any record of a private body if-*
- (a) *that record is required for the exercise or promotion of any rights;*
  - (b) *that person complies with the procedural requirements in this Act relating to a request for access to that record; and*
  - (c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

The purpose of this manual is to afford background information to the company, its structure and ensure compliance with section 51 of the Act.

#### 2.1.2 DESCRIPTION OF NU-WORLD

Nu-World is a diversified durable FMCG operation and has become South Africa's leading player in small appliances and consumer electronics.

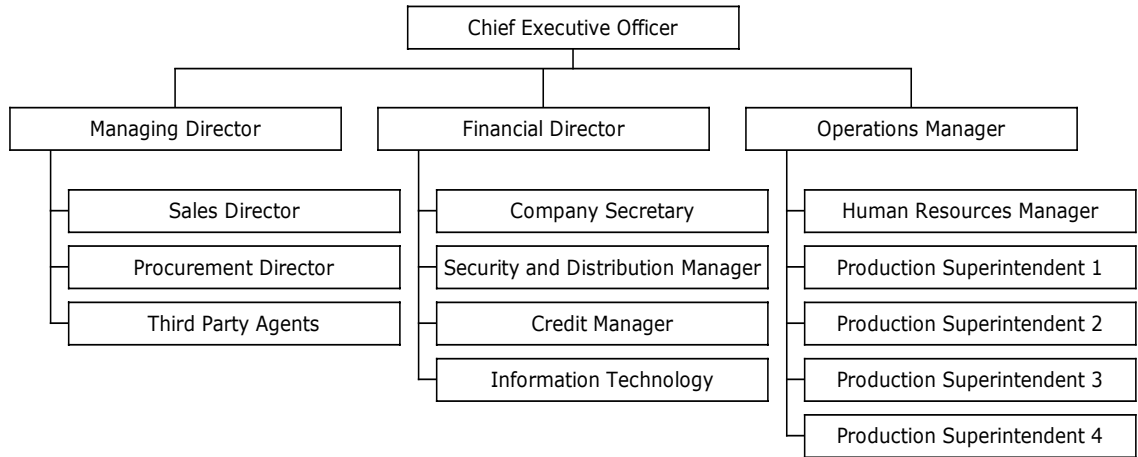


Today, Nu-World houses an impressive line up of 18 international and local brands.

The company Head Office is situated in Johannesburg and has a branch in Cape Town. Sale of products elsewhere in South Africa and abroad are achieved via third party agents.

**2.1.3 STRUCTURE**

**Nu- World Industries (Pty) Ltd Organisational Structure**



**2.2. CONTACT DETAILS [SECTION 51(1)(a)]**

Any person wishing to request any information from the fund may forward such request in the proper manner to the following contact details:

**Contact Details for the Information officer of the Company:**

Information Officer:	Mr. Bruce H. Haikney
Physical Address:	35 3 <sup>rd</sup> Street Wynberg <b>SANDTON</b> 2199
Postal Address:	P.O. Box 8964 <b>JOHANNESBURG</b> 2000
Telephone:	(011) 321-2111
Facsimile:	(011) 440-9920
Website:	www.nuworld.co.za
E-mail:	bhaikney@nuworld.co.za



**2.3. THE SECTION 10 GUIDE ON HOW TO USE THE ACT [SECTION 51(1)(b)]**

In terms of Section 10 of the Act, The South African Human Rights Commission (“SAHRC”) has compiled a guide on how to use the Act. The guide is available in every official language and may be obtained by contacting the SAHRC at:

**The South African Human Rights Commission**

**PAIA Unit**  
**The Research and Development Department**

Postal Address:                      Private Bag 2700  
**HOUGHTON**  
 2041

Telephone:                              (011) 484 8300  
 Facsimile:                              (011) 484 1360  
 Website                                  www.sahrc.org.za  
 E-mail:                                    [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**2.4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SECTION 51(1)(d)]**

Nu-World holds information in respect of the following legislation:

1. Arbitration Act No. 42 of 1965
2. Basic Conditions of Employment No. 75 of 1997
3. Companies Act No. 61 of 1973
4. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
5. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
6. Copyright Act No. 98 of 1978
7. Credit Agreements Act No. 75 of 1980
8. Currency and Exchanges Act No. 9 of 1933
9. Employment Equity Act No. 55 of 1998
10. Harmful Business Practices Act No. 23 of 1999
11. Income Tax Act No. 95 of 1967
12. Intellectual Property Laws Amendments Act No. 38 of 1997
13. Labour Relations Act No. 66 of 1995
14. Medical Schemes Act No. 131 of 1998
15. Occupational Health & Safety Act No. 85 of 1993



16. Pension Funds Act No. 24 of 1956
17. Protection of Businesses Act No. 99 of 1978
18. Regional Services Councils Act No. 109 of 1985
19. SA Reserve Bank Act No. 90 of 1989
20. Skills Development Levies Act No. 9 of 1999
21. Skills Development Act No. 97 of 1998
22. Tax on Retirement Funds Act No. 38 of 1996
23. Trade Marks Act No. 194 of 1993
24. Unemployment Contributions Act No. 4 of 2002
25. Unemployment Insurance Act No. 63 of 2001
26. Value Added Tax Act No. 89 of 1991

The Information Officer of Nu-World is required to consider all requests for information which are made in terms of the Act. However, Chapter 4 of Part 3 of the Act provides for instances in which an Information Officer may or must refuse a request for information. These include *inter alia* the following grounds:

- *Mandatory protection of privacy of third party who is natural person;*
- *Mandatory protection of commercial information of third party;*
- *Mandatory protection of certain other confidential information of third party;*
- *Mandatory protection of safety of individuals, and protection of property;*
- *Mandatory protection of records privileged from production in legal proceedings;*
- *Commercial information of a private body*
- *Mandatory protection of research information of third party, and protection of research information of a private body; and*
- *Mandatory disclosure in public interest.*

## **2.5. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION [SECTION 51(1)(c) AND 51(1)(e)]**

This section gives effect to Section 50(1) of the act, namely:

- (a) *A requester must be given access to any record of a private body if-*
  - (i) *that record is required for the exercise or promotion of any rights;*
  - (ii) *that person complies with the procedural requirements in this Act relating to a request for access to that record; and*
  - (iii) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*



**2.5.1. THE LATEST NOTICE REGARDING THE CATEGORIES OF RECORDS HELD AT *NU-WORLD INDUSTRIES (PTY) LTD*, WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THIS ACT IN TERMS OF SECTION 52(2) [SECTION 51(1)(c)]**

The Information Officer is required, in terms of S15(2) of the Act to set out information that is voluntarily available without having to utilise the process described in this manual in order to obtain information.

The following information is available as a voluntary disclosure:

Company Publications:

1. Reports
2. Product Catalogues
3. Newsletters
4. Booklets

A comprehensive list is available on the Nu-World Industries (Pty) Ltd website: [www.nuworld.co.za](http://www.nuworld.co.za)

**2.5.2. RECORDS THAT MAY BE REQUESTED [SECTION 51(1)(e)]**

**Description of the records held by Nu-World Industries (Pty) Ltd and the categories in which the records are classed.**

Nu-World Industries (Pty) Ltd has the following records as a matter of standard practice.

- (1) Company Secretarial
  - Company statutes
  - Registers
  - Minutes of meetings
  - Powers of Attorney
  - Share certificates
  
- (2) Movable and Immovable property
  - Title Deeds
  - Lease agreements
  - Hire agreements
  - Hire-purchase agreements
  - Credit sale agreements
  - Ordinary and conditional sale agreements



(3) Intellectual Property

- Trademarks
- Patents
- Copyrights
- Designs
- Licensing agreements

(4) Insurance

- Policies
- Insurance claim files

(5) Human Resources

- Policies and procedures
- Employee information
- Personnel files
- Agreements
- Forms and applications
- Standard letters and notices
- Workplace and Union agreements and records
- Benefit arrangements, rules and records

(6) Finance

- Financial statements
- Reports and returns
- Banking details and bank account records
- Debtors/creditors statements and invoices

(7) Operations

- Permits, licenses, consents, approvals, authorisations, applications and registrations
- Policies and procedures
- Reports and supporting documents
- Contractor, client and supplier agreements and information
- Security documents

(8) Information Technology

- System, documentation and manuals
- Project, disaster recovery and implementation plans
- Licensing documentation



**2.5.3. REQUEST PROCEDURE**

- (1) The requester must make use of the prescribed form attached hereto as APPENDIX I to make the request for access to a record. The list of applicable fees will be obtainable from the head office of Nu-World Industries (Pty) Ltd. The applicable fees are to be paid before access to a record will be permitted.
- (2) The prescribed form must be completed in full and addressed to the information officer of Nu-World Industries (Pty) Ltd. The request must then be submitted to the address, fax number or e-mail address of Nu-World Industries (Pty) Ltd. The information contained in the request is used in part to identify the requester, the form of access that is required and an address to which this information can be forwarded.
- (3) The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- (4) If a request is being made on behalf of a person, the requester must submit proof of the capacity in which he/she is making the request to the satisfaction of the information officer of Nu-World Industries (Pty) Ltd.
- (5) If the record which the requester has requested exists and that allowing access to such record does not affect a third party, the requestor's request will be processed within 30 (thirty) days.
- (6) Once the information officer has heard all submissions, he will make a decision on the request and notify the requester in the required form.

**2.6. FEES IN RESPECT OF PRIVATE BODIES**

**2.6.1.** 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.

**2.6.2.** The fees for reproduction referred to in regulation 11(1) are as follows:

	<b>R</b>
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-sized 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 –	
	(i) Stiffy Disc	7,50
	(ii) 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

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

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

	<b>R</b>
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-sized 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 –	
	(i) Stiffy Disc 7,50
	(ii) 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
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such and preparation.	
(2) For purposes of section 54(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.	



- (3) The actual postage is payable when a copy of a record must be posted to a requester.