

BLUECUBE

LEGAL NOTICES

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

Effective July 2021



Blue Cube Systems Proprietary Limited

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

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1. Introduction

1.1. Blue Cube Systems Proprietary Limited (herein "**Company**") designs, manufactures and sells a range of analysers for the real time measurement of composition in dry, high temperature, solution and slurry process streams. The Company additionally offers after sales services and support to its customers.

2. Contact details

2.1. The details of the Company are as follows:

Physical address	Shop 14B, The Woodmill, Vredenburg Road, Devonvallei, Stellenbosch, 7600, South Africa
Postal address	PO Box 751, Stellenbosch,7599
Telephone number	0218801036
Email address	info@bluecubesystems.com

2.2. The details of the head of the body are as follows:

Name	Hermanus Stefanus Smit
Physical address	Shop 14B, The Woodmill, Vredenburg Road, Devonvallei, Stellenbosch, 7600, South Africa
Postal address	PO Box 751, Stellenbosch,7599
Telephone number	0218801036
Email address	stefan.smit@bluecubesystems.com

2.3. The details of the designated Information Officer are as follows:

Name	Cobus Dicks
Physical address	Shop 14B, The Woodmill, Vredenburg Road, Devonvallei, Stellenbosch, 7600, South Africa
Postal address	PO Box 751, Stellenbosch,7599
Telephone number	0218801036
Email address	cj.dicks@bluecubesystems.com

3. The Promotion of Access to Information, Act 2 of 2000

3.1. The Promotion of Access to Information, Act 2 of 2000 (herein "**PAIA**") 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 PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the regulations to PAIA.

3.3. Requesters are referred to the guide in terms of Section 10 which has been compiled by the South African Human Rights Commission and updated by the Information Regulator, which will contain information for the purposes of exercising Constitutional rights. The guide is available from the SAHRC and/or the Information Regulator.

3.4. The contact details of the Information Regulator are:



Postal address	P.O Box 31533, Braamfontein, Johannesburg, 2017
Telephone number	+27 10 023 5200
Complaints email	complaints.IR@justice.gov.za
General enquires email	infoereg@justice.gov.za

4. Applicable legislation

- 4.1. The Company keeps and maintains records in compliance with the following legislation. Records kept in accordance with the below legislation may, in certain cases, be available to the requester for inspection in terms of the said legislation without the requester having to request it in terms of PAIA.
- 4.2. The Company has used its best endeavours to ensure the below list of applicable legislation is complete. However where a requester believes that a right to access records exists in terms of legislation not listed here, kindly inform the information officer of such legislation.

Ref	Act
No 42 of 1965	Arbitration Act
No 75 of 1997	Basic Conditions of Employment Act
No 53 of 2003	Broad Based Black Economic Empowerment Act
No 75 of 1980	Credit Agreements Act
No 61 of 1973	Companies Act
No 69 of 2008	Companies Act
No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
No 89 of 1998	Competition Act
No 108 of 1996	Constitution of South Africa Act
No 71 of 1988	Consumer Affairs Act
No 98 of 1978	Copyright Act
No 89 of 1933	Currency and Exchanges Act
No 85 of 1992	Custody and Administration of Securities Act
No 91 of 1964	Customs and Excise Act
No 195 of 1993	Designs Act
No 25 of 2002	Electronic Communications and Transactions Act
No 55 of 1998	Employment Equity Act
No 73 of 1989	Environmental Conservation Act
No 95 of 1967	Income Tax Act
No 38 of 1997	Intellectual Property Laws Amendments Act
No 66 of 1995	Labour Relations Act
No 29 of 1996	Mine Health and Safety Act
No 107 of 1998	National Environment Act
No 85 of 1993	Occupational Health and Safety Act



No 57 of 1987	Patents Act
No 2 of 2000	Promotion of Access of Information Act
No 99 of 1978	Protection of Business Act
No 4 of 2013	Protection of Personal Information Act
No 90 of 1889	South African Reserve Bank
No 34 of 1997	South African Revenue Services
No 9 of 1999	Skills Development Act
No 194 of 1993	Trade Mark Act
No 63 of 2001	Unemployment Insurance Act
No 4 of 2002	Unemployment Insurance Contributions Act
No 89 of 1991	Value Added Tax

5. Schedule of records

5.1. The below table sets out the description and categories of the records which are available in accordance with legislation and how each category can be accessed. Where grounds for refusal exists in terms of PAIA, the Company will withhold disclosure to the extent a ground of refusal applies.

Records	Subject	Availability
Public affairs	Public product information	Freely available
	Public corporate records	Feely available
	Media releases	Freely available
Financial	Annual financial statements	Request in terms of PAIA
	Deposit slips	Request in terms of PAIA
	Asset register	Request in terms of PAIA
	Investment records	Request in terms of PAIA
	Tax returns and assessments	Request in terms of PAIA
	Invoices	Request in terms of PAIA
	Bank statements, cheque books and cheques	Request in terms of PAIA
	Lease or instalment sale agreements	Request in terms of PAIA
	Insurance records	Request in terms of PAIA
	Auditors' reports	Request in terms of PAIA
	Inventory records	Request in terms of PAIA
	Capital expenditure	Request in terms of PAIA
Credit agreements	Request in terms of PAIA	
Sales and marketing	Marketing and promotional material	Freely available
	Public customer information (product brochures, owner manuals)	Feely available



	Newsletter	Freely available
	Pricelists	Request in terms of PAIA
	Products	Request in terms of PAIA
	Product sales records	Request in terms of PAIA
	Private service and product information	Request in terms of PAIA
	Website	Freely available
Human Resources	Arbitration awards	Request in terms of PAIA
	Attendance register	Request in terms of PAIA
	Disciplinary records	Request in terms of PAIA
	Employment contracts	Request in terms of PAIA
	Employment equity plan	Request in terms of PAIA
	IRP 5 and IT 3 certificates	Request in terms of PAIA
	Letters of appointment	Request in terms of PAIA
	Leave applications	Request in terms of PAIA
	Records of foreign employees	Request in terms of PAIA
	Recruitment and appointments	Request in terms of PAIA
	Salary and wage registers	Request in terms of PAIA
	UIF, PAYE and SDL returns	Request in terms of PAIA
	Workmen's compensation	Request in terms of PAIA
Environmental records	Permits, licenses, approvals and registrations for site and business	Request in terms of PAIA
Fixed property	Leases	Request in terms of PAIA
Information technology	Agreements	Request in terms of PAIA
	Audits	Request in terms of PAIA
	Hardware records	Request in terms of PAIA
	Internet	Request in terms of PAIA
	LAN installations	Request in terms of PAIA
	Operation systems	Request in terms of PAIA
	Software packages	Request in terms of PAIA
	Telephone exchange equipment	Request in terms of PAIA
	Telephone lines, leased lines and data lines	Request in terms of PAIA
Insurance	Claim records	Request in terms of PAIA
	Details of coverage, limits and insurers	Request in terms of PAIA
	Insurance policies	Request in terms of PAIA
Intellectual property	Agreements relating to intellectual property	Request in terms of PAIA
	Copyrights	Request in terms of PAIA
	Litigation and other disputes relating to intellectual property	Request in terms of PAIA



	Patents, patent application and inventions	Request in terms of PAIA
	Design, trade marks, trade names and protected names	Request in terms of PAIA
Legal	Acquisition or disposal documentation	Request in terms of PAIA
	Agreements with contractors, suppliers and clients	Request in terms of PAIA
	Agreements with government agencies	Request in terms of PAIA
	Agreements with shareholders, officers or directors	Request in terms of PAIA
	Complaints, pleadings, briefs and other documents	Request in terms of PAIA
	Distributor, dealer or agency agreements	Request in terms of PAIA
	Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other agreements	Request in terms of PAIA
	Material agreements relating to the provision of services or materials	Request in terms of PAIA
	Material licenses, permits and authorisation	Request in terms of PAIA
	Restraint agreements	Request in terms of PAIA
	Sale agreements	Request in terms of PAIA
	Warranty agreements	Request in terms of PAIA
	Contracts, including lease agreements and finance agreements	Request in terms of PAIA
Statutory company records	Certificate of change of name	Request in terms of PAIA
	Certificate of incorporation	Request in terms of PAIA
	Certificate to commence business	Request in terms of PAIA
	Dividend register	Request in terms of PAIA
	Memorandum of Incorporation	Request in terms of PAIA
	Minutes of director's meetings	Request in terms of PAIA
	Register of directors and officers	Request in terms of PAIA
	Register of directors shareholding	Request in terms of PAIA
	Resolutions	Request in terms of PAIA
	Shareholders' agreements	Request in terms of PAIA
	Shareholder register	Request in terms of PAIA

6. Protection of Personal Information Act 4 of 2013

6.1. The Company currently collects and processes the following types of personal information, relating to the following categories of data subjects, for the following purposes:

Data subject	Personal information	Purposes of processing	Grounds for processing
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<p>Customers and their employees</p>	<p>Name, physical address, phone number, email address, email correspondence, employee contact details, company registration numbers, VAT numbers.</p>	<p>Rendering services and/or providing goods to customers; Compliance with agreements with the customer; Compliance with applicable legislation; Management of the customer's relationship with the Company; To enforce or defend the Company's rights; To invoice customers for services rendered or goods provided; To market the Company's goods or services to customers; To backup the personal information provided/obtained by the Company; Any additional purposes expressly authorised by the customer; and Any additional purposes notified to the customer by the Company from time to time.</p>	<p>Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; or Processing complies with an obligation imposed by law on the Company; or Processing is necessary for pursuing the legitimate interest of the Company or of a third party to whom the information is supplied.</p>
<p>Employees (past and present), prospective employees, subcontractors and vacation work employees</p>	<p>ID numbers, race, gender, sex, pregnancy, marital status, social/ethnic origin, colour, age, health information, disabilities, language, education (highest education), credit checks, psychometric testing, criminal record, vehicle information (including purchase price, km's, licence number, model), titles, job descriptions, proof of address, email address, phone number, next of kin (family), dietary requirements, disciplinary information, employee loan agreements, salary information, performance reports, notes about interviewees, employment agreements, salary deductions, medical aid information including number and names of dependants, banking details, copies of visa applications for work travel, training records, income tax numbers, trusts and beneficiaries for some of the directors; companies owned by directors, and their other</p>	<p>Human resource management; Compliance with agreements with the employee including payroll; Compliance with applicable legislation including submitting information to SARS, UIF etc on behalf of employees; Compliance with agreements with third parties; Arranging travel of employee for business trips; Submitting B-BBEE information; For information security, risk assessment and planning purposes; To enforce or defend the company's rights; For recruitment purposes; Providing contact person to customers; Submitting insurance applications on behalf of the Company/employee;</p>	<p>Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; Processing complies with an obligation imposed by law on the Company; Processing is necessary for pursuing the legitimate interest of the Company or of a third party to whom the information is supplied; and Consent where it is required in terms of special personal information.</p>



	shareholders, past employment history and shareholding / close relationships with potential customer entities.	To backup the personal information provided/obtained by the Company; Any additional purposes expressly authorised by the employee; and Any additional purposes notified to the employee by the Company from time to time.	
Service providers/ suppliers and their employees	Name, physical address, phone number, email address, email correspondence, employee contact details, company registration numbers, VAT numbers, banking details.	Compliance with agreements with the service provider; To capture purchases and expenses; To make payment to suppliers; To place orders with suppliers; To arrange shipping; Compliance with applicable legislation; To enforce or defend the Company's rights; To backup the personal information provided/obtained by the Company; Any additional purposes expressly authorised by the service provider; and Any additional purposes notified to the service provider by the Company from time to time	Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; Processing complies with an obligation imposed by law on the Company; and Processing is necessary for pursuing the legitimate interest of the Company or of a third party to whom the information is supplied.

6.2. Recipients or categories of recipients of personal information

6.2.1. The Company may share data subjects' personal information with the following categories of third-party recipients:

6.2.1.1. service providers such as third-party payment facilitators, data storage service providers and professional advisors;
and

6.2.1.2. the Company's affiliates inclusive of its subsidiaries or group companies and their respective representatives.

6.3. Transborder flow of personal information

6.3.1. The Company may transfer personal information to recipients located outside of South Africa, including:

6.3.1.1. Third party cloud storage providers located in the following jurisdictions;

6.3.1.1.1. European Union;

6.3.1.1.2. United States of America;



6.3.1.1.3. Australia.

6.3.1.2. Third-party service providers located in the following jurisdictions:

6.3.1.2.1. European Union;

6.3.1.2.2. United States of America;

6.3.1.2.3. Australia.

6.3.2. Such transfers shall be done in accordance with section 72 of POPIA.

6.4. Description of information security measures

6.4.1. The Company makes use of organisational and technical measures in place to protect data subject personal information. The information security measures include:

6.4.1.1. access control (physical and digital);

6.4.1.2. encryption;

6.4.1.3. firewalls;

6.4.1.4. employees are contractually required to maintain confidentiality; and

6.4.1.5. personal information is only made available on a need-to-know basis.

7. Form of request

7.1. To facilitate the processing of your request, kindly:

7.1.1. use the prescribed form, available in Annexure A: Form;

7.1.2. address your request to the designated Information Officer;

7.1.3. provide sufficient detail to enable the Company to identify:

7.1.3.1. the record/s requested;

7.1.3.2. the requester (and if an agent is lodging the request, proof of capacity);

7.1.3.3. the form of access required;

7.1.3.4. the postal address or fax number of the requester in the Republic;

7.1.3.5. if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and



7.1.3.6. 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.

8. Prescribed fees

8.1. The following applies to requests (other than personal requests):

8.1.1. a requestor is required to pay the prescribed fees as set out in Annexure B: Fee schedule before a request will be processed;

8.1.2. 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);

8.1.3. a requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

8.1.4. records may be withheld until the fees have been paid.



Annexure A: Form

Form C

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

The Head:

B. 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) The address and/or fax number in the Republic to whom the information is to be send must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

Email 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 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:

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 an 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:

- Mark the appropriate box with an X.
- (a) Compliance with your request in the specified form may depend on the form in which the records is available.
 - (b) Access in the form requested may be refused in certain instance. 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 consist of visual images (this includes photographs, slides, video recording, 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 cassette)	<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 record*		
<input type="checkbox"/>		<input type="checkbox"/>	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 of transcription to be posted to you? Postage is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				



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:

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 atthis.....day of.....20



Annexure B: Fee Schedule

FEES IN RESPECT OF PRIVATE BODIES

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 follows:

Item	Fee	
For every photocopy of an A4-size page or part thereof.	R1,10	
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R0,75	
For a copy in a computer-readable form on:	stiffy disc	R7,50
	compact disc	R70,00
For a transcription of visual images, for an A4-size page or part thereof.	R40,00	
For a copy of visual images.	R60,00	
For a transcription of an audio record, for A4-size page or part thereof.	R20,00	
For a copy of an audio record.	R30,00	

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

Item	Fee	
For every photocopy of an A4-size page or part thereof.	R1,10	
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R0,75	
For a copy in a computer-readable form on:	stiffy disc	R7,50
	compact disc	R70,00
For a transcription of visual images, for an A4-size page or part thereof.	R40,00	
For a copy of visual images.	R60,00	
For a transcription of an audio record, for A4-size page or part thereof.	R20,00	
For a copy of an audio record.	R30,00	
To search for and prepare the record for disclosure.	R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

- 8.2. For purposes of section 52 (2) of the Act, the following applies:
 - 8.2.1. Six hours as the hours to be exceeded before a deposit is payable; and
 - 8.2.2. One third of the access fee is payable as a deposit by the requester.
- 8.3. The actual postage is payable when a copy of a record must be posted to a requester.