

# **COMAIR LIMITED**

## **PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 SECTION 51 MANUAL**

## TABLE OF CONTENTS

<b>1.</b>	<b>INTRODUCTION-----</b>	<b>3</b>
<b>2.</b>	<b>CONTACT DETAILS -----</b>	<b>3</b>
<b>3.</b>	<b>HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT----</b>	<b>4</b>
<b>4.</b>	<b>VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS-----</b>	<b>5</b>
<b>5.</b>	<b>RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION -----</b>	<b>5</b>
<b>6.</b>	<b>CATEGORIES AND SUBJECT MATTER OF RECORDS HELD BY COMAIR-----</b>	<b>8</b>
<b>7.</b>	<b>AVAILABILITY OF THIS MANUAL -----</b>	<b>11</b>
<b>8.</b>	<b>HOW TO REQUEST ACCESS TO RECORDS HELD BY COMAIR -----</b>	<b>12</b>
	 <b>ANNEXURE "A"-----</b>	 <b>14</b>
<b>1.</b>	<b>Copies of a Manual -----</b>	<b>14</b>
<b>2.</b>	<b>Reproduction Fees-----</b>	<b>14</b>
<b>3.</b>	<b>Access Fees-----</b>	<b>14</b>
<b>4.</b>	<b>Other Fees -----</b>	<b>15</b>
	 <b>PART III of Annexure "A" to the Regulations -----</b>	 <b>15</b>
	<b>FEES IN RESPECT OF PRIVATE BODIES -----</b>	<b>16</b>

## 1. INTRODUCTION

- 1.1 Comair Limited ("**Comair**"), registration number 1967/006783/06, is a public company based in South Africa that operates a scheduled full-service airline on regional routes as a British Airways Franchisee (and an affiliate member of the Oneworld airline alliance) and a low-cost airline in terms of its Kulula.com brand on domestic routes.
- 1.2 In terms of Section 51(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("**the Act**"), companies such as Comair are required to compile and publish a manual setting out certain information prescribed in Section 51 of the Act. The Act gives effect to the provisions of Section 32 of the South African Constitution, which provides for the right of access to information that is required for the exercise and/or protection of any right.
- 1.3 This manual is published in terms of Section 51 of the Act. The information in this manual pertains to Comair only and does not apply to any subsidiary or affiliated companies of Comair.
- 1.4 For the avoidance of doubt, any reference in this manual to any information that is in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.
- 1.5 The head of Comair, as defined in the Act, has delegated his or her functions under this Act to Kim Gorringer as the Information Officer.

## 2. CONTACT DETAILS

Information required in terms of Section 51(1) (a) of the Act

### 2.1 Postal and street addresses for Information Officer

**Postal Address:**

P.O Box 7015  
Bonaero Park  
1622  
South Africa

**Physical Address:**

1 Marignane Drive  
Bonaero Park  
1619  
South Africa

**2.2 Phone number for the Information Officer**

Telephone: 011 9210252

**2.3 Fax number for the Information Officer**

Fax: 011 3952546

**2.4 Electronic e-mail address for Information Officer**

[kim.gorringe@comair.co.za](mailto:kim.gorringe@comair.co.za)

**3. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT**

**3.1** Section 10 of the Act imposes a duty on the South African Human Rights Commission ("**SAHRC**") to "compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act" ("**the Guide**").

**3.2** The Guide is available for inspection, *inter alia*, at the SAHRC's offices situated at 2<sup>nd</sup> Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein and on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

**3.3** Enquiries regarding the guide can be addressed to the SAHRC, the contact details of which are as follows:

**Post** : The South African Human Rights Commission  
Private Bag 82700  
Houghton  
2041  
**Tel** : (+27) 11 877 3600

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

**E-mail** : [info@sahrc.org.za](mailto:info@sahrc.org.za) or [nmolefe@sahrc.org.za](mailto:nmolefe@sahrc.org.za)

**3.4** Further information regarding the SAHRC, including additional contact details, can be obtained by visiting [www.sahrc.org.za](http://www.sahrc.org.za).

## **4. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**

**4.1** The following categories of records are automatically available for inspection, purchase or photocopying. In other words, there is no need to request this information in terms of PAIA. The information can be requested from the Information Officer whose details appear above.

**4.2** The following information is available at the offices of Comair and will be made available without the need to request this information in terms of PAIA:

4.2.1 Fares;

4.2.2 Marketing material (Brochures etc.);

4.2.3 General Conditions of Carriage for Passengers and Baggage for British Airways (Operated by Comair) and Kulula.com;

4.2.4 Websites, and

4.2.5 Social media.

## **5. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

**5.1** Where applicable to Comair operations, information will also be made available as and when requested in terms of the following legislation, as amended from time to time:

5.1.1 Air Services Licencing Act of 115 of 1990;

5.1.2 Air Services Regulations 1991;

5.1.3 Airports Company (ACSA) Regulations;

- 5.1.4 Basic Condition of Employment Act 75 of 1997;
- 5.1.5 Broad Based Black Economic Empowerment Act 53 of 2003;
- 5.1.6 Companies Act 71 of 2008 and Regulations;
- 5.1.7 Civil Aviation Act 13 of 2009 and Regulations 1997;
- 5.1.8 Civil Aviation Offences Act 10 of 1972;
- 5.1.9 Carriage by Air Act 17 of 1946;
- 5.1.10 Code of Practice on Employment of People with Disability Act;
- 5.1.11 Competition Act 89 of 1998;
- 5.1.12 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 5.1.13 Consumer Protection Act of 68 of 2008;
- 5.1.14 Customs and Excise Act 91 Of 1964;
- 5.1.15 Constitution of the Republic of SA 108 of 1996;
- 5.1.16 Disaster Management Act 58 of 2002;
- 5.1.17 Electronic Communication and Transaction Act 25 of 2002;
- 5.1.18 Employment Equity Act 55 of 1998;
- 5.1.19 Environmental Conservation Act / 1989;
- 5.1.20 Foodstuff and Cosmetics and Disinfectant Act of 54 of 1972;
- 5.1.21 Health Act 63 of 1977;
- 5.1.22 Hazardous Substance Act 15 of 1973;
- 5.1.23 Immigration Act 13 of 2000 and Regulations;
- 5.1.24 Income Tax Act 58 of 1962;
- 5.1.25 International Services Act 60 of 1993 and Regulations;
- 5.1.26 International Air Services Transit Agreement (2(a) Act 10 of 1966);
- 5.1.27 International Health Regulations of 2005;
- 5.1.28 International Standards for Professional Practice of Internal Auditing;
- 5.1.29 Labour Relations Act 66 of 1995;

- 5.1.30 Liquor act 59 of 2003;
- 5.1.31 Medical Aid Act;
- 5.1.32 Medicine and Related Substance Control Act;
- 5.1.33 National Electricity Regulation Act 4 of 2006;
- 5.1.34 National Environment Management Act (NEMA) Act 107 of 1998;
- 5.1.35 National Environment Management: Waste Management Act 59 of 2008;
- 5.1.36 National Environment Management Air: Quality Act 39 of 2004;
- 5.1.37 National Key Point Act 102 of 1980;
- 5.1.38 National Qualification Framework Act 67 of 2008;
- 5.1.39 Perishable Products Export Control Act 9 of 1983;
- 5.1.40 Preferential Procurement Policy Framework Act 5 of 2000 and Regulations of 2011;
- 5.1.41 Prevention and Combating of Corrupt Activities Act 1 of 2004;
- 5.1.42 Promotion of Access to Information Act 2 of 2000 (PAIA);
- 5.1.43 Promotion of Administrative Justice Act 3 of 2000
- 5.1.44 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
- 5.1.45 Protection of Personal Information Act 4 of 2013;
- 5.1.46 Regulation of Interception of Communication and Provision of Communication Act 70 of 2002;
- 5.1.47 Communication Act 70 of 2002;
- 5.1.48 Skills Development Act 97 of 1998;
- 5.1.49 Skills Development Levies Act 9 of 1999;
- 5.1.50 South African Passport and Travel Documents Act of 1994;
- 5.1.51 SA Firearms control Act of 2000 and Regulations 2004;
- 5.1.52 Tax Administration Act 28 of 2011;

5.1.53 Unemployment Insurance Fund Act 63 of 2001;

5.1.54 Value Added Tax Act 89 of 1991.

## 6. CATEGORIES AND SUBJECT MATTER OF RECORDS HELD BY COMAIR

Comair maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

Categories of Records	Description of Categories or Subject Matter of Records Held
<b>Incorporation Documents</b>	<ul style="list-style-type: none"> <li>• The memorandum of incorporation for Comair;</li> <li>• The incorporation forms of Comair.</li> </ul>
<b>Constitution</b>	<ul style="list-style-type: none"> <li>• Copies of dematerialised and certified share registers as maintained by Computershare with assistance from Strate;</li> <li>• Shareholders' agreements of Comair;</li> <li>• Minutes of general meetings of the shareholders of Comair;</li> <li>• Register or list of directors of Comair;</li> <li>• Minute books and internal resolutions of Comair;</li> <li>• Power of attorney agreements and a list of persons authorised to bind Comair;</li> <li>• Register of directors' interests in contracts.</li> </ul>
<b>Finance</b>	<ul style="list-style-type: none"> <li>• Accounting records, books and documents of Comair;</li> <li>• Interim and annual financial reports of Comair.</li> <li>• Details of auditors of Comair;</li> <li>• External auditors' reports in respect of audits conducted on Comair;</li> </ul>



Categories of Records	Description of Categories or Subject Matter of Records Held
	<ul style="list-style-type: none"> <li>• Details of actuaries of the pension scheme utilised by Comair;</li> <li>• Tax returns of Comair;</li> <li>• Other documents and agreements relating to taxation;</li> <li>• Other financial records of Comair;</li> <li>• Indebtedness to bankers;</li> <li>• Bank facilities and accounts details;</li> <li>• Bank statements;</li> <li>• Debt securities issued by Comair;</li> <li>• Guarantees given by, or in respect of, Comair;</li> <li>• Agreements with various credit card companies;</li> <li>• Other financial commitments of Comair;</li> <li>• Other banking records of Comair.</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• List of employees;</li> <li>• Contracts of employment with directors, officers and employees of Comair expenditure or reimbursement agreements with directors of Comair;</li> <li>• Documents relating to employee benefits;</li> <li>• Compensation or redundancy payments;</li> <li>• Documents and information in respect of the Comair share incentive trust;</li> <li>• Personnel files;</li> <li>• Collective agreements with trade unions;</li> <li>• Recognition agreements with trade unions;</li> <li>• Employment equity plan of Comair;</li> <li>• Procedural agreements and policies of Comair;</li> <li>• Disciplinary records and documentation pertaining to disciplinary proceedings;</li> <li>• Training manuals;</li> <li>• Other information relating to employees of Comair.</li> </ul>

Categories of Records	Description of Categories or Subject Matter of Records Held
<b>Permits</b>	<ul style="list-style-type: none"> <li>• Licences, material permits, consents, approvals, authorisations and certificates;</li> <li>• Applications for permits, licences etc;</li> <li>• Registrations and declarations of permits.</li> </ul>
<b>Correspondence</b>	<ul style="list-style-type: none"> <li>• Correspondence of Comair, including internal and external memoranda.</li> </ul>
<b>Marketing</b>	<ul style="list-style-type: none"> <li>• Internal policies and procedures;</li> <li>• General correspondence.</li> </ul>
<b>Aviation Agreements</b>	<ul style="list-style-type: none"> <li>• License agreements;</li> <li>• Aircraft purchase agreements;</li> <li>• Aircraft finance agreements;</li> <li>• Aircraft lease agreements;</li> <li>• Aircraft maintenance agreements;</li> <li>• Code share agreements;</li> <li>• Wet lease agreements;</li> <li>• Agreements with travel agents;</li> <li>• Agreements with corporate clients;</li> <li>• General sales agency agreements;</li> <li>• Interlining agreements;</li> <li>• Standard ground handling agreements;</li> <li>• General conditions of carriage for passengers and baggage;</li> <li>• Fuel supply agreements.</li> </ul>
<b>Environmental Records</b>	<ul style="list-style-type: none"> <li>• Annual Report on carbon emissions;</li> <li>• Annual information on fuel burn.</li> </ul>
<b>Research and Scientific or Technical Information of Comair</b>	<ul style="list-style-type: none"> <li>• Documentation pertaining to research conducted by Comair;</li> <li>• Scientific and/or technical information in the possession of Comair.</li> </ul>

Categories of Records	Description of Categories or Subject Matter of Records Held
<b>Intellectual Property</b>	<ul style="list-style-type: none"> <li>• Trade-marks, patents, copyrights, designs held by Comair;</li> <li>• Licences relating to intellectual property rights;</li> <li>• Other agreements relating to intellectual property rights.</li> </ul>
<b>Insurance</b>	<ul style="list-style-type: none"> <li>• Aviation insurance summaries;</li> <li>• Other insurance policies taken out for the benefit of Comair and its employees.</li> </ul>
<b>Immovable and Movable Property</b>	<ul style="list-style-type: none"> <li>• Title deeds of land owned;</li> <li>• Agreements for the lease or sale of property or buildings by Comair;</li> <li>• Mortgage bonds, liens, notarial bonds or security interests on property;</li> <li>• Leases in respects of vehicles and aircraft;</li> <li>• Office equipment leases;</li> <li>• Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.</li> </ul>
<b>Other Information</b>	<ul style="list-style-type: none"> <li>• Customer database in respect of passengers of Comair.</li> </ul>

## 7. AVAILABILITY OF THIS MANUAL

A copy of this manual is available on our website at <http://comair.co.za> or may be obtained by sending a request for a copy to the Information Officer by email at [kim.gorringe@comair.co.za](mailto:kim.gorringe@comair.co.za). The manual may also be obtained from our head office or from the SAHRC at the addresses set out above.

## **8. HOW TO REQUEST ACCESS TO RECORDS HELD BY COMAIR**

- 8.1** Requests for access to records held by Comair must be made on the request forms available at <http://www.comair.co.za> on our website and our office or from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)).
- 8.2** A request fee may be payable (the schedule of fees will be sent to you by the Information Officer on request). You can submit a request without paying the request fee, but please note that payment of the prescribed fees must be made before the request will be processed.
- 8.3** Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided above.
- 8.4** The requesting party must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requesting party. The requesting party should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 8.5** The requesting party 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.
- 8.6** If a request is made on behalf of another person, the requesting party must submit proof of the capacity in which the requesting party is making the request to the satisfaction of the Information Officer.
- 8.7** The standard form that must be used for the making of requests can be accessed at <http://www.comair.co.za>.
- 8.8** Not using this form may result in a request being declined or delayed.
- 8.9** There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in Annexure "A" hereto.
- 8.10** Further requirements to be adhered to when a request is made in terms of the Act can be found at <http://www.comair.co.za>.

Kindly note that all requests to Comair will be evaluated and considered in accordance with the Act.

**-END-**

## ANNEXURE “A”

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations regarding the Promotion of Access to Information (published in Government Notice No. R.187 of 15 February 2002) (“**the Regulations**”). A copy of Part III of Annexure “A” to the Regulations is attached for your convenience. The present charges are as follows:

### 1. Copies of a Manual

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

### 2. Reproduction Fees<sup>1</sup>

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

### 3. Access Fees<sup>2</sup>

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

---

<sup>1</sup> Section 52(3) and Regulation 1(1).

<sup>2</sup> Section 54(7) and Regulation 11(3).

#### 4. Other Fees

A request fee<sup>3</sup> of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.

A search fee<sup>4</sup> may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.<sup>5</sup>

If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

---

<sup>3</sup> Section 54(1) and Regulation 11(2).

<sup>4</sup> Annexure "A", Part III, Item 4(1)(f).

<sup>5</sup> Section 54(2).

## PART III OF ANNEXURE "A" TO THE REGULATIONS

### FEEES 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		R
<b>(a)</b>	For every photocopy of an A4-size page or part thereof	1,10
<b>(b)</b>	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
<b>(c)</b>	For a copy in a computer-readable form on -	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
<b>(d)</b>	(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
<b>(e)</b>	(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

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		R		
<b>(1)</b>	<b>(a)</b>	For every photocopy of an A4-size page or part thereof	1,10	
	<b>(b)</b>	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75	
	<b>(c)</b>	For a copy in a computer-readable form on -		
		<b>(i)</b>	stiffy disc	7,50
		<b>(ii)</b>	compact disc	70,00
	<b>(d)</b>	<b>(i)</b>	For a transcription of visual images, for an A4-size page or part thereof	40,00
		<b>(ii)</b>	For a copy of visual images	60,00
	<b>(e)</b>	<b>(i)</b>	For a transcription of an audio record, for an A4-size page or part thereof	20,00
		<b>(ii)</b>	For a copy of an audio record	30,00
<b>(f)</b>	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.			
<b>(2)</b>	For purposes of section 54 (2) of the Act, the following applies:			
	<b>(a)</b>	Six hours as the hours to be exceeded before a deposit is payable; and		
	<b>(b)</b>	one third of the access fee is payable as a deposit by the requester.		
<b>(3)</b>	The actual postage is payable when a copy of a record must be posted to a requester.			