

Airports Company South Africa SOC Limited

Promotion of Access to Information (PAIA) Manual

November 2016

In Terms of Section 14 of the Promotion of Access to Information Act,
No.2 of 2000

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Chapter 1 Introduction

The Promotion of Access to Information Act, No 2 of 2000 (*“the Act”*) was enacted on 3rd 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 whom the request is made is obliged to release the information, except where the Act expressly provides that the information shall or shall not be released. The Act sets out the requisite procedural issues attached to such request.

1.1 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 shall 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 sets out to provide a broad guide which will enable the requestors to obtain the records which they are entitled to in a quick, easy and accessible manner.

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Chapter 2 Structure and Functions of Airports Company South Africa SOC Limited

2.1 Purpose

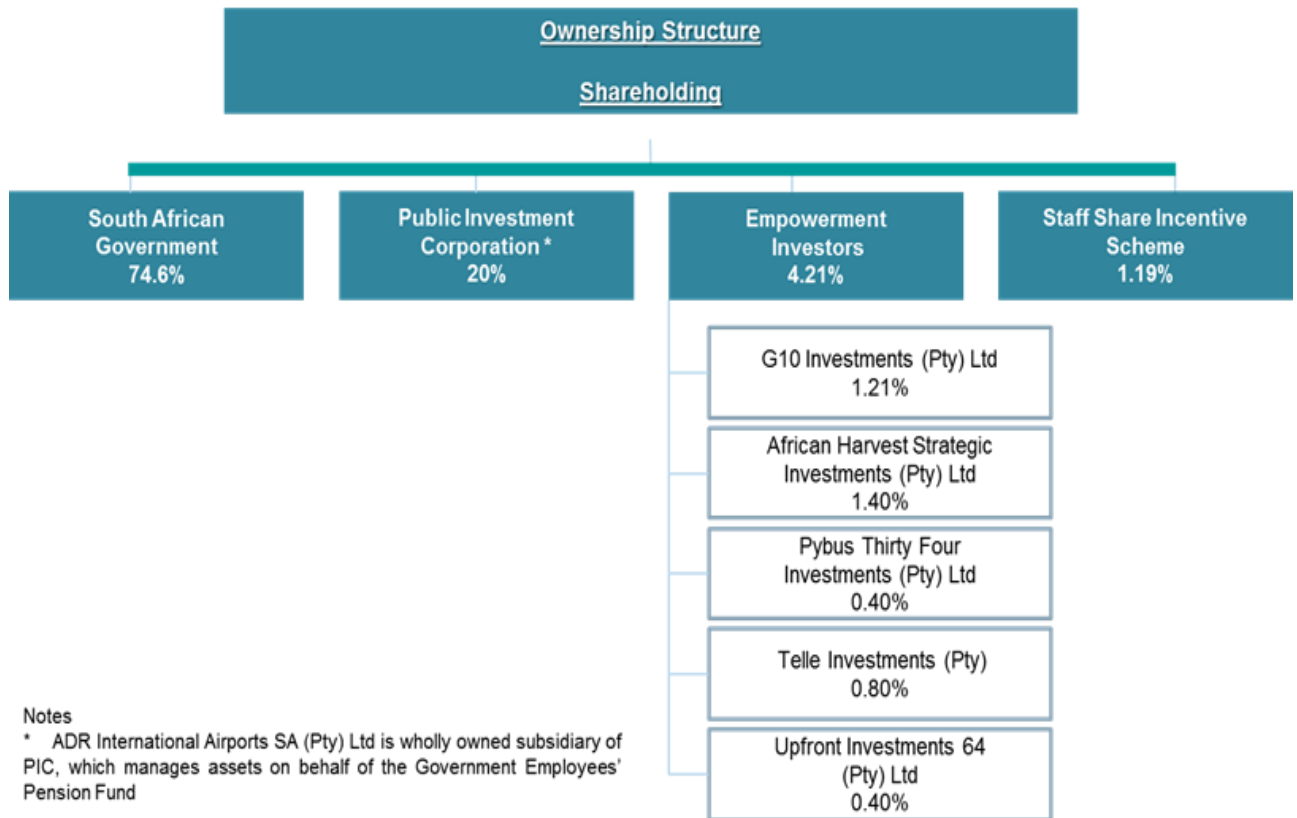
2.1.1 Mandate

In terms of the Airports Company Act (No 44 of 1993), Airports Company South Africa is mandated to undertake the acquisition, establishment, development, provision, maintenance, management control or operation of any airport, any part of any airport or any facility or service at any airport normally related to the functioning of an airport.

2.1.2 Formation and Ownership Structure

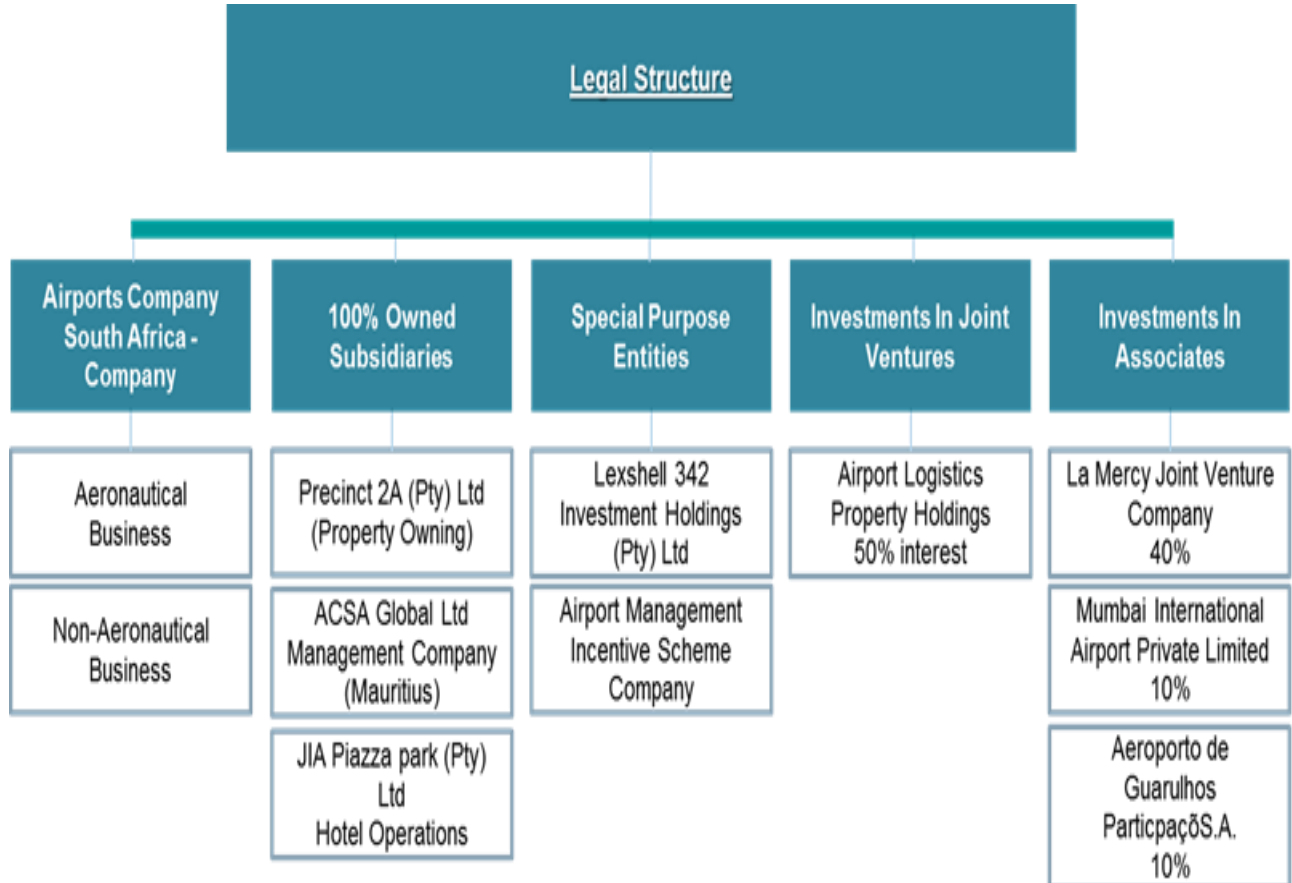
Created in 1993 in terms of the Airports Company South Africa SOS Limited Act of 1993 and registered in terms of the Companies Act of 2008, as amended, Airports Company South Africa SOC Ltd is legally and financially autonomous and operates under commercial law. The company is owned by the South African Government (74,6%), Public Investment Corporation SOC Ltd twenty percent (20%), empowerment investors (4,21%) and Staff Share Incentive Scheme (1,19%). The company is accountable to the Department of Transport and as detailed in the ownership structure below

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2.1.3 Legal Structure



2.1.4 Subsidiaries, Joint Ventures, Associates and Special Purpose Entities

- **Subsidiaries**
Subsidiaries are all entities (including special purpose entities) over which the Group has the power to govern the financial and operating policies generally accompanying a shareholding of more than half of the voting rights;
- **The Company Global Ltd**
The Company Global houses a ten percent (10%) equity stake in Mumbai International Airport Ltd and the current strategic objective is to retain the investment until maturity. Initiatives include the continued involvement in the company's management;

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- JIA Piazza Park (Pty) Ltd
JIA Piazza Park (Pty) Ltd current strategic objective is to ensure continued and consistent rental income is generated from the property assets;
- Precinct 2A (Pty) Ltd
Precinct 2A (Pty) Ltd current strategic objective is to ensure continued and consistent rental income is generated from the property assets;
- Associates
These are all the entities over which the Group has significant influence but not control, generally accompanying a shareholding of between twenty percent (20%) and fifty percent (50%) of the voting rights. Investments in associates are accounted for using the equity method of accounting and are initially recognised at cost;
- La Mercy JV Property Investments (Pty) Ltd
The Group has a forty percent (40%) stake in La Mercy JV Property Investments (Pty) Ltd. This company is a property holding, development and letting company. The investment in the company has been accounted for as an associate;
- Mumbai International Airport Private Limited
The Group has a ten percent (10%) stake equity interest in the thirty (30) year concession (with an option for a further thirty (30) years) to modernise the Chhatrapati Shivaji International Airport in Mumbai. The company is an integral investor in the project, as well as being designated airport operator. The investment has been accounted for as an associate;
- Guarulhos International Airport Private Limited
The Airports Company South Africa SOC Limited, in partnership with a Brazilian company Invepar, won a competitive bid for the expansion, maintenance and operation of Guarulhos International Airport in São Paulo, Brazil: the busiest airport in Latin America.

The consortium between the company and Invepar shall own fifty one percent (51%) of the Guarulhos International Airport Concession, with Infraero, the Brazilian airports operator, owing forty nine percent (49%.) Over and above this investment, the

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company shall provide airport management expertise through a technical services agreement with the concession company. The investment has been accounted for as an associate;

- Joint Venture
The Group has an interest in a joint venture which is a jointly controlled entity, whereby the ventures have a contractual arrangement that establishes joint control over the economic activity of the entity. The Group recognises its interests in the joint venture using proportionate consolidation; and
- Airport Logistics Property Holdings (Pty) Ltd
Airport Logistics Property Holdings (Pty) Ltd.'s current strategic objective is to ensure that continued and consistent rental income is generated from the property asset.

2.1.5 Special Purpose Entities:

- Lexshell 342 Investment Holdings (Pty) Ltd
 - Employee share option plan
- Airport Management Share Incentive Scheme (Pty) Ltd
 - Employee share option plan

2.1.6 Corporate Governance Structure

The independent Board of Directors is appointed by the Minister of Transport, and is responsible for strategic direction and oversight of Airports Company South Africa. The executive management, under the leadership of the CEO, is responsible for day to day management of the company.

Governance

GOVERNANCE STRUCTURE

Shareholders						
South African Government, Public Investment Corporation, Minority shareholders						
Board of directors						
The board of directors is appointed by the DoT and the applicable minority shareholders, and is responsible for strategic direction and oversight of Airports Company South Africa						
Non-executive					Executive	
<ul style="list-style-type: none"> Sikhumbuzo Macozoma (Chairman) Roshan Morar (Deputy Chairman) 	<ul style="list-style-type: none"> Matlodi Mabela Kate Matlou 	<ul style="list-style-type: none"> Siyakhula Simelane Deon Botha 	<ul style="list-style-type: none"> Chwayita Mabude John Lamola 	<ul style="list-style-type: none"> Bajabulile Luthuli Kenosi Moroka 	<ul style="list-style-type: none"> Bongani Maseko Maureen Manyama 	
Board committees						
Six committees, which report directly to the board, were established to focus on key functional areas where specialist expertise is required.						
Audit and risk committee	Board investment committee	Board regulation committee	Remuneration and nominations committee	Social and ethics committee	Executive committee	
<ul style="list-style-type: none"> Bajabulile Luthuli – Chairman Roshan Morar Matlodi Mabela Siyakhula Simelane Chwayita Mabude 	<ul style="list-style-type: none"> Roshan Morar – Chairman Sikhumbuzo Macozoma Matlodi Mabela Kate Matlou Chwayita Mabude Kenosi Moroka Bongani Maseko (effective 17 July 2015) 	<ul style="list-style-type: none"> John Lamola – Chairman Sikhumbuzo Macozoma Roshan Morar Matlodi Mabela Deon Botha Bajabulile Luthuli Kenosi Moroka 	<ul style="list-style-type: none"> Deon Botha – Chairman Sikhumbuzo Macozoma Siyakhula Simelane John Lamola Bajabulile Luthuli 	<ul style="list-style-type: none"> Kenosi Moroka – Chairman Kate Matlou Deon Botha John Lamola Bongani Maseko 	<ul style="list-style-type: none"> Bongani Maseko – Chairman Maureen Manyama Tebogo Mekgoe Bonglwe Mborvu Andre Vermeulen Haroon Jeena Pleter du Plessis Sello Mmakau Bonglwe Pityi Deon Cloete Terence Delomoney Thabo Phateng Refentse Shlinners Charles Shilowa Badisa Matshego Yvette Schoeman (resigned 30 September 2015) Girish Gopal 	
Accountable to the shareholders as set out in section 76 of the Companies Act in respect of its audit committee functions and to the board in respect of its other functions.	Assists the board in discharging its duties in relation to capital projects, commercial activities, regulated and unregulated investments, procurement and supply chain management, and treasury activities including funding and borrowing plans.	Oversees the development and implementation of the economic regulatory strategy and ensures compliance with all regulatory legislation and/or requirements. At the core of its function is the deliberation of the approach leading to the Permission Application for submission to the regulating committee which sets the tariffs for the company.	Assists the board on matters of strategic remuneration by ensuring decision are aligned to the company's strategic objectives. The committee directs and oversees the human resources planning and development strategies aimed at creating and sustaining technical and managerial excellence required in order for the Airports Company South Africa to achieve its objectives.	Monitors the Airports Company South Africa's activities, having regard to any relevant legislation, other legal requirements or prevailing codes of best practice relating to: <ul style="list-style-type: none"> Social and economic development Good corporate citizenship The environment, health and public safety Consumer relationships Labour and employment Ethics framework Engagement and interaction with stakeholders 	Deals with the general management activities that form part of leading and managing Airports Company South Africa towards achieving our core outcomes while upholding applicable legislation and regulation that pertains to the operation of the company.	
Management committees						
Capital expenditure committee	National bid adjudication committee	Transformation and sustainability committee	Information technology steering committee	Financial risk management committee	Airports operations committee	Talent board

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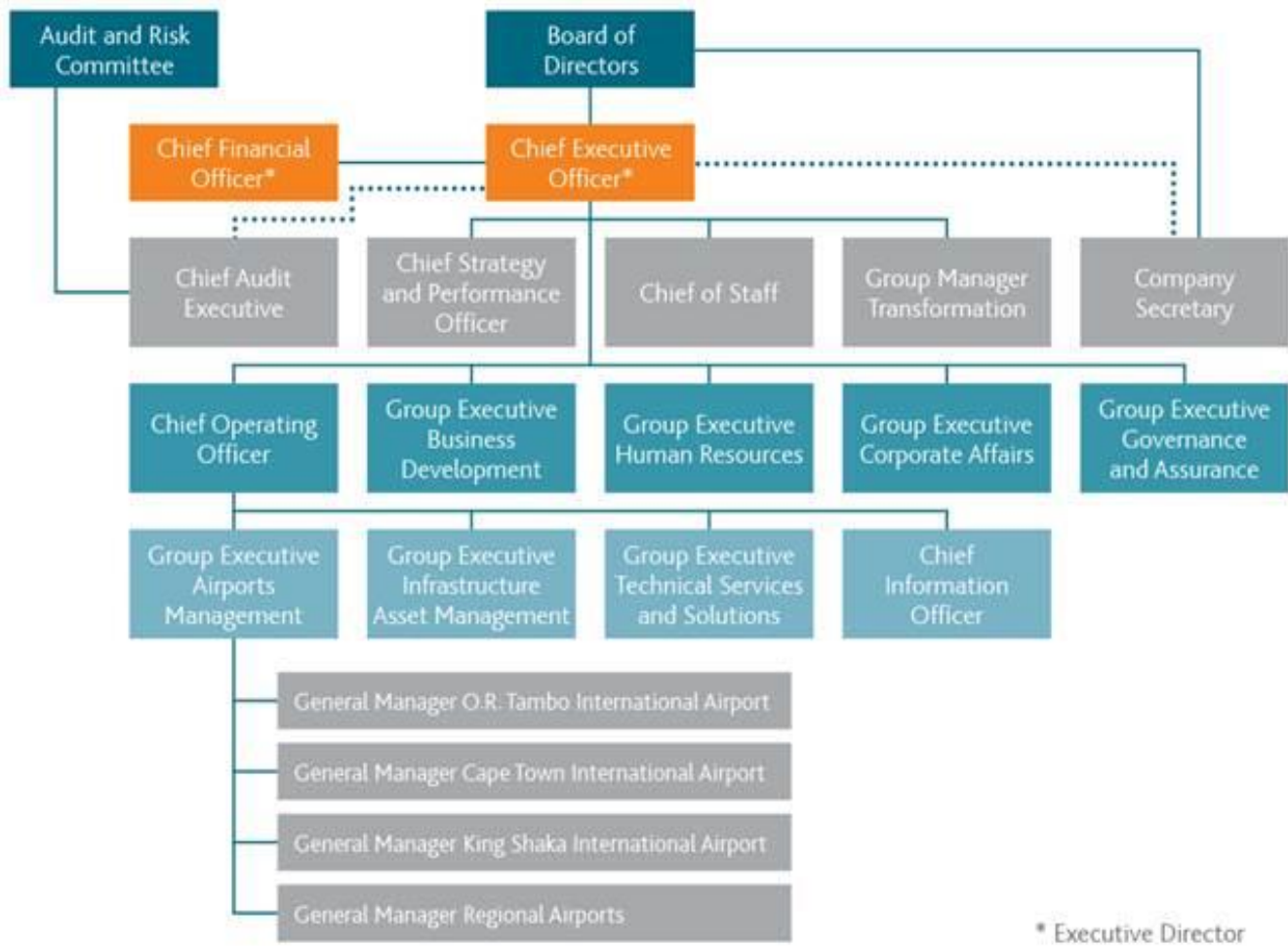
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2.2 Structure



Airports Company South Africa SOC Limited owns and operates South Africa's nine (9) principal airports: O.R. Tambo, Cape Town, King Shaka (Durban), Port Elizabeth, Bram Fischer (Bloemfontein) and Upington International Airports, and East London, George and Kimberley Airports.

The company has two (2) distinct revenue streams, which have generated similar income for the past few years. Aeronautical income is derived from regulated tariffs consisting of aircraft landing and aircraft parking charges, and passenger service charges. Regulated charges are different for international, regional and domestic air traffic movements and also for passengers. Non-aeronautical income is generated from commercial undertakings and flows from retail operations, car parking, car rental concessions, advertising, property leases and hotel operations.

Another component of non-aeronautical revenue is generated by international operations. Airports Company South Africa SOC Limited formed part of a consortium.

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That took over the expansion and management of Chhatrapati Shivaji International Airport in Mumbai, India. The success of the venture in India encouraged the company to seek similar opportunities elsewhere. Such undertakings allow the leveraging of the pool of skills and experience that the company has amassed over the years to grow revenue and improve shareholder returns.

Airports Company South Africa SOC Limited, in partnership with the Brazilian company Invepar, was successful in a bid to manage the development, maintenance and operations of Guarulhos International Airport in São Paulo, Brazil. The consortium with Invepar owns fifty one percent (51%) of the airport concession, with forty nine percent (49%) being held by Infraero, the current airport operator. Airports Company South Africa SOC Limited owns ten percent (10%) of the consortium with Invepar.

Chapter 3 Contact Details of Information Officers

Contact Details

Information Officer:

Ms Bongiwe Mbomvu

Bongiwe.Mbomvu@airports.co.za

Deputy Information Officer:

Bonginkosi Mfusi

Bonginkosi.Mfusi@airports.co.za

Physical Address

The Maples, Riverwoods
24 Johnson Road
Bedfordview
2008

Postal Address

P O Box75480
Gardenview
2047

Tel No: +27 11 724 1400

Fax No: +27 11 453 9350

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Chapter 4 Guide on how to Use the Act

This Guide is available from the South African Human Rights Commission since August 2003.

Any queries relating thereto shall be directed to:

The Research and Documentation Department
South African Human Rights Commission
PAIA Unit
Private Bag 2700
HOUGHTON
2041

Tel No: + 27 11 877 3600

Fax: + 27 11 484 1360

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Chapter 5 Access to Records

5.1 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.

- Annual and associated reports;
- General information pertaining to Airports Company South Africa SOC Limited;
- Flight Information;
- Services Information and Brochures; and
- Information available on Airports Company South Africa SOC Limited website: www.airports.co.za.

5.2 Information to be Formally Requested (section 14 (1)(d))

Airports Company South Africa SOC Limited holds information pertaining to the following subjects which shall be formally requested in terms of the Act. Inclusion of any subject or category of records shall not be taken as an indication that records falling within those subjects and / or categories shall be made available under the Act. In particular, certain grounds of refusal as set out in the Act shall be applicable to a request for such records.

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5.3 Protection of Personal Information Act

This Act stipulates how the information relating to clients, suppliers, employees, persons receiving marketing information shall be managed and distributed. Personal information which is protected by the Act includes, but is not limited to, race, gender, sex, marital status, sexual orientation, age, physical and mental health, religion and criminal and financial records.

All requests for information shall be subject to this Act where it is applicable.

5.4 Finance and Administration

- Incorporation and founding Documentation;
- Memorandum of Incorporation;
- Share Register of the company;
- Shareholders Agreement between the company and its Shareholders;
- List of Directors;
- The Minutes of Board Meetings;
- The Minutes of Executive Meetings;
- The Minutes of General Meetings; and
- Corporate Plan.

5.5 Financial Records of the Company

- Accounting Records Books and Documents
- Interim and Annual Financial Reports
- Corporate Plan
- Details of Auditors
- External Auditors Reports
- Tax returns of the company
- Other documents relating to Taxation
- Banking details
- Bank statements
- Guarantees and securities
- Financial commitments

5.6 Human Resources

- Organisation structure;
- Recruitment and appointment documentation;
- Employment equity plan;
- Employment policy;
- Training and development plan;
- Recognition agreements;
- Minutes of meeting with unions;

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- Disciplinary records and documentation pertaining to disciplinary proceedings;
 - Training manuals;
 - Documentation relating to employee benefits;
 - Personnel files;
 - Policies and Procedure of Human Resources;
 - List of employees; and
 - Minutes of Committee Meetings.
- 5.7 Intellectual Property
- Licenses, material permits, consents, approvals and authorisation certificates; and
 - Insurance records and insurance policies
- 5.8 Moveable and Immoveable Property
- Title deeds in respect of properties owned by company;
 - Agreements of Lease with tenants and concessionaires; and
 - Mortgage bonds, liens, notarial bonds and other security interest.
- 5.9 Information Technology
- Agreements relating to computer systems and computer programs; and
 - Shareholders agreements with subsidiary company relating to information technology.
- 5.10 Risk Management
- Occupational health and safety reports;
 - Insurance reports and policies; and
 - Incident reports relating to security and safety.
- 5.11 Services and Administration
- Service contracts with all service providers;
 - Maintenance contracts;
 - Concession agreement; and
 - Lease agreements.
- 5.12 Procurement
- Procurement policy include new documentation
 - minutes of Tender Board
 - Tender Board Submissions

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5.13 Aviation Services

- Master planning documents
- Plans, drawings and diagrams

5.14 The Request Procedure

A requester shall be given access to a record of the company if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record; and
- Access to that record is not refused on any of the grounds of refusal mentioned in the Act.

5.15 Nature of the Request

- A requester shall use the form that has been printed in the Government Gazette [Govt. Notice R187 – 15 February 2002 Form A] – see Schedule 1.
- The requester shall 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 the Airports Company South Africa SOC Limited. Alternatively, if the record is not in a printed form then the document shall be viewed in the manner prescribed in section 29 (2).
- If a person asks for access in a particular form then the requester shall get access in the manner that has been requested, this is unless doing so shall interfere unreasonably with the running of the company, or damage the record, or infringe a copyright not owned by the company. If for practical reasons access cannot be given in the required form but in an alternate manner, then the fee shall be calculated according to the manner originally requested [s29(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 shall be indicated [s18(2)(e)].
- If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made shall be indicated [s18(2)(f)].
- If a requester is unable to read or write, or has a disability, they then can make the request for the record orally. The information officer shall then fill in the form on behalf of such a requester and give them a copy [s 18(3)].

5.16 Remedies

Remedies available when the company Refuses a Requester for Information

5.16.1 Internal Remedies

The company does not have an internal appeal procedure. As such, the

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decision made by the information officer is final, and requestors shall exercise any 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.

5.16.2 External Remedies

A requestor that is not satisfied with the information officer's refusal to disclose information, shall within thirty (30) days of notification of the decision, apply to a Court for relief.

Likewise, a third party not satisfied with the information officer's decision to grant a request for information, shall within thirty (30) days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status

Chapter 6 Services Available

6.1 Nature of services

The company has the following services available to the members of the public:

- Aviation services;
- Flight information;
- Retail services;
- Property services;
- Parking;
- General Information relating to Airports Company South Africa SOC Limited;
- Aerodrome licenses, consents and permits;
- Schedule of charges and tariffs; and
- Airport consultancy and technical advisory services.

6.2 How to Gain Access to these Services

- All airport services and related matters are available through the nine (9) airports managed by Airports Company South Africa SOC Limited; and
- Access to these services and information related thereto shall be obtained via the general managers of the respective airports or through the information officer. Alternatively, information shall be obtained via the website.

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Chapter 7 Arrangements

Arrangements allowing for public participation in the formulation of policy and exercising of powers of Airports Company South Africa SOC Limited.

The company has implemented various public forums in order to address certain critical issues in its interaction with the users of the airport and in particular with its direct partners involved in providing aviation services to the general members of the public. These forums interact regularly and on a structured basis with the company to ensure safe and efficient Airports Services to all Stakeholders and to monitor service levels of all parties.

7.1 Airports Operators Committee (AOC)

This is a direct monthly interface with National and International Airline Representatives to ensure co-ordination and support in the provisions of excellent service to members of the public. This forum ensures that service levels and facilitation of goods and passenger are of a high standard and are continuously improved.

7.2 Airports Cargo's Operators Forum (ACOC)

A regular forum with cargo operators to ensure efficient delivery of and movement of cargo.

7.3 Security Forum

A regular forum consisting of the South African Police, Border Police, Customs, Immigrations, other Government representatives and other stakeholders within the airport to ensure high security at all our airports.

7.4 Airline Representative Forum

This forum consists of the Association of Airline Representative of Southern Africa (AASA) and the Board of airline representatives (BARSA).

7.5 Regulating Committee

This is prescribed by the Airports Company South Africa SOC Limited Act to, *inter alia*, regulate the tariffs charged by Airports Company South Africa SOC Limited to its users and ensure a high level of service. The regulating committee, in addition, receives complaints from any person who is aggrieved by the failure of the company to provide the services contemplated in the Airports Company South Africa SOC Limited Act, by lodging a complaint. Complaints shall be sent to the Regulating Committee, Private Bag X 193, Pretoria, 00017.6 Civil Aviation Consultative Structures. The Civil Aviation Authority is the overall body responsible for Civil Aviation. The participates in regular and structured forums with the Civil Aviation Authority on the issues of:

- Safety;
- Security;

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- Environmental Protection; and
- Civil Aviation.

7.6 Airline Operators Association (AOA)

The Airline Operators Association represents all the Airside Service Providers such as Handlers, Catering, Fuelling and cleaning etc. and meets monthly with ACSA and functions as an integral part of the airport operations

Chapter 8 Miscellaneous

This Manual shall be:

- Updated annually;
- Available at the following places:
 - Every place of legal deposit as defined in section 6 of the Legal Deposits Act 1997;
 - The South African Human Rights Commission;
 - Airports Company South Africa SOC Limited's Corporate Office; and
 - Airports Company South Africa SOC Limited's website at www.airports.co.za

[Schedules and Annexure A and B](#)