

**Kwena Mining and Metallurgical Services  
Proprietary Limited**

**Registration number: 2014/264748/07**

**Manual in terms of Section 51 of the Promotion  
of Access to Information Act 2 of 2000 ("the  
Act")**



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## INTRODUCTION

Kwena Mining and Metallurgical Services Proprietary Limited ("the Company") is a private Company which provides corporate labour services to the Kwena Group of Companies.

Registration number: 2014/264748/07

Date of incorporation: 28 November 2014

Registered address: No 205 A/B, 2<sup>nd</sup> Floor Smokey Mountain  
Route N4 Business Park  
Corner Nelson Mandela Avenue & Paul Kruger Street  
Witbank  
1034

Postal address: Postnet Suite 1017  
Private Bag X7297  
Witbank  
1035

Directors: Kevin Cormack Gallagher  
Paul Johannes Hugo Pretorius  
Ernst Theodor Boshoff

## CONTACT DETAILS

Name of business: Kwena Mining and Metallurgical Services Proprietary Limited

Head of Private Body: Kevin Cormack Gallagher

Information Officer: Chris Wilson

Street address: 6<sup>th</sup> Floor Grant Thornton House  
119 Hertzog Boulevard  
Foreshore  
Cape Town  
8001

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Cape Town  
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## THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE TO THE ACT

The Promotion of Access to Information Act was promulgated in March 2001. The Act was put in place to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700  
Houghton  
2041

Phone: (011) 484 8300

Fax: (011) 484 0582

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

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

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfil this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to our designated Information Officer.

A copy of the manual will be available for inspection at:

- The registered address of the Company (refer address above); and
- The South African Human Rights Commission.

## RECORDS HELD IN TERMS OF APPLICABLE LEGISLATION

The records of the Company are required by law to keep certain records. These records are enumerated in various Acts of Parliament.

Our records are in paper and electronic form only. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records we hold, we have **categorised** our records per **subject** area. The table below provides an indication of the categories of information held:

Administration	<ul style="list-style-type: none"><li>• Financial Statements</li><li>• Tax Records</li><li>• General Correspondence</li><li>• Information relating to transactions of a financial nature (e.g. invoices and payments)</li><li>• Banking Records</li><li>• Marketing Information</li><li>• Customer Information</li><li>• Employee Records</li><li>• Personnel guidelines, policies and procedures</li><li>• Employment Equity Records</li><li>• Labour Relations Records</li><li>• Statutory HR Records</li></ul>
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## RECORDS KEPT AS A MATTER OF GENERAL PRACTICE

Kwena Mining and Metallurgical Services (Pty) Ltd keep certain records in the conduct of their day to day business and as a matter of standard practice and good governance. The following records are held:

Statutory	<ul style="list-style-type: none"><li>• Company documents and legal records</li><li>• Share registration documents</li><li>• Employment records</li></ul>
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Customer, supplier and marketing	<ul style="list-style-type: none"> <li>• Customer records</li> <li>• Supplier records</li> <li>• Product records</li> <li>• Communication</li> <li>• Marketing material</li> </ul>
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**RECORDS THAT MAY BE SUBJECT TO GROUNDS OF REFUSAL**

Access to the following documents may be subject to the grounds of refusal as set out in this Manual:

Personnel Records	<p>"Personnel" refers to any person who works for or provides services to or on behalf of the Company and who receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting the Company's business and includes, without limitation, directors, (executive and non-executive), all permanent, temporary and part-time staff as well as contract works. Personnel records include:</p> <ul style="list-style-type: none"> <li>• Personal records (provided by personnel themselves);</li> <li>• Records provided by a 3<sup>rd</sup> party relating to personnel;</li> <li>• Conditions of employment and other personnel-related contractual and quasi-legal records;</li> <li>• Internal evaluation records and other internal records;</li> <li>• Correspondence relating to personnel; and</li> <li>• Training schedules and material.</li> </ul>
Customer records	<p>A "customer" refers to any natural or juristic entity that receives services from the Company. Customer records include:</p> <ul style="list-style-type: none"> <li>• Records pertaining to products sold and/or serviced by the Company, including without limitation, online and print publications;</li> <li>• Records provided by a customer to a 3<sup>rd</sup> party acting for or on behalf of the Company;</li> <li>• Records provided by a 3<sup>rd</sup> party;</li> <li>• Records generated by or within the Company relating to its customers, including transactional data.</li> </ul>
Private Body Records	<p>These are records which include, but are not limited to, records which pertain to the Company's own affairs including:</p> <ul style="list-style-type: none"> <li>• Financial records;</li> <li>• Operational records;</li> <li>• Databases;</li> <li>• Information technology systems and documents;</li> <li>• Marketing records;</li> <li>• Internal correspondence;</li> </ul>



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	<ul style="list-style-type: none"> <li>• Product and service records;</li> <li>• Statutory records;</li> <li>• Internal policies and procedures.</li> </ul>
Other Party Records	<ul style="list-style-type: none"> <li>• Personnel, customer or private body records which are held by another party on the Company's behalf, as opposed to the records held by the Company itself;</li> <li>• Records held by the Company pertaining to other parties, including without limitation, financial records, correspondence, contractual records, and records about Company contractors/suppliers/service providers.</li> </ul>

## GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The Company may refuse a request for information on, inter alia, the following basis:

- The mandatory protection of the privacy of a 3<sup>rd</sup> party who is a natural person, in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).
- The mandatory protection of the commercial information of a 3<sup>rd</sup> party, if the record contains:
  - Trade secrets of that 3<sup>rd</sup> party;
  - Financial, commercial, scientific or technical information, other than trade secrets, of a 3<sup>rd</sup> party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that 3<sup>rd</sup> party; or
  - Information supplied in confidence by a 3<sup>rd</sup> party, the disclosure of which could reasonably be expected to put that 3<sup>rd</sup> party at a disadvantage in contractual or other negotiations, or to prejudice that 3<sup>rd</sup> party in commercial competition.
- The mandatory protection of confidential information of 3<sup>rd</sup> parties if disclosure would constitute an action for breach of a duty of confidence owed to that 3<sup>rd</sup> party in terms of an agreement.
- The mandatory protection of the safety of individuals and the protection of property.
- The mandatory protection of records which would be privileged from production in legal proceedings.
- The protection of the Company's commercial activities including, without limitation, records that contain:
  - The Company's trade secrets;
  - Financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to the Company's commercial or financial interests;

- Information, the disclosure of which could reasonably be expected to put the Company at a disadvantage in contractual or other negotiations, or to prejudice the Company in commercial competition.
- Computer programs owned by the Company.
- The mandatory protection of research information of the Company or a 3<sup>rd</sup> party, if disclosure would expose the identity of the Company or a 3<sup>rd</sup> party, the researcher or the subject matter of the research to serious disadvantage.
- Requests for information that are, in the Company's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

#### RECORDS THAT CAN BE ACCESSED WITHOUT A FORMAL REQUEST

Certain information can be accessed on our website without a formal request. This information relates to the services that we provide to clients, the pricing of these services, in-house brochures, newsletters and marketing material.

In terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

- The Occupational Health and Safety Act No. 85 of 1993;
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Companies Act, No 71 of 2008;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Constitution of the Republic of South Africa No.3 of 1994; and
- South African Revenue Services Act, 34 of 1997.

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the Information Officer of the Company.

#### PROCEDURE TO FOLLOW WHEN SUBMITTING A FORMAL REQUEST OF ACCESS TO A RECORD

A request for access to a record that does not fall within the categories identified above must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also



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available from our offices. The prescribed request fee should be attached (refer to Section 7 of this manual for more details on the fees).

Our Information Officer will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted.

Please note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed **CLEARLY** and **COMPLETELY** in block letters. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.



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## PREScribed FEES IN RESPECT OF REQUESTS FOR INFORMATION

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

  
**KEVIN CORMACK GALLAGHER for  
KWENA MINING AND METALLURGICAL  
SERVICES (PTY) LTD**

Date of issue: 4 December 2015

## 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:

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### 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 which the information is to 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: \_\_\_\_\_

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

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

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

Telephone number: \_\_\_\_\_ E-mail 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 <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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: \_\_\_\_\_



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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* to 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: \_\_\_\_\_

## 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.	
NOTES: (a) Compliance with your request 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 for the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, 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*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the 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 or transcription to be posted to you? Postage is payable.			<input type="checkbox"/> YES <input type="checkbox"/> NO



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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: \_\_\_\_\_
2. 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 at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE**



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