

# **ASSORE SOUTH AFRICA PROPRIETARY LIMITED**

(Registration No. 1950/037394/07)

## **INFORMATION MANUAL**

**Compiled in terms of section 51 of the Promotion of Access to Information Act No.2 of 2000**

**AUGUST 2015**

**A copy of this manual is available for inspection at the Human Rights Commission  
and the registered office of the company.**

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## **INTRODUCTION**

This manual has been prepared in accordance with the requirements of the Promotion of Access to Information Act No. 2 of 2000 (hereinafter referred to as “the Act”). The purpose of this legislation is to address Section 32(2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body, which, in terms of the Act, includes any existing or former juristic person.

In terms of the Act, a person must be given access to any record of a private body if:

1. That record is required for the exercise or protection of any right;
2. That person complies with the procedures stipulated by the Act;
3. Access is not refused in terms of any grounds for refusal as contemplated in the Act.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by a private body. This document serves as the Information Manual of Assore South Africa Proprietary Limited as envisaged in Part 3, Chapter 2 of the Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

## **GROUPOVERVIEW**

Assore South Africa Proprietary Limited is a mining holding company engaged principally in ventures involving base minerals and metals. The group, through its joint venture company, Assmang Proprietary Limited and subsidiary companies, is involved in the mining of iron, manganese, iron and chrome ores together with other industrial minerals and the manufacture of manganese alloys. Assore is also responsible for marketing all products produced, the bulk of which is exported and the remainder either used in the group’s beneficiation processes or sold locally. The company is incorporated in South Africa.

## **SCOPE OF THE MANUAL**

The scope of the manual is to provide a reference of the records held by Assore South Africa proprietary Limited and its subsidiary companies but excluding Assmang Proprietary Limited which has compiled its own manual in this regard (the Group).

## ADMINISTRATION OF THE ACT

### Section 51 (1)(a)

The Board of Directors of the Company has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact Person: Janine Govender

Postal Address: Private Bag X03, Northlands, 2116

Physical Address: 15 Fricker Road, Illovo Boulevard, Johannesburg, 2196

Telephone No: +27 (11) 770-6897

Fax No: +27 (11) 268-6040

E-Mail: **JanineGovender@assore.com**

## **GUIDE FOR REQUESTERS ON HOW TO USE THE ACT**

### **Section 51(1)(b)**

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This Guide will be available from the South African Human Rights Commission and any queries in this regard should be directed to:

The South African Human Rights Commission:  
PAIA Unit  
The Research and Documentation Department

Postal Address: Private Bag 2700, Houghton, 2041

Phone: +27 (11) 484-8300

Fax: +27 (11) 484-0582

E-Mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

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

## **AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**

### **Section 51(1)(c)**

Certain records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies, are automatically available to the public.

## **RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**

### **Section 51(1)(d)**

Records are kept in accordance with such other legislation as is applicable to the Group, including, but not limited to, the following legislation:

- ❖ Mine Health and Safety Act No. 29 of 1996;
- ❖ Occupational Health and Safety Act No. 85 of 1993;
- ❖ Hazardous Substances Act No. 15 of 1973;
- ❖ Stock Exchanges Control Act No. 1 of 1985;
- ❖ 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;
- ❖ Medical Schemes Act No. 131 of 1998;
- ❖ Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- ❖ Atmospheric Pollution Prevention Act No. 45 of 1965;
- ❖ Land Survey Act No. 8 of 1997;
- ❖ Minerals Act No. 50 of 1991;
- ❖ Unemployment Insurance Act No. 63 of 2001;

- ❖ Skills Development Levies Act No. 9 of 1999;
- ❖ Regional Services Council Act No. 109 of 1985; and
- ❖ Customs and Excise Act No. 91 of 1964.

## **RECORD SUBJECTS AND CATEGORIES**

Section 51(1)(e)

### **Head Office**

Head Office records comprise the following main categories:

- ❖ Statutory Records
- ❖ Administration Records
- ❖ Technical Publications

### **Group Tax – South Africa**

Head Office provides advice to Group companies on all aspects of taxation. Group tax records are retained in the following main categories:

*Income Tax Act No. 58 of 1962*

- ❖ Income tax returns
- ❖ Correspondence with South African Revenue Services (SARS)
- ❖ Income tax opinions by tax advisors

*Value-Added Tax Act No. 89 of 1991*

- ❖ Value-Added Tax (VAT) invoices and credit notes
- ❖ VAT returns
- ❖ VAT opinions by tax advisors
- ❖ Correspondence with South African Revenue Services (SARS)
- ❖ Administrative records

### **INTERNAL AUDIT**

Internal audit's purpose is to provide the corporate offices and operations with independent assurance with regard to the accuracy and completeness of the Group's financial records. Internal audit's records comprise the following main categories:

- ❖ General correspondence
- ❖ Group audit practice records
- ❖ General administration records
- ❖ Audit reports, plans and supporting working papers

### **CORPORATE ACCOUNTING AND INVESTMENTS**

The Corporate Accounting department maintains financial and management records for the Group. Its records comprise the following main categories:

- ❖ Accounting records
  - Records showing assets and liabilities of the company
  - Register of fixed assets
  - Record of cash transactions (cash books, bank statements, cheques, bank deposit slips, etc.)
  - General ledgers, trial balances
  - Cash management
  - Accounts receivable
  - Account payable
  - Procurement and purchasing records
  - Consolidation workings and records
  - Financial statements – group and subsidiary level
  - Interim and provisional reports
  - Details of investments and acquisitions
  - Due diligence files
  - Opinions on disclosure of financial information
  - Directors' reports (as included in annual financial statements)
  - Group accounting policies
  - US Dollar reporting
  - Individual composition of final balances as per statutory financial statements
  - Correspondence with auditors
  - Audit management letters
  - Audit reports
- ❖ Investment records
- ❖ General correspondence
- ❖ Management reports
- ❖ Transactional records
- ❖ Foreign exchange records
- ❖ Building and property records

## **COMPANY SECRETARY**

The Company Secretary provides company secretarial services to the Group. The company secretary's records comprise the following main categories:

*In terms of the Companies Act No. 71 of 2008*

- ❖ Contracts and agreements
- ❖ Property records
- ❖ General correspondence
- ❖ Patent/trademark records
- ❖ Company and share registration records
- ❖ Statutory records, inclusive of the following:
  - Certificate of Incorporation
  - Memorandum and Articles of Association
  - Documentation lodged with the Registrar of Companies
  - Notices to members
  - Minutes of meetings of members
  - Resolutions of members, including special resolutions



- Directors' consent forms to act as directors
- Register of directors and officers
- Statutory registers in respect of the subsidiary companies.
- Register of directors' interests in contracts
- Minutes of directors' meetings
- Directors' resolutions
- Papers for directors' meetings
- Attendance register of directors' meetings
- Minutes of board committee meetings
- Attendance register of board committee meetings
- Audit appointment letters
- Minute books, attendance registers and agreements relating to trust and joint ventures.
- ❖ Press releases/statements
- ❖ Media cuttings/other interaction
- ❖ Pension/provident fund records
  - Investment returns
  - Investment policy
  - Rules
  - Annual Accounts
  - Minutes of Trustee meetings
- ❖ Mining rights
  - Mining authorisations
  - Prospecting permits
  - Associated permits/contracts
- ❖ RSC Levies documentation
- ❖ Annual financial statements
- ❖ South African Revenue Services
  - VAT registration certificates
  - Income tax records
- ❖ The JSE Securities Exchange of South Africa  
(*In terms of the Stock Exchanges Control Act No. 1 of 1985*)
  - JSE correspondence
  - Circulars
  - Notices
  - Annual reports and other financial reports
  - Analysis of main shareholders
  - Quoted company records
  - Corporate Sponsor
- ❖ Payroll
  - Executive Emoluments
  - IRP5 certificates
- ❖ Insurance records including the following
  - Placing slips
  - Term sheets
  - Correspondence on policies
  - Policy documents, endorsements and debit notes
  - Summaries of insurances
  - General correspondence on risk financing issues
  - Annual broking reports
  - Details on sums insured/turnover/employee numbers
- ❖ General correspondence
- ❖ General administration records

The Human Resources department's primary objective is to develop and implement a competitive human resource strategy for, and manage the human resources of the Group. Human Resource records comprise the following main categories:

- ❖ *Basic Conditions of Employment Act No. 75 of 1997*
  - Employee records
  - Letters of appointment
  - Payroll records
  - Leave records
  - Correspondence with employees
  - Standard Terms and Conditions of Employment
  
- ❖ *Employment Equity Act No. 55 of 1998*
  - Employment equity policy/reports
  - Employment equity plan
  - Employee records
  - Salary scales
  
- ❖ *Labour Relations Act No. 66 of 1995*
  - Employee records
  - Labour relations records and correspondence
  
- ❖ *Occupational Health and Safety Act No. 85 of 1993*
  - Workmen's compensation records
  - General correspondence
  
- ❖ General correspondence
- ❖ General HR policies and procedures
- ❖ Training records and workplace skills plan
- ❖ Skills development administration
- ❖ Medical aid records
- ❖ Statutory records
- ❖ Contracts
- ❖ PAYE records
- ❖ Payroll records

## **TECHNICAL DIVISION**

The technical division provides technical and techno-business consulting and support services to the Group's operating divisions. Its records comprise the following main categories:

- ❖ Technical services
  - Management agreements
  - Policy on capital expenditure and control
  - Engineering standards
  - Engineering specifications
  - Project management procedures
  - Project meeting minutes
  - Statutory appointments
  - Vendor lists

- Standard forms of contract
- ❖ Physical risk management including the following:
  - Risk grading and survey reports
  - Performance reviews
  - Specialist risk reports
  - International mining insurance underwriters reports on all operations
- ❖ Safety, Health and Environment
  - Safety, Health and Environment (SHE) assessment records
  - SHE external audit reports
  - Group SHE records, including monthly and quarterly SHE reports
  - Annual sustainable development report
  - Approved environmental management progress report and any addenda/revisions for each of the operations.
- ❖ Mine and Land Survey Information
  - Peg Index registers
  - Field books
  - Hand drawn information and/ or digital CAD information
  - Digital terrain models generated from either photogrammetric or airborne laser survey methods

## **ACCESS REQUEST PROCEDURE**

### Section 51(1)(e)

The purpose of this section is to provide requesters with appropriate guidelines and procedures to facilitate a request for access to records held by the Group.

#### **Note:**

- 1 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 requester access to the requested record.
- 2 If it is reasonably suspected that the requester has obtained access to the Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

### **COMPLETION OF ACCESS REQUEST FORM**

In order for the Group to respond to requests in a timely manner, an Access Request Form should be completed (refer Appendix 1), in accordance with the following requirements:

- ❖ Type or print in BLOCK LETTERS an answer to every question
- ❖ Answers must be completed in the English language
- ❖ If a question does not apply, state "N/A" in response to that question
- ❖ If there is nothing to disclose in reply to a particular question, state "nil" in response to that question
- ❖ If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio
- ❖ When the use of an additional folio is required, precede each answer thereon with the title applicable to that question

### **SUBMISSION OF ACCESS REQUEST FORM**

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person.

An initial, **non-refundable R50.00 request fee (excluding VAT)** is payable on submission of the Access Request Form. This fee is **not applicable** to any persons seeking access to records that contain their own personal information.

### **PAYMENT OF FEES**

Payment details can be obtained from the contact person and payment can be made either via a direct deposit. (no credit card payments are accepted). Proof of payment must be supplied.

**Note:**

If the request for access is successful, an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (refer Appendix 2 attached). The access fee must be paid prior to access being given to the requested record.

## NOTIFICATION

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request form. Notifications may include:

Notification of Extension Period (if required)

- ❖ The required extension period, which will not exceed an additional 30-day period;
- ❖ Adequate reasons for the extension; and
- ❖ Notice that the requester may lodge an application with a court against the extension including the procedure and period within which such application must be lodged.

**Note:**

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required, the requester will be notified, within 30 days, of the decision on their request.

If the request for access to a record is **successful**, the requester will be notified of the following:

- ❖ The amount of the access fee payable upon gaining access to the record (if any);
- ❖ An indication of the form in which the access will be granted;
- ❖ Notice that the requester may lodge an application with a court against the payment of the access fee, including the procedure and the period within which such application must be lodged.

If the request for access to a record is **not successful**, the requester will be notified of the following:

- ❖ Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- ❖ Notice that the requester may lodge an application with a court against the refusal of the request, including the procedure and period within which such application must be lodged.

## THIRD PARTY INFORMATION

If access is requested to a record that contains information about a third party, the Group is obliged to attempt to contact this third party to inform them of the request. This provides the third party with an opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third-party furnishing reasons for the support or denial of access, the contact person will consider these reasons in determining whether access should be granted or not.

## GROUNDSPOR REFUSAL

The Group may legitimately refuse to grant access to a requested record that falls within a certain category .

Grounds on which the Group may refuse access include, but are not limited to:

- ❖ Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) that would harm the commercial or financial interests of the Group;
- ❖ The record is regarded as privileged with regard to legal proceedings, unless the legal privilege has been waived;
- ❖ Protection of personal information that the Group holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- ❖ Protection of commercial information that the Group holds about a third party in relation to the Group (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- ❖ If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement.
- ❖ If disclosure of the record would endanger the life or physical safety of an individual;
- ❖ If disclosure of the record would prejudice or impair the security of property or means of transport;
- ❖ If disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- ❖ If disclosure of the record would prejudice or impair the protection of the safety of the public;
- ❖ Disclosure of the record would put the Group at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- ❖ The record is a computer programme; and
- ❖ The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

### **RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST**

If the Group has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

**ACCESS REQUEST FORM**

**Appendix 1**

Page 1 of 5	For Office Use Only	Reference No:  Received By:
(Section 53(1)(e) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2001)) (Regulation 10)		
<p><b>1. PARTICULARS OF BODY</b></p> <p>Requests can be submitted either via conventional mail or fax and should be addressed to the relevant contact person as indicated below:</p> <p><b>Contact Person:</b> J T Govender</p> <p><b>Postal Address:</b> Private Bag X03, Northlands, 2116</p> <p><b>Physical Address:</b> Assore House, 15 Fricker Road, Illovo Boulevard, Johannesburg 2196.</p> <p><b>Telephone No:</b> (011) 770-6897</p> <p><b>Fax Number:</b> (011) 268-6040</p>		
<p><b>2a. PARTICULARS OF REQUESTER (If Natural Person)</b></p> <p>(a) Particulars of the person who requests access to the record must be recorded below.</p> <p>(b) Furnish an address and/or fax number in the Republic to which information must be sent.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> <p><b>Full names and surname:</b></p> <p>_____</p> <p><b>Identity No:</b></p> <p>_____</p> <p><b>Postal address &amp; code:</b></p> <p>_____</p> <p>_____</p> <p><b>Phone No:</b></p> <p>_____</p> <p><b>Fax No:</b></p> <p>_____</p> <p><b>E-mail address:</b> _____</p>		

Capacity in which request is made, when made on behalf of another person: \_\_\_\_\_

**2b PARTICULARS OF REQUESTER (if a legal entity)**

- (a) Particulars of the entity that requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

**Name of entity:** \_\_\_\_\_

**Registration No:** \_\_\_\_\_

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

**Postal code:** \_\_\_\_\_

**Phone No:** \_\_\_\_\_

**Fax No:** \_\_\_\_\_

**3 PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE**

This section must ONLY be completed if a request for information is made on behalf of another person.

**Full names and surname:** \_\_\_\_\_

**Identity No:** \_\_\_\_\_

**4. PARTICULARS OF RECORD**

- (a) Provide full particulars of the record to which access is requested, including the reference number if it 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.**

**Description of record or relevant part of the record:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Reference number, if available:** \_\_\_\_\_

**Any further particulars of record:** \_\_\_\_\_

\_\_\_\_\_



**5. FEES**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R50.00** (exclusive of VAT) has been paid.
- (b) 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 the record.
- (c) You will be notified of the amount required to be paid as the **access fee**.
- (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:** \_\_\_\_\_

**6a. FORM OF ACCESS TO RECORD**

**Form in which record is required**

Mark the appropriate box with an **X**

**NOTE:**

- (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 under certain circumstances. In such a case, you will be informed whether 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:**

- Copy of record
- Inspection of record

**2. If record consists of visual images:**

(this includes photographs, slides, video recordings, computer-generated images sketches, etc.)

- view the images
- copy of the images
- transcription of the images

**3. If the record consists of recorded information that can be reproduced in sound:**

- listen to the soundtrack  
(audio cassette)
- transcription of soundtrack  
(written or printed document)

**4. If the record is held on computer or in an electronic or machine-readable form:**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

- printed copy of record\*
- printed copy of information  
derived from the record
- copy in computer  
readable form\* (stiffy or  
compact disk)

\*If you requested a copy or transcription of a record(above), do you wish the copy or transaction to be posted to you? **Postage is payable.**

Yes  No

**In the event of disability**

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate the form in which the record is required.

**Disability:** \_\_\_\_\_ **Form in which record is required** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

If the space provided is inadequate, please continue on a separate folio and attach it to this form.

*The requester must sign all additional folios.*

1. **Indicate the right to be exercised or protected:** \_\_\_\_\_  
\_\_\_\_\_

**Explain why the record requested is required for the exercise or protection of the aforementioned right:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9.

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

YOU MUST: SEND WITH THIS APPLICATION:

- |                                      |  |
|--------------------------------------|--|
| 1. Complete all necessary spaces.    | 1. R50.00 (if not personal requester)<br>Request fee (excluding VAT) |
| 2. Sign the access request form.     |  |
| 3. Sign additional folios completed. | 2. Any additional folios completed.                                  |

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (Regulation 11 (3))	
<b>1. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE ADDED TAX (VAT)</b>	
(a) For every photocopy of an A4-size page or part thereof	R1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form.	R0.75
(c) For a copy in a computer-readable form on Compact disc	R70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof. (ii) For a copy of visual images	R40.00 R60.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof. (ii) For a copy of an audio record.	R20.00 R30.00
(f) To search for and prepare the record for disclosure – R30.00 for each hour or part thereof reasonably required for such search and preparation.	
<b>2. PLEASE NOTE THAT ALL PRICES FOR THE ITEMS LISTED ABOVE ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)</b>	
One third of the access fee is payable as a deposit by the requester, one working day after the request has been made.	
(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ) (Regulation 11 (3))	
<b>3. PLEASE NOTE THAT THE PRICE FOR THE ITEMS LISTED ABOVE IS EXCLUSIVE OF VALUE-ADDED TAX (VAT)</b>	
The actual postage fee is payable when a copy of a record must be posted to a requester.	

**ADDITIONAL PRESCRIBED INFORMATION**

The Minister of Justice has prescribed no additional information.

End Document