



RECLAMATION HOLDINGS (PTY) LTD

Reg. No. 2005/043852/07

MANUAL (AS REQUIRED BY SECTION 51 OF ACT NO 2 OF 2000, PROMOTION OF ACCESS TO INFORMATION ("the Act"))

RECORDAL

- This manual is applicable to Reclamation Holdings (Pty) Ltd and all of its divisions and subsidiaries in which it has a controlling interest.
- Documents and/or records referred to below may be held at the head office of Reclamation Holdings (Pty) Ltd and/or at divisional level and/or at the registered office/s of its subsidiaries. The request liaison officer at the head office of Reclamation Holdings (Pty) Ltd has been authorized to deal with any/all requests made in terms of the Act.

1 INTERPRETATION

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention -

1.1 an expression which denotes -

1.1.1 any gender includes the other genders;

1.1.2 a natural person includes an artificial or juristic person and vice versa;

1.1.3 the singular includes the plural and vice versa;

1.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -

- 1.2.1 "this document" - this document together with all of its annexures, as amended from time to time;
- 1.2.2 "business day" - any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;
- 1.2.3 "the company" – Reclamation Holdings (Pty) Ltd, registration number 2005/043852/07 and registered office at 263 Oxford Road, Illovo, Johannesburg.
- 1.2.4 "the Act" - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
- 1.2.5 "request liaison officer" - the person duly authorised by the head of the private body and appointed by the company to facilitate or assist the head of the private body with any request in terms of the Act.
- 1.3 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.4 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
- 1.5 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 1.6 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;

- 1.7 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.8 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.9 insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 1.10 this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the company.

2 **AIM**

To facilitate the requests for access to records of the company as provided for in the Act.

3 **DETAILS**

COMPANY'S POSTAL ADDRESS

Postnet Suite 114
Private Bag X1
Melrose Arch
2076.

COMPANY'S PHYSICAL ADDRESS

Reclam Building
263 Oxford Road
Illovo
Johannesburg, 2196.

COMPANY'S TELEFAX AND TELEPHONE NUMBERS

TEL : (27 11) 8806410

FAX: (27 11) 8806222

4 **CONTACT DETAILS OF THE HEAD OF THE PRIVATE BODY AND REQUEST LIAISON OFFICER**

4.1 The head of the private body is Mr Jeremy Joffe, CEO.

4.2 Contact details of the head of the private body:

JEREMY JOFFE
TEL : (27 11) 880 6410
FAX: (27 11) 880 6222
E-MAIL : jjoffe@reclam.co.za

4.3 The request liaison officer is Mr Graham Wolf, Legal Advisor.

4.4 Contact details of the request liaison officer:

HOWARD FRANK
TEL : (27 11) 880 6410
FAX: (27 11) 880 6222
E-MAIL: hfrank@reclam.co.za

5 **HUMAN RIGHTS COMMISSION ("HRC") GUIDE**

A guide to the Act is available from the South African Human Rights Commission ("SAHRC") website: www.sahrc.org.za. It describes, in each of the official languages:

- What the objects of this Act are;
- The details of each private body (where possible);
- The process that needs to be followed in order to make a request;
- How to get copies of the Guide at no charge;
- How to get access to the manual of a private body; and
- All the remedies available in law to you.

Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700

Houghton

2041

Tel: +27 11 484-8300

Fax: +27 11 484-7146

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

6 **RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES**

6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 9-

6.1.1 personnel records are available to the employee whose file it is;

6.1.2 records of disciplinary hearings and related matters are available to the employee concerned;

6.1.3 the company's policies and procedures manual;

6.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 9 -

6.2.1 the company's employment equity plan;

6.2.2 the company's skills development plan.

6.3 The cost to reproduce any of the abovementioned records, unless otherwise agreed, is -

6.3.1 for every A4-size photocopy - R1,10;

6.3.2 for every printed A4-size page - R0,75;

6.3.3 for a copy on a compact disc - R70,00;

6.3.4 for a transcript of an audio record,
for an A4-size page or part thereof - R20,00; and

6.3.5 for a copy of an audio record - R30,00.

7 **RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT**

The following records are not automatically available without a request in terms of the Act.

7.1 all statutory returns -

7.1.1 VAT;

7.1.2 workmen's compensation;

7.1.3 UIF;

7.1.4 regional services levies;

7.1.5 skills development levies

7.2 Other records indicating compliance with applicable statutory provisions

8 **OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(c)**

These records are not automatically available without a request in terms of the Act. A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a private body must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

8.1 Human resources department -

8.1.1 personnel information including personal information, employment history and health records that the company may hold from time to time;

8.1.2 training and development information;

8.1.3 general files containing information on employee benefits and employee recruitment and selection information.

8.2 Customers - Purchasers and suppliers -

- 8.2.1 contractual arrangements between the company and its customers;
- 8.2.2 list/s of customers;
- 8.3 Companies department -
 - 8.3.1 company secretarial records.
- 8.4 Accounts department -
 - 8.4.1 financial records;
 - 8.4.2 a list of the company's creditors and debtors;
 - 8.4.3 salary information;
 - 8.4.4 bank account information;
 - 8.4.5 fixed assets register/s.
- 8.5 Marketing -
 - 8.5.1 company brochures and publications
- 8.6 Pension Fund
 - 8.6.1 Rules and regulations relating to the pension fund ;
- 8.7 Documents concerning compliance by the company, insofar as it may be necessary, with legal obligations in terms of the Companies Act, the Occupational Health and Safety Act No. 85 of 1993 and any other applicable environmental legislation.
- 9 **PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE**
 - 9.1 A request must be made on the prescribed form
 - 9.2 The prescribed form should be submitted to the request liaison officer.

- 9.3 The same procedure as set out in 9.1 and 9.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 9.4 The following fees should accompany the prescribed form -
- 9.4.1 R50,00;
- 9.4.2 if the head of the private body or the request liaison officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third at an amount of R30 for each hour or part thereof, exceeding the six hours.
- 9.5 The head of the private body, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.
- 9.6 The requester will be notified of the decision of the head of the private body or the request liaison officer in the manner indicated by the requester.
- 9.7 If the request is granted, the requester shall be informed by the head of the private body or the request liaison officer in the manner indicated by the requester in the prescribed form.
- 9.8 Notwithstanding the foregoing, the company will advise the requester in the manner stipulated in the prescribed form of -
- 9.8.1 the access fee to be paid for the information (in accordance with paragraph 6.3);
- 9.8.2 the format in which access will be given;
- 9.8.3 the fact that the requester may lodge an appeal with the High Court against the access fee charged or the format in which access is to be granted.
- 9.9 After access is granted, actual access to the record requested will be given as soon as reasonably possible.

- 9.10 If the request for access is refused, the head of the private body or the request liaison officer shall advise the requester in writing in a notice of refusal. The notice of refusal shall state -
- 9.10.1 adequate reasons for the refusal;
- 9.10.2 that the requester may lodge an appeal with the High Court against the refusal of the request (including the period) for lodging such an appeal.
- 9.11 Upon the refusal by the head of the private body or the request liaison officer, the deposit paid by the requester will be refunded.
- 9.12 If the head of the private body or the request liaison officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the head of the private body or the request liaison officer has refused the request.
- 9.13 The head of the private body may decide to extend the period of thirty days ("original period") for another period of not more than thirty days if -
- 9.13.1 the request is for a large number of records;
- 9.13.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company;
- 9.13.3 consultation among divisions or departments, as the case may be, of the company is required;
- 9.13.4 the requester consents to such an extension in writing;
- 9.13.5 the parties agree in any other manner to such an extension.
- 9.14 Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

- 9.15 The requester may lodge an appeal with the High Court against any extension or against any procedure set out in this section.

10 FEES PAYABLE

- 10.1 The fees payable for reproduction of a record as referred to in section 52(3) are as follows-

- 10.1.1 for every photocopy of an A4 size page or part thereof -R1,10;
- 10.1.2 for every printed copy of an A4-size page or part thereof -R0.75;
- 10.1.4 for a copy of a compact disc -R70,00;
- 10.1.5 for a transcript of visual images for an A4 size or page thereof -R40,00;
- 10.1.6 for a copy of visual images -R60,00;
- 10.1.7 for a transcript of an audio record, for an A4-size page or part thereof-R20,00;
- 10.1.8 for a copy of an audio record - R30,00

- 10.2 The request fee payable by a requester, other than a personal requester is R50.00

- 10.3 If the head of the company or if the request liaison officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours."

11 INFORMATION OR RECORDS NOT FOUND

- 11.1 If a requested record cannot be found or if the records do not exist, the head of the private body or the request liaison officer (or their nominee) must, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

- 11.2 The affidavit or affirmation must provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the private body or the request liaison officer with every person who conducted the search.

- 11.3 This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

11.4 If the record should later be found, the requester must be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the private body or the request liaison officer.

11.5 The attention of the requester is drawn to the provisions of Chapter 4 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

12 **INFORMATION REQUESTED ABOUT A THIRD PARTY**

12.1 Section 71 of the Act makes provision for a request for information or records about a third party.

12.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.

12.3 The attention of the requester is drawn to the provisions of Chapter 5, Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the private body or the request liaison officer by referring the matter to the High Court.

13 **UPDATING OF MANUAL**

The company will update this manual every six months or at such intervals as may be necessary.