AFRICOAL SA (PTY) LTD

(Registration number 2012/095819/07)

PROMOTION OF ACCESS TO INFORMATION MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

Private body	Africoal SA (Pty) Ltd
Registration number	2012/095819/07

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1. LIST OF ACRONYMS AND ABBREVIATIONS

Acronym	Meaning
CEO	Chief Executive Officer
Company	Africoal SA (Pty) Ltd
DIO	Deputy Information Officer
DMPR	Department of Mineral and Petroleum Resources
IO	Information Officer
Minister	Minister of Justice and Constitutional Development
PAIA	Promotion of Access to Information Act 2 of 2000, as amended
POPIA	Protection of Personal Information Act 4 of 2013
Regulations	Regulations relating to the Promotion of Access to Information, 2021 (GN R757 of 27 August 2021), as amended
Regulator	Information Regulator (South Africa)
Republic	Republic of South Africa

2. PURPOSE OF THIS MANUAL

2.1 This manual is useful for the public to:

2.1.1 check the categories of records held by the Company which are available without a person having to submit a formal PAIA request;

2.1.2 understand how to make a request for access to a record of the Company, by providing a description of the subjects on which the Company holds records and the categories of records held on each subject;

2.1.3 know the description of the records of the Company which are available in accordance with any other legislation;

2.1.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

2.1.5 know the description of the Guide on how to use PAIA, as updated by the Regulator, and how to obtain access to it;

2.1.6 know whether the Company will process personal information, the purpose of processing, and a description of the categories of data subjects and of the information or categories of information relating to them;

2.1.7 know the recipients or categories of recipients to whom the personal information may be supplied;

2.1.8 know whether the Company has planned to transfer or process personal information outside the Republic and the recipients or categories of recipients to whom it may be supplied; and

2.1.9 know whether the Company has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

2.2 Nothing in this manual is an admission that any record exists, that any requester is entitled to access to any record, or a waiver of any ground of refusal under PAIA or any other law.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

3.1 Requests for access to records of the Company must be addressed to the Information Officer. The Information Officer is authorised in writing by the Chief Executive Officer, as head of the Company, to act as Information Officer for the purposes of PAIA and POPIA.

3.2 **Information Officer**

Name	Dwayne Ford
Designation	Information Officer
Telephone	010 612 6026
Email	dwayne.ford@africoalsa.com

3.3 **Deputy Information Officer**

3.3.1 No Deputy Information Officer has been designated at the date of this manual. Any future designation under section 17 of PAIA (read with section 56 of POPIA) will be reflected in an updated manual.

3.4 **Access to information general contact**

3.4.1 Email: dwayne.ford@africoalsa.com

3.5 **Head office**

Physical address	22 Hurlingham Road, Illovo, Johannesburg, 2196
Postal address	22 Hurlingham Road, Illovo, Johannesburg, 2196
Telephone	010 612 6026
General email	info@africoalsa.com
Website	www.africoalsa.com

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("the Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2 The Guide is available in each of the official languages and in braille.

4.3 The Guide contains the description of:

4.3.1 the objects of PAIA and POPIA;

4.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of the Information Officer of every public body and every designated Deputy Information Officer of every public body;

4.3.3 the manner and form of a request for access to a record of a public body contemplated in section 11, and access to a record of a private body contemplated in section 50;

4.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

4.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;

4.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging an internal appeal, a complaint to the Regulator, and an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal, a decision by the Regulator or a decision of the head of a private body;

4.3.7 the provisions of sections 14 and 51 requiring a public body and a private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and a private body, respectively;

4.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

4.3.10 the regulations made in terms of section 92.

4.4 Members of the public may inspect or make copies of the Guide from the offices of public and private bodies, including the office of the Regulator, during normal working hours.

4.5 The Guide can also be obtained upon request to the Information Officer, or from the website of the Regulator at https://inforegulator.org.za.

4.6 A copy of the Guide is available in English and isiZulu for public inspection during normal office hours at the Company's head office.

4.7 The Regulator's contact details are:

Physical address	Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191
Telephone	010 023 5200
Toll-free	0800 017 160
Email	enquiries@inforegulator.org.za
Website	https://inforegulator.org.za

5. CATEGORIES OF RECORDS AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1 The following categories of records are available without a formal request under PAIA. No fee is payable for inspecting them on the website. Copies may be requested from the Information Officer, subject to the reproduction fees in the Regulations.

Category of records	Types of records	Available on website	Available on request
Corporate information	Company profile, contact details, information published on the website	Yes	Yes
Public communications	Media statements and announcements published by the Company	Yes	Yes
PAIA and privacy	This manual; the Company's privacy notice (if published)	Yes	Yes

6. DESCRIPTION OF RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

6.1 The Company keeps records in accordance with the following legislation, as amended and to the extent applicable to it. Records kept under these Acts are not necessarily available to the public. Access is subject to PAIA and to the provisions of the relevant Act.

Legislation	Category of records
Basic Conditions of Employment Act 75 of 1997	Employment contracts, time and remuneration records
Broad-Based Black Economic Empowerment Act 53 of 2003	B-BBEE verification and compliance records
Companies Act 71 of 2008	Memorandum of incorporation, securities register, register of directors, minutes and resolutions, annual financial statements
Compensation for Occupational Injuries and Diseases Act 130 of 1993	Registration, returns and incident records
Customs and Excise Act 91 of 1964	Diesel usage and refund records
Electronic Communications and Transactions Act 25 of 2002	Electronic records and communications
Employment Equity Act 55 of 1998	Employment equity plans and reports
Explosives Act 15 of 2003	Explosives handling, storage and usage records
Income Tax Act 58 of 1962	Tax returns, PAYE records and supporting documents

Legislation	Category of records
Labour Relations Act 66 of 1995	Disciplinary and dispute records, collective agreements
Mine Health and Safety Act 29 of 1996	Legal appointments, codes of practice, risk assessments, medical surveillance records, incident and accident records, training records
Mineral and Petroleum Resources Development Act 28 of 2002	Records relating to mining work performed on mining rights, social and labour plan contributions
National Environmental Management Act 107 of 1998	Environmental management records, environmental incident records
National Environmental Management: Waste Act 59 of 2008	Waste management records
National Road Traffic Act 93 of 1996	Vehicle and equipment registration and roadworthiness records
National Water Act 36 of 1998	Water use records
Occupational Health and Safety Act 85 of 1993	Health and safety records, incident registers
Promotion of Access to Information Act 2 of 2000	This manual, requests and decisions
Protection of Personal Information Act 4 of 2013	Records of processing and Information Officer registration
Skills Development Act 97 of 1998 and Skills Development Levies Act 9 of 1999	Workplace skills plans, training records, levy returns
Tax Administration Act 28 of 2011	Records supporting tax returns and assessments
Unemployment Insurance Act 63 of 2001 and Unemployment Insurance Contributions Act 4 of 2002	UIF registration, declarations and contributions
Value-Added Tax Act 89 of 1991	VAT invoices, returns and supporting records

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

7.1 The Company conducts coal mining and contract mining operations. It holds records on the subjects below. Listing a category does not mean that every record in it exists, or

that a requester will be given access to it. Each request is considered under PAIA, including the grounds of refusal in Chapter 4 of Part 3.

Subject	Categories of records
Company secretarial and governance	Memorandum of incorporation, securities register, registers of directors, board and shareholder minutes and resolutions, CIPC filings, delegations of authority
Finance and tax	Annual financial statements, management accounts, budgets, general ledger, banking records, asset registers, insurance policies, tax, VAT and diesel refund records
Human resources	Employment contracts, personnel files, remuneration and payroll records, leave records, performance and disciplinary records, training and competency records, employment equity and skills development records, medical aid and retirement fund records
Legal and compliance	Contracts and agreements, litigation and dispute records, legal opinions and correspondence, regulatory correspondence, compliance registers, PAIA and POPIA records
Mining operations	Mining and contract mining agreements, mine plans, survey and production records, measurement and reconciliation records, operational reports, variation orders and site instructions
Mine health and safety	Legal appointments, codes of practice, risk assessments, medical surveillance records, incident and accident investigations, inspection reports, safety training records
Environment and water	Environmental management records, monitoring results, water use and waste records, rehabilitation records, environmental incident records
Plant, equipment and assets	Equipment registers, rental and finance agreements, maintenance records, licensing and roadworthiness records
Procurement and suppliers	Supplier and service provider databases, quotations, purchase orders, supplier and subcontractor agreements, B-BBEE certificates of suppliers
Property and land access	Lease, access and surface-use agreements, landowner correspondence
Information technology	IT policies, system records, licences and service agreements, access and security records
Communications	Correspondence, media statements, website content

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of processing personal information

8.1.1 The Company processes personal information lawfully, for specific and legitimate purposes connected with its business, including to:

(a) recruit, employ and manage employees, and administer remuneration, benefits and statutory deductions;

(b) conclude and perform mining, contract mining, supply and service agreements;

(c) comply with its obligations under mine health and safety, labour, tax, company, environmental, mineral and other applicable law;

(d) manage health, safety and security at its operations, including access control, medical surveillance and incident investigation;

(e) conduct due diligence, verification, B-BBEE and procurement processes;

(f) establish, exercise or defend legal rights, and respond to regulators and courts;

(g) manage its finances, accounting, audit and insurance; and

(h) maintain and secure its information technology systems and communicate with stakeholders.

8.2 **Categories of data subjects and of the personal information relating to them**

Categories of data subjects	Personal information that may be processed
Employees, job applicants and former employees	Names, identity or passport numbers, contact details, addresses, qualifications, competencies, employment history, remuneration, bank details, tax and UIF numbers, next of kin, race and gender (for employment equity), medical fitness and surveillance information (where required by law), disciplinary and performance records
Directors and shareholders	Names, identity numbers, contact details, addresses, shareholding and directorship details
Contractors, subcontractors, suppliers and service providers (and their representatives and personnel on site)	Names, registration and identity numbers, contact details, bank details, VAT numbers, B-BBEE information, competency and medical fitness certificates for site access, contract and payment information
Clients, mining right holders and business counterparties (and their representatives)	Names, registration numbers, contact details, contract, invoicing and payment information
Landowners, lessors and community stakeholders	Names, identity or registration numbers, contact details, property and title deed details, agreements and correspondence
Visitors to premises and sites	Names, identity numbers, contact details, vehicle registration, induction and access records, CCTV footage
Persons making PAIA or POPIA requests or complaints	Names, contact details, request and correspondence details

8.3 **Recipients or categories of recipients to whom personal information may be supplied**

Category of personal information	Recipients or categories of recipients
Employee information (identity, remuneration, tax, benefits)	South African Revenue Service, Department of Employment and Labour, UIF, payroll providers, medical aid and retirement fund administrators, auditors
Health and safety information, including incident and medical surveillance records	Department of Mineral and Petroleum Resources (Mine Health and Safety Inspectorate), occupational health practitioners, Rand Mutual Assurance or the Compensation Fund, insurers, clients where contractually required
Environmental and operational records	Department of Mineral and Petroleum Resources, Department of Water and Sanitation, environmental authorities, clients and mining right holders
Supplier, contractor and client information	Group companies, banks and financiers, equipment lessors, auditors, professional advisers, B-BBEE verification agencies
Information required for legal proceedings or regulatory processes	Courts, tribunals, arbitrators, regulators, attorneys and counsel
Any personal information, where required by law	Any person or body to whom the Company is legally obliged to disclose it

8.4 **Planned transborder flows of personal information**

8.4.1 The Company uses information technology and cloud service providers, some of whose servers may be located outside the Republic. Personal information may therefore be stored or processed outside the Republic. Where this occurs, the Company transfers personal information only in accordance with section 72 of POPIA, including where the recipient is subject to law, binding corporate rules or a binding agreement which provides an adequate level of protection.

8.5 **General description of information security measures**

8.5.1 The Company takes appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control, in accordance with section 19 of POPIA. These include:

(a) access controls, user authentication and role-based access to systems and records;

(b) firewalls, anti-virus and anti-malware protection;

(c) secure, access-controlled premises, sites and physical record storage;

(d) confidentiality obligations in employment contracts and in agreements with operators and service providers;

(e) data backups and business continuity arrangements; and

(f) regular review of security safeguards.

9. REQUEST PROCEDURE, GROUNDS FOR REFUSAL, FEES AND REMEDIES

9.1 Making a request

9.1.1 A request for access to a record of the Company must be made on Form 2 (Request for Access to Record) prescribed by the Regulations, available from the Regulator's website or from the Information Officer.

9.1.2 The completed form must be submitted to the Information Officer at the email or physical address in clause 3, together with proof of payment of the request fee.

9.1.3 The requester must provide sufficient particulars to enable the Information Officer to identify the record and the requester, indicate the form of access required, and state an email address, postal address or fax number in the Republic for the reply.

9.1.4 In terms of section 53(2)(d) of PAIA, the requester must identify the right that the requester is seeking to exercise or protect, and explain why the record is required for the exercise or protection of that right.

9.1.5 A person requesting on behalf of another must submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer.

9.2 Decision on the request

9.2.1 The Information Officer will decide on a request as soon as reasonably possible, and in any event within 30 days after the request is received, and will notify the requester of the decision on Form 3 (Outcome of Request and Fees Payable).

9.2.2 The 30-day period may be extended once, for a further period of not more than 30 days, in the circumstances set out in section 57 of PAIA. The requester will be notified of the extension, with reasons.

9.2.3 Where a request relates to a record containing information about a third party, the Information Officer will take all reasonable steps to inform the third party of the request, as required by section 71 of PAIA, and the third party may make representations.

9.2.4 If the Information Officer does not decide on a request within the prescribed period, the request is regarded as refused.

9.3 Grounds for refusal

9.3.1 Access to a record may or must be refused on the grounds set out in Chapter 4 of Part 3 of PAIA, including:

(a) mandatory protection of the privacy of a third party who is a natural person (section 63);

(b) mandatory protection of commercial information of a third party (section 64);

(c) mandatory protection of certain confidential information of a third party (section 65);

(d) mandatory protection of the safety of individuals and the protection of property (section 66);

(e) mandatory protection of records privileged from production in legal proceedings (section 67);

(f) commercial information of the Company, including trade secrets and financial, commercial, scientific or technical information the disclosure of which would be likely to cause harm to its commercial or financial interests (section 68); and

(g) mandatory protection of research information of a third party or of the Company (section 69).

9.3.2 PAIA does not apply to a record requested for the purpose of criminal or civil proceedings after the commencement of those proceedings, where production of or access to the record for that purpose is provided for in any other law (section 7). Records that cannot be found or do not exist will be dealt with under section 55.

9.4 **Fees**

9.4.1 The fees payable are prescribed in Annexure B of the Regulations, as published by the Regulator from time to time:

Item	Description	Amount
1	Request fee, payable by every requester	R140.00
2	Photocopy or printed copy of an A4-size page	R2.00 per page or part of a page
3	Copy in a computer-readable form on a flash drive (provided by the requester) or compact disc (provided by the requester)	R40.00
4	Copy in a computer-readable form on a compact disc provided by the Company	R60.00
5	Transcription of visual images, or copy of visual images	Service to be outsourced; quotation of the service provider
6	Transcription of an audio record, per A4-size page	R24.00
7	Copy of an audio record on a flash drive or compact disc provided by the requester	R40.00
8	Copy of an audio record on a compact disc provided by the Company	R60.00
9	Search and preparation of the record, for each hour or part of an hour, excluding the first hour	R145.00, to a maximum of R435.00

Item	Description	Amount
10	Deposit, if the search exceeds 6 hours	One third of the amount per request, calculated in terms of items 2 to 8
11	Postage, email or any other electronic transfer	Actual expense, if any

9.4.2 The Information Officer will withhold a record until the requester has paid the applicable fees.

9.5 **Remedies**

9.5.1 The Company does not have an internal appeal procedure. A requester or third party who is dissatisfied with a decision of the Information Officer may, within 180 days of being notified of the decision:

(a) lodge a complaint with the Regulator in terms of section 77A of PAIA, on the form prescribed by the Regulations; or

(b) apply to a court with appropriate jurisdiction for relief in terms of section 78 of PAIA.

10. AVAILABILITY OF THE MANUAL

10.1 A copy of this manual is available:

10.1.1 on the Company's website at www.africoalsa.com ;

10.1.2 at the Company's head office, for public inspection during normal business hours;

10.1.3 to any person upon request and upon payment of a reasonable amount; and

10.1.4 to the Regulator upon request.

10.2 A fee for a copy of the manual, as contemplated in Annexure B of the Regulations, is payable per A4-size photocopy made.

11. UPDATING OF THE MANUAL

11.1 The head of the Company will, if necessary, update and publish this manual on a regular basis, and at least whenever the information in it changes.