



PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

of

Fraser Alexander Holdings Proprietary Limited

Registration Number 2005/028628/07

and its subsidiaries

Prepared in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 as amended
(the "Act")

As amended by the

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)

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1. Introduction

The Promotion of Access to Information Act (the “Act”), together with all relevant legislation, provides for the right of access to information held by public and private bodies when such information is requested for the exercise of protection of any rights.

This manual is to assist any potential requesters with the procedural and other requirements that a request for information must meet as prescribed by the Act, as amended.

Overview of Fraser Alexander

1. Fraser Alexander was founded at the turn of the last century to provide a tailings disposal service to the fledgling gold mining industry on the Witwatersrand. In those days, the removal of tailings in coco pans was the only service offered by the Group’s founders, Fred and Fraser Alexander. Since then, Fraser Alexander’s commitment to innovation and technology advancement has enabled it to raise the practice of mine residue management to a science.

As its tailings business grew, Fraser Alexander added other core businesses to its portfolio of operations. The Fraser Alexander Group of companies now comprises four complementary businesses. Construction, Tailings RSA, Tailings Africa & International and Mineral Processing with centralised support services provided by Group Services.

2. Information Required in Terms of Section 51(1)(a) of the Act

Registered Office

Building 10
Greenstone Hill Office Park
24 Emerald Boulevard
Modderfontein, 1609

Bankers

The Standard Bank of South Africa Limited
Absa Bank Limited
Nedbank Limited
FirstRand Group Limited

Auditors

KPMG Inc.
KPMG Crescent
85 Empire Road
Parktown, 2193

Legal Advisors

Webber Wentzel
90 Rivonia Road
Sandton, 2196

3. Particulars in Terms of the Section 51 Manual

This manual has been compiled in accordance with the Act and applies to all the entities identified in 4 below.

The Chief Executive Officer of Fraser Alexander Holdings has delegated his powers in terms of the Act to the Chief Financial Officer, who will handle all requests in terms of the Act on his behalf, thus making the Chief Financial Officer a Deputy Information Officer for the purposes of the Act.

4. Purpose of the PAIA Manual

This PAIA Manual is intended to ensure that Fraser Alexander complies with the requirements of the PAIA Act as amended by the Protection of Personal Information Act 4 of 2013(POPIA), and to foster a culture of transparency and accountability with Fraser Alexander. This will give effect to the right to information that is required for the exercise of protection of all right and to actively promote a society in which South Africans have effective access to information to enable them to exercise and protect their rights.

5. Entities

Fraser Alexander Holdings (Pty) Ltd	2005/028628/07
Fraser Alexander (Pty) Ltd	2005/028043/07
Fraser Alexander Offshore (Pty) Ltd	2015/098001/07

6. Contact Details

The Chief Executive Officer is the Information Officer.

All queries in terms of PAIA should be made to:

Chief Financial Officer

Fraser Alexander Holdings (Pty) Ltd

P O Box 14700

Witfield, 1467

Building 10

Greenstone Hill Office Park

24 Emerald Boulevard

Modderfontein, 1609

Telephone: +27 11 929 3600

Email: popia@fraseralexander.co.za

Website: <https://www.fraseralexander.com/>

7. Roles & Responsibilities of Information Officer

An Information Officer (IO) must:

- encourage and ensure overall compliance with PAIA and POPIA;
- create and maintain a PAIA manual for Fraser Alexander;
- update the PAIA manual annually or when the relevant legislation changes.
- ensure that the PAIA manual is available at all Fraser Alexander offices, on the website, at the South African Human Rights Commission and the office of the Information Regulator. The PAIA manual may also be published in the Government Gazette.

- evaluate and approve/deny requests for access to information received in terms of the grounds set out in PAIA, within the time constraint or any extended period.
- (Optional) develop a list of information (categories and descriptions) that is automatically available without having to make a formal request. (Voluntary disclosure notice).

8. Roles & Responsibilities of Deputy Information Officer

The Deputy Information Officer (DIO) is the person designated by the Information Officer to assist the requester in their information request.

9. The Act: Section 51(1)(b)

9.1. The Guide Referred to in Section 10 of the Act

In terms of Section 10 of the Act, the South African Human Rights Commission has compiled a guide to help people who wish to exercise any rights granted in the Act. The Guide is available for inspection, *inter alia*, at the offices of the Human Rights Commission and the Information Regulator, as follows:

PAIA Unit

The Research and Documentation Department

Physical address: 29 Princess of Wales Terrace
cnr York and St Andrews Street
Parktown, 2193

Postal address: Private Bag X2700
Houghton, 2041

Telephone: +27 11 877 3600

Fax: +27 11 403 0625

Website: www.sahrc.org.za

Email: dmalesa@sahrc.org.za

Information Regulator

The Research and Documentation Department

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 10 023 5200

Website: justice.gov.za

E-mail (complaints): complaints.IR@justice.gov.za

E-mail (general enquiries): inforeg@justice.gov.za

9.2. Company Records – Classification Key

Classification No.	Access	Classification (PAIA Section)
1	May be disclosed	Public Access Document
2	May not be disclosed	Request after commencement of criminal or civil proceedings (s7)
3	May be disclosed	Subject to copyright

4	Limited Disclosure	Personal information that belongs to the requester of that information {s61}.
5	May not be disclosed	Unreasonable disclosure {s63(1)}
6	May not be disclosed	Likely to harm the commercial or financial interests of third party {s64(a), s64(b)}
7	May not be disclosed	Likely to harm the Company or third party in contract or other negotiations {s64(c)}
8	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an agreement {s65}
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property {s66}
10	May not be disclosed	Legally privileged document {s67}}
11	May not be refused	Environment testing / investigation which reveals public safety/ environment risks {s64(2); s68(2)}
12	May not be disclosed	Commercial information of a private body {s68}
13	May not be disclosed	Likely to prejudice research and development information of the Company or a third party {s69}
14	May not be refused	Disclosure in public interest {s70}

10. Applicable Legislation: Section 51(1)(b)

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant Act is applicable, and which therefore makes disclosure of records compulsory):

- Auditing Profession Act, No. 26 of 2005
- Basic Conditions of Employment Act, No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, No. 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation of Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Construction Industry Development Board Act, No. 38 of 2000
- Consulting Engineers South Africa (CESA) Advisory note – retention of drawings and records
- Consumer Affairs Act, No. 23 of 1999
- Consumer Protection Act, No. 68 of 2008
- Credit Agreements Act, No. 75 of 1980
- Criminal Procedure Act, No. 51 of 1977
- Customs and Excise Act, No. 91 of 1964, Section 101 and Regulation 1.04 - Government Gazette No 4040 R17770 dated 5 October 1973.
- Debt Collectors Act, No. 114 of 1998
- Diamond Export Levy (Administration) Act, No. 14 of 2007
- Electronic Communications and Transactions Act, No. 25 of 2002

- Employment Equity Act, No. 55 of 1998
- Explosives Act, No. 26 of 1956
- Financial Intelligence Centre Act, No. 38 of 2001
- Firearms Control Act, No. 60 of 2000
- Hazardous Substances Act, No. 15 of 1973
- Health Act, No. 63 of 1977 (Amended) and regulations
- HPCSA Booklet 14, Guidelines on the keeping of patient Records 2008
- Income Tax Act, No. 58 of 1962
- Insolvency Act, No. 24 of 1936
- Intellectual Property Laws Amendment Act, No. 38 of 1997
- Labour Relations Act, No. 66 of 1995
- Merchant Shipping (International Oil Pollution Compensation Fund) Administration Act, No. 35 of 2013
- Mine and Works Act, No. 27 of 1956
- Mine Health and Safety Act, No. 29 of 1996
- Mineral and Petroleum Resources Development Act, No. 28 of 2002
- Mineral and Petroleum Resources Royalty (Administration) Act, No. 28 of 2008
- Mining Titles Registration Act, No. 16 of 1967
- National Environmental Management Act, No. 107 of 1998
- National Environmental Management: Waste Act, No. 59 of 2008
- National Road Traffic Act, No. 93 of 1996
- National Water Act, No. 36 of 1998
- Occupational Health and Safety Act, No. 85 of 1993
- Pension Fund Act, No. 24 of 1956, Section 30L
- Precious Metals Act, No. 37 of 2005
- Prescription Act, No. 68 of 1969
- Prevention of Organised Crime Act, No. 121 of 1998
- Private Security Industry Regulation Act, No. 56 of 2001
- Promotion of Access to Information Act, No. 2 of 2000
- Protection of Personal Information Act, No. 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-Related Information Act, No. 70 of 2002
- SARS Notice 787
- Second-Hand Goods Act, No. 23 of 1955 Section 6(8).
- Securities Transfer Tax Administration Act, No. 26 of 2007
- Skills Development Act, No. 97 of 1997
- Skills Development Levies Act, No. 9 of 1999
- Tax Administration Act, No. 28 of 2011
- Trade Metrology Act, No. 77 of 1973
- Transfer Duty Act, No. 40 of 1949

- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

Although we have used our best endeavours to supply a complete list of applicable legislation, the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall immediately update the list.

11. Schedule of Records Available: Section 51(1)(d)

Statutory

- Memoranda of Incorporation
- Company Registers
- Statutory Records and Returns
- Agreements
- Trademarks and Patents
- Title Deeds

Finance and Accounting

- Accounting Records
- Policies and Procedures
- Banking Details and Bank Statements
- Financial Statements
- Income Tax

Human Resources

- Policies and Procedures
- Employment Equity Plans
- Pension and Provident Fund Scheme details
- Skills Development Plans
- Records and Reports

Operations

- Permits, licences, consents, approvals, authorisations, applications and registrations
- Policies and procedures
- Reports and supporting documentation
- Contractor, client and supplier agreements and information
- Documentation on Customs and Excise
- Environmental, Health and Safety records

Information Technology

- System documentation and manuals
- Policies and procedures
- Project, disaster recovery and implementation plans

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

We process personal information that is necessary to enable us to provide our various products and services. Below are the categories of personal information we collect and who we share personal information with.

Subject	Category
Data subject categories and their personal information	Employees: record of employee life cycle General public: general enquiries and viewing the company website; name, e-mail address Industry bodies: membership records Media: records of media interactions Service providers: record of service provider life cycle
Recipients of personal information	Employee pension funds Industry bodies Law enforcement Medical aid schemes purchasers on the sale or other substantial transfer of all of the business of Fraser Alexander or the Fraser Alexander group of companies operators (service providers) statutory authorities

12. The purpose of processing of personal information by Fraser Alexander

We process personal information for a variety of purposes, including but not limited to the following:

- to provide or manage any information, products and/or services requested by data subjects;
- to help us identify data subjects when they contact Fraser Alexander
- to maintain customer records;
- for recruitment purposes;
- for employment purposes;
- for apprenticeship purposes;
- for travel purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners;
- to help us improve the quality of our products and services;
- to help us detect and prevent fraud and money laundering;
- to help us recover debts;

- to carry out analysis and customer profiling; and
- to identify other products and services which might be of interest to data subjects and to inform them about our products and services.

13. Procedure for Requests for Access: Section 51(1)(b)

- The requester must complete Form C and submit this form together with a request fee, to Chief Financial Officer at the physical or postal address, or electronic mail address as set out above.
- The form must:
 - provide sufficient particulars to enable the Chief Financial Officer to identify the record/s requested and to identify the requester;
 - indicate which form of access is required;
 - specify a postal address or electronic mail address of the requester in the Republic;
 - identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;
 - if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, state that manner and the necessary particulars to be informed in the other manner;
 - if the request is made on behalf of another person, submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Chief Financial Officer.
- The Chief Financial Officer will process the request within 30 days after receiving the request. The Chief Financial Officer may request an extension for a period of no more than 30 additional days for specific reasons, which include the request involving (1) a large volume of documents, (2) consultation with other public or private entities, or (3) if the requester has granted the extension in writing.
- The Chief Financial Officer will notify the requester in writing whether or not the application for access has been denied or granted. In the event that the application is refused, the requester will be given adequate reasons for the refusal and will be informed that the requester may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such an application.
- Please note that the correct completion and submission of a Request for Access form does not automatically entitle or allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in Part 3 Chapter 4 of the Act.
- Please further note that if it is reasonably suspected that an applicant has obtained access to a record on the basis of the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such applicant.
- In the event that a request for access is successful, an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act.
- If the Chief Financial Officer 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 locate the record.
- If access is requested to a record that contains information about a third party, the Chief Financial Officer is obliged to attempt to contact the third party to inform them of the request. This enables

the third party the opportunity to respond 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 Chief Financial Officer will consider these reasons in determining whether access should be granted, or not.

14. Information security measures to protect personal information

- Appropriate, reasonable technical and organisational measures have been implemented for the protection of personal information processed by Fraser Alexander and its operators. In terms of the POPI Act, operators are third parties that process personal information on behalf of Fraser Alexander. Our security measures include:
 - Physical security measures;
 - Access control measures;
 - Internal security measures;
 - Cyber security measures;
 - Anti-virus measures;
 - Installing security firewalls;
 - Password control;
 - Training programmes on information security;
 - Information security audits;
 - IT related company policies.
- We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.
- We will take steps to ensure that operators that process personal information on behalf of Fraser Alexander apply adequate safeguards as outlined above.

15. Trans-border flows of personal information

- We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.
- We will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the POPI Act.
- We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 11.

16. Personal information received from third parties

- When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Fraser Alexander Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

17. Prescribed Fees: Section 54(1)(f)

The following applies to requests (other than personal requests):

- A requester is required to pay the prescribed fee of R50.00 (fifty rand) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee that would be payable if the request were granted);
- A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fees for accessing records of a private body are as follows:

Activity	Fee
Copy per A4 Page	R1.10
Printing per A4 page	R0.75
Copy on a CD	R70.00
Transcription of visual images per A4 page	R40.00
Copy of a visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation

- Postage fees have to be paid by the requester for the delivery of their records.
- The fee structure is also available on the website of the South African Human Rights Commission at www.sahrc.org.za.

18. Grounds for Refusal of Access to Records: Section 63 to 69 of the Act and the Protection of Personal Information Act, No. 4 of 2013

Access to certain records must be denied on the grounds set out in the Act. This includes:

- Mandatory protection of the privacy of a third party who is a natural person, including a deceased individual;
- Mandatory protection of commercial information of a third part;
- Mandatory protection of certain confidential information and confidential information of a third party;
- Mandatory protection of the safety of individuals, and protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Mandatory protection of research information of a third

Access to records may be denied in the case of

- Commercial information if the record:
 - contains trade secrets
 - contains financial, commercial, scientific or technical information, the disclosure of which would be likely to harm the commercial or financial interests of the company
 - contains information, the disclosure of which would reasonably be expected to put the company at a disadvantage in contractual or other negotiations, or to prejudice the company in commercial competition; or
 - is a computer programme owned by the Company.
- “Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources”.

All the protections afforded to information as detailed above falls away if the release of the information is in the public interest. In this way, the public interest test overrides all the other grounds of refusal of access to information.

The following test must be applied by the Chief Financial Officer before refusing to allow access to information that falls within the categories for non-disclosure listed above. If these conditions are met, then the information must be disclosed on the grounds of public interest.

Does the information demonstrate a serious breach of a law?

OR

Do the records in question contain information relating to an imminent and serious public safety or environmental risk?

AND

Does the public interest in disclosing the information clearly outweigh the potential harm?

19. Remedies

The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised person in section 5, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

20. Availability of the Manual

Copies of this manual are available for inspection at the offices of Fraser Alexander Holdings, free of charge. Copies are also available from the South African Human Rights Commission and from the website at www.fraseralexander.com.

Updated on 2nd March 2021



KD SCOTT
CHIEF EXECUTIVE OFFICER

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head: _____

B. Particulars of person requesting access to the record

- | |
|---|
| <p>a. The particulars of the person who requests access to the record must be given below.</p> <p>b. The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>c. Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|---|

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

<p>This section must be completed <i>ONLY</i> if a request for information is made on behalf of <i>another</i> person.</p>
--

Full names and surname: _____

Identity number: _____

D. Particulars of record

- | |
|--|
| <p>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.</p> <p>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.</p> |
|--|

1 Description of record or relevant part of the record:

2 Reference number, if available: _____

3 Any further particulars of record: _____

E. Fees

- | |
|--|
| <p>a. A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>b. You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>c. The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>d. If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|--|

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:			
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>a. Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>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.</p> <p>c. The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>					
1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images (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*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

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