



# **Tronox KZN Sands Proprietary Limited ("KZN Sands")**

## **Promotion of Access to Information Manual**

**January 2014**

Version 2

**A copy of the manual will be available for inspection at KZN Sands' Corporate Office and is available on the company website at [www.tronox.com](http://www.tronox.com)**

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# RIGHT OF ACCESS TO INFORMATION

## 1.1 INTRODUCTION

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Promotion of Access to Information Act 2 of 2000 ("the Act"), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requester complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

## 1.2 AVAILABILITY OF THE KZN SANDS MANUAL AND ENTRY POINT FOR REQUESTS

This document serves as the KZN Sands manual ("the Manual") in accordance with the requirements of section 51 of the Act to facilitate access to records held by KZN Sands.

A copy of this Manual is available to the public in a PDF ("Portable Document Format") version on the website of KZN Sands at [www.tronox.com](http://www.tronox.com) or on request from the Information Officer referred to in this Manual.

KZN Sands endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

In summary the Manual provides information on the:

- Contact details of the Information Officer;
- Structure and functions of KZN Sands;
- Subjects and categories of records that are held by KZN Sands; and
- Procedure that needs to be followed and criteria that have to be met by a requester to request access to a record.

## 1.3 WHO MAY REQUEST ACCESS TO INFORMATION

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered.

A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- A personal requester who requests a record about him/herself;
- An agent requester who requests a record on behalf of someone else;
- A third party requester who requests a record about someone else; and
- A public body who may request a record if:
  - It fulfils the requirements of procedural compliance;
  - The record is required for the exercise or protection of a right; and
  - No grounds for refusal exist.

#### 1.4 CONTACT DETAILS OF KZN SANDS INFORMATION OFFICER

##### SECTION 51(1)(a)

The President of KZN Sands has delegated his powers to the Information Officer below in terms of the Act to handle all requests on KZN Sands' behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

The Information Officer           Adriaan de Beer, Vice President Finance  
Physical Address:                 Alexander Forbes Building, 115 West Street, Sandton 2146  
Postal Address:                    PO Box 653582, Benmore 2010  
Tel:                                    087 310 2761  
e-mail:                                [adriaan.debeer@za.tronox.com](mailto:adriaan.debeer@za.tronox.com)

#### 1.5 POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

KZN Sands will protect the confidentiality of information provided to it by third parties, subject to KZN Sands' obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, KZN Sands is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

#### 1.6 SAHRC GUIDANCE TO REQUESTERS ON HOW TO USE THE ACT

##### SECTION 51(1)(b)

The South African Human Rights Commission ("SAHRC") is required in terms of section 10 of the Act to compile a guide that will facilitate ease of use of the Act for requesters. It contains information to assist a person wishing to exercise a right in terms of the Act.

The SAHRC guide is available from the SAHRC website at [www.sahrc.org.za/home/21/files/Reports/PAIA20%GUIDE%english.pdf](http://www.sahrc.org.za/home/21/files/Reports/PAIA20%GUIDE%english.pdf).

You may also request any additional information to assist you in making a request from the SAHRC.

Please direct any queries to:

##### **The South African Human Rights Commission: PAIA Unit**

Postal address:   Private Bag 2700, Houghton, 2041  
Physical address: Forum 3, Braampark Office Park,  
Braamfontein

Phone:                                +27 11 877 3600 (Head Office)  
  +27 11 877 3750 (GP Office)  
Fax:                                    +27 11 403 0668  
E-mail:                                [info@sahrc.org.za](mailto:info@sahrc.org.za)  
Website:                              [www.sahrc.org.za](http://www.sahrc.org.za)

## KZN SANDS COMPANY PROFILE

### 2.1 SCOPE

This Manual has been prepared in respect of KZN Sands, a subsidiary of Tronox Sands Holdings Proprietary Limited and will serve to

provide a reference regarding the records held by KZN Sands at its Corporate Office and operation/s.

### 2.2 KZN SANDS COMPANY PROFILE

KZN Sands' mineral sand operation is situated at Empangeni in KwaZulu Natal. The operation consists of Hillendale Mine just outside Esikhawini in Richards Bay and the Central Processing Complex in Empangeni, as well as its new mine near Mtunzini.

Hillendale Mine uses hydraulic mining to mine slurry for the primary wet plant at the mine. The product of the primary wet plant is a heavy minerals concentrate that is transported via road to a Mineral Separation Plant at the Empangeni Smelter Complex.

## CLASSES OF RECORDS

### 3.1 AUTOMATIC DISCLOSURE

SECTION 51(1)(c) RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

No notice has been published in terms of section 52 of the Act. However, the following records are automatically available at the registered office of the Company on payment of the prescribed fee for reproduction:

- Documentation and information relating to KZN Sands which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008;

- Product and Promotional Brochures;
- News and other Marketing Information; and
- Extracts from the annual integrated report and any other shareholder communications as published on the Company's website.

### 3.2 LEGISLATIVE RECORDS

SECTION 51(1)(d) RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Records are kept in accordance with such other legislation as applicable to the KZN Sands Group, which includes, but is not limited to:

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997

- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Copyright Act 98 of 1987
- Consumer Protection Act 68 of 2008

- Criminal Procedure Act 51 of 1977
- Deeds Registries Act 57 of 1937
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Finance Act 2 of 2007
- Firearms Control Act 60 of 2000;
- Income Tax Act 58 of 1962
- Insider Trading Act 135 of 1998
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Magistrates Court Act 32 of 1944
- Mine Health and Safety Act 29 of 1996
- Mineral Petroleum Resources Development Act 28 of 2002
- National Environmental Management Act 107 of 1998
- Non Profit Organisations Act 71 of 1997
- Occupational Diseases in Mines and Works Act 78 of 1973
- Occupational Health and Safety Act 85 of 1993
- Patents Act 57 of 1987
- Prevention of Organised Crime Act 14 of 1998
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- Securities Services Act 36 of 2004
- Short Term Insurance Act. 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- South African Revenue Service Act 34 of 1997
- Statistics Act 6 of 1999
- Supreme Court Act 59 of 1959
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although we have used our best endeavours to supply you with a list of applicable legislation it is possible that 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 update the list accordingly.

### 3.3 RECORDS HELD BY KZN SANDS

#### SECTION 51(1)(e) RECORDS SUBJECTS AND CATEGORIES - KZN SANDS

##### CORPORATE AFFAIRS AND INVESTOR RELATIONS / COMMUNICATIONS

- Media Releases
- Newsletters and Publications

##### SECRETARIAT AND GOVERNANCE

- Applicable Statutory Documents
- Annual Reports
- Board of Directors
- Codes of Conduct
- Legal Compliance Records
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Minutes of Shareholders' Meetings
- Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Share Registers
- Statutory Returns to Relevant Authorities

##### CORPORATE SOCIAL INVESTMENT ("CSI")

- Donations
- CSI Projects and Investments
- CSI Performance Information

##### FINANCE AND TAXATION

- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- PAYE Records
- Purchasing Records
- Sale Records
- Supply Records
- Tax Records and Returns
- Treasury Dealing
- Transactional Records
- VAT Records

#### HUMAN RESOURCES

- Education and Training Records
- Employee Benefit Records
- Employment Contracts
- Employment Equity Records
- Group HR Policies and Procedures
- Labour Relations Records
- Leave Records
- Medical Records
- Personnel Information
- Retirement Benefit and Medical Aid Records
- UIF Returns
- Tax Returns of employees
- Statutory Employee Records

#### INFORMATION MANAGEMENT

- Contracts and Agreements
- Information Policies, Standards, Procedures and Guidelines

#### INSURANCE

- Claim Records
- Details of insurance coverages, limits and insurers
- Insurance Policies

#### LEGAL

- General legal correspondence
- Leases
- Licenses and Approvals
- Property Records
- Trademarks

#### MARKETING AND COMMUNICATION

- Marketing Brochures
- Marketing Strategies

#### OPERATIONS AND TECHNICAL

- Access Control Records
- Administration Documentation
- Agreements
- Divisional Accounting Records
- Production Statistics
- Resource and Reserve Statements
- Strategic and Mine Plans
- Technical Records

#### SAFETY, HEALTH, ENVIRONMENT AND SUSTAINABILITY

- Environmental Assessment Records
- Incident reports and investigations
- Licenses and Approvals
- Mining Charter Compliance Information
- Safety, Health, Environment and Sustainability Policies and Management Standards
- Philosophy and Strategy
- Safety and Environmental Statistics
- Sustainability Information
- Training Records

#### SUPPLY CHAIN MANAGEMENT

- Agreements with Contractors and Suppliers
- Contractor and Supplier Data

## ACCESS PROCEDURE AND REQUESTS

*The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by KZN Sands.*

*It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the 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 certain category as specified within Part 3 Chapter 4 of the Act.*

*If it is reasonably suspected that the requester has obtained access to KZN Sands' records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.*

#### 4.1 GUIDANCE ON COMPLETION OF PRESCRIBED ACCESS FORM

##### SECTION 51(1)(e)

In order for KZN Sands to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure 1. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. KZN Sands will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access Request Form because the Information Officer shall not process a request for access to a record until satisfied that all requirements have been met:

- The Access Request Form must be completed in the English language.
- Proof of identity is required to authenticate the identity of the requester. If the requester acts as an agent requester, the requester shall

provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.

- Type or print in BLOCK LETTERS an answer to every question.
- 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 attached folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

#### 4.2 SUBMISSION OF PRESCRIBED ACCESS FORM

The completed Access Request Form must be submitted either via conventional mail,

e-mail or fax and must be addressed to the Information Officer.

#### 4.3 PAYMENT OF PRESCRIBED FEES

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

The Act provides for four types of fees:

**Request fee:** An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

**Reproduction fee:** This fee is payable with respect to all records that are automatically available.

**Access fee:** If the request for access is successful an access fee may be required to re-imburse KZN Sands for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.

**Deposit:** A deposit of one third (1/3) of the amount of the applicable access fee, is payable if KZN Sands receives a request for access to information held on a person other

than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is

refused to the requested record, the full deposit will be refunded to the requester.

#### 4.4 NOTIFICATION

KZN Sands will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The thirty (30) day period within which KZN Sands has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of KZN Sands and the information cannot be reasonably be obtained within the original thirty (30) day period. KZN Sands will notify the requester in writer should an extension be sought.

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;
- An indication of the form in which the access will be granted; and
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

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); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

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

If KZN Sands 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.

## GROUND FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

#### 5.1 GROUND FOR REFUSAL

##### CHAPTER 4

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;

- Mandatory protection of commercial information of a third party or KZN Sands, if the record contains:
  - Trade secrets of the third party or KZN Sands;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or KZN Sands; and
  - Information disclosed in confidence by a third party to KZN Sands if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of KZN Sands.

## 5.2 APPEAL

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty

(30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

## PRESCRIBED FEES

### 6.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
• For every photocopy of an A4-size page or part thereof	1.10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
• For a copy in a computer readable form on Compact disc	70.00
• A transcription of visual images, for an A4-size page or part thereof	40.00
• For a copy of visual images	60.00
• A transcription of an audio record, for an A4-size page or part thereof	20.00
• For a copy of an audio record	30.00

### 6.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor.

### 6.3 Access fee

The applicable fees (excluding VAT) which will be payable are:

	Rand
• For every photocopy of an A4-size page or part thereof	1.10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75

- For a copy in a computer readable form on Compact disc: 70.00
- A transcription of visual images, for an A4-size page or part thereof 40.00
- For a copy of visual images 60.00
- A transcription of an audio record, for an A4-size page or part thereof 20.00
- For a copy of an audio record 30.00
- To search a record that must be disclosed, per hour or part of the hour 30.00

**6.4 Postage fee**

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

## Annexure 1 Access Form

### REQUEST FOR ACCESS TO A RECORD OF KZN SANDS

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

#### A. Particulars of private body

Contact details:	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	

#### B. Particulars of person requesting access to the record

<p>(a) <i>The particulars of the person who requests access to the record must be recorded below.</i></p> <p>(b) <i>Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.</i></p> <p>(c) <i>Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the Chief Executive Officer or Information Officer will need to be presented with this request by the requester or the requester's representative before the request will be processed.</i></p> <p>(d) <i>If the request is made on behalf of another person, proof of the capacity in which the request is made, is also to be presented with this request.</i></p>
--

## DETAILS OF REQUESTER

Surname	
Full names	
Identity number	
Postal address	
Telephone number	
Fax number	
E-mail address	

**If a request is made on behalf of another person the requester is obliged to identify him/herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.**

### C. Particulars of person on whose behalf request is made

Surname	
Name	
Identity number	

### D. Particulars of record

<p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):</i></p> <ul style="list-style-type: none"><li>○ <i>Mandatory protection of the privacy of a third party who is a natural person (human being);</i></li><li>○ <i>Mandatory protection of commercial information of third party;</i></li><li>○ <i>Mandatory protection of certain confidential information of a third party;</i></li><li>○ <i>Mandatory protection of the safety of individuals, and the protection of property;</i></li><li>○ <i>Mandatory protection of records privileged from production in legal proceedings;</i></li><li>○ <i>Commercial information of a private body;</i></li><li>○ <i>Mandatory protection of research information of a third party and a private body.</i></li></ul>
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**E. Description of record or relevant part of the record:**

Category	Description of record

**F. Fees**

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee (**currently R50.00**) has been paid.*
- (b) *If the prescribed request fee is amended you will be notified of the amount required to be paid as the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason therefore.*

The requester qualifies for an exemption in payment of fees (mark the appropriate box)		Yes	No
Reason			

**G. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability:	
Form in which record is required?	

*Mark the appropriate box with an "X".*

**NOTES:**

(a) *Your indication as to the required form of access depends on the form in which the record is available.*

(b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*

(c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

<b>1. If the record is in written or printed form -</b>					
	copy of record*				inspection of record
<b>2. If record consists of visual images -</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	view the images		copy of the images*		transcription of the images*
<b>3. If the record consists of recorded words or information which can be reproduced in sound -</b>					
	listen to the soundtrack (audio cassette)				transcription of soundtrack* (written or printed document)
<b>4. If the record is held on computer or in an electronic or machine-readable form -</b>					
	printed copy of record*		printed copy of information derived		copy in computer readable format*
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>A postal fee is payable.</b>				Yes	No

**H. 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 requested record is required for the exercising or protection of the aforementioned right:


**I. 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 thereof 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 WHO'S BEHALF REQUEST IS MADE**