

**MANUAL (AS REQUIRED BY SECTION 51 OF ACT NO.2 OF 2000, PROMOTION OF
ACCESS TO INFORMATION ACT)**

HEREINAFTER REFERRED TO AS “THE ACT”

EFFECTIVE DATE: 1 July 2021

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(Signature)



(Signature)

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Annexures

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1. INTERPRETATION

- 1.1 In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention – 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 **"The Company"** refers to IL Molino CC
- 1.2.3 **"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;
- 1.2.4 **"Group Information officer"** - the person duly authorised by the Group CEO and appointed by the Company to facilitate or assist the Group CEO 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

- 2.1 To facilitate the requests for access to records of the Company as provided for in the Act.

3. DETAILS

| | |
|-------------------------------|---|
| Full Name of Business Entity: | IL Molino CC |
| Registration Number: | 2004/053718/23 |
| Postal Address: | P O Box 800 Crown Mines Johannesburg 2092 |
| Physical Address: | 70 Commando Road Industria West Johannesburg 2092 |
| Telephone: | 0110385000 |
| Website: | https://www.ilmolino.co.za/ |

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4. CONTACT DETAILS OF THE GROUP CEO AND GROUP INFORMATION OFFICER OF THE COMPANY

- 4.1 The Group CEO of the Company.
Telephone: 0110385000
Email: mohamed@ilmolino.co.za
- 4.2 The Group Information Officer
Telephone: 0110385000
Email: yacoob@ilmolino.co.za

5. HUMAN RIGHTS COMMISSION ("HRC) GUIDE

- 5.1 The HRC has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.
- 5.2 The contact details of the HRC are:
Postal address: Private Bag 2700
Houghton
2041
Telephone: +27 11 484 8300
Telefax: +27 11 484 0582
Email: www.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 Employees have access to a record of their own information;
- 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;
- 6.1.4 The Company's Corporate Identity Manual.

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- 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.

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

- 7.1 The following records are not automatically available without a request in terms of the Act – all statutory returns:
 - 7.1.1 VAT;
 - 7.1.2 Corporate Tax records;
 - 7.1.3 Workmen's compensation;
 - 7.1.4 UIF;
 - 7.1.5 Regional services levies; and
 - 7.1.6 Skills development levies.

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

- 8.1 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 Group CEO of a Company 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.
- 8.2 **Human Resources Department**
 - 8.2.1 Employee information including personal information, employment history and health records that the Company may hold from time to time.
 - 8.2.2 Training and development information.
 - 8.2.3 General files containing information on employee benefits and employee recruitment and selection information.
- 8.3 **Project Management**
 - 8.3.1 Building plans.
 - 8.3.2 Information generally related to projects conducted by the Company from time to time.
- 8.4 **Information Technology**
 - 8.4.1 Usage statistics.
 - 8.4.2 Equipment details.
 - 8.4.3 Costings of hardware and software.

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8.5 Functions and Events

- 8.5.1 Function records and related costings.
- 8.5.2 Stock sheets.
- 8.5.3 List of suppliers.

8.6 Finance / Accounts Department

- 8.6.1 Financial records.
- 8.6.2 A list of the company's Creditors and debtors.
- 8.6.3 Salary information.
- 8.6.4 Bank accounts information.
- 8.6.5 Fixed assets register.

8.7 Marketing Department

- 8.7.1 Company brochures and publications.
- 8.7.2 Documents relating to public relation events.
- 8.7.3 Company media releases.

8.8 Support Services

- 8.8.1 Delivery and collection sheets.

9. PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE

- 9.1 A request shall be made on the prescribed form. A copy of the form is attached marked Annexure "A" ("**the prescribed form**"). The form is also available from the website of the HRC, or the website of the Department of Justice and Constitutional Development at www.doj.gov.za.
- 9.2 The prescribed form shall be submitted to the Group Information Officer at his address, telefax number or e-mail address, who shall hand it to the Group CEO of the Company.
- 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 Group CEO of the Company, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.
- 9.5 The requester will be notified of the decision of the Group CEO of the Company or the Group Information Officer in the manner indicated by the requester.

- 9.6 If the request is granted, the requester shall be informed by the Group CEO of the Company or the Group Information Officer in the manner indicated by the requester in the prescribed form.
- 9.7 Notwithstanding the above, the Company will advise the requester in the manner stipulated by the requester in the prescribed form of:
 - 9.7.1 The access fee to be paid for the information (in accordance with paragraph 10);
 - 9.7.2 The format in which access will be given; and
 - 9.7.3 The fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 9.8 After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 9.9 If the request for access is refused, the Group CEO of the Company or the Group Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall state:
 - 9.9.1 Adequate reasons for the refusal;
 - 9.9.2 That the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 9.10 Upon the refusal by the Group CEO of the Company or the Group Information Officer, the deposit paid by the requester will be refunded.
- 9.11 If the Group CEO of the Company or the Group Information 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 Group CEO of the Company or the Group Information Officer has refused the request.
- 9.12 The Group CEO of the Company may decide to extend the period of thirty days ("**original period**") for another period of not more than thirty days if:
 - 9.12.1 The request is for a large number of records;
 - 9.12.2 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;
 - 9.12.3 Consultation among divisions or departments, as the case may be, of the Company is required;
 - 9.12.4 The requester consents to such an extension in writing; and
 - 9.12.5 The parties agree in any other manner to such an extension.
- 9.13 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.
- 9.14 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

10. FEES PAYABLE

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

11. INFORMATION OR RECORDS NOT FOUND

- 11.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the Group CEO of the Company or the Group Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 11.2 The affidavit or affirmation shall 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 Group CEO of the Company or the Group Information Officer with every person who conducted the search.
- 11.3 The notice, as set out in 11.1, shall 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 in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Group CEO of the Company or the Group Information Officer.
- 11.5 The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 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 of 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 company or the information officer by referring the matter to the High Court.

13. UPDATING OF MANUAL

- 13.1 The Company may update this manual every six months or at such intervals as may be necessary.

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