

ACCESS TO INFORMATION MANUAL

PREPARED IN TERMS OF

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

(“PAIA”)

AND

THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

(“POPIA”)

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1. Introduction

- 1.1 Pandrol SA (Pty) Ltd (“**the Company**”) is an entity ultimately controlled by Sturrock and Robson Limited. incorporated in Jersey, which together with other subsidiaries, joint ventures, partnerships and affiliates form part the Sturrock and Robson Group (“**the Group**”).
- 1.2 On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) came into operation, giving effect to the Section 32(2) Constitutional right of access to information. In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This document serves as the Company’s information manual and provides reference to the records held by the Company and the process to request access to such records.
- 1.3 The aim of this manual is to assist potential requesters in requesting access to information (documents or records) from the Company.
- 1.4 The Manual may be amended from time to time and as soon as any amendments have been effected, the latest version of the Manual will be published and distributed in accordance with PAIA.
- 1.5 A requester is invited to contact the Information Officer should the requester require any assistance in respect of the use or content of this manual.

2. Availability of this manual

3. This manual has been compiled by The Company in terms of section 51 of PAIA.
4. A copy of this manual will be made available –
 - 4.1 upon request at the Company’s principal place of business for public inspection during normal business hours.

5. Information Officer and contact details

- 5.1 The responsibility for the administration of, and compliance with PAIA, has been duly delegated by the Head of the Company to the Information Officer. Requests pursuant to the provisions of PAIA, should accordingly be directed as follows:

Name of private body:	Pandrol SA (Pty) Ltd
Registration number:	2006/014359/07
Registered address:	Block A, Tunney Ridge Business Park Sam Green Road Elandsfontein Germiston 1429
Postal address:	PO BOX 4041

Edenvale 1610

South Africa

Telephone: +27 (0) 11 392 5061

Website: <https://www.pandrol.co.za/>

Email: dataprotection@sturrockandrobson.com

Head of private body: Dean Lincoln

Telephone: +27 (0) 11 392 5061

Email: d.lincoln@pandrol.co.za

Information Officer: Dean Lincoln

Telephone: +27 (0) 11 392 5061

Email: d.lincoln@pandrol.co.za

Deputy Information Officer: Nomsa Khoza

Email: n.khoza@pandrol.co.za

6. PAIA

6.1 PAIA grants a requester access to the records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

6.2 Requests in terms of PAIA must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in Form 1 and 2 of this manual.

6.3 Requesters are referred to the Guide in terms of section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”). It describes

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- 6.3.1 what the objects of PAIA are;
- 6.3.2 the process that needs to be followed in order to request a record;
- 6.3.3 the fees that may be payable for accessing a record;
- 6.3.4 how to get copies of the Guide at no charge;
- 6.3.5 how to get access to the Manual of a private body;

6.3.6 the assistance that is available from the Commission and all the remedies available in law to a requester.

6.4 The Guide may be obtained from the SAHRC. Any person wishing to obtain the Guide may either access it through the website of the SAHRC at www.sahrc.org.za or should contact:

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department

Postal address:

Private Bag X2700

Houghton

2041

Telephone:

+27 (0)11 877 3600

Fax:

+27 (0)11 403 0625

Email:

paia@sahrc.org.za

7. **Rights of access**

7.1 the Company will not grant any access to any record unless:

7.1.1 that record is required for the exercise or protection of any rights;

7.1.2 the requester complies with the procedural requirements in PAIA and in this manual relating to a request for access to that record;

7.1.3 access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of PAIA as described in paragraph 8 of this manual; and

7.1.4 the processing of that record does not contravene any of the provisions of POPIA.

7.2 This manual must at all times be read subject to the provisions of PAIA and POPIA. Where it is silent on any question or where it is inconsistent with either of those statutes, the provisions of PAIA and POPIA will prevail.

8. **Grounds for refusal of access to records**

8.1 Requests may be refused on the following grounds as set out in Chapter 4 of Part 3 of PAIA:

8.1.1 Mandatory protection of privacy of a third party who is a natural person;

8.1.2 Mandatory protection of privacy of commercial information of a third party;

8.1.3 Mandatory protection of certain confidential information of a third party;

8.1.4 Mandatory protection of the safety of individuals, and the protection of property;

8.1.5 Mandatory protection of records privileged from production in legal proceedings;

8.1.6 Commercial information of the Company ;

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- 8.1.7 Mandatory protection of research information of a third party, and protection of research information of the Company .
 - 8.2 A request may also be refused where it requires the processing of personal information in contravention of any of the provisions of POPIA.

REQUESTING ACCESS TO RECORDS

9. Request for access to a record

- 9.1 A request for access to records held by the Company in terms of section 50 of PAIA must be made in the form contained in the Regulations regarding the PAIA (Form 2). A copy of this Form is attached as Form 2 to this manual.
- 9.2 The request must be addressed to the Company's Information Officer and delivered, posted or emailed to the relevant person set out at paragraph 5.1 of this manual.
- 9.3 The requester must provide sufficient detail on the request form to enable the Information Officer to identify:
 - 9.3.1 the identity of the requester;
 - 9.3.2 the record requested;
 - 9.3.3 the form of access required;
 - 9.3.4 the address, postal, fax or email, of the requester in the Republic to which a response should be sent;
 - 9.3.5 the right that is sought to be exercised or protected; and
 - 9.3.6 an explanation of the reason why the record requested is required for the exercise or protection of that right.
- 9.4 If a record is being requested on behalf of another person, the requestor must submit proof of the capacity in which he is making the request, to the satisfaction of the Information Officer.

10. Fees

- 10.1 A fee may be payable before a request for access to a record will be processed. The circumstances in which fees may be payable are set out in section 54 of PAIA and in Form 1 of this manual.
- 10.2 No fee will be charged if a requester is seeking access to a record containing personal information about himself or herself. For every other request, fees, as prescribed by the Act, will be charged for replying to a request, as well as for reproducing the record being requested. The prescribed fee and the method of payment will be notified to the requester on the receipt of a request. The Information Officer of the Company may withhold a reply to a request, or the record requested, until the prescribed fee has been paid.

11. Decision on requests

- 11.1 All requests to the Company will be evaluated and considered in accordance with the provisions of PAIA. Publication of this manual and describing the categories and

subject matter of records held by the Company does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

- 11.2 A response to a request will be issued within 30 days after a request has been received by the Information Officer. The 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. In terms of PAIA this 30-day period may be extended for a further 30-day period should more time be required to gather the requested record. If such extension is required, the Information Officer will notify the requester accordingly.
- 11.3 The Information Officer will notify the requester of the decision made at the address and in the manner specified by the requester in the request form.
- 11.4 The Information Officer will notify the requester of the decision made at the address and in the manner specified by the requester in the request form.

12. **Records automatically available**

All information pertaining to the Company on its website, is freely available for inspection and does not need to be requested in terms of the Act.

13. **Records that are available in terms of other legislation**

- 13.1 Certain records held by the Company are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out in that legislation and these records may in certain instances only be accessed by the persons specified in the relevant legislation.
- 13.2 The legislation is as follows:
 - 13.2.1 Basic Conditions of Employment Act, No. 75 of 1997;
 - 13.2.2 Broad- Based Black Economic Empowerment Act, No 75 of 1997.
 - 13.2.3 Companies Act, No. 71 of 2008;
 - 13.2.4 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
 - 13.2.5 Competition Act, No. 89 of 1998;
 - 13.2.6 Constitution of the Republic of South Africa 2008.
 - 13.2.7 Consumer Protection Act, No. 68 of 2008;
 - 13.2.8 Copyright Act, No. 98 of 1978;
 - 13.2.9 Customs & Excise Act, 91 of 1964.
 - 13.2.10 Electronic Communications and Transactions Act, No. 25 of 2002;
 - 13.2.11 Employment Equity Act, No. 55 of 1998;
 - 13.2.12 Financial Intelligence Centre Act, No 38 of 2001

- 13.2.13 Income Tax Act, No. 58 of 1962;
- 13.2.14 Intellectual Property Laws Amendment Act, No 38 of 1997
- 13.2.15 Labour Relations Act, No. 66 of 1995;
- 13.2.16 National Credit Act, No. 34 of 2005;
- 13.2.17 Occupational Health and Safety Act, No. 85 of 1993;
- 13.2.18 Pension Funds Act, No. 24 of 1956;
- 13.2.19 Promotion of Access to Information Act, No 2 of 2000.
- 13.2.20 Protection of Personal Information Act, No. 4 of 2013;
- 13.2.21 Regulation of Interception of Communications and Provision of Communication Related Information Act, No. 70 of 2002;
- 13.2.22 Skills Development Act, No. 97 of 1998;
- 13.2.23 Skills Development Levies Act, No. 9 of 1999;
- 13.2.24 Tax on Retirement Funds Act, No. 38 of 1996;
- 13.2.25 Trade Marks Act, No. 194 of 1993;
- 13.2.26 Trust Property Control Act 57 of 1988.
- 13.2.27 Unemployment Insurance Act, No. 63 of 2001;
- 13.2.28 Unemployment Insurance Contributions Act, No. 4 of 2002;
- 13.2.29 Value Added Tax Act, No. 89 of 1991.

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual

14. Categories of records of information held by the Company

Categories of Record	Description of Record
Company	<ul style="list-style-type: none"> • documents of incorporation and trust deeds • memorandum of incorporation and articles of association • share resister and other statutory registers • minutes of meetings of the Board of Directors.

Categories of Record	Description of Record
	<ul style="list-style-type: none"> • share certificates. • register of directors' shareholdings • Records relating to the appointment of: <ul style="list-style-type: none"> ○ Auditors. ○ Directors. ○ Other
Customers	<ul style="list-style-type: none"> • correspondence with customers • Credit application information. • correspondence with third parties • licences relating to intellectual property rights • records relating to domain names
Finance	<ul style="list-style-type: none"> • accounting records • tax records • debtors' records • creditors' records • insurance records • auditors' reports • financial statements • bank statements and other banking records • invoices issues in respect of debtors and billing information • policies and procedures. • Patents and Trademark Documents • Insurance Documentation • Service level agreements • Travel Documentation • Vehicle Registration Documents

Categories of Record	Description of Record
Human Resources	<ul style="list-style-type: none"> • list of employees • statistics regarding employees • employment contracts • conditions of employment • personnel records of each employee • compensation or redundancy payments • employment equity plan • disciplinary records • employee tax information • payroll records • pension and provident fund records • internal policies and procedures • SETA records. • Training Records and Statistics • Safety, Health and Environmental records. • Accident books and records. • Workplace and Union agreements and records.
Intellectual Property	<ul style="list-style-type: none"> • records regarding computer systems and programmes held by the Company • trade-marks, copyrights and designs held by the Company • software licences
Immovable and moveable property	<ul style="list-style-type: none"> • agreement for the lease of immovable property by the Company • agreement for the lease or sale of moveable property by the Company

Categories of Record	Description of Record
	<ul style="list-style-type: none"> • records regarding insurance in respect of moveable and immovable property
Suppliers	<ul style="list-style-type: none"> • list and details of suppliers • agreements with suppliers • information technology computer software • support and maintenance agreements • records regarding computer systems • programmes including software license agreements
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports. • Risk management frameworks. • Risk management plans.
Information Technology	<ul style="list-style-type: none"> • Computer / mobile device usage policy documentation. • Disaster recovery plans. • Hardware asset registers. • Information security policies/standards/procedures. • Information technology systems and user manuals. • Information usage policy documentation. • Project implementation plans. • Software licensing. • System documentation and manuals

THE PROTECTION OF PERSONAL INFORMATION ACT

15. The purpose of processing

15.1 the Company processes personal information, *inter alia*, for the following purposes:

- 15.1.1 performing duties in terms of any contractual arrangement with customers and/or suppliers;
- 15.1.2 operating and managing customers' account and manage any application, agreement or correspondence customers may have with the Company;
- 15.1.3 performing administrative and operational functions including the testing of systems;
- 15.1.4 recovering any debt that customers may owe the Company;
- 15.1.5 paying invoices;
- 15.1.6 complying with the Company's regulatory and other obligations; and
- 15.1.7 performing recruitment and employment functions including pension, payroll, medical aid, training, disciplinary action and income tax.

16. Categories of data subjects and categories of information

	Categories of data subjects	Categories of information
1.	Employees	<ul style="list-style-type: none"> • name and contact details • identity number and identity documents including passports employment history and references • banking and financial details • payroll records • employment contracts • employment equity plans • medical aid and pension records • remuneration records • performance appraisals • disciplinary records • leave and training records • health and safety records
2.	Prospective Employees	<ul style="list-style-type: none"> • CVs and application forms • criminal checks • background checks
3.	Clients and prospective clients	<ul style="list-style-type: none"> • postal or stress address • title and name • contact numbers and/or e-mail address • race • gender

		<ul style="list-style-type: none"> • marital status • nationality • language • financial information • corporate information • identity of passport number
4.	Suppliers, vendors / other business	<ul style="list-style-type: none"> • name and contact details • identity and company and directors information • banking and financial information • information about products or services • other information required for business operation purposes

17. Cross-border flows of personal information

17.1 Personal information may only be transferred of out the republic of South Africa if –

17.1.1 the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:

17.1.1.1 effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and

17.1.1.2 includes provisions that are substantially similar to POPIA relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;

17.1.2 the data subject consents to the transfer;

17.1.3 the transfer is necessary for the performance of a contract between the data subject and the Company, or for the implementation of pre-contractual measures taken in response to the data subject's request;

17.1.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the Company and a third party; or

17.1.5 the transfer is for the benefit of the data subject and –

17.1.5.1 it is not reasonably practicable to obtain the consent of the data subject to that transfer; and

17.1.5.2 if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

18. Description of information security measures to be implemented

- 18.1 the Company shall take reasonable, appropriate, technical, and organisational measures to protect personal information from loss, damage, unauthorised access, processing, destruction or manipulation.
- 18.2 the Company has implemented the following security measures:
 - 18.2.1 the Company's Information Officer whose details are set out in this manual is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPIA.
 - 18.2.2 The Information Officer is assisted by Deputy Information Officers whose details are set out in this manual.
 - 18.2.3 Regular training of the responsible managers on the POPIA will take place without any undue delay.
 - 18.2.4 Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of the employee's personal information, or any other action so required, in terms of POPIA.
 - 18.2.5 In respect of those employees who are employed at the time that the Company updates its Policies the Company will assume tacit agreement from such employees for the use and Processing of the employees' personal information for the purpose of implementing the employee's terms and conditions of employment, benefits provided to the employee, complying with legislative requirements, and generally identifying employees during the course of their employment with the Company, provided that the Company may require existing employees to provide written permission or sign an addendum to their contracts of employment in this regard where the Company deems it necessary or appropriate.
 - 18.2.6 the Company's third party service providers are required to sign an addendum to the relevant Service Level Agreement guaranteeing their commitment to the protection of personal information.
 - 18.2.7 All current suppliers of the Company, where appropriate, are required to sign an addendum to their contracts with the Company containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA.
 - 18.2.8 the Company will introduce an electronic document management system whereby hard copy files are to be captured electronically for back up purposes. All files will be archived and will be available electronically. Hard copy files will be kept where there is a legal requirement to do so..
 - 18.2.9 All electronic files or data are backed up by the Group IT department that is responsible for system security which protects third party access and physical threats.
 - 18.2.10 the Company's Information Officer and the Group IT department shall identify all reasonably foreseeable internal and external risks to personal information, establishing and maintaining appropriate safeguards against the risks identified, regularly verifying that the safeguards are effectively implemented, and ensuring

that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

18.2.11 Data subjects will be informed should their personal information be accessed or acquired by any unauthorised person.

19. **Updating of this manual**

The Information Officer will update this manual as and when required.

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction (excl VAT) referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

The **request fee** payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00 (excl VAT).

The **access fees** (excl VAT) payable by a requester referred to in regulation 11(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

2. **Deposit** - For purposes of section 54(2) of the Act, the following applies:

- (a) Where the Company received a request for access to a record relating to a person other than the requestor and the Information Officer is of the opinion that the

preparation of the required record will take more than six (6) hours, a deposit of one third ($1/3^{\text{rd}}$) of the amount of the applicable access fee, is payable.

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

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer