



RAND REFINERY

MANUAL

– PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

Manual prepared in accordance with the provisions of Section 51 of the Promotion of Access to Information Act 2 of 2000 for Rand Refinery (Pty) Limited (“RAND REFINERY”)

THIS MANUAL APPLIES TO: Rand Refinery (Pty) Limited (1920/006598/07)

Document approver	:	EXCO
Responsible person	:	Praveen Bajjnath
Document owner	:	Temba Kali
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1. INTERPRETATION

In this Manual, paragraph headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention:

1.1 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 "the Act" – the 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.

1.2.2 "this Manual" - this document together with all of its annexures, as amended from time to time; and

1.2.3 "Rand Refinery" – Rand Refinery Proprietary Limited (registration number 1920/006598/07);

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 date of adoption of this Manual, 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 Manual;

1.5 where any term is defined within a particular paragraph other than this paragraph, that term shall bear the meaning ascribed to it in that paragraph wherever it is used in this Manual.

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 Manual and the Act, the Act shall prevail; and



1.10 this Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester of information is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with Rand Refinery.

2. INTRODUCTION AND AIM

Section 32 of the Constitution of the Republic of South Africa 108 of 1996 (“the Constitution”) provides that:

(1) Everyone has the right of access to –

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Act gives effect to this constitutional right of access as required in terms of sub-section (2).

This Manual has been compiled in accordance with the Act. The Act prescribes that a private body must provide details of records held by such private body so that any request for information may be accommodated. This Manual is to serve as a guide on how members of the public can access the information that is being kept in the records of Rand Refinery, as provided for in terms of the Act.

The Manual also prescribes the manner in which the information must be accessed as provided for in the Act. Set out below is the procedure with regard to the lodging of a request for access to Rand Refinery’s information. Requests shall be made in accordance with the prescribed procedures, at the rates provided. This Manual also contains information of the designated Contact Person (as this term is referred to and defined below) who is responsible for handling all the applications that are made for access to information in terms of the Act, as well as a list of all records kept by Rand Refinery.

3. RAND REFINERY OVERVIEW

Rand Refinery is involved in the refining and smelting of precious metals and related activities in South Africa.



4. PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

4.1. Contact Detail

In terms of Section 51(1)(a) of the Act, the contact details and contact person (“Contact Person”) are as follows:

Name of Body: Rand Refinery (Pty) Limited

Physical Address: Refinery Road, Industries West, Germiston. 1400.

Postal Address: P.O. Box 565, Germiston. 1400. South Africa

Chief Executive: Praveen Baijnath

Telephone No: (011) 418- 9100

E-mail: gold@gold.co.za

4.2. Human Rights Commission Guide

In terms of section 51(1)(b) of the Act, a guide on how to use the Act has been compiled by the Human Rights Commission and in terms of section 10 of the Act, is available from the South African Human Rights Commission. Any queries in this respect should be directed to:

The South African Human Rights Commission
PAIA Unit, The Research and Documentation Department
Private Bag 2700, Houghton. 2041.
Telephone No (011) 484-8300
Fax No: (011) 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

4.3. Automatic Disclosure

In terms of section 51(1)(c) of the Act, provision is made for the categorisation of documents that may be available to the public without any need for a request of access to such, i.e. records automatically available to the public. Records automatically available to the public can be found on Rand Refinery’s website: www.randrefinery.com

4.4. Legislative Records

In terms of section 51(1)(d) of the Act, records of Rand Refinery which are kept in accordance with such other legislation as is applicable to Rand Refinery, which includes but is not limited to, the following legislation as amended from time to time (in alphabetical order) and which are not automatically available without a request in terms of the Act:

- i. Basic Conditions of Employment Act 75 of 1997;
- ii. Companies Act 71 of 2008;
- iii. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- iv. Employment Equity Act 55 of 1998;



- v. Income Tax Act 58 of 1962;
- vi. Insolvency Act 24 of 1936;
- vii. Labour Relations Act 66 of 1995;
- viii. Mine Health and Safety Act 29 of 1996;
- ix. National Environmental Management Act 107 of 1998;
- x. National Environmental Management Air Quality Act 39 of 2004;
- xi. National Environmental Management Waste Act 59 of 2008;
- xii. National Water Act 36 of 1992;
- xiii. Nuclear Energy Act 46 of 1999;
- xiv. Occupational Health and Safety Act 85 of 1993;
- xv. Patents Act 57 of 1978;
- xvi. Precious Metals Act 37 of 2005;
- xvii. Promotion of Access to Information Act 2 of 2000;
- xviii. Skills development Levies Act 9 of 1999;
- xix. Unemployment Insurance Act 63 of 2001 and
- xx. Value Added Tax Act 89 of 1991.

4.5. Records Held

In terms of section 51(1)(e) of the Act, categories of records that may be requested and for which access may be provided or refused are:

4.5.1. Operational Information

Such information as is required for the day to day running of Rand Refinery. For instance: internal phone lists, address lists, company policies, employee records, permits, licences, authorisations, approvals and general “housekeeping” information.

4.5.2. Communications

Correspondence between persons within and without Rand Refinery relating to matters of business within the course and scope of their employment with Rand Refinery, which are recorded in the communication system of Rand Refinery, such as computers and telephone records.

4.5.3. Website

Rand Refinery’s website address is www.randrefinery.com and is accessible to anyone who has access to the Internet. The website contains various categories of information relating to Rand Refinery which is publicly available.

These records are not automatically available without a request in terms of the Act. A request in terms of this section of the Act is subject to section 63(1) of the Act, which provides that the head of a company must refuse a request for access to a record of Rand Refinery if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.



4.6. Access Requests

- a) It is important to note that 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.
- b) If it is reasonably suspected that the requester has obtained access through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.
- c) In terms of section 51(1)(e) of the Act, the request procedures are as follows:
 - i. Form of Request
 - The requester must use the prescribed form attached to this Manual as annexure “A” to make the request for access to a record. This must be made to the Contact Person. This request must be made to the address or electronic mail address of Rand Refinery provided above.
 - The requester must provide sufficient detail on the request form to enable the Contact Person to identify the record and the requester. The requester should also indicate which form of access is required and specify a revert address or fax number in the Republic of South Africa where any response to such request or such record may be sent. The requester should also indicate if, in addition to a written reply, any other manner is to be used to communicate with the requester and state the necessary particulars for such purpose.
 - The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
 - If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Contact Person.
 - ii. Fees
 - A requester who seeks access to a record containing the requester’s personal information is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee, which may be charged at the discretion of Rand Refinery:
 - The Contact Person must by notice, require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request.
 - The fee that the requester must pay to Rand Refinery is R50,00 (Fifty Rand only). The requester may lodge an application to the court against the tender or payment of the request fee.
 - The head of Rand Refinery or the Contact Person, as soon as reasonably possible and within thirty calendar days after the request has been received, shall decide whether or not to grant the request. The requester will be notified of the decision in the manner indicated by the requester.
 - If the request is granted, then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.



4.7. Additional Information

In terms of section 51(1)(f) of the Act, the Minister of Justice and Constitutional Development has to make any regulations regarding Additional Prescribed Information relating to the Act.

4.8. Availability of the Manual

In terms of section 51(3) of the Act, this Manual is available on Rand Refinery's website (www.randrefinery.com) and is also available for inspection by the general public upon prior request to the Contact Person (at the contact details provided above at paragraph 3.1 above), during office hours and free of charge, at the offices of Rand Refinery.

5. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4 OF THE ACT

The main grounds for refusal of a request for information would be:

- a) The mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- b) The mandatory protection of the commercial information of a third party, if the record contains:
 - i. Trade secrets of that party.
 - ii. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - iii. Information disclosed in confidence by a third party to Rand Refinery if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- c) The mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- d) The mandatory protection of the safety of individuals and the protection of property.
- e) The mandatory protection of records which could be regarded as privileged in legal proceedings.
- f) The commercial activities of Rand Refinery which may include:
 - Trade secrets of Rand Refinery;
- g) Financial, commercial scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of Rand Refinery.

6. OUTCOME OF DECISIONS AND REASONS

The requester will be notified within 30 (thirty) calendar days of Rand Refinery's decision as to whether such requested information will be provided to the requester or of its refusal to do so. Reasons for such refusals will be provided to the requester.



7. REMEDIES AVAILABLE WHEN RAND REFINERY REFUSES A REQUEST FOR INFORMATION

7.1. Internal Remedies

Rand Refinery does not have an internal appeal procedure.

7.2. External Remedies

A requester or a third party, who is dissatisfied with the decision of Rand Refinery in relation to a request for access to a record (including with regard to fees) may, within 30 (thirty) days apply to the High Court, or any other Court having jurisdiction, for relief.

8. FEE STRUCTURE

The prescribed forms and fee structure prescribed under the Act in respect of private bodies are also available on the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the “regulations” section.

8.1. Fees in Respect of Requests for Information 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.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a) For every photocopy of an A4-size page or part thereof R1,10
 - b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - c) For a copy in a computer-readable form on –
 - xxi. stiffer disc R7,50
 - xxii. compact disc R70,00
 - d)
 - i For a transcription of visual images, for an A4-size page or part thereof R40,00
 - ii. For a copy of visual images R60,00
 - e)
 - i. For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - ii. For a copy of an audio record R30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.



4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - a) For every photocopy of an A4-size page or part thereof R1,10
 - b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - c) For a copy in a computer-readable form on –
 - i. stiffy disc R7,50
 - ii. compact disc R70,00
 - d)
 - i. For a transcription of visual images, for an A4-size page or part thereof R40,00
 - ii. For a copy of visual images R60,00
 - e)
 - i. For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - ii. For a copy of an audio record R30,00
 - 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.
5. For purposes of section 54(2) of the Act, the following applies:
 - a) Six hours as the hours to be exceeded before a deposit is payable; and
 - b) one third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.
7. Fees may be charge at the discretion of Rand Refinery.

9. PRESCRIBED FORM FOR APPLICATION OF INFORMATION IN TERMS OF PAIA :

Please refer to Form_Request for Access to Record of Private Body (FORM_POPIA_004) on the The Document Desk