

# Richards Bay Coal Terminal (Pty) Ltd – Access to Information Manual



We respect your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA).

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

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## Introduction

The Promotion of Access to Information Act gives effect to the constitutional right of access to any information held by public bodies and any information that is held by private bodies and that is required for the exercise or protection of any rights.

Section 51(1) of PAIA requires that the 'head of a private body' compiles a manual that contains various information regarding the records held by private bodies. A 'private body' means:

- a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- a partnership which carries or has carried on any trade, business or profession;
- any former or existing juristic person; or
- a political party.

We are Richards Bay Coal Terminal (Pty) Ltd, and we fall within the definition of a 'private body'. We use strategy, research and analytics to deliver stakeholder-centric strategies and solutions to our clients. This is our 'Access to Information Manual'. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

**This manual exists to tell you what information we have and help you get access to it.**

## Our details

Our details are as follows:

- **Company name:** Richards Bay Coal Terminal (Pty) Ltd
- **Registration number:** 1973/014256/07
- **Postal address:** P.O. Box 56, Richards Bay, KwaZulu Natal, 3900
- **Physical address:** South Dunes, Richards Bay Harbour, Richards Bay, KwaZulu Natal, 3900
- **Phone number:** +27 35 904 4911
- **Deputy Information officers:** Phindi Mjadu and Damien Gerber
- **Contact email:** [complianceofficer@rbct.co.za](mailto:complianceofficer@rbct.co.za)
- **Website:** <https://rbct.co.za/>

**These are all our details, but please rather contact us by email at [complianceofficer@rbct.co.za](mailto:complianceofficer@rbct.co.za) whenever possible.**

## Further guidance

If you would like further guidance on how you can get access to information, you may contact the Information Regulator to find out more information about PAIA. The Information Regulator has compiled a guide in each official language of South Africa on how to exercise any right under PAIA. The guide is available [here](#). The Information Regulator's contact details are as follows:

- **Postal address:** P.O Box 3153, Braamfontein, Johannesburg, 2017
- **Physical address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- **Phone number:** 010 023 5200
- **Website:** <https://www.justice.gov.za/inforeg/index.html>

- General e-mail: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)
- Complaints email: [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za)

For further guidance on how you can get access to information, please visit:  
[https://www.justice.gov.za/inforeg/docs/misc/PAIA-Guide-English\\_20210905.pdf](https://www.justice.gov.za/inforeg/docs/misc/PAIA-Guide-English_20210905.pdf)

## Records we hold

We hold the following subjects and categories of records:

- **Company records;**
- **Business records;**
- **Financial records;**
- **Insurance records;**
- **Income tax records;**
- **Personnel records;**
- **Policies and procedures;**
- **Agreements or contracts;**
- **Regulatory documents;**
- **Published information;**
- **Shareholder information;**
- **Medical records;**
- **Supplier and contractor records;**

## Records that are automatically available

The following records are automatically available to you without needing to use the request procedure set out in PAIA and detailed in under the ‘How to request access’ section of the manual:

- Memorandum of incorporation – automatically available from BizPortal;
- Directors’ names – automatically available from BizPortal;
- Documents of incorporation – automatically available from BizPortal;
- Banking details – automatically available on request;
- External newsletters and circulars; and
- Information available on our website.

Please note that records that are ‘not automatically available,’ must be requested using the process outlined in the ‘How to request access’ section of this manual.

**We hold various subjects and categories of records in electronic or physical form.**

### Company records

Company records are all our records related to the incorporation and administration of our company.

<b>Minutes of board of directors meetings</b>	Not automatically available
<b>Written resolutions</b>	Not automatically available
<b>Records relating to appointment of directors, auditor, secretary, public officer, or other officers</b>	Not automatically available
<b>Share register and other statutory registers</b>	Not automatically available
<b>Other statutory records</b>	Not automatically available

**Company records include our memorandum of incorporation and directors' names.**

### **Business records**

Business records include any documents that have economic value to the business.

<b>Operational records</b>	Not automatically available
<b>Databases</b>	Not automatically available
<b>Published works</b>	Not automatically available
<b>Internal correspondence</b>	Not automatically available
<b>Services records</b>	Not automatically available

### **Financial records**

Financial records are all our records related to our finances.

<b>Financial statements</b>	Not automatically available (NDA required)
<b>Tax returns</b>	Not automatically available
<b>Other documents relating to taxation of the company</b>	Not automatically available
<b>Accounting records</b>	Not automatically available
<b>Auditor reports</b>	Not automatically available
<b>Banking records</b>	Not automatically available
<b>Bank statements</b>	Not automatically available
<b>Electronic banking records</b>	Not automatically available
<b>Asset register</b>	Not automatically available
<b>Invoices</b>	Not automatically available
<b>Financial agreements</b>	Not automatically available

**Financial records include our financial statements and banking details.**

### **Insurance records**

Insurance records are all our records related to our insurable assets.

<b>Insurance policies held by the company</b>	Not automatically available
<b>Records of insurance claims</b>	Not automatically available
<b>Register of all immovable property owned by the company</b>	Not automatically available

### **Income tax records**

Income tax records are all our records related to our income tax obligations.

<b>PAYE records</b>	Not automatically available
<b>Corporate tax records</b>	Not automatically available
<b>Documents issued to employees for income tax purposes</b>	Not automatically available
<b>Records of payments made to SARS on behalf of employees</b>	Not automatically available
<b>VAT records</b>	Not automatically available
<b>Skills development levies</b>	Not automatically available

**UIF**  
**Workmen's Compensation**

Not automatically available  
Not automatically available

### **Personnel records**

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors, and other personnel.

<b>List of employees</b>	Not automatically available
<b>Employee personal information</b>	Not automatically available
<b>Employee employment contracts</b>	Not automatically available
<b>Employment applications and appointment letters</b>	Not automatically available
<b>Employment policies and procedures</b>	Not automatically available
<b>Employment Equity Plan</b>	Not automatically available
<b>Health and safety records</b>	Not automatically available
<b>Pension and provident fund records</b>	Not automatically available
<b>Salaries or wages of employees</b>	Not automatically available
<b>Leave records</b>	Not automatically available
<b>Internal evaluations and performance records</b>	Not automatically available
<b>Disciplinary records</b>	Not automatically available
<b>Disciplinary codes</b>	Not automatically available
<b>Training records</b>	Not automatically available
<b>Operating manuals</b>	Not automatically available
<b>Personal records provided by personnel</b>	Not automatically available
<b>Other statutory records</b>	Not automatically available
<b>Related correspondence</b>	Not automatically available

**Personnel records include records about our employees and contractors.**

### **Policies and procedures**

Policies and directives include both internal and external documents.

<b>Internal relating to employees and the company</b>	Not automatically available
<b>External relating to clients and other third parties</b>	Not automatically available
<b>Information technology systems and documents</b>	Not automatically available

### **Agreements or contracts**

Agreements or contracts include the documents themselves and all related documents.

<b>Standard agreements</b>	Not automatically available
<b>Contracts concluded with shareholder/junior miners</b>	Not automatically available
<b>NDA's</b>	Not automatically available
<b>Letters of Intent, MOUs</b>	Not automatically available

<b>Third party contracts</b>	Not automatically available
	Not automatically available
<b>Rental agreements</b>	Not automatically available
<b>Supplier or service contracts</b>	Not automatically available

**Regulatory documents**

Regulatory documents include any documents required to comply with any laws.

<b>Permits</b>	Not automatically available
<b>Licences</b>	Not automatically available
<b>Norms and standards</b>	Not automatically available

**Published information**

Published information includes any document that we prepare and produce.

<b>Internal newsletters</b>	Not automatically available
<b>Information on the company published by third parties</b>	Not automatically available

**Shareholders information**

Shareholders information includes any information about anyone that we provide services to.

<b>Shareholders details</b>	Not automatically available
<b>Contact details of individuals within shareholders</b>	Not automatically available
<b>Communications with shareholders</b>	Not automatically available
<b>Transactional information</b>	Not automatically available

**Reference materials**

Reference materials include any sources of information that we contribute to.

<b>Newsletters and journals articles</b>	Not automatically available
<b>Magazines</b>	Not automatically available
<b>Newspaper articles</b>	Not automatically available

## Information we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

<b>Employment</b>
Basic Conditions of Employment Act 75 of 1997 Broad Based Black Economic Empowerment Act 53 of 2003 Compensation for Occupational Injuries and Disease Act 130 of 1993 Employment Equity Act 55 of 1998 Labour Relations Act 66 of 1995 Occupational Health and Safety Act 85 of 1993 Skills Development Act 97 of 1998 Skills Development Levies Act 9 of 1999 Unemployment Insurance Act 63 of 2001 Unemployment Insurance Contributions Act 4 of 2002
<b>Finance</b>
Income Tax Act 58 of 1962 National Credit Act 34 of 2005 Tax Administration Act 28 of 2011 Value Added Tax Act 89 of 1991 International Financial Reporting Standard
<b>General</b>
Prescription Act 18 of 1943 Prevention of Organised Crime Act 121 of 1998 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 Protected Disclosures Act 26 of 2000 Promotion of Access to Information Act, No 2 of 2000 Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004 Protection of Personal Information Act 4 of 2013 Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002
<b>Intellectual Property</b>
Copyright Act 98 of 1978 Intellectual Property Laws Amendment Act, No 38 of 1997 Intellectual Property Laws Amendment Act, No 28 of 2013 Trade Marks Act 194 of 1993
<b>Information and Communications Technology</b>
Electronic Communications Act 36 of 2005 Electronic Communications and Transactions Act 25 of 2002
<b>Operations</b>
Companies Act 61 of 1973 Companies Act 71 of 2008 Competition Act 89 of 1998

Consumer Protection Act 68 of 2008 Financial Intelligence Centre Act 38 of 2001 National Railway Safety Regulator Act 16 of 2002 Prevention & Combating of Corrupt Activities Act 12 of 2004
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<b>Environmental and Safety</b>
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National Environmental Management Act 107 of 1998 National Environmental Management Air Quality Act 39 of 2004 National Environmental Management Biodiversity Act 10 of 2004 National Environmental Management: Integrated Coastal Management Act 24 of 2008 National Environmental Management Protected Areas Act 57 of 2003 National Environmental Management: Waste Act 59 of 2008 National Ports Act 12 of 2005 National Water Act 36 of 1998 Occupational Health and Safety Act 85 of 1993 and Related Regulations Compensation for Occupational Injuries and Diseases Act 30 of 1993 Hazardous Substances Act 15 of 1973
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## How to request access

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA. To request access to a record, please complete Form 2 which is available from:

- The Information Regulator website at <https://www.justice.gov.za/inforeg/docs/forms/InfoRegSA-PAIA-Form02-Reg7.pdf>

Please submit the completed form to our information officer together with the relevant request fee (as described in the table below under the 'How much it will cost you' section) at our information officer's email address, or our physical address in terms of our details provided above. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and which form of access you require;
- specifies your email address, postal address, or fax number (if applicable);
- describes the right that you seek to exercise or protect;
- explains why you need the requested record to exercise or protect that right;
- provides any other way you would like to be informed of our decision other than in writing; and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form we may:

- reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- delay it.

<b>You may request information by completing a request for access form and submitting it to our information officer together with a request fee.</b>
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## Grounds for refusal

We may have to refuse you access to certain records in terms of PAIA to protect:



- someone else's privacy;
- another company's commercial information;
- someone else's confidential information;
- the safety of individuals and property;
- records privileged from production in legal proceedings; or
- research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

**We may have to refuse you access to a record to protect others.**

### How we will give you access

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

### How much it will cost you

You must pay us a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out below:

Item	Description	Amount
1.	Request fee payable by every requestor	R140,00
2.	Photocopy of A4-size page	R2,00 per page or part thereof
3.	Printed copy of A4-size page	R2,00 per page or part thereof
4.	Copy in a computer-readable form on: <ul style="list-style-type: none"> <li>• flash drive (to be provided by requestor)</li> <li>• compact disc <ul style="list-style-type: none"> <li>○ if provided by requestor</li> <li>○ If provided to the requestor</li> </ul> </li> </ul>	R40,00 R40,00 R60,00
5.	Transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24,00
8.	Copy of an audio record on: <ul style="list-style-type: none"> <li>• flash drive (to be provided by requestor)</li> <li>• compact disc <ul style="list-style-type: none"> <li>○ if provided by requestor</li> <li>○ If provided to the requestor</li> </ul> </li> </ul>	R40,00 R40,00 R60,00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure	R145,00
	The search and preparation fee cannot exceed	R435,00

<b>10.</b>	Deposit – if the search exceeds 6 hours	One third of amount per request, calculated in terms of items 2 to 8 above.
<b>11.</b>	Postage, e-mail or any other electronic transfer	Actual expense, if any.

You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure, as described in the table above.

### **How we process and protect personal information**

We protect personal information and process it as set out in our Privacy Policy.

### **Remedies**

If we deny your request for access, you may, within 180 days of the notification of the decision:

- apply to a court with appropriate jurisdiction, or
  - lodge a complaint with the Information Regulator,
- for the necessary relief.

### **Availability of this Manual**

This manual is available in English and will be available on our website, and at our company offices.

### **Updates to this Manual**

This manual will be updated whenever we make material changes to the current information.