MANUAL

PREPARED IN ACCORDANCE WITH SECTION 51 OF

THE PROMOTION OF ACCESS TO INFORMATION ACT

2 / 2000

“THE ACT”
## INTRODUCTION

The Promotion of Access to Information Act No 2 of 2000 was enacted to give effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

This manual is to assist potential requesters as to the procedure to be followed when requesting access to information from Oro Agri SA (Pty.) Ltd. in terms of the Act.

This manual may be amended from time to time and any new versions of the manual will be made public.

## PURPOSE OF THE MANUAL

In order to promote the effective governance of all private institutions that Oro Agri SA (Pty.) Ltd. recognises the fundamental requirement that all the people of South Africa be empowered and educated to understand their rights in terms of this Act in order for them to exercise their rights in relation to all institutions, whether those institutions are of a private or public nature.

In following the example set out in terms of Section 36 of the Constitution of South Africa (Act 108 of 1996), Section 9 of the Act recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations.

## SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE ON THE ACT

In terms of Section 10 of the Promotion of Access to Information Act 2 of 2000, the SA Human Rights Commission has compiled a guide on the use of this Act.

It is available from the Human Rights Commission at any of their offices countrywide, or from their website: [http://www.sahrc.org.za](http://www.sahrc.org.za)
AVAILABILITY OF MANUAL

In terms of Regulation 9(1) of the Act, the Chief Executive Officer must make available a copy of the manual to:

- The South African Human Rights Commission
- Publish the manual in the Government Gazette
- Publish on the Company’s website
- Shall, during office hours and upon request, make available for public inspection, a copy of this manual

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records are held in accordance with statutory provisions that include those in the following Acts:

- Basic Conditions of Employment Act, 75 of 1997
- Companies Act, 61 of 1973
- Income Tax Act, 58 of 1962
- Labour Relations Act, 66 of 1995
- Unemployment Insurance Act, 30 of 1996
- Value-Added Tax Act, 89 of 1991
- Generally Accepted Accounting Principles Act

NOTE: This list is not exhaustive

ACCESS TO RECORDS

Notice published in terms of section 52(2):

Oro Agri SA (Pty.) Ltd. information that is freely available without a request for access in terms of the Act is available at http://www.orogra.com.

Information not freely available, for which a request is required and to which access may be denied:

- Financial Records
- Accounting records
- Taxation records
- Statutory Company Information and Records
- Personnel Records
- Conditions of Service
- General Correspondence
- Employment Equity Records
- Remuneration Records
- Intellectual Property Records
- Training
Making Requests: Information and Procedures

The purpose is to define the manner and form in which a request for information must be submitted.

ENTRY POINT FOR REQUESTS

In order to ensure that Oro Agri SA (Pty.) Ltd. complies with the Act, the Chief Executive Officer has designated the Manager, Legal as the only entry point through which any request in terms of the Act must be channelled.

All requests in terms of the Act must be addressed to the Manager, Legal in writing on the prescribed form.

REQUESTER CATEGORIES

The capacity in which a requester requests information will determine the category he or she falls in.

Please take note that the requester category has a bearing on the changes pertaining to the access to information (see Request Fees).

Requesters are classified into four categories:

- **Personal Requester**
  Requests personal information about himself/herself

- **Representative Requester**
  Requests information on behalf of someone else

- **Third Party Requester**
  Requests personal information of another person

- **Public Body**
  Requests information in the public interest

REQUEST PROCEDURE

- **Completion of Form**
The prescribed form is to be completed in full and returned to the Manager, Legal together with any other information that Oro Agri SA (Pty.) Ltd. requires, in order to consider and decide on the request. A request, which does not comply with the formalities, as prescribed by the Act will be forwarded back to the requester with advice on the steps necessary for compliance. This includes forms that are not completed in full.

The Manager, Legal will not consider a request unless it is contained on the prescribed form.

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PROOF OF IDENTITY

Proof of identity is required to authenticate the request and the requester. In view hereof, a requester will, in addition to the prescribed form, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

REQUEST FEES

Section 54 of the Act entitles a company to levy a charge or request fee to enable the company to recover the cost of processing a request and giving access to records in terms of the Act. The fees that may be charged have been published by the Minister of Justice and are displayed below.

Note that where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full, and proof of payment furnished.

Access fees for information requests will be confirmed upon receipt of the completed request form.

DEPOSIT

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The full access fee is payable by the requester upon confirmation from the Information Officer that the information will be cleared.

FORMAT

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Information will only be made available via email.

GRANTING OR REFUSAL OF REQUESTS

All requests complying with the requirements above will be processed and considered expeditiously.

The Act, however, stipulates the following grounds for refusing requests for information:

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Mandatory protection of the privacy of a third party who is a natural person (Section 63)
Mandatory protection of commercial information of a third party (Section 64)
Mandatory protection of certain confidential information of a third party (Section 65)
Mandatory protection of safety of individuals and protection of property (Section 66)
Mandatory protection of records privileged from production on legal proceedings (Section 67)
Commercial information of the Private Body (Section 68)
Mandatory protection of research information of third party and of the Private Body (Section 69)

Whatever decision is taken the requester will be given notice of the decision in writing. The Act requires that such notification be given within 30 days of the decision being made. In the case of a request being refused, the notification will include the reasons for the refusal.
Please note that Oro Agri SA (Pty.) Ltd. may extend the thirty-day notice period if it is necessary due to the nature of the request and the amount of time required gathering the information. The requester will however be given notice of the extension prior to the 30-day period's expiry.

**APPEAL**

The Act does not require a company to establish an internal appeal structure for the purpose of allowing a requester, who is aggrieved by a decision of the company, to appeal such a decision. This requirement is only applicable to a public body.

A requester aggrieved by the decision of Oro Agri SA (Pty.) Ltd. must therefore approach a court of law.