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MANUAL IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000 ("PAIA")
READ WITH
THE PROTECTION OF PERSONAL INFORMATION ACT, NO. 4 OF 2013 ("POPIA")
FOR
TSHIAMO GROUP OF COMPANIES PROPRIETARY LIMITED, ITS SUBSIDIARIES, IN TERMS OF
THE COMPANIES ACT, NO 71 OF 2008
(HEREINAFTER TO BE COLLECTIVELY REFERRED TO AS "TSHIAMO GROUP")

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1. Introduction to Tshiamo Group and the type of business

- 1.1. Tshiamo Group is a mining and resources-based business which operates in the Republic of South Africa. Tshiamo Group offers a ready-made solution for all mining related services from a single source offering. In this regard, Tshiamo Group offers contract mining services, mine rehabilitation services, mineral processing, bulk commodity product handling and logistics.
- 1.2. The purpose of this document ("**PAIA Manual**") is to provide guidance in the processes to be followed by data subjects requesting information from Tshiamo Group and to indicate what type of records are held by Tshiamo Group.
- 1.3. Tshiamo Group is comprised of the following subsidiaries:
 - 1.3.1. Tshiamo Bulk Carriers Proprietary Limited;
 - 1.3.2. Tshiamo Commodities Proprietary Limited;
 - 1.3.3. Tshiamo Edu-Drive NPC;
 - 1.3.4. Tshiamo Energy Proprietary Limited;
 - 1.3.5. Tshiamo Industrial Proprietary Limited;
 - 1.3.6. Tshiamo Management Services Proprietary Limited;
 - 1.3.7. Tshiamo Processing Proprietary Limited; and
 - 1.3.8. Tshiamo Resources Proprietary Limited,
to which this PAIA Manual is applicable.
- 1.4. The company website address is **www.tshiamogroup.com**.

2. Contact details (section 51)

The directors of the company are:

- Mr. Moshe Mohutsiwa Pr.Eng. - (BSc Mining Engineering; MSc Mineral Economics; MM Entrepreneurship and New Venture Creation; Mine Managers Certificate, Coal); and
- Mr. Rudolf Brink Roelf Brink CA(SA) (Chief Financial Officer).

The head of the company is the Chief Executive Officer, Mr Moshe Mohutsiwa

Postal Address of head of the company is:

35 Ballyclare Drive,
Bally Oaks Office Park,
First Floor, Silky Oaks
Bryanston,
2021

Street Address of head of the company:

35 Ballyclare Drive,
Bally Oaks Office Park,
First Floor, Silky Oaks
Bryanston,
2021

Telephone number of head of the company is +27 11 234 2115.

E- Mail address of head of the company is enquiries@tshiamo.com.

3. PAIA section 10 guide (section 51)

A Guide has been compiled in terms of Section 10 of PAIA by Tshiamo Group. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in English.

The Guide is available for inspection, *inter alia*, at the office of Tshiamo Group at 35 Ballyclare Drive, Bally Oaks Office Park, Bryanston, 2021 and on its website at www.tshiamo.com.

Responsibility for the Guide will transfer to the Information Regulator under the Protection of Personal Information Act 4 of 2013 (POPIA) in terms of section 114 of POPIA after 30 June 2021.

4. Applicable legislation

The latest notice in terms of section 52(2): At this stage no notice affecting Tshiamo Group has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5. **Description of records (section 51)**

Records available in terms of other legislation are as follows:

- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001

Category of record	Details of record	Availability
Business Development and Marketing	Product information	Freely available
Companies Act records	Documents of incorporation Share register Minutes of directors' meetings Records relating to the appointment of the directors / auditors / secretary / information officer and other officers Other statutory registers including the Covid-19 records.	PAIA request (see below)
Financial records	Annual Financial Statements	PAIA request

		<p>Tax Returns</p> <p>Accounting Records</p> <p>Banking Records</p> <p>Asset Register</p> <p>Rental Agreements</p> <p>Invoices</p>	(see below)	
	Income Tax records	<p>PAYE records</p> <p>Documents issued to employees for income tax purposes</p> <p>Records of payments made to SARS on behalf of employees</p> <p>All other statutory compliance records:</p> <ul style="list-style-type: none"> o VAT o Skills Development Levies o UIF 	<p>PAIA request</p> <p>(see below)</p>	
	Personnel documents and records	<p>Employment contracts</p> <p>Medical Aid records</p> <p>Disciplinary records</p> <p>Salary records</p> <p>Leave records</p> <p>Training records</p> <p>Training Manuals</p>	<p>PAIA request</p> <p>(see below)</p>	

6. **The POPIA requirements (section 51)**

Insofar as POPIA is concerned:

- the purpose of the processing is to fulfil the obligations of the Tshiamo Group companies towards its stakeholders (customers, employees, service providers, CSI beneficiaries;
- the categories of data subjects are: [state categories]
- the recipients to whom the personal information may be supplied are members of the finance, human resources and legal teams.
- there are currently no planned transborder flows of personal information other than cloud services wherein personal information of data subjects is stored on a secure platform; and
- a robust and appropriate IT security team has been appointed in order to ensure the safety and confidentiality of the information that is stored by and on behalf of Tshiamo Group.

7. Form of request (section 53)

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

Requests in terms of PAIA or POPIA must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of PAIA and may be amended from time to time. Requesters are referred to the guide in terms of Section 10, compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising constitutional rights.

The guide is available from the SAHRC. For further information, either of these regulatory bodies may be contacted using the details below:

	SA Human Rights Commission	The Information Regulator (SA)
Address	Braampark Forum 3 33 Hoofd Street Braamfontein	33 Hoofd Street Forum III, 3rd Floor Braampark P.O Box 31533 Braamfontein, Johannesburg, 2017
Phone Number	(011) 877 3600	Mr Marks Thibela (CEO) Tel No. +27 10 023 5200 Cell No. +27 82 746 4173
Facsimile	(086) 410 0149	N/A
Website	http://www.sahrc.org.za	https://justice.gov.za/inforeg/
Email	tsebulela@sahrc.org.za	inforeg@justice.gov.za

The requester must complete Form C of Annexure B to the Regulations regarding the Promotion of Access to Information Act 2 of 2000 (published under Government Notice R187 in *Government Gazette* 23119 of 15 February 2002 as amended by Government Notice R1244 in *Government Gazette* 25411 of 22 September

2003) and submit this form to the head of the company.

A request for access to a record of a private body must be made in the prescribed form to the head of the company and at the company's address or electronic mail address.

The form for a request for access must at least require the requester concerned:

- (a) to provide sufficient particulars to enable the head of the company to identify-
 - (i) the record or records requested; and
 - (ii) the requester;
- (b) to indicate which form of access is required;
- (c) to specify a postal address or fax number of the requester in the Republic;
- (d) to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
- (e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
- (f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the company.

8. Prescribed fees (section 54)

The following applies to requests (other than personal requests):

A request shall be processed in terms of the Regulations regarding the Promotion of Access to Information published in Government Notice R187 of 2002 in Government Gazette 23119 of 15 February 2002.

Records may be withheld if a formal written request has not been submitted by the requester.