

# Promotion of Access to Information Manual

Revision No.	Prepared	Reviewed	Approved	Date	Status
1	A Schutte-Bouwer			24/3/2015	Final for use



**THIS PROMOTION OF ACCESS TO INFORMATION MANUAL IS PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (“PAIA”) FOR AND ON BEHALF OF KEATON ENERGY HOLDINGS LIMITED AND ITS SUBSIDIARIES (“KEATON”)**

**1. COMPANY OVERVIEW**

Keaton Energy Holdings Limited is a South African-based coal mining company that operates two collieries in South Africa (“the group”). The group is acquiring and developing new coal mining opportunities that are strategically situated and value accretive for shareholders.

**2. CONTACT PERSON**

In terms of Section 51 (1)(a) of PAIA the contact details and the contact person for Keaton:

<b>Name of body:</b>	<b>KEATON ENERGY HOLDINGS LIMITED</b>
Registration number:	2006/011090/06
Contact person (Head of private body):	Anelia Schutte-Bouwer (Company Secretary)
Postal address:	Postnet Suite 464, Private Bag X51, Bryanston, 2021, South Africa
Street address:	Ground Floor, Eland House, The Braes 3 Eaton Rd, Bryanston, Sandton
Phone number:	+27 11 317 1700
Fax:	+27 11 463 4759
Electronic mail:	Anelia@keatonenergy.co.za

**3. HUMAN RIGHTS COMMISSION GUIDE**

In terms of Section 51 (1)(b) of PAIA a guide on how to use PAIA as compiled by the Human Rights Commission in terms of Section 10 of PAIA is available from the South African Human Rights Commission. Any queries should be directed to:

**The South African Human Rights Commission**

**PAIA Unit:** Research and Documentation Department

Postal address: Private Bag 2700  
Houghton  
2041

Phone number: +27 11 484 8300

Fax number: +27 11 484 0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: PAIA@sahrc.org.za

**4. AUTOMATIC DISCLOSURE**

In terms of Section 51(1)(c) of PAIA, 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**. The categorisation of such documents has not as yet been published in terms of Section 52(2) of PAIA.

Records that are automatically available to the public are all records in any booklets or pamphlets published by Keaton and all records available on Keaton's website – [www.keatonenergy.co.za](http://www.keatonenergy.co.za)

**5. LEGISLATIVE RECORDS**

In terms of Section 51(1)(d) of PAIA, a description must be given of the records available in terms of any other legislation. Records are kept in accordance with such other legislation as is applicable to Keaton, which includes but is not limited to, the following legislation as amended from time to time:

**Labour Legislation:**

- 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
- Skills Development Act 97 of 1998



- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002

**Commercial Legislation:**

- Companies Act 71 of 2008

**Mining Legislation:**

- Minerals and Petroleum Resource Development Act 28 of 2002
- Minerals Act 50 of 1991

**Health and Safety Legislation:**

- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Mine Health and Safety Act 29 of 1996
- Occupational Diseases in Mines and Works Act 78 of 1973

**Environmental Legislation:**

- National Water Act 36 of 1992
- National Environmental Management Act 107 of 1998
- National Environmental Management: Air Quality Act 39 of 2004
- National Environmental Management: Waste Act 59 of 2008

**Tax Legislation:**

- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991

**6. RECORDS HELD BY KEATON**

In terms of Section 51 (1)(e) of PAIA, categories of records that may be requested and for which access may provide or refused are:

6.1 Operational Information

Such information as relates to the operational, commercial, financial interests and day to day running of Keaton, including but not limited to: internal phone lists, address lists, company policies, employee records, permits, licenses, authorisations, approvals and general “housekeeping” information.

6.2 Communications

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

6.3 Website

Keaton’s Website address is [www.keatonenergy.co.za](http://www.keatonenergy.co.za) and is accessible to anyone who has access to the Internet. The website contains various categories of information relating to the company which is publically available.

**7. REQUEST PROCEDURES**

Section 51(1)(e) of PAIA sets out the request for access procedure.

It is important to note that the successful completion and submission of an access to information 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 PAIA.

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.

The request procedures are as follows:



## 7.1 Form of Request

7.1.1 The requester must use the prescribed form attached to this manual as Annexure "A" to make the request for access to a record. This request must be addressed to the contact person of Keaton (head of the private body) and must be made to the address, fax number or electronic mail address of Keaton, provided in paragraph 2 above, contemplated in section 53(1) of PAIA.

7.1.2 The requester must provide sufficient detail on the request form to enable the contact person of Keaton (head of the private body) 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 send.

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, as per section 53(2)(a), (b), (c) and (e) of PAIA.

7.1.3 **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 in terms of section 53(2)(d) of PAIA.**

7.1.4 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 of Keaton (head of the private body) as detailed in terms of section 53(2)(f) of PAIA.

## 7.2 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:

- 7.2.1 Section 54(1) of PAIA provides that the contact person of Keaton (head of the private body) must by notice, require the requester (other than a personal requester) to pay the prescribe request fee (if any) before further processing the request.
- 7.2.2 The fee that the requester must pay to Keaton, if so required by Keaton, is R50 (Fifty Rand). The requester may lodge an application to court against the tender or payment of the request fee in terms of section 54(3)(b) of PAIA.
- 7.2.3 After the contact person (head of the private body) has made a decision on the request, the requester must be notified in writing unless specified otherwise.
- 7.2.4 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 in terms of section 54(6) of PAIA.

**8. OTHER INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 51(1)(f) OF PAIA**

The Minister of Justice and Constitutional Development has to date not made any regulations in this regard.

**9. AVAILABILITY OF MANUAL UNDER SECTION 51(3) OF PAIA**

In terms of section 51(3) of PAIA, this manual is available on Keaton's website ([www.keatonenergy.co.za](http://www.keatonenergy.co.za)) and is also available for inspection by the general public upon request, during office hours and free of charge, at the offices of Keaton.

**10. FOUNDATIONS FOR THE REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4 OF PAIA**

Chapter 4 of PAIA makes provisions for certain grounds upon which a request for access to information may or must be refused.



## **11. FEE STRUCTURE**

The forms and fee structure prescribed under PAIA in respect of private bodies are available on the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) under the “Regulation” section.

**Annexure A (Form C)**

**Access to the information request form**

In terms of Section 53(1) of the Promotion of Access  
to Information Act, 2000 (Act No. 2 of 2000)  
Regulation 10

**A. Particulars of Public Body**

This request must be addressed to the contact person of Keaton (head of the private body) and must be made to the address, fax number or electronic mail address, as indicated below:

Name of body:	KEATON ENERGY HOLDINGS LIMITED
Registration number:	2006/011090/06
Contact person:	Anelia Schutte-Bouwer
Postal address:	Postnet Suite 464, Private Bag X51, Bryanston, 2021, South Africa
Street address:	Ground Floor, Eland House, The Braes , 3 Eaton Road, Bryanston, Sandton
Phone number:	+27 11 317 1700
Fax:	+27 11 463 4759
Electronic mail:	Anelia@keatonenergy.co.za

**B. Particulars of Requester (If a natural Person)**

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) The address and / or fax number in the Republic to which information is to be sent must be given.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

**Particulars of Requester (If a Legal Entity)**

- (a) The particulars of the entity that requests access to the record must be given below.*
- (b) The address and/or fax number in the Republic to which information is to be sent must be given.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Name of entity: \_\_\_\_\_

Registration number: \_\_\_\_\_

Phone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

**C. Particulars of person on whose behalf request is made**

*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Capacity: \_\_\_\_\_

**D. Particulars of record**

*(a) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located.*

*(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

Description of record or relevant part of the record:

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Reference number, if available:

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Any further particulars of records:

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**E. Fees**

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*

*(b) You will be notified of the amount required to be paid as the request fee.*

*(c) 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.*

*(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

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**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.*

*Disability:*

*Form in which record is required:*

*Mark the appropriate box with an X.*

- (a) *Compliance with your request for access in the specified form may depend on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form:

Copy of record \*  Inspection of record

2. If record consists of visual images –

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View the images  Copy of the images \*  Transcription of the Images \*

3. If the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack  Transcription of soundtrack \*

4. If record is held on computer or in an electronic or machine-readable form:

Printed copy of record \*  Printed copy of Information derived From the record \*  Copy in computer readable form \* (stiffy or compact disc)

\* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

Postage is payable.

YES

NO

\* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be emailed to you?  
Depending on the volume, some emails may not be possible.

YES

NO

**G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

*The requester must sign all the additional folios.*

1. Indicate which right is to be exercised or protected:

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

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**H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2014