



# **Exxaro Resources Limited (“Exxaro”)**

(including all subsidiaries)

## **Promotion of Access to Information Manual**

Published in terms of section 51 of the Promotion of Access to Information Act 2 of 2000

**March 2024**

Version 8

**A copy of the manual will be available for inspection at Exxaro Resources Limited Corporate office  
and is available on the company website at [www.exxaro.com](http://www.exxaro.com)**

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## 1. RIGHT OF ACCESS TO INFORMATION

### 1.1 INTRODUCTION

The 1996 South African Constitution, provides a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Promotion of Access to Information Act 2 of 2000 (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requester complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

### 1.2 PURPOSE OF THE PAIA MANUAL

Exxaro has prepared this PAIA Manual to assist the public to:

- (a) check the categories of records held by Exxaro which are available without a person having to submit a formal PAIA request;
- (b) have a sufficient understanding of how to make a request for access to a record of Exxaro, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- (c) know the description of the records of Exxaro which are available in accordance with any other legislation;
- (d) access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;
- (e) know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- (f) know if Exxaro will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- (g) know the recipients or categories of recipients to whom the personal information may be supplied;
- (h) know if Exxaro has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- (i) know whether Exxaro has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 1.3 AVAILABILITY OF THE EXXARO MANUAL

The Exxaro PAIA Manual (“the Manual”) is prepared in accordance with the requirements of section 51 of the Act to facilitate access to records held by Exxaro.

A copy of this Manual is available to the public in a PDF (“Portable Document Format”) version on the website of Exxaro at [www.exxaro.com](http://www.exxaro.com), or at the head office of Exxaro for inspection during normal business hours, or on request from the Information Officer and subject to the payment of the prescribed fee provided in this Manual. Exxaro shall review this Manual periodically and update it from time to time, or when relevant regulatory changes occur.

Exxaro endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

### 1.4 WHO MAY REQUEST ACCESS TO INFORMATION

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered.

A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- A personal requester who requests a record about him/herself;
- An agent requester who requests a record on behalf of someone else;
- A third party requester who requests a record about someone else; and
- A public body who may request a record if:
  - It fulfils the requirements of procedural compliance;
  - The record is required for the exercise or protection of a right; and
  - No grounds for refusal exist.

### 1.5 CONTACT DETAILS OF EXXARO INFORMATION OFFICER

The Chief Executive Officer of Exxaro has delegated his powers to the Information Officer below in terms of the Act to handle all requests on Exxaro’s behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Information Officer:	Chief Strategic Resilience & Governance Officer
Physical Address:	263B West Avenue, Die Hoewes Centurion, 0157
Postal Address:	PO Box 9229, Pretoria, 0001
Tel:	(012) 307 5000
E-mail:	<a href="mailto:Information.Officer@exxaro.com">Information.Officer@exxaro.com</a>

### 1.6 POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

Exxaro will protect the confidentiality of information provided to it by third parties, subject to Exxaro’s obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, Exxaro

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in

is obliged to attempt to contact this third party to determine whether access should be granted, inform them of the request. or not.

## 1.7 **GUIDANCE ON HOW TO USE THE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

The Information Regulator has, in terms of section 10(1) of the Act, as amended, updated and made available the revised Guide on how to use the Act (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and the Protection of Personal Information Act 4 of 2013 (“POPIA”).

Copies of the Guide may be found on the website of the Information Regulator: <https://info regulator.org.za/training/wp/paia-guidelines/>

Copies of the Guide may also be requested from the Information Officer of using Form 1: <https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form01-Reg3.pdf>

A copy of the Guide is also available in English and Afrikaans, for public inspection during normal office hours at our physical address.

## 2. EXXARO STRUCTURE

### 2.1 **SCOPE**

This Manual includes the following Exxaro entities:

- Amakala Emoyeni Re Project 1 (RF) Proprietary Limited
- Cennergi Proprietary Limited
- Cennergi Services Proprietary Limited
- Cennergi Holdings Proprietary Limited
- Coastal Coal Proprietary Limited
- Colonna Properties Proprietary Limited
- Exxaro Base Metals and Industrial Minerals Holdings Proprietary Limited
- Exxaro Chairman’s Fund
- Exxaro Coal Proprietary Limited
- Exxaro Coal Mpumalanga Proprietary Limited
- Exxaro Employee Empowerment Participation Scheme Trust
- Exxaro Employee Empowerment Trust
- Exxaro Employee Share Ownership Trust
- Exxaro ESOP SPV (RF) Proprietary Limited
- Exxaro Environment Rehabilitation Fund
- Exxaro FerroAlloys Proprietary Limited
- Exxaro Foundation **Trust**
- Exxaro Holding Proprietary Limited
- Exxaro Insurance Company Limited
- Exxaro Matla Setshabeng Development NPC
- Exxaro Mountain Bike Academy NPC
- Exxaro People Development Initiative NPC
- Exxaro Properties (Groenkloof) Proprietary Limited
- Exxaro Reductants Proprietary Limited
- Exxaro Resources Limited
- Eyesizwe Coal Employees Share Trust
- Ferroland Grondtrust Proprietary Limited
- Gravelotte Iron Ore Company Proprietary Limited
- K2021699141 (South Africa) Proprietary Limited
- Kumba Resources Management Share Trust
- Lephale Solar (RF) Proprietary Limited
- Mafube Environmental Rehabilitation Trust
- Matla and Arnot Rehabilitation Trust
- Rocsi Holdings Proprietary Limited
- The Vryheid (Natal) Railway, Coal and Iron Company Limited
- Tsitsikamma Community Wind Farm (RF) Proprietary Limited

## 2.2 EXXARO PROFILE AND STRUCTURE

Exxaro is a diverse resources group which includes coal operations and investments in iron ore, residual pigment manufacturing and renewable (wind) energy. Exxaro has operations in South Africa, Australia, Switzerland and China, and a pipeline of growth projects.

### 3. CLASSES OF RECORDS

#### 3.1 CATEGORIES OF RECORDS OF EXXARO WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS BY COMPLETING A FORM

Category of records	Types of the Record	Available on Website	Available upon request
Legal	BBBEE Ownership Structure	X	X
Legal	BBEE Verification Certificate	X	X
Legal	PAIA Manual	X	X
Legal	Privacy Policy	X	X
Legal	Financial Results	X	X
Legal	Integrated Reports	X	X
Governance	Supplier Code of Conduct	X	X
Media	Press Release Articles and Exxaro News	X	X

If the above records are not available on the Exxaro website where a person may download the document, such person may request a copy by contacting the information officer at [information.officer@exxaro.com](mailto:information.officer@exxaro.com) or via telephone on 012 307 5000.

If a copy is requested, payment of a fee as set out in paragraph 8.1 below is required.

**3.2 DESCRIPTION OF THE RECORDS OF EXXARO WHICH ARE AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**

Category of records	Applicable Legislation
Incorporation Documents, Board Resolutions, Shareholder Register, Shareholder Agreements, Minutes of Meetings, Register of Company Secretary and Auditors, Reports presented at Annual General Meetings, Annual Financial Statements, Record of Directors, SENS Releases, Share Certificates	Companies Act 71 of 2008
Employment Contracts, Medical Records, Leave Records	Basic Conditions of Employment Act, 75 of 1997
	Employment Equity Act, 55 of 1998
	Compensation of Occupational Injuries and Diseases Act, 130 of 1993
Labour Policies, Labour Agreements, Disciplinary Records	Labour Relations Act, 66 of 1995
Incident Registers, Risk Assessments, Legal Appointments, Medical Records	Occupational Health and Safety Act, 85 of 1993
	Mine Health and Safety Act
Learnership Agreements, Training and Development Records	Skills Development Act 97 of 1998
Tax Records>Returns, Audit Reports, VAT Records	Income Tax Act, 58 of 1962
Mining Rights and Prospecting Rights	Mineral and Petroleum Resources Development Act 28 of 2002
Environmental Authorisations, Audit Reports	National Environmental Management Act 107 of 1998
Water Use Licences, Audit Reports	National Water Act 36 of 1998

## 4. PROCESSING OF PERSONAL INFORMATION

### 4.1 PURPOSE OF PROCESSING

Personal information shall bear the meaning as defined in the Protection of Personal Information Act 4 of 2013. Exxaro may process personal information for a variety of purposes, including:

- to provide our goods or supply our services and to better understand our data subjects' needs when doing so;
- to keep our data subject records up-to-date;
- for employment purposes;
- for recruitment purposes;
- for legal or contractual purposes;
- to manage employees in general;
- to manage supplier contracts in general;
- to manage customers in general;
- to process customer requests or complaints; and
- to process personal information of employees.

### 4.2 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

Exxaro has various categories of data subjects which include employees, service providers and clients.

Exxaro processes many different categories of personal information of various data subjects, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- health information;
- biometric information;
- account numbers;
- contract information.

### 4.3 PLANNED RECIPIENTS OF PERSONAL INFORMATION

Exxaro may give personal information that we process in the ordinary course of business to fulfill our obligations to following third parties:

- Statutory authorities;
- Law enforcement;
- Tax authorities;
- Medical schemes;
- Accredited certification bodies;
- Employee pension and provident funds.

### 4.4 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

Exxaro may be required to transfer personal information outside of South Africa to various countries. Exxaro shall only transfer information to other countries who have similar privacy laws to South Africa's or recipients who can guarantee the protection of personal information to the same standard which Exxaro is required protect such personal information.



## 5. SECURITY

We secure all personal information by maintaining reasonable measures to protect personal information from loss, misuse and unauthorised access, disclosure, alteration and destruction. We also take reasonable steps to keep personal information accurate, current, complete and reliable for its intended use.

## 6. ACCESS PROCEDURE AND REQUESTS

*The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by Exxaro.*

*It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, 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.*

*If it is reasonably suspected that the requester has obtained access to Exxaro's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.*

### 6.1 GUIDANCE ON COMPLETION OF PRESCRIBED ACCESS FORM

In order for Exxaro to facilitate your access to a record you need to complete the prescribed access form, Form 2, available on this link <https://info regulator.org.za/paia-forms/> and in Annexure A of this Manual. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. Exxaro will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- The Access Request Form must be completed in the English language.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- Proof of identity is required to authenticate the identity of the requester. If the requester acts as an agent requester, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

## 6.2 SUBMISSION OF PRESCRIBED ACCESS FORM

The completed Access Request Form must be submitted either via conventional mail or e-mail and must be addressed to the Information Officer.

## 6.3 PAYMENT OF PRESCRIBED FEES

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Four types of fees are provided for in terms of the Act:

**Request fee:** An initial, non-refundable R50.00 (incl. VAT) is payable on submission.

This fee is not applicable to personal requesters, referring to any person seeking access to records that contain their personal information.

**Reproduction fee:** This fee is payable with respect to all records that are automatically available.

**Access fee:** If the request for access is successful an access fee may be required to reimburse Exxaro for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.

**Deposit:** A deposit of one third (1/3) of the amount of the applicable access fee, is payable if Exxaro receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

## 6.4 NOTIFICATION

Exxaro will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The outcome of a request will be as outlined in Form 3 found on this link: <https://infoeregulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>.

The thirty (30) day period within which Exxaro has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of Exxaro and the information cannot be reasonably be obtained within the original thirty (30) day period. Exxaro will notify the requester in writing should an extension be sought.

## 6.5 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If Exxaro has searched for a record and it is believed that the record either does not exist or cannot be found within the original thirty (30) day and the notified thirty (30) day extension period, the requester will be notified by way of an affidavit or affirmation.

This will include the steps that were taken to try to locate the record.

## 6.6 OTHER RELEVANT FORMS

When collecting and processing personal information, data subjects will be provided with relevant information and notice for what purposes their personal information is being collected and processed or used and who the recipients of the personal information are or will be.

For any complaints relating to personal information, please submit [Form 5](#) to our Information Officer. To object to the processing of your information please use [Form 1](#) and submit to our Information Officer.

Further, data subjects will be provided an opportunity to request any personal information held about the data subject, the correction of personal information and the withdrawal of consent to the processing of personal information. Any of the latter may be done by submitting [Form 2](#) to our Information Officer.

## 7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

### 7.1. GROUNDS FOR REFUSAL

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of commercial information of a third party or Exxaro, if the record contains:
  - Trade secrets of the third party of Exxaro;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or Exxaro; and
- Information disclosed in confidence by a third party of Exxaro if the disclosure could put that third party to disadvantage in negotiations or commercial competition;
- Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of Exxaro.

### 7.2. APPEAL

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within one hundred and eighty (180) days of notification of the Information Officer's decision, apply to a court

for appropriate relief in accordance with Section 78 of the Act.

## 8. PRESCRIBED FEES

### 8.1 REPRODUCTION FEES

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
• For every photocopy of an A4–size page or part thereof	1.10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
• For a copy in a computer readable form:	
○ Compact disc	70.00
• A transcription of visual images, for an A4-size page or part thereof	40.00
• For a copy of visual images	
• A transcription of an audio record, for an A4-size page or part thereof	60.00
• For a copy of an audio record	20.00
	30.00

### 8.2 REQUEST FEE

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor.

### 8.3 ACCESS FEE

The applicable fees (excluding VAT) which will be payable are:

	Rand
• For every photocopy of an A4–size page or part thereof	1.10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
• For a copy in a computer readable form:	
○ Compact disc	70.00
• A transcription of visual images, for an A4-size page or part thereof	40.00
• For a copy of visual images	60.00
• A transcription of an audio record, for an A4-size page or part thereof	20.00
• For a copy of an audio record	30.00
• To search a record that must be disclosed, per hour of part of the hour	30.00

### 8.4 POSTAGE FEE

When a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

### 8.5 UPDATING OF MANUAL

The Information Officer of Exxaro shall periodically update this Manual and as and when necessary.

Signed at **Centurion** ..... on this **30** ..... day of **May** ..... 2024.

A handwritten signature in black ink, appearing to be 'D. Centurion', written over a horizontal dotted line.

.....  
(Information Officer)

**ANNEXURE A: REQUEST FOR ACCESS TO RECORD**

**FORM 2**

**REQUEST FOR ACCESS TO RECORD**

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer


(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			

Postal Address	
----------------	--

Street Address	
----------------	--

E-mail Address	
----------------	--

Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

<b>PARTICULARS OF RECORD REQUESTED</b>
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>

Description of record or relevant part of the record:	

Reference number, if available	
--------------------------------	--

Any further particulars of record	

<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>
---

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	

Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>  <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or	



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

<b>FEES</b>	
a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>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.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication ( <i>Please specify</i> )

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

-----  
**FOR OFFICIAL USE**

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	

<i>Deposit (if any):</i>	
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***Signature of Information Officer***