

**AECI LIMITED**

**A Guide to**

**ACCESSING OUR  
INFORMATION**

**Our manual in terms of Section 51 of the Promotion of  
Access to Information Act No. 2 of 2000**

## **Preamble**

The Promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

## **Introduction to this private body**

AECI is a specialty product and services Group of companies which provides value-adding solutions to customers through science, technology and industry knowledge. The focus is on serving the mining and manufacturing sectors. As part of enhancing this strategic thrust, the Dulux decorative coatings business was disposed of in 2007 and the unprofitable segments of the SANS Fibres business were closed.

At the same time, the Group is investing substantial sums in its future growth. Construction is in progress on six significant projects, with capital expenditure totalling about R1.4 billion over the next two years. The projects relate mainly to the mining sector but capital is also being invested to augment the Group’s ability to meet escalating demand in consumer-driven markets. This increase in demand is attributable, in large part, to the ongoing growth of South Africa’s black middle class.

AECI’s core businesses serve global and regional markets. They are characterised by application know-how and service delivery, operate in niche markets, and are supported by leading international technology alliances.

Principal manufacturing sites are located in South Africa, near Johannesburg (mining solutions, provided by African Explosives Limited, and specialty chemicals via Chemical Services Limited) and Durban (specialty chemicals). Chemical Services’ mining chemicals thrust is anchored in Senmin, which operates at Sasolburg in the Free State.

African Explosives and Chemical Services have expanded their presence throughout sub-Saharan Africa. Furthermore, in mining solutions, the DetNet joint venture aims to be the international leader in the design, production and sale of specialised electronic detonators.

Both businesses continue to explore opportunities to take their products and service packages to niche markets in countries beyond their traditional areas of activity. In specialty chemicals, for example, a stable presence has been established in Brazil and more acquisitions are being sought using the existing investment as a platform for growth.

The Group is fortunate that, in addition to its core businesses, it has a most valuable land asset, the release of which it can control and influence. The realisation of land and the utilisation of built assets that have become surplus to AECI's requirements are managed in the property portfolio, led by Heartland Properties. These activities are significant and offer prime holdings near Johannesburg and Cape Town for commercial, residential and industrial development and leasing purposes. By the end of 2007, 1 450 hectares of the 3 770 hectares of excess land available had been sold.

AECI has a total employee complement of about 6 300, many of whom are engaged in the Group's extensive sales, technical service and distribution networks.

The Company is domiciled in South Africa and is listed on the JSE Limited. At 31 December 2007, its market capitalisation was R9.5 billion.

#### Operating Companies:

- African Explosives Limited
- Chemical Services Limited
- DetNet (Pty) Limited
- Heartland Leasing (Pty) Limited
- Heartland Properties (Pty) Limited
- SANS Fibres (Pty) Limited

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

In these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is available on our website, and where our operating companies have their own websites.

## Section A – Our details

Full name	:	AECI Limited
Registration number	:	1924/002590/06
Registered address	:	1 <sup>st</sup> floor, AECI Place 24 The Woodlands Woodlands Drive Woodmead Sandton
Postal address	:	Private Bag X21 Gallo Manor 2052
Telephone number	:	+27(0)11 806 8700
Fax number	:	+27(0)11 806 8701
Head / CEO	:	Dr G N Edwards
Designated information officer	:	Ms F M Putero
Email address of Information officer	:	fulviap@aeci.co.za
Website	:	www.aeci.co.za

## Section B – The official guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the SAHRC in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this Guide are available from SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## Section C – Information available in terms of the Act

### 1. Categories of information

We hold the following categories of information:

#### (a) STATUTORY COMPANY INFORMATION

- (i) Certificate of incorporation;
- (ii) Certificate of change of name (if any);
- (iii) Memorandum and articles of association;
- (iv) Certificate to commence business;
- (v) Minute book, CM25 and CM26, as well as resolutions passed at general/class meetings;
- (vi) Proxy forms;
- (vii) Proxy forms used at court-convened meetings;
- (viii) A register of allotments – after a person ceased to be a member;
- (ix) Register of members;
- (x) Index of members;
- (xi) Register of mortgages and debentures and fixed assets;
- (xii) Register of directors' shareholdings;
- (xiii) Register of directors and certain officers;
- (xiv) Directors' attendance register;
- (xv) A branch register;
- (xvi) Annual financial statements including:
  - (a) Annual accounts;
  - (b) Directors' reports;
  - (c) Auditors' report.
- (xvii) Books of account regarding information required by the Companies Act, 1973;
- (xviii) Supporting schedules to books of account and ancillary books of account.

#### (b) STATUTORY CLOSE CORPORATION INFORMATION

- (i) The founding statement;
- (ii) Any amending founding statement;
- (iii) Proof of registration;
- (iv) Minute books as well as resolutions passed at meetings;
- (v) Annual financial statements, including annual accounts and the report of the accounting officer;
- (vi) Accounting records, including supporting schedules to accounting records and

ancillary accounting records;

- (vii) The microfilm image of any original record reproduced directly by the camera – “the camera master”.

(c) ACCOUNTING RECORDS

- (i) Books of account including journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

(d) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations;
- (ii) Time worked by each employee;
- (iii) Remuneration paid to each employee;
- (iv) Date of birth of each employee;
- (v) Wages register;
- (vi) Attendance register;
- (vii) Employment equity plan;
- (viii) Salary and wages register;
- (ix) Records of foreign employees;
- (x) Collective agreements;
- (xi) Arbitration awards;
- (xii) Determinations made in terms of the Wage Act;
- (xiii) Records of strikes, lockouts or protest action;
- (xiv) Industrial training records;
- (xv) Staff records (after date of employment ceases);
- (xvi) Expense accounts;
- (xvii) Tax returns of employees.

(e) OTHER EMPLOYEE RECORDS

- (i) Employee contracts;
- (ii) Incentive schemes;
- (iii) Staff loan schemes;
- (iv) Study assistance schemes;
- (v) Maternity leave policy;
- (vi) Relocation policy;
- (vii) Housing scheme;
- (viii) Disability scheme;
- (ix) Funeral insurance scheme;

- (x) Group personal accident insurance;
  - (xi) Group life insurance;
  - (xii) Micro loan scheme;
  - (xiii) Employee stock purchase plan;
  - (xiv) Code of conduct and ethics.
- (f) PENSION AND RETIREMENT FUNDING RECORDS
- (i) Pension Fund rules;
  - (ii) Pension Fund account records;
  - (iii) Minutes of meetings of trustees and members;
  - (iv) Actuarial valuation reports;
  - (v) Contribution reports;
  - (vi) Annual accounts.
- (g) ENVIRONMENT, HEALTH AND SAFETY
- (i) Noise exposure records;
  - (ii) Water quality monitoring program records;
  - (iii) Waste water assessment and monitoring records;
  - (iv) Records of waste water discharges;
  - (v) Records of waste water storage and waste water disposal;
  - (vi) Employee medical surveillance records in respect of hazardous chemical substances;
  - (vii) Records of investigations and tests in respect of hazardous chemicals and substances;
  - (viii) Records of risk assessments and monitoring results in respect of hazardous biological agents;
  - (ix) Records of assessment and air monitoring and asbestos inventory;
  - (x) Medical surveillance records related to asbestos work;
  - (xi) Records of type of work carried out with asbestos;
  - (xii) Records of training given to employees in respect of exposure to asbestos;
  - (xiii) Records of assessment and air monitoring for lead exposure;
  - (xiv) Medical surveillance records in respect of lead exposures;
  - (xv) Records of type of work carried out with lead;
  - (xvi) Dates of medical surveillance reports in respect of lead;
  - (xvii) Biological monitoring and medical surveillance records and results of biological tests for lead exposure of employees;
  - (xviii) Records of training of employees in respect of lead exposure;
  - (xix) Safety management systems, data and audits;

- (xx) Industrial hygiene programs, data and audits;
  - (xxi) Permits, licences, approvals and registrations for operations of sites and business;
  - (xxii) Emergency response plans;
  - (xxiii) Environmental impact assessments;
  - (xxiv) Environmental management programs and systems;
  - (xxv) Details of aqueous discharges; (same as iv and v?)
  - (xxvi) Details of solid waste discharges;
  - (xxvii) Details of air emission discharges.
- (h) **FIXED PROPERTY**
- (i) Title deeds;
  - (ii) Leases;
  - (iii) Buildings plans;
  - (iv) Mortgage bonds or other encumbrances to fixed property.
- (i) **MOVABLE PROPERTY**
- (i) Asset register;
  - (ii) Finance and lease agreements;
  - (iii) Notarial bonds;
  - (iv) Deeds of pledge.
- (j) **INTELLECTUAL PROPERTY**
- (i) Patents, patent applications and inventions;
  - (ii) Trademarks, trade names and protected names;
  - (iii) Copyrights;
  - (iv) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
  - (v) Litigation and other disputes involving intellectual property.
- (k) **AGREEMENTS AND CONTRACTS**
- (i) Material agreements concerning provision of services or materials;
  - (ii) Joint venture agreements, partnership agreements, participation, franchise, co-marketing , co-promotion or other alliance agreements;
  - (iii) Agreements with shareholders, officers or directors;
  - (iv) Acquisition or disposal documentation;

- (v) Agreements with contractors and suppliers;
  - (vi) Agreements with customers;
  - (vii) Warranty agreements;
  - (viii) Sale agreements;
  - (ix) Distributor, dealer or agency agreements;
  - (x) Restraint agreements;
  - (xi) Agreements with governmental agencies;
  - (xii) Purchase or lease agreements.
- (l) TAXATION
- (i) Copies of all income tax returns and other tax returns and documents.
- (m) LEGAL
- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
  - (ii) Settlement agreements;
  - (iii) Material licences, permits and authorisations.
- (n) INSURANCE
- (i) Insurance policies;
  - (ii) Claim records;
  - (iii) Details of insurance coverages, limits and insurers.
- (o) TRANSPORTATION
- (i) Transportation rights;
  - (ii) Permits;
  - (iii) Transportation system deliver plan;???
  - (iv) Transportation, warehousing and storage contracts.
- (p) INFORMATION TECHNOLOGY
- (i) Hardware;
  - (ii) Operating systems;
  - (iii) Telephone exchange equipment;
  - (iv) Telephone lines, leased lines and data lines;
  - (v) LAN installations;
  - (vi) Software packages;
  - (vii) Disaster recovery systems???
  - (viii) Internal systems support and programming/development

- (ix) Capacity and utilisation of current systems;
- (x) Development or investment plans;
- (xi) Agreements;
- (xii) Licenses;
- (xiii) Audits.

(q) SALES AND MARKETING

- (i) Products;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, newsletters and advertising materials;
- (v) Sales;
- (vi) Public relations policies and procedures;
- (vii) Domestic and export orders.

## 2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in Annexure "A" hereto. These forms are available from:

- our information officer (whose contact details are in Section A of this manual);
- the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za));
- the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

## **Section D – Information available in terms of other legislation**

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

- Arms and Ammunition Act No. 75 of 1969
- Atmospheric Pollution Prevention Act No. 45 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Designs Act No. 195 of 1993
- Employment Equity Act No. 55 of 1998
- Hazardous Substances Act No. 15 of 1973
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Mine Health and Safety Act No. 29 of 1996
- Minerals Act No. 50 of 1991
- Mines and Works Act No. 27 of 1956
- National Environmental Management Act No. 107 of 1998
- National Key Points Act No. 102 of 1980
- National Road Traffic Act No. 93 of 1996
- Occupational Health and Safety Act No. 85 of 1993
- Road Transportation Act No. 74 of 1977
- Skills Development Act No. 97 of 1998
- Unemployment Insurance Act No. 63 of 2001
- Water Act No. 36 of 1998

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Employment Equity Act No. 55 of 1998
- Explosives Act No. 26 of 1956

- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Machinery and Occupational Safety Act No. 6 of 1983
- Mine Health and Safety Act No. 29 of 1996
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Stock Exchanges Control Act No. 1 of 1985
- Transfer Duty Act No. 40 of 1949
- Value-added Tax Act No. 89 of 1991

## **Section E – Information automatically available**

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in Section A of this manual.

1. Newsletters;
2. Booklets;
3. Pamphlets/brochures;
4. Reports;
5. Posters;
6. Other literature intended for public viewing.

# ANNEXURE "A"

## FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(Section 53 (1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000))  
[Regulation 10]

### A. Particulars of private body

The Head:

.....  
.....  
.....

### B. Particulars of person requesting access to the record

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

Full names and surname: .....

.....

Identity number: .....

Postal address: .....

.....

.....

Fax number: .....

Telephone number: ..... E-mail address: .....

Capacity in which request is made, when made on behalf of another person: .....

.....

**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: .....

**D. Particulars of record**

- (a) 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.
- (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.**

1. Description of record or relevant part of the record: .....

2. Reference number, if available: .....

3. Any further particulars of record: .....

**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: .....

.....

.....

**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 hereunder, 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**.

NOTES:

- (a) Compliance with your request 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.

<b>1. If the record is in written or printed form:</b>			
	Copy of record*		Inspection of record
<b>2. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	View the images	copy of the images*	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	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? <b>Postage is payable.</b>			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: .....
- .....
- .....

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

.....  
.....  
.....

**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?..

.....  
.....

Signed at ..... this ..... day of ..... 20.....

.....

SIGNATURE OF REQUESTER/PERSON ON WHOSE  
BEHALF REQUEST IS MADE

## **ANNEXURE “B”**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

### **1. Copies of a manual**

Should an individual require a copy of the private body’s manual, a fee of R1.10 is chargeable for every photocopy of an A4 page or part thereof.

### **2. Reproduction fees**

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

### **3. Access fees**

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

### **4. Other fees**

- 4.1 A request fee of R50.00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee may be charged at a rate of R30.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

PART III  
FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1.10 for every photocopy of an A4-sized page or part thereof.

2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a) For every photocopy of an A4-sized page or part thereof .....	1,10
(b) For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form .....	0,75
(c) For a copy in a computer-readable form on-	
(i) stiffy disc .....	7,50
(ii) compact disc .....	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images .....	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record .....	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
(1) (a) For every photocopy of an A4-sized page or part thereof .....	1,10
(b) For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form .....	0,75
(c) For a copy in a computer-readable form on-	
(i) stiffy disc .....	7,50
(ii) compact disc .....	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof .....	40,00
(ii) For a copy of visual images .....	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof .....	20,00
(ii) For a copy of an audio record .....	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

- (2) For purposes of Section 54 (2) of the Act, the following applies:
  - (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) One third of the access fee is payable as a deposit by the requester.
  
- (3) The actual postage is payable when a copy of a record must be posted to a requester.