



MONDI ZIMELE (PTY) LIMITED

And

MONDI ZIMELE JOBS FUND (PTY) LIMITED

**PROMOTION OF ACCESS TO INFORMATION
ACT MANUAL**

January 2013

Version 4

A copy of the manual will be available for inspection at Mondi Zimele (Pty) Limited office and is available on the company website at www.mondizimele.co.za

INTRODUCTION

On 9 March 2001, new legislation was enacted called the Promotion of Access to Information Act of 2000 (hereinafter referred to as “the Act”). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified by the Act is the compilation of a manual by 15 August 2002 that provides information on both types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person. Therefore, Mondi Zimele (Pty) Limited and Mondi Zimele Jobs Fund (Pty) Limited are regarded as a “private bodies” and both the manual and the requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies.

This documents serves as the Mondi Zimele (Pty) Limited and Mondi Zimele Jobs Fund (Pty) Limited manual in terms of the Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

COMPANY OVERVIEW

Mondi Zimele (Pty) Limited was incorporated in South Africa in 2006 and is a private company wholly owned by Mondi Limited. Mondi Zimele Jobs Fund (Pty) Limited was incorporated in South Africa in 2012 and is a private company wholly owned by Mondi Zimele (Pty) Limited. Mondi Zimele (Pty) Limited and Mondi Zimele Jobs Fund (Pty) Limited share administrative functions and as such all the information is kept and maintained by Mondi Zimele (Pty) Limited for both entities. Both entities shall be collectively referred to as MZ in this document.

MZ is the enterprise development arm of Mondi Limited and as empowerment investment companies, provide both share capital and working capital to its investee companies to achieve the following goals:

- Promote sustainable black economic empowerment and the availability of competitive contractors in Mondi’s forestry and mill value chains
- Encourage economic development and job creation in our forestry communities
- Facilitate the increased availability of sustainable, competitive timber by private growers for Mondi mills (including the development of new emerging community forestry businesses).

SCOPE OF THE MANUAL

The scope of this manual will exclude Mondi Limited’s operations and will serve to provide a reference regarding the records held by MZ at its registered office.

ADMINISTRATION OF THE ACT

The Chief Executive Officer (CEO) of MZ, Mr. J. Smith, has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact person: The Legal Affairs Manager
Postal Address: P O Box 806, Merebank, 4059
Physical Address: 380 Old Howick Road, Hilton
Phone Number: +27 33 329 5505
Fax Number: +27 33 329 5507
Email: wendy.pieterse@mondizimele.co.za

Section 51(1)(b)

GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission ("HRC"). It contains information required by a person wishing to exercise any right contemplated by the Act.

The Guide is available for inspection, *inter alia*, at the offices of the HRC at 29 Princess of Wales Terrace, corner of York and St Andrews Streets, Parktown, as well as on its website at www.sahrc.org.za.

Section 51(1)(c)

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

Section 51(1)(d)

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records are available in accordance with the following legislation (kindly note that this is not an exhaustive list):

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Forestry Act 122 of 1984;
- Forestry Laws Rationalization and Amendment Act 51 of 1994;
- Income Tax Act 58 of 1962 (Section 75)
- Insolvency Act 24 of 1936 (Sections 134 and 155)
- Labour Relations Act 66 of 1995
- National Forests Act 84 of 1998;
- National Veld and Forest Fire Act 101 of 1998;
- The Occupational Health and Safety Act No. 85 of 1993;

- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of the Act.

Section 51(1)(e)

SUBJECTS AND CATEGORIES OF RECORDS HELD

MZ holds the following subjects and categories of records:

General

- General Correspondence
- Statutory Records
- Administration Records
- Technical Records
- Technical Publications
- Contracts and Agreements
- Insurance Records
- SHE records (where applicable)
- Capital Expenditure Records (where applicable)

Finance

- Accounting Records
- Investment Records
- Management Reports
- Transactional Records
- VAT Records
- PAYE Records
- Tax Records
- Consolidation Records
- Asset registers
- Annual Financial Statements
- Banking records (relating to business and investment accounts held)

Audit

- Audit Reports

Company Secretary & Legal

- Statutory Records
- Memorandum of Incorporation

- Records relating to appointment of directors and auditors
- Statutory registers and records
- Minute book of directors'/shareholders' meetings and resolutions
- General Legal Correspondence

Corporate Communications

- News Releases/Statements
- Media Cuttings
- Brochures

Operational Documents and Records

- Operating procedure manuals
- Internal phone lists
- Address lists
- Company policies
- Directives to staff
- Minutes of meetings
- General housekeeping information

Section 51(e)

ACCESS REQUEST PROCEDURE

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 MZ.

It is important to note that an application for access to information may 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.

Note:

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

Completion of Access Request Form

In order for MZ to respond to requests in a timely manner, the [Access Request Form](#) should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

- The [Access Request Form](#) must be completed in the English Language.
- 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.
- If there is insufficient space provided on a printed form in which to answer a question, additional information may be provided on an additional blank page.
- When the use of an additional blank page is required, precede each answer thereon with the title applicable to that question.

Submission of Access Request Form

The completed [Access Request Form](#) must be submitted either via conventional mail, email or fax and must be addressed to the contact person as indicated in Section 51(1) (a).

An initial, **non-refundable R57.00 request fee** is payable on submission. This fee is **not applicable** to Personal Requesters (i.e. any person seeking access to records that contain their personal information).

Payment of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) 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.

Note:

If the request for access is successful, an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the [Prescribed Fees](#). The **access fee** must be paid prior to access being given to the requested record.

Notification

Request will be evaluated and the requester notified within 30 days of receipt of the properly completed [Access Request Form](#). Notifications may include:

Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests including:

- The required extension period, which will not exceed an additional 30 day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court of law against the extension and the procedure, including the period, for lodging such application.

Payment of a Deposit (if applicable)

The requesters may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- The amount of the deposit payable; and
- That the requester may lodge an application with a court of law against the payment of the deposit and the procedure, including the period, for lodging such application.

Please Note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If not extension period or deposit is required the requesters will be notified, within 30 days, of the decision of their requests.

If the request for access to a record is **successful** the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);
- An indication of the form in which the access will be granted;
- Notice that the requester may lodge an application with a court of law against the payment of the access fee and the procedure, including the period, for lodging such application.

If the request for access to a record is **not successful** the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- That the requester may lodge an application with a court of law against the refusal of the request and the procedure, including the period, for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, MZ is obliged to attempt to contact this third party to inform them of the request. 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 of the third party furnishing reasons for the support or denial of access, MZ's designated contact person will consider these reasons in determining whether access should be granted or not.

Ground for Refusal

MZ may legitimately refuse to grant access to the requested record where that record falls within a certain category. Grounds on which MZ may refuse access include:

- Protecting personal information that MZ hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that MZ holds about a third party or MZ (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in the breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific or technical information) would harm the commercial or financial interests of MZ;
- Disclosure of the record would put MZ at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme;

- The record contains information about research being carried out or about to be carried out on behalf of a third party or MZ.

Records that cannot be found or do not exist

If MZ has searched for a record and it is believed that the record either does not exist or cannot be found, 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.

Section 51(1)(f)

ADDITIONAL PRESCRIBED INFORMATION

The Minister of Justice has prescribed no additional information.

Regulation 9

AVAILABILITY OF MANUAL

This manual is available for inspection by the general public upon request, during office hours and free of charge, at MZ's offices. Copies of the manual may be made, subject to the [Prescribed Fees](#).

Copies may also be requested from the South African Human Rights Commission.

The manual is also posted on MZ's website at www.mondizimele.co.za.

ACCESS REQUEST FORM

Page 1 of 5	FOR OFFICE USE ONLY	Reference Number: Received By:
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(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)
[Regulation 10]

1. PARTICULARS OF BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Mondi Zimele (Pty) Limited

Contact Person: The Legal Manager
Postal Address: P O Box 806, Merebank, 4059
Physical Address: 380 Old Howick Road, Hilton
Phone Number: +27 (33) 329 5505
Fax Number: +27 (33) 329 5507
Email: wendy.pieterse@mondizimele.co.za

2a. PARTICULARS OF REQUESTER (IF NATURAL PERSON)

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

Full names and surname: _____

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address: _____

Telephone number: () _____

Fax number: () _____

E-mail address: _____

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

Any further particulars of record: _____

5. FEES

- (a) A request for access to a record, other than a record containing personal information about you, will be processed only after a **non-refundable request fee** of **R57.00** has been paid.
- (b) The fee payable for access to a record (**record access fee**) depends on the form in which access is required and the reasonable time required to search for and prepare the record.
- (c) You will be notified of the amount required to be paid as the **record access fee**.
- (d) If you qualify for an exemption from the payment of any fee, please state the reason for the exemption.

Reason for exemption from payment of fees: _____

6a. FORM OF ACCESS TO RECORD

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 under certain circumstances. In such a case you will be informed whether 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 the 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 information that can be reproduced in sound:

Listen to Soundtrack
(audio cassette)

Transcription of Soundtrack*
(written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:
(this includes photographs, slides, video recordings, computer-generated images, sketches etc.)

Printed copy*

Printed copy of information
derived from record*

Copy in computer readable
form* (stiffy or cd)

* 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
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6b. IN THE EVENT OF DISABILITY

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 in 6a above, state your disability and indicate the form in which the record is required.

Disability: _____

Form in which record is required: _____

7. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the space provided is inadequate, please continue on a separate blank page and attach it to this form. **The requester must sign all additional pages.***

1. Indicate the right to be exercised or protected: _____

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

8. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be informed 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? _____

9. SIGNATURE

Signed at _____ this _____ day of _____ 20_____.

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

YOU MUST:

1. Complete all necessary spaces.
2. Sign the Access Request Form.
3. Sign all additional pages completed.

SEND WITH THIS APPLICATION:

1. R57.00 request fee – if not a personal requester.
2. Any additional pages completed.

PREScribed FEES*

(Section 54(7) of the Promotion of Access to Information Act 2 of 2000)
[Regulation 11(3)]

1. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|---------|
| (a) For every photocopy of an A4-size page or part thereof | R 1.25 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form | R 0.85 |
| (c) For a copy in a computer-readable form on | |
| (i) stiffy disc | R 8.55 |
| (ii) compact disc | R 79.80 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R 45.60 |
| (ii) For a copy of visual images | R 68.40 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R 22.80 |
| (ii) For a copy of an audio record | R 34.20 |
| (f) To search for and prepare the record for disclosure (for each hour or part thereof reasonably required for such search and preparation) | R 34.20 |

(Section 54(2) of the Promotion of Access to Information Act 2 of 2000)
[Regulation 11(3)]

2. PLEASE NOTE THAT ALL PRICES FOR THE ITEMS LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- Six hours as the hours to be exceeded before a deposit is payable; and
- One third of the access fee is payable as a deposit by the requester.

(Section 54(7) of the Promotion of Access to Information Act 2 of 2000)
[Regulation 11(3)]

3. PLEASE NOTE THAT THE PRICE FOR THE ITEMS LISTED BELOW IS INCLUSIVE OF VALUE-ADDED TAX (VAT)

The actual postage fee is payable when a copy of a record is posted to a requester.

* as at the date of this manual.