

**MINERALS COUNCIL SOUTH AFRICA  
ACCESS TO INFORMATION MANUAL  
(PRIVATE BODY)  
PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000**

### **1. Purpose of the Manual in terms of PAIA**

The purpose of this Manual is to assist people wishing to access information in terms of the PAIA from Minerals Council South Africa.

### **2. Request for access to information**

In the event that a person or entity requires access to information as contemplated in the Act, the requester must contact Jeannette Hofsaier: [jhofsaier@mineralscouncil.org.za](mailto:jhofsaier@mineralscouncil.org.za). In terms of section 25(2) states that:

- (2) If the request for access is granted, the notice in terms of subsection (1)(b) must state—
- (a) an access fee may be charged depending on staff and resources allocated to the enquiry;
  - (b) the form in which access will be given will be dependent on what is requested and the availability of the information;
  - (c) the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.
- (3) If the request for access is refused, the notice in terms of subsection (1)(b) must—
- (a) state adequate reasons for the refusal, including the provisions of this Act relied upon;
  - (b) exclude, from such reasons, any reference to the content of the record; and
  - (c) state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

### **3. Terms used in this document**

- Terms defined in the act shall have the meaning set out therein;
- Reference to sections shall be a reference to sections in the Act

#### **4. Background of Minerals Council South Africa**

The Minerals Council South Africa is an organisation which facilitates interaction among mining employers to examine policy issues and other matters of mutual concern to crystallise and define desirable industry standpoints. A variety of initiatives are in place to promote collaboration between members. Consultation and collaboration are voluntary and never encroach on the autonomy of members.

The Minerals Council also acts as a principal advocate for mining in South Africa to government, communicating major policies endorsed by its members. A further vital function of the organisation is to represent some sectors in collective bargaining with organised labour.

#### **5. Organisation Details**

- a. Name: Minerals Council South Africa
- b. Physical address: 5 Hollard Street Marshalltown
- c. Postal address PO Box 61809 Marshalltown 2107
- d. Contact details [info@mineralscouncil.org.za](mailto:info@mineralscouncil.org.za) 0114987100
- e. Website address of your organisation [www.mineralscouncil.org.za](http://www.mineralscouncil.org.za)

#### **6. Details of the information officer**

Jeannette Hofsjer

#### **7. Section 51(1) (c)**

In terms of Section 52, a private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records which are automatically available without a person having to request access in terms of this Act.:

This is all published information which is accessible on the webpage of the organization

#### **8. Section 51(1) (d)**

The manual must describe those records which a private body must make available in terms of any other legislation. This list is by no means exhaustive and is intended to serve as a guide only.

- Basic Conditions of Employment Act 75 of 1997
- 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
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Interception and Monitoring Prohibition Act 127 of 1992
- Labour Relations Act 66 of 1995
- Non-profit Organisations Act 71 of 1997.

- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- 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

### **9. Section 51(1) (e)**

This section of the manual sets out a description of the subjects on which your organisation holds record, and categories of records held on each subject. These include operational records of the organisation utilised in the day to day running and administration of its administration, such as:

- Accounting records
- Information Technology
- Intellectual Property
- Personnel Records
- Statutory Company records
- Client Databases
- Internal Phone lists
- Policies
- Directives
- Minutes of Meetings
- Administrative information

### **10. Requesting Procedure**

10.1 A person who wants access to the records must complete the necessary request form, as set out in Annexure 1, and the completed form must be sent to the address [info@mineralscouncil.org.za](mailto:info@mineralscouncil.org.za) and marked for the attention of the information officer.

The requester must indicate which form of access is required and identify the right that is sought to be exercised or protected and provide an explanation of which the requested record is required for the exercise or protection of that right. Proof of the capacity in which the requester is requesting the information

### **10.2 Availability of the Manual**

This manual can be accessed on the website of the Minerals Council South Africa [www.mineralscouncil.org.za](http://www.mineralscouncil.org.za).

### **10.3 Fees**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee:

10.3.1 A fee will be required by the contact person before further processing of the request in terms of S54 of the Act;

10.3.2 A requester fee of R50 should be paid, this amount will be refunded should the request for access be refused;

10.3.3 A portion of the access fee (not more than one third) may be required before the request is considered;

10.3.4 The requester may lodge an application with a court against the payment of the request fee in terms of S54(3)(b) of the Act;

10.3.5 The head may withhold a record until the requester has paid the applicable fees.

### **10.4 Details of the Minerals Council South Africa**

Any queries with regard to this manual should be directed to:

**Minerals Council South Africa**

**5 Hollard Street Marshalltown Johannesburg**

**PO Box 61809 Marshalltown 2107**

**Phone: +27 011 4987100**

**Fax: N/A**

**Email: [info@mineralscouncil.org.za](mailto:info@mineralscouncil.org.za)**

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

### **Annexure 1: Prescribed Form To Be Completed By A Requester**

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**

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

(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 the 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:

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.

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 for the record, if any, will be determined partly by the form in which access is requested.

**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

Title, Designation