



Email:

EMAIL ADDRESS FOR POPIA	FOR
<a href="mailto:informationofficer@macsteel.co.za">informationofficer@macsteel.co.za</a>	General Enquiries relating to access to information
EMAIL ADDRESS FOR POPIA	FOR
<a href="mailto:customerPOPIA@macsteel.co.za">customerPOPIA@macsteel.co.za</a>	Queries relating to customer information
<a href="mailto:supplierPOPIA@macsteel.co.za">supplierPOPIA@macsteel.co.za</a>	Queries relating to supplier information
<a href="mailto:employeePOPIA@macsteel.co.za">employeePOPIA@macsteel.co.za</a>	Queries relating to employee information
<a href="mailto:erpPOPIA@macsteel.co.za">erpPOPIA@macsteel.co.za</a>	Queries relating to support on ERP systems
<a href="mailto:ITSupplierPOPIA@macsteel.co.za">ITSupplierPOPIA@macsteel.co.za</a>	Queries relating to Cyber Security and IT Governance Information

#### 4. The Section 10 Guide on how to use PAIA

- 4.1 The South African Human Rights Commission ("**SAHRC**") has published a guide as prescribed by Section 10 of PAIA. This guide will be available from the SAHRC until 30 June 2021, in each official language, at the offices of the SAHRC and on its website, listed below. Please direct any queries regarding this guide to:

**The South African Human Rights Commission:**

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582

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

E-mail: PAIA@sahrc.org.za

- 4.2 From 1 July 2021 onwards, the above guide, as updated by the Information Regulator, will be available at the offices of the Information Regulator and on its website as prescribed by Section 10 of PAIA and in accordance with POPIA. From 1 July 2021, please direct any queries regarding this guide to:

**Information Regulator:**

The Research and Documentation Department

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone Number: 010 023 5200

Website: [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/)

Email (complaints): [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

Email (general enquiries): [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

**5. Records that are available in terms of other legislation**

- 5.1 A requester may request information which is available in terms of the following legislation, provided that the requester complies with the requirements set out in such legislation, this Manual and PAIA.

5.1.1 Atmospheric Pollution Prevention Act 45 of 1965;

5.1.2 Basic Conditions of Employment Act 75 of 1997;

5.1.3 Broad Based Black Economic Empowerment Act 53 of 2003;

5.1.4 Companies Act 71 of 2008;

5.1.5 Compensation for Occupational Injuries and Diseases Act 130 of 1993;

5.1.6 Competition Act 89 of 1998;

- 5.1.7 Consumer Protection Act 68 of 2008;
- 5.1.8 Customs and Excise Act 61 of 1964;
- 5.1.9 Electronic Communications and Transactions Act 25 of 2002;
- 5.1.10 Employment Equity Act 55 of 1998;
- 5.1.11 Financial Intelligence Centre Act 38 of 2001;
- 5.1.12 Hazardous Substances Act 15 of 1973;
- 5.1.13 Income Tax Act 58 of 1962;
- 5.1.14 Labour Relations Act 66 of 1995;
- 5.1.15 Manpower Training Act 56 of 1981;
- 5.1.16 National Credit Act 34 of 2005;
- 5.1.17 National Environmental Management Act 107 of 1998;
- 5.1.18 National Environmental Management: Waste Act 59 of 2008;
- 5.1.19 National Environmental Management: Air Quality Act 39 of 2004;
- 5.1.20 Occupational Health & Safety Act 85 of 1993;
- 5.1.21 Pension Funds Act 24 of 1956;
- 5.1.22 Prevention and Combating of Corrupt Activities Act 12 of 2004;
- 5.1.23 Promotion of Equality and Prevention of Unfair Discrimination Act 52 of 2002;
- 5.1.24 Protection of Personal Information Act 4 of 2013;
- 5.1.25 Skills Development Act 97 of 1998;
- 5.1.26 Skills Development Levies Act 9 of 1999;
- 5.1.27 Unemployment Insurance Contributions Act 4 of 2002;
- 5.1.28 Unemployment Insurance Act 30 of 1996; and
- 5.1.29 Value Added Tax Act 89 of 1991.

## 6. Records available without formal requests

6.1 This Manual; and

6.2 Information available on the Macsteel website: <https://macsteel.co.za/>.

## 7. Records and information that should be formally requested in terms of PAIA

This section of the Manual sets out the subject and categories of records held by Macsteel. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records. The following information should be formally requested as set out in 8 below.

### 7.1 Corporate governance records

7.1.1 Constitutional documents (including incorporation documents, the memorandum of incorporation, incorporation forms and shareholders agreement);

7.1.2 Share registers, share certificates, registers and details concerning shareholder meetings and resolutions;

7.1.3 Details concerning the identity of directors;

7.1.4 Power of attorney agreements, and a list of persons authorised to bind Macsteel;

7.1.5 Statutory registers.

### 7.2 Strategic and operational information \

7.2.1 Organisational and business plans;

7.2.2 Budget reports;

7.2.3 Minutes of management meetings;

7.2.4 Minutes of board meetings;

7.2.5 Minute books and internal resolutions; and

7.2.6 Annual Reports.

### 7.3 **Financial management records**

- 7.3.1 Accounting records, books and documents;
- 7.3.2 Interim and annual financial reports;
- 7.3.3 Details of auditors;
- 7.3.4 Annual reports in respect of audits conducted;
- 7.3.5 Details of actuaries of the pension scheme utilised by Macsteel;
- 7.3.6 Financial reporting;
- 7.3.7 Budgets;
- 7.3.8 Insurance policies taken out for the benefit of Macsteel;
- 7.3.9 Tax management and tax returns of Macsteel;
- 7.3.10 Management accounting; and
- 7.3.11 Other financial records of Macsteel.

### 7.4 **Banking Details of Macsteel**

- 7.4.1 Indebtedness to bankers;
- 7.4.2 Bank facilities and account details;
- 7.4.3 Bank statements;
- 7.4.4 The level of overdraft and other borrowings;
- 7.4.5 Debt securities issued by Macsteel;
- 7.4.6 Guarantees given by, or in respect of, Macsteel;
- 7.4.7 Other financial commitments of Macsteel; and
- 7.4.8 Other banking records.

### 7.5 **Procurement records**

- 7.5.1 Policies and procedures;
- 7.5.2 Tender invitations and process records;

- 7.5.3 Documents relating to acquisition of goods and services;
- 7.5.4 Supplier agreements and service level agreements; and
- 7.5.5 Product catalogues.

## 7.6 **Human resources management records**

- 7.6.1 Schedule of employees;
- 7.6.2 Letters or contracts of employment with directors, officers and employees and/or documentation pertaining to arrangements with directors, officers and employees;
- 7.6.3 Compensation or redundancy payments;
- 7.6.4 Documents and information in respect of a share incentive scheme or trust;
- 7.6.5 Collective and recognition agreements with trade unions;
- 7.6.6 HR policies and procedures;
- 7.6.7 Personnel files;
- 7.6.8 Leave records;
- 7.6.9 Sick leave records;
- 7.6.10 Employment equity records;
- 7.6.11 Performance management;
- 7.6.12 Documents relating to pension or provident funds;
- 7.6.13 Disciplinary records and documentation pertaining to disciplinary proceedings;
- 7.6.14 Insurance policies taken out for the benefit of employees;
- 7.6.15 Training manuals; and
- 7.6.16 Training and skills development records.

## 7.7 **Compliance**

- 7.7.1 BBBEE compliance;

- 7.7.2 Legislation compliances;
- 7.7.3 Licenses, material permits, consents, approvals, authorisations and certificates;
- 7.7.4 Applications for permits, licences and authorisations; and
- 7.7.5 Regulatory reports.
- 7.8 **Environmental records**
- 7.8.1 Environmental impact assessments and documents pertaining to studies conducted in this regard;
- 7.8.2 Agreements pertaining to environmental issues; and
- 7.8.3 Policies regarding environmental issues.
- 7.9 **Intellectual Property**
- 7.9.1 Trade-marks, patents, copyrights and designs held by Macsteel;
- 7.9.2 Licences relating to intellectual property rights; and
- 7.9.3 Other agreements relating to intellectual property rights.
- 7.10 **Immovable and moveable property**
- 7.10.1 Title deeds;
- 7.10.2 Agreements for the lease or sale of land and/or other immovable property;
- 7.10.3 Agreements for the lease or sale of moveable property;
- 7.10.4 Mortgage bonds, liens, notarial bonds or security interests on property;
- 7.10.5 Credit sale agreements and/or hire purchase agreements; and
- 7.10.6 Other agreements for the purchases, ordinary sale, conditional sale, or hire of assets.
- 7.11 **Information technology records**
- 7.11.1 Software support and maintenance agreements;
- 7.11.2 Website development, support and maintenance agreements;



- 7.11.3 Software licence agreements;
- 7.11.4 Agreements in respect of computer hardware;
- 7.11.5 Service level agreements;
- 7.11.6 Agreements with internet service providers and other telecommunications entities;
- 7.11.7 Incidents and service requests;
- 7.11.8 System event and performance logs;
- 7.11.9 IT policies and procedures; and
- 7.11.10 Network maintenance.
  
- 7.12 **Research and scientific or technical information**
  - 7.12.1 Documentation pertaining to research conducted by Macsteel;
  - 7.12.2 Research reports prepared by Macsteel; and
  - 7.12.3 Scientific and/or technical information in the possession of Macsteel.
  
- 7.13 **Data subject categories and their personal information**
  - 7.13.1 Employees: records of employee life cycle;
  - 7.13.2 General public: general enquiries and viewing the company website;
  - 7.13.3 Industry bodies: membership records;
  - 7.13.4 Media: records of media interactions; and
  - 7.13.5 Service providers: record of service provider life cycle.
  
- 7.14 **Recipients of personal information**
  - 7.14.1 Employee pension funds;
  - 7.14.2 Financial institutions;
  - 7.14.3 Industry bodies;
  - 7.14.4 Law enforcement;

- 7.14.5 Medical aid schemes;
- 7.14.6 Operators (service providers); and
- 7.14.7 Statutory authorities.
- 7.15 **Expected transnational transfer of personal information**
- 7.15.1 Transfer of personal information to operators;
- 7.15.2 Transfer of personal information through social media platforms; and
- 7.15.3 Transfer of personal information to third party document hosting service providers.
- 7.16 **Security measures to protect personal information**
- 7.16.1 Physical security measures:
  - 7.16.1.1 Access control measures;
  - 7.16.1.2 Internal security measures;
- 7.16.2 Cyber security measures:
  - 7.16.2.1 Anti-spam measures;
  - 7.16.2.2 Anti-virus measures;
  - 7.16.2.3 Installing security firewalls;
  - 7.16.2.4 Password control;
- 7.16.3 Training programmes on information security;
- 7.16.4 Information security audits; and
- 7.16.5 IT-related company policies.
- 7.17 **Miscellaneous agreements**
- 7.17.1 Structured finance agreements;
- 7.17.2 Loans from third parties (including banks);
- 7.17.3 Loans to third parties;

- 7.17.4 Suretyship agreements;
- 7.17.5 Security agreements, guarantees and indemnities, including notarial bond agreements;
- 7.17.6 Agreements restricting the trading activities of Macsteel;
- 7.17.7 Agency, management and distribution agreements;
- 7.17.8 Royalty agreements;
- 7.17.9 Marketing agreements;
- 7.17.10 Agreements relating to the import and export of steel and allied products;
- 7.17.11 Standard conditions of business and standard-form contracts;
- 7.17.12 Agreements in terms of which Macsteel is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity which Macsteel is a party to;
- 7.17.13 Agreements with suppliers of Macsteel, including steel mills;
- 7.17.14 Agreements with customers of Macsteel, including steel merchants, wholesalers, contractors, distributors and end-users;
- 7.17.15 Manufacturing agreements;
- 7.17.16 Technical consultancy agreements;
- 7.17.17 Confidentiality and/or non-disclosure agreements; and
- 7.17.18 Any other relevant agreements.
- 7.18 **Overseas interests and investments**
  - 7.18.1 Agreements with foreign entities; and
  - 7.18.2 Documents pertaining to overseas interests and investments.
- 7.19 **Correspondence**
  - 7.19.1 Correspondence of Macsteel, including internal and external memoranda.

## 8. The request procedure

### 8.1 Prescribed form

8.1.1 A request for information must be made in the prescribed form, a copy of which is attached as Annexe A, and must be addressed to one of the Deputy Information Officers and must be submitted with the prescribed fee (see paragraph 8.3).

8.1.2 The prescribed request form is available from a Deputy Information Officer and from the South African Human Commission (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out in 4 above.

### 8.2 Manner of request

8.2.1 The request must be made to the address, facsimile number or email address of any of the Deputy Information Officers set out in paragraph 3 above.

8.2.2 The requester must provide enough detail on the request form to enable the Deputy Information Officer to identify the record and the requester. The requester should also indicate if it requires notice of the decisions of the Deputy Information Officer in any manner, other than in writing.

8.2.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

8.2.4 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 Deputy Information Officer.

### 8.3 Fees

8.3.1 A requester who seeks access to a record containing personal information must pay the required request fee.

8.3.2 The Deputy Information Officer must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.

8.3.3 The requester may lodge an application to the high court relating to the payment of the request fee.

- 8.3.4 After the Deputy Information Officer has decided on the request, the requester must be notified in the required form.
- 8.3.5 If the request is granted, a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.
- 8.3.6 The prescribed fees are available from the Deputy Information Officer and from the South African Human Commission (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out in paragraph 4 above.
- 8.4 **Circumstances under which a request for access to information will be refused**
- 8.4.1 Access to a record of information will be refused based on the grounds of refusal as set out in PAIA, which shall include the following:
- 8.4.1.1 mandatory protection of privacy of a third party who is a natural person;
  - 8.4.1.2 mandatory protection of commercial information of a third party;
  - 8.4.1.3 mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
  - 8.4.1.4 mandatory protection of the safety of individuals and the protection of property;
  - 8.4.1.5 mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
  - 8.4.1.6 mandatory protection of records privileged from production in legal proceedings;
  - 8.4.1.7 defence, security and international relations of the Republic;
  - 8.4.1.8 economic interests and financial welfare of the Republic and commercial activities of public bodies;
  - 8.4.1.9 mandatory protection of research information of a third party and protection of research information of a public body;
  - 8.4.1.10 operations of public bodies; and

- 8.4.1.11 manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

## 9. **Availability of this Manual**

This Manual is available for inspection at:

- 9.1 Macsteel's website, accessible at [www.macsteel.co.za](http://www.macsteel.co.za).
- 9.2 Macsteel's principal place of business set out in paragraph 1.2 above, during normal business hours;
- 9.3 the SAHRC until 1 July 2021 (see contact details in paragraph 4.1 above); and
- 9.4 the Information Regulator from 1 July 2021 onwards (see contacts details in paragraph 4.2 above).

## 10. **Prescribed fees and forms in respect of private bodies**

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, [www.justice.org.za](http://www.justice.org.za).

## 11. **Changes to this Manual**

This Manual may be amended and updated from time to time, provided that if we do so, we will ensure that such changes are carried out subject to and published in accordance with PAIA and POPIA.

**Annexe A****Request for access to records****1. Particulars of [the company]**Name of [the company]: **[insert name]**Registration number **[insert]**The Head: **[insert]**Physical Address: **[insert]**Postal Address: **[insert]**Telephone: **[insert]**Telefacsimile: **[insert]**E-mail: **[insert]****2. Particulars of person requesting access to the record**

- 2.1 The full particulars of the person who requests access to the record must be given below.
- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 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:** \_\_\_\_\_

**3. 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:** \_\_\_\_\_

**4. Particulars of record**

- 4.1 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.
- 4.2 If the 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:** \_\_\_\_\_

**Reference number, if  
available:** \_\_\_\_\_

**Any further particulars of  
record:** \_\_\_\_\_  
\_\_\_\_\_



## 5. Fees

- |     |  |
|-----|--|
| 5.1 | A request for access to a record, other than a record containing personal information about yourself, will be processed only after a <b>request fee</b> has been paid. |
| 5.2 | You will be notified of the amount required to be paid as the request fee.   |
| 5.3 | The <b>fee payable for access</b> to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.     |
| 5.4 | 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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## 6. Form of access to record

If you are prevented by an impediment or 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.
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Disability:		Form in which record is required:	
_____		_____	
_____		_____	
_____		_____	

Mark the appropriate box with an "X":

NOTES:

- 6.1 Compliance with your request in the specified form may depend on the form in which the record is available.
- 6.2 Access in the form requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.
- 6.3 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
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**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*
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**3. If the record consists of recorded words or information which can be reproduced in sound:**

	Listen to the soundtrack  (audio cassette)		Transcription of soundtrack  (written or printed document)*			
<b>4. If the 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>YES</b>	<b>NO</b>
<b>Postage is payable.</b>						

**7. Particulars of the 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.**

**Indicate which right is to be exercised or protected:**

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

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**8. 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 \_\_\_\_\_ 20\_\_.

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SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE