

PAIA (PROMOTION OF ACCESS TO INFORMATION ACT) MANUAL
OF
NCP CHLORCHEM PROPRIETARY LIMITED
(herein referred to as “NCP”)

COMPANY REGISTRATION NUMBER:
2003/017152/07

Prepared in accordance with
Section 51 of the Promotion of Access to Information Act, No. 2000 (Private Body)
(herein referred to as the “ACT”)

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PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000, ('the Act') came into operation in 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

The Business was established on the Chloorkop site by the South African Government in 1942. During the 1950's it was privatised and in 1967 the then Klipfontein Organic Products (KOP) became a founding member of the Sentrachem Group. KOP was merged with NCP in 1983. In 1997 Sentrachem was acquired by the Dow Chemical Company. The Chloorkop and Walvis Bay operations were bought out by a consortium in 2002 which led to the formation of Chlor-Alkali Holdings (CAH). NCP Chlorchem operated as a division of CAH.

In late 2016, NCP Chlorchem became part of the SynChem Group, whom in the latter part of 2018 rebranded themselves to BUD Chemicals and Minerals.

NCP Chlorchem is a manufacturer and seller of base chemicals and is South Africa's second largest manufacturer of chlor alkali related products. The company primarily targets markets in the water treatment (potable and effluent), mining, local FMCG, plastics, pulp and paper, general trade and the chemical industries. Major raw materials used in its processes are salt (from Walvis Bay Salt Refiners and Botash) and electricity.

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.

The scope of the manual includes NCP Chlorchem Proprietary Limited and the following related entities:

- Chlorchem Properties Proprietary Limited;
- NCP CapeChem Proprietary Limited;
- NCP HypoChem Proprietary Limited;
- Watersol SA Proprietary Limited;
- Chlor-Alkali Holdings Management Services Proprietary Limited.

A copy of this manual is available to the public for inspection on the NCP website at www.ncp.co.za or on request from the designated contact person referred to in this Manual.

Copies of the manual are readily available at every office of that particular private body during office hours.

SECTION A - OUR DETAILS AND CONTACT PERSON

The person responsible for the administration of, and compliance with the Act, has been delegated by the Managing Director (MD) whom is also the Designated Information Officer of NCP Chlorchem to the Company Secretary.

Requests pursuant to the provisions of the Act should be directed as follows:

Full Name	:	NCP CHLORCHEM PROPRIETARY LIMITED
Registration Number	:	2003/017152/07
Registered Address	:	Cnr. Chloor and Allandale Roads Chloorkop Kempton Park
Postal Address	:	PO BOX 150 Kempton Park 1620
Telephone Number	:	+27 (11) 921 3111
Managing Director	:	Mr. A Harding
Designated Information Officer	:	Mr A Harding
Email address of Information Officer	:	AndreH@ncp.co.za
Company Secretary	:	Gillian Edworthy
Email address of Company Secretary	:	Gilliane@ncp.co.za
Website	:	www.ncp.co.za

SECTION B - HUMAN RIGHTS COMMISSION (HRC) 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 : The South African Human Rights Commission:
PAIA (Promotion of Access to Information Act) Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone Number : +27 (11) 484 8300

Fax : +27 (11) 484 0582

Email : PAIA@sahrc.org.za

Website : <http://www.sahrc.org.za>

SECTION C - INFORMATION AVAILABLE IN TERMS OF THE ACT

Categories of information

The following categories of information are held by NCP:

STATUTORY COMPANY INFORMATION:

- a. Certificate of Incorporation;
- b. Registration Certificate;
- c. Certificate of Change of Name (where required);
- d. Memorandum of Incorporation;
- e. Minutes of Board and Sub Committee Meetings;
- f. Resolutions passed;
- g. Share registers;
- h. Company Disclosure certificates;
- i. Register of Directors and Public Officers;
- j. Directors attendance registers;
- k. Annual Financial Statements
 - i. Management Accounts;
 - ii. Director Reports;
 - iii. Auditors Reports.
- l. Books of account regarding information required by the Companies Act;
- m. Supporting schedules and documentation relating to management accounts;
- n. All other forms and notices in terms of the Companies Act.

CORPORATE GOVERNANCE:

- a. Code of Conduct;
- b. Risk Management Registers and associated records;
- c. Legal Compliance Registers and associated records;
- d. Policies and Procedures.

ACCOUNTS RECORDS:

- a. Books of accounts including journals and ledgers;
- b. Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange (where required);
- c. Agreements;
- d. Banking records;
- e. Tax records, returns and supporting documentation;
- f. Correspondences;
- g. Management reports;
- h. Budgets.

STATUTORY EMPLOYEE RECORDS

- a. Employees' names and occupations;
- b. Salary and Wages register;
- c. Attendance register;
- d. Employment Equity plan;
- e. Collective agreements;
- f. Arbitration awards;
- g. Determinations made in terms of the Wage Act;
- h. Records of strikes, lockouts and protest action;
- i. Training records;
- j. Staff records (after date of employment ceases);
- k. Expense accounts;
- l. IRP5 for employee returns;
- m. PAYE records and returns;
- n. Returns to UIF;
- o. Payroll Records

OTHER EMPLOYEE RECORDS

- a. Incentive / Variable Pay Schemes;
- b. Staff Loan Schemes;
- c. Study Assistance Schemes;
- d. Maternity Leave policy;
- e. Relocation policy;
- f. Housing Scheme;
- g. Disability Scheme;
- h. Funeral Insurance Scheme;
- i. Group personal accident insurance;
- j. Group Life Insurance;

HUMAN RESOURCES

- a. BEE Statistics;
- b. Career Development Records;
- c. Personnel Information;
- d. Employment Equity Reports;
- e. General Terms of Employment;
- f. Letter of Employment;
- g. Leave Records;
- h. Health Records;
- i. Performance Management Records;
- j. Retirement Benefit and Medical Aid Records;
- k. Training manuals (Learning and Development);
- l. Training Records and Statistics;
- m. Training Agreements;
- n. Policies and Procedures.

SAFETY, HEALTH ENVIRONMENT AND QUALITY

- a. Noise and exposure records;
- b. Water quality monitoring program records;
- c. Waste water assessment and monitoring records;
- d. Records of waste water discharges;
- e. Records of waste water storage and waste water disposal;
- f. Records of risk assessments and monitoring results in respect of hazardous biological agents;
- g. Records of assessment and air monitoring and asbestos inventory;
- h. Safety management systems, data and audits;
- i. Permits licenses, approvals and registrations for operations of sites and business;
- j. Emergency response plans;
- k. Environmental Impact Assessments;
- l. Incident registers;
- m. Environmental management programs and systems;
- n. Details of air emission discharges;
- o. Quality management programs and systems;
- p. Customer complaints

FIXED PROPERTY

- a. Title Deeds;
- b. Leases;
- c. Building Plans;
- d. Mortgage bonds or other encumbrances to fixed property.

MOVEABLE PROPERTY

- a. Asset register;
- b. Finance and lease agreements
- c. Notarial bonds;
- d. Deeds of pledge.

- e. Vehicle registration Documents

INTELLECTUAL PROPERTY

- a. Agreements relating to intellectual property such as license agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint venture development agreements (where necessary);
- b. Litigation and other disputes involving intellectual property.

AGREEMENTS AND CONTRACTS

- a. Material agreements concerning provision of services or materials;
- b. Agreements with shareholders, officers and/or Directors;
- c. Acquisition or disposal documentations;
- d. Agreements with contractors, supplier and service providers;
- e. Agreement with customers;
- f. Sale agreements (where required);
- g. Distributor, dealer or agency agreements;
- h. Restraint agreements;
- i. Non-Disclosure agreements;
- j. Agreements with governmental agencies (where required);
- k. Purchase or lease agreements.

TAXATION

- a. Copies of all income tax returns and other tax returns and documents

LEGAL

- a. Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- b. Settlement agreements;
- c. Material licenses, permits and authorisations.

INSURANCE

- a. Insurance policies;
- b. Claim records;
- c. Details of insurance coverage, limits and insurers

TRANSPORTATION

- a. Transportation rights;
- b. Permits;
- c. Transportation system delivery plan;
- d. Transportation contracts.

INFORMATION TECHNOLOGY

- a. Hardware;
- b. Operating Systems;
- c. Telephone Exchange Equipment;

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- d. Telephone lines, leased lines and data lines;
- e. Disaster recovery systems;
- f. Internal systems support and programming / development;
- g. Development or investment plans;
- h. Contracts and Agreements;
- i. Licenses;
- j. Policies, procedures, standards and guidelines

SALES AND MARKETING

- a. Products;
- b. Markets;
- c. Customers;
- d. Brochures, newsletters and advertising materials;
- e. Sales;
- f. Domestic and export orders.

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);
- The Department of Justice and Constitutional Development website (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 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 records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

The completed Access Request Form together with a copy of the identity document must be submitted via conventional mail or e-mail and must be addressed to the contact person as indicated above.

NCP will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reason (if required) to that effect.

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

Grounds for Refusal of Access to Records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of the third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that party;

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- Information disclosed in confidence by the third party to NCP if the disclosure could put the third party to a disadvantage in negotiations or commercial completion.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- Mandatory protection of records and information as laid out in the National Key Point Act;
- Commercial activities of NCP which may include:
 - Trade secrets of NCP;
 - Financial, commercial, scientific and/or technical information which disclosure could likely cause harm to the financial or commercial interests of NCP.

SECTION D – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable to our operations, records are held in accordance with the following legislation:

<ul style="list-style-type: none"> ○ Atmosphere Pollution Prevention Act, No. 45 of 1965 ○ Basic Conditions of Employment Act, No. 75 of 1997 ○ Broad Based Black Economic Empowerment Act, No. 53 of 2003 ○ Companies Act, No. 71 of 2008 ○ Compensation for Occupational Injuries and Disease Act, No. 130 of 1993 ○ Competition Act 71 of 2008 ○ Constitution of South Africa Act, No. 108 of 1996 ○ Consumer Protection Act, No. 68 of 2008 ○ Copyright Act, No. 98 of 1987 ○ Deeds Registration Act, No. 47 of 1987 ○ Disaster Management Act 57 of 2002 ○ Electronic Communications and Transactions Act, No. 2 of 2002 ○ Employment Equity Act, No. 55 of 1998 ○ Employment Tax Incentive Act 26 of 2013 ○ Environmental Conservation Act, No. 73 of 1989 ○ Formalities in Respect of Leases of Land Act, No. 18 of 1969 ○ Firearms Control Act 60 of 2000 ○ Fire Brigade Service Act ○ Gas Act 48 of 2001 ○ Hazardous Substance Act, No 15 of 1973 ○ Health Act, No 63 of 1998 ○ Income Tax Act, No 58 of 1962 ○ Medicines and Related Substances Control Act, No. 101 of 1965 ○ Labour Relations Act, No. 66 of 1995 ○ National Credit Act 34 of 2005 ○ National Environmental Management Act ○ National Environmental Management Waste Act ○ National Environmental Management Air Quality Act 	<ul style="list-style-type: none"> ○ National Building Regulation and standards Act 103 of 1997 ○ National Key Point Act ○ National Road and Traffic Act 93 of 1996 ○ National Water Act ○ Nursing Act 50 of 1978 ○ Occupational Health and Safety Act, No. 85 of 1993 ○ Promotion to Access to Information Act, No. 2 of 2000 ○ Promotion of Equality and Prevention of Unfair Discrimination Act, No 26 of 2000 ○ Private Security Industry Regulation Act 56 of 2001 ○ Patents Act, No. 57 of 1987 ○ Prevention and combating of corrupt activities act 2014 ○ Protection of personal information Act (PoPi) ○ Protected disclosures act 26 of 2000 ○ Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002 ○ Sales and Service Matters Act, No. 25 of 1964 ○ Skills Development Act, No. 9 of 1997 ○ Skills Development Levy Act, No.9 of 1999 ○ Stamp Duties Act 77 of 1968 ○ Trade and metrology Act 77 of 1973 ○ Transfer Duty Act, No. 40 of 1949 ○ Unemployment Insurance Act, No. 63 of 2001 ○ Value-added Tax, No. 89 of 1991 ○ Water Act, No. 54 of 1956 ○ Water Act, No 36 of 1998
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ANNEXURE “A” – REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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]

1. PARTICULARS OF PRIVATE BODY

The Head:

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

2. 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 email 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:

.....

.....

.....

Telephone / Mobile Number:

.....

Email Address:

.....

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

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

3. PARTICULARS OF PERSON ON WHOSE BEHALF THE 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

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 requestor 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 the record:

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

5. 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 the 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:

.....

6. 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.

1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
2. If record consists of visual images (includes photographs, slides, video recordings, computer-generated images, sketches etc.)			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcript of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcript of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:						
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (CD/DVD	
* If you requested a copy of transcription of a record above, do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO

7. 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.

- 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:
.....
.....

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?
.....

Signed at this day of20

.....
SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE “B” – EXPLANATORY NOTE ON FEES TO BE CHARGED

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 I 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	R1,10
b. For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form	R0,75
c. For a copy in a computer-readable form on compact disc	R70,00
d. (i) For a transcription of visual images, for an A4-sized page or part thereof	R40,00
(ii) For a copy of visual images	R60,00
e. (i) For a transcription of an audio records, for an A4-sized page or part thereof	R20,00
(ii) For a copy of an audio record	R30,00

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	R1,10
(b) For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c) For a copy in a computer-readable form on compact disc	R70,00
(d) (i) For a transcription of visual images, for an A4-sized page or part thereof	R40,00
(ii) For a copy of visual images	R60,00
(e) (i) For a transcription of an audio records, for an A4-sized page or part thereof	R20,00
(ii) For a copy of an audio record	R30,00
(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 purpose 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 requester.