

Exxaro Resources Limited (“Exxaro”)

Promotion of Access to
Information Manual

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1 The manual

1.1 Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise the constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requester complies with all the procedural requirements;
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record. Exxaro endorses the spirit of the Act and believes that this manual will assist requesters in exercising their rights.

Should you have any difficulty in using this manual, do not hesitate to contact the Information Officer, whose contact details are set out in paragraph 1.3, for assistance.

1.2 Scope

This Manual has been prepared by Exxaro, and applies to all of the companies described in Annexure 1. It is published in accordance with the requirements of section 51 of the Act to facilitate access to records held by Exxaro.

In summary the manual provides information on:

- The contact details of the Information Officer, who will deal with a person’s requests made in terms of the Act;
- The structure and functions of Exxaro;
- The subjects and categories of records that are held by Exxaro;
- The procedure that needs to be followed to obtain access to a record.

1.3 Availability of the manual and entry point for requests

This manual is available in a PDF (Portable Document Format) version on the website of Exxaro at www.exxaro.com.

The Chief Executive Officer of Exxaro has delegated his powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on Exxaro’s behalf.

| | |
|-------------------------|--|
| The Information Officer | Marie Viljoen, Company Secretary |
| Physical Address: | Roger Dyason Road Pretoria West 0183 |
| Postal Address: | PO Box 9229 Pretoria 0001 |
| Tel: | (012) 307 4384 |
| Fax: | (012) 307 4238 |
| e-mail: | information.officer@exxaro.com |

The printed version of the manual is also available for consultation or removal, free of charge, from the above.

1.4 Policy with regard to confidentiality and Access to Information

Exxaro will protect the confidentiality of information provided to it by third parties, subject to Exxaro’s obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information.

2 Who may request access to information

The Act provides that a requester is only entitled to access to a record, if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered.

A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged. Requesters may make a request as:

- A personal requester, that is a person who requests a record about him/herself;
- An agent requester, that is a person requesting a record on behalf of someone else;
- A third party requester, that is a person requesting a record about someone else; and
- A public body may request a record if
 - It fulfils the requirements of procedural compliance;
 - The record is required for the exercise or protection of a right;
 - No grounds for refusal exist; and
 - In addition it is acting in public interest.

3 Guidance to requesters

The South African Human Rights Commission (“SAHRC”) is required by law to compile a guide that will include the following:

- A description of the objects of the Act;
- The relevant information of every private body as applicable;
- The manner and form in which requests shall be lodged;
- The remedies available to requesters should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access;
- A reference to any regulations passed.

The SAHRC Manual is available on the Commission’s website at www.sahrc.org.za/sahrc_cms/downloads/PAIA%20GUIDE%20english.pdf. You may also request any additional information to assist you in making a request from the South African Human Rights Commission at:

**South African Human Rights Commission at PAIA Unit
Private Bag 2700
Houghton
2041**

Human Rights Advice Line: 0860 120 120

Fax: (011) 484 1360

Website: www.sahrc.org.za

4 Records available in terms of other legislation

4.1 Unlimited requesters

Certain legislation mandates Exxaro to allow any person access to specified records, upon request, irrespective of who that person may be. An example is section 113 of the Companies Act 61 of 1973, which provides that any person, upon payment of an inspection fee of R10.00 or such lesser amount as the company may determine, may inspect the register of members of a company. The cost of hard copies of the register will be borne by the requestor.

4.2 Limited requesters

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the requester has a right of access to a record other than in terms of the procedure set out in the Act are:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Affairs Act 23 of 1999
- Credit Agreements Act 75 of 1980
- Criminal Procedure Act, Act 51 of 1977
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Firearms Control Act 60 of 2000;
- Income Tax Act 58 of 1962
- Insider Trading Act 135 of 1998
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Magistrates Court Act 32 of 1944
- Mine Health and Safety Act 29 of 1996
- National Environmental Management Act 107 of 1998

- Occupational Diseases in Mines and Works Act 78 of 1973
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 14 of 1998
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- Supreme Court Act 59 of 1959
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although we have used our best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall update the list accordingly.

If a requester believes that a right to access to a record exists in terms of the legislation listed above, or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

5 Procedure

5.1 Prescribed access form

In order for Exxaro to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure 2. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. Exxaro will not be held liable for delays due to receipt of incomplete forms.

5.2 Proof of identity

Proof of identity is required to authenticate the request and the requester. Therefore requesters will be required to present themselves to the Officer. The requester shall exhibit to the Officer the requester’s identity document or a certified copy of the requester’s identity document, or any other means of identification acceptable to the Officer.

If the requester acts as an agent requester as described in 2, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.

The Officer shall not process any request for access to a record until he/she is satisfied that the aforementioned requirements have been met.

5.3 Prescribed fees

A request shall not be processed until the request fee (R50.00 at the date of compiling this manual) and the deposit (if applicable) have been paid. Four types of fees are provided for in terms of the Act:

Reproduction fee: This fee is payable with respect to all records that are automatically available;

Request fee: This fee is an administration fee that must be paid by all requesters, except personal requesters (a personal requester is a requester seeking access to a record about the requester him/herself), before the request is considered and is not refundable;

Access fee: Which is payable once access to a record is granted, this fee is intended to re-imburse Exxaro for the costs involved in searching and preparing the record for delivery;

Deposit: Which is payable if Exxaro receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six hours.

5.3.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

| | Rand |
|--|-------|
| • For every photocopy of an A4–size page or part thereof | 1.10 |
| • For every printed copy of an A4-size page or part thereof held on a computer or in electronic form | 0.75 |
| • For a copy in a computer readable form: | |
| ○ Stiffy | 7.50 |
| ○ Compact disc | 70.00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40.00 |
| • For a copy of visual images | 60.00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20.00 |
| • For a copy of an audio record | 30.00 |

5.3.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor.

5.3.3 Access fee

The applicable fees (excluding VAT) which will be payable are:

| | Rand |
|--|-------|
| • For every photocopy of an A4–size page or part thereof | 1.10 |
| • For every printed copy of an A4-size page or part thereof held on a computer or in electronic form | 0.75 |
| • For a copy in a computer readable form: | |
| ○ Stiffy | 7.50 |
| ○ Compact disc | 70.00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40.00 |

- For a copy of visual images 60.00
- A transcription of an audio record, for an A4-size page or part thereof 20.00
- For a copy of an audio record 30.00
- To search a record that must be disclosed, per hour or part of the hour 30.00

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

5.3.4 Deposit

Where Exxaro receives a request for access to a record relating to a person other than the requestor and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee, is payable.

6 Granting or refusal of requests and appeal

The 30 day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of the private body;
- Mandatory protection of research information of a third party and of the private body.

Requesters will be informed within 30 days of the Information Officer’s decision. In terms of the Act this 30-day period may be extended for a further 30-day period should more time be required to gather the requested record. If such extension is required, the Information Officer shall notify the requester accordingly.

6.1 Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within 30 days of notification of the Information Officer’s decision, apply to court for appropriate relief.

7 Structure and classes of records of Exxaro

7.1 Scope

The Information contained in this chapter is intended to identify Exxaro’s company structure and the main classes of records held by it.

The Information Officer will provide reasonable assistance to any requester in identifying a record.

7.2 Structure

7.2.1 Strategic intent

Exxaro intends to build up its domestic asset base and assume a dominant position in the South African resource sector. However, in order to capture the benefits of a diversified geographical asset base, the company will continue to explore other African and international opportunities relevant to its core business.

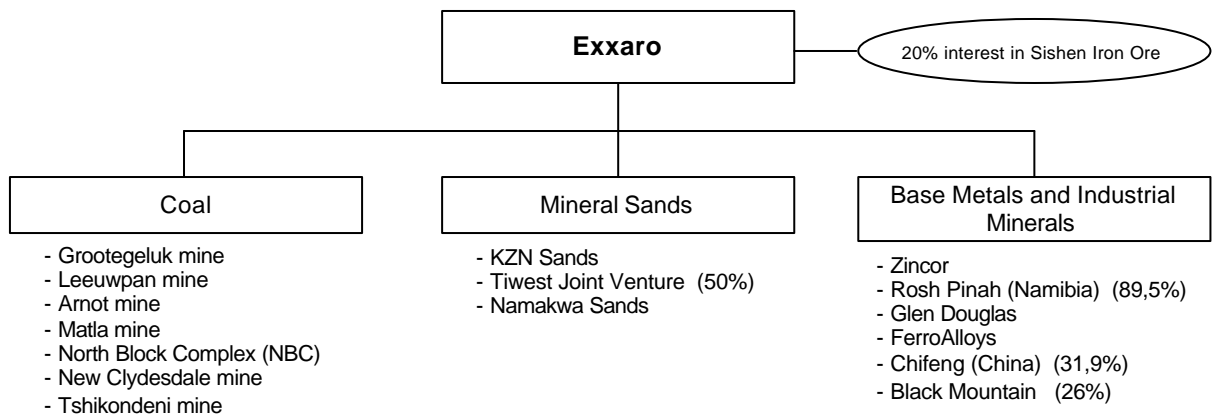
7.2.2 Mission

Exxaro strives to outperform the Mining Sector by creating value for all stakeholders through exceptional people and superior processes.

7.2.3 Strategy

- Capitalise on growth opportunities domestically and internationally.
- Consolidate and integrate the assets, operations and projects for maximum benefit and to optimise the potential synergies of the enlarged group.
- Leverage the advantage it enjoys in South’s Africa’s Waterberg coalfield.
- Produce a full range of mineral sands products, global operations and high level of intellectual knowledge.

7.2.4 Main business activities



* Exxaro holds 100% unless otherwise indicated

7.3 Categories and subjects of records

| Category | Subject |
|--|--|
| Corporate Affairs and Investor Relations | Public product information |
| | Public corporate records |
| | Media releases |
| Financial Division | Audited financial statements |
| | Financial and tax records (company & employee) |
| | Asset register |
| | Management accounts |
| Human Resources | Employee records |
| | Employee contracts |
| | Personnel guidelines, policies & procedures |
| | Employee medical records |
| Legal Department/ Corporate Secretariat | General contract information |
| | Trade marks |
| | Statutory records |
| | Company guidelines, policies & procedures |
| Safety, Health & Environment (SHE) | SHE policies and management standards |
| | Philosophy and strategy |
| | Mine enclosures |

7.4 Further information and assistance

For further information regarding the subjects and categories or records listed here, refer to paragraph 1.3.

7.5 Useful resources

7.5.1 Websites

| | |
|--|---|
| The Human Rights Commission | http://www.sahrc.org.za/paia.htm |
| The Promotion of Access to Information Act | http://www.info.gov.za/gazette/acts/2000/a2-00.pdf |
| Company Internet site | www.exxaro.com |

Annexure 1 Companies subject to the Manual

- AlloyStream (Pty) Ltd
- Clipeus Investment Holdings (Pty) Ltd
- Coastal Coal (Pty) Ltd
- Colonna Properties (Pty) Ltd (Dormant)
- Cullinan Refractories Ltd
- Exxaro Base Metals Ltd
- Exxaro Base Metals and Industrial Minerals Holdings (Pty) Ltd
- Exxaro Coal (Pty) Ltd
- Exxaro FerroAlloys (Pty) Ltd
- Exxaro Holdings Sands (Pty) Ltd
- Exxaro Properties (Groenkloof) (Pty) Ltd (Dormant)
- Exxaro Properties (Kloofzicht) (Pty) Ltd (Dormant)
- Exxaro Properties (Princess Grant) (Pty) Ltd (Dormant)
- Exxaro Sands (Pty) Ltd
- Exxaro TSA Sands (Pty) Ltd
- Eyesizwe Coal (Pty) Ltd
- Ferroland Grondtrust (Pty) Ltd
- Glen Douglas Dolomite (Pty) Ltd
- The Durban Navigation Collieries (Pty) Ltd
- The Vryheid (Natal) Railway Coal and Iron Company Ltd

Annexure 2 Access Form

REQUEST FOR ACCESS TO A RECORD OF EXXARO

(Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000)

A. Particulars of private body

| | |
|--|--|
| Contact details: | |
| Chief Executive Officer (as defined in the Act) | |
| Information Officer | |
| Postal address | |
| Physical address | |
| Phone number | |
| Fax number | |
| E-mail address | |

B. Particulars of person requesting access to the record

| |
|--|
| <p>(a) <i>The particulars of the person who requests access to the record must be recorded below.</i></p> <p>(b) <i>Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.</i></p> <p>(c) <i>Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the Chief Executive Officer or Information Officer will need to be presented with this request by the requester or the requester’s representative before the request will be processed.</i></p> <p>(d) <i>If the request is made on behalf of another person, proof of the capacity in which the request is made, is also to be presented with this request.</i></p> |
|--|

DETAILS OF REQUESTER

| | |
|-----------------|--|
| Surname | |
| Full names | |
| Identity number | |

| | |
|------------------|--|
| Postal address | |
| Telephone number | |
| Fax number | |
| E-mail address | |

If a request is made on behalf of another person the requester is obliged to identify him/herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

C. Particulars of person on whose behalf request is made

| | |
|-----------------|--|
| Surname | |
| Name | |
| Identity number | |

D. Particulars of record

| |
|---|
| <p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>The requester’s attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):</i></p> <ul style="list-style-type: none">○ <i>Mandatory protection of the privacy of a third party who is a natural person (human being);</i>○ <i>Mandatory protection of commercial information of third party;</i>○ <i>Mandatory protection of certain confidential information of a third party;</i>○ <i>Mandatory protection of the safety of individuals, and the protection of property;</i>○ <i>Mandatory protection of records privileged from production in legal proceedings;</i>○ <i>Commercial information of a private body;</i>○ <i>Mandatory protection of research information of a third party and a private body.</i> |
|---|

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

| Category | Description of record |
|----------|-----------------------|
| | |
| | |
| | |
| | |
| | |

F. 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 (currently R50.00) has been paid.*
- (b) *If the prescribed request fee is amended 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 therefore.*

| The requester qualifies for an exemption in payment of fees (mark the appropriate box) | <u>Yes</u> | <u>No</u> |
|--|------------|-----------|
| Reason | | |
| | | |
| | | |
| | | |
| | | |

G. 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? | |
| <p><i>Mark the appropriate box with an “X”.</i></p> <p>NOTES:</p> <p>(a) <i>Your indication as to the required form of access depends on the form in which the record is available.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i></p> | |

| | | | | | |
|---|---|--|---|------------|-----------------------------------|
| 1. If the record is in written or printed form - | | | | | |
| | copy of record* | | inspection of record | | |
| 2. If 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 words or information which can be reproduced in sound - | | | | | |
| | listen to the 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 - | | | | | |
| | printed copy of record* | | printed copy of information derived | | copy in computer readable format* |
| * If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable. | | | | <u>Yes</u> | <u>No</u> |

H. 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

Table with 5 empty rows for indicating the right to be exercised or protected.

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

Table with 5 empty rows for explaining why the requested record is required.

I. 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 thereof 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?

Table with 3 empty rows for specifying the preferred manner of notification.

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE