PAIA MANUAL

OF

UNITED MINING SERVICES SA (PTY) LTD

(“UMS”)

Registration number 2014/270368/07 and its subsidiaries and business units

in terms of section 51 of

the Promotion of Access to Information Act No. 2 of 2000

as amended (“PAIA”)

and section 55 of the Protection of Personal Information Act No. 4 of 2013 as

amended (“POPIA”)

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1. INTRODUCTION

1.1 Objective

The Promotion of Access to Information Act No.2 of 2000 ("PAIA") aims to give effect to the Constitutional right of access to any information held by the State or by any other entity or person where such information is required for the exercise or protection of any right. It gives entities and persons the right to access records held by private or public bodies.

The Protection of Personal Information Act No.4 of 2013, ("POPIA") promotes the protection of Personal Information processed by public and private entities.

Where a request is made under PAIA to a private entity, that private entity must disclose the information if the requestor is able to demonstrate that the record is necessary for the exercise or protection of any rights, and provided that no grounds of refusal under PAIA apply.

Section 51 of PAIA requires private entities like UMS to compile a PAIA Manual that enables a person to obtain access to information held by the private entity. This document serves as UMS's PAIA Manual as required by section 51 of PAIA.

This PAIA Manual provides a reference to the records held by UMS and the procedures that need to be followed to request access to such records.

The purpose of this Manual is to: (i) facilitate requests for access to records held by UMS; (ii) provide information regarding the categories of records held by UMS; (iii) explain the process to be followed when requesting access to records; (iv) provide contact details of the Information Officer and Deputy Information Officers (if applicable); and (v) provide information regarding the processing of personal information by UMS.

UMS respects the privacy of personal information as referred to in the UMS Privacy Statement. For details on how UMS collects and uses personal information, with whom it is shared, and data subject choices and rights in relation to their personal information, see UMS's Privacy Statement available at https://umsint.com/privacy-statement/.

1.2 Application and responsibilities

The UMS Group provides specialised services in studies, consulting, engineering, procurement, construction management, and construction, broadly within the mining, construction, and professional services industry. This PAIA Manual sets out the responsibilities of the UMS appointed Information Officers who will take up the duties mandated in PAIA and POPIA to ensure compliance.

Each company listed below is a separate private body for the purposes of PAIA and a separate responsible party for the purposes of POPIA. This Manual is published jointly for convenience. A request must identify the specific UMS company from which a record is requested.

Table 1-1: Entity Names

Entity Name	Registration Number
United Mining Services SA (Pty) Ltd	2014/270368/07
UMS Projects SA (Pty) Ltd	2015/119107/07
UMS BEE Ownership Scheme Company NPC	2022/857139/08
Mets SA Operations (Pty) Ltd	2018/239786/07
UMS Shaft Sinkers (Pty) Ltd	1965/010127/07
UMS Construction (Pty) Ltd	2015/119115/07

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Shaft Sinkers Mining (Pty) Ltd	2015/119129/07
UMS 1Worx (Pty) Ltd	2014/270380/07

2. COMPANY CONTACT DETAILS: PAIA SECTION 51(1)(a)

A single Information Officer has been appointed for all the UMS companies listed in paragraph 1.2. The head of each UMS company has authorised the Information Officer to act on its behalf.

Contact Person:	Mr. Pieter de Frey
Designation:	Chief Financial Officer and UMS Information Officer
Physical Address:	Building 12, The Woodlands Office Park 20 Woodlands Drive Woodmead Gauteng 2191
Postal Address	P O Box 783501 Sandton South Africa Gauteng 2146
Telephone	+27 11 445-4300
E-mail address	info@umsint.com
Website address	www.umsint.com

3. PROCESSING OF PERSONAL INFORMATION

UMS processes personal information in accordance with the Protection of Personal Information Act No. 4 of 2013 ("POPIA").

UMS may process personal information relating to its customers, prospective customers, employees, employment applicants, contractors, suppliers, service providers, shareholders and other stakeholders for purposes including the provision of products and services, customer relationship management, supplier and contract management, recruitment and employment administration, regulatory compliance, information security, risk management and other legitimate business purposes.

Personal information may be shared with UMS group companies, service providers, professional advisers, regulators, law enforcement authorities and other third parties were permitted or required by law or where necessary for the conduct of UMS's business.

UMS may transfer personal information outside the Republic of South Africa where required for business operations and where appropriate safeguards are implemented in accordance with applicable data protection laws.

UMS maintains appropriate technical and organisational security measures designed to protect personal information against unauthorised access, disclosure, alteration, loss, or destruction.

Further details regarding the categories of personal information processed, the purposes of processing, categories of data subjects, recipients of personal information, cross-border transfers, information security safeguards and data subject rights are available in UMS's Privacy Statement which can be found on its website (https://umsint.com/privacy-statement/).

4. INFORMATION REGULATOR'S GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide, being the "Guide on how to use the Promotion of Access to Information Act 2 of 2000, as amended", is made available by the Information Regulator. Copies of the updated Guide are available from the Information Regulator in the manner prescribed and may be accessed at https://inforegulator.org.za/paia-guidelines/. Any request for public inspection of the Guide from the Information Officer or a request for a copy of the Guide from the Information Regulator must substantially correspond with Form 1 of Annexure A to Government Notice No. R,757 dated 27 August 2021 promulgated under the PAIA Regulations. Any enquiries regarding the Guide should be directed to the Information Officer, or the Information Regulator using the following contact details:

Postal Address:	P.O Box 31533, Braamfontein Johannesburg 2017
Physical Address:	Woodmead North Office Park 54 Maxwell Drive Woodmead Johannesburg 2191
Tel. No.:(Toll Free):	+27 80 001 7160
Tel No.: (Landline):	+27 10 023 5200
E-mail Address:	enquiries@inforegulator.org.za
Website:	www.inforegulator.org.za

5. PAIA: SECTION 51 (1)(b)

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. For purposes of PAIA, UMS and all its subsidiaries are private bodies.

Requests in terms of PAIA must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with below.

Section 23 of POPIA (read with sections 18 and 53 of PAIA), grants a data subject (a customer, employee or third party) a right to request confirmation of records containing their personal information being held by UMS, which confirmation shall be provided free of charge. The requester can subsequently request a copy of the record or a description of the personal information contained within the record, subject to the fees prescribed by PAIA.

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6. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION: PAIA SECTION 51(1)(c)

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant Act is applicable, and makes disclosure of records compulsory):

Table 6-1: Records

No	Reference	Act
1	No 26 of 2005	Auditing Professions Act
2	No. 75 of 1997	Basic Conditions of Employment Act
3	No. 53 of 2003	Broad-Based Black Economic Empowerment Act
4	No. 71 of 2008	Companies Act
5	No. 130 of 1993	Compensation for Occupational Injuries and Diseases Act
6	No. 89 of 1998	Competition Act
7	No. 108 of 1996	Constitution of the Republic of South Africa
8	No. 68 of 2008	Consumer Protection Act
9	No 91 of 1964	Customs and Excise Act
10	No 36 of 2005	Electronic Communications Act
11	No. 25 of 2002	Electronic Communications and Transactions Act
12	No. 55 of 1998	Employment Equity Act
13	No. 15 of 2003	Explosives Act
14	No. 19 of 2012	Financial Markets Act
15	No. 38 of 2001	Financial Intelligence Centre Act
16	No. 15 of 1973	Hazardous Substances Act
17	No 68 of 1962	Identification Act
18	No. 58 of 1962	Income Tax Act
19	No. 24 of 1936	Insolvency Act
20	No 38 of 1997	Intellectual Property Laws Amendment Act
21	No. 66 of 1995	Labour Relations Act
22	No. 29 of 1996	Mine Health and Safety Act
23	No. 28 of 2002	Mineral and Petroleum Resources Development Act
24	No. 131 of 1998	Medical Schemes Act
25	No. 34 of 2005	National Credit Act
26	No. 107 of 1998	National Environment Management Act
27	No. 39 of 2004	National Environmental Management: Air Quality Act
28	No. 59 of 2008	National Environmental Management: Waste Act
29	No. 61 of 2003	National Health Act
30	No. 36 of 1998	National Water Act

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31	No. 78 of 1973	Occupational Diseases in Mines and Works Act
32	No. 85 of 1993	Occupational Health and Safety Act
33	No. 24 of 1956	Pension Funds Act
34	No. 4 of 2013	Protection of Personal Information Act
35	No. 68 of 1969	Prescription Act
36	No. 2 of 2000	Promotion of Access to Information Act
37	No. 26 of 2000	Protected Disclosures Act
38	No. 70 of 2002	Regulation of Interception of Communications and Provision of Communication — Related Information Act
39	No. 97 of 1998	Skills Development Act
40	No. 9 of 1999	Skills Development Levies Act
41	No. 28 of 2011	Tax Administration Act
42	No. 63 of 2001	Unemployment Insurance Contributions Act
43	No. 89 of 1991	Value Added Tax Act

6.1 Access to mine health and safety records

Access to certain health records is governed by the MHSA, which operates in addition to PAIA:

- an employee may request, and UMS must then provide, a copy of any record of occupational hygiene measurements or medical surveillance kept in terms of sections 12(3) and 13(3)(c) of the MHSA which relates to that employee (section 19 of the MHSA). No PAIA request is required for these records;
- an employee's record of medical surveillance is confidential and may be made available to any other person only in accordance with the ethics of medical practice, if required by law or court order, or if the employee has consented in writing (section 15 of the MHSA); and
- records of medical surveillance are retained for 40 years from the last date of medical surveillance of the employee (section 15 of the MHSA).

Requests by an employee for these records should be directed to Human Resource Executive or to the Information Officer.

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7. SUBJECTS ON WHICH UMS HOLDS RECORDS AND CATEGORIES OF RECORDS: PAIA SECTION 51(1)(d)

Records are subject to the UMS's management procedures and access controls. A request for access to the following records must be made in terms of PAIA, or, where the requester is the data subject, section 23 of POPIA.

Table 7-1: Subjects and categories of records

Subject	Categories of records
Corporate governance and company secretarial	• Memoranda of incorporation • Board and committee minutes and resolutions • Securities and beneficial ownership registers • Statutory returns and CIPC filings • Group structure records
Finance and tax	• Accounting records and annual financial statements • Management accounts and budgets • Banking and treasury records • Tax, VAT and PAYE records • Asset and insurance registers
Human resources	• Employee records and employment contracts • Payroll and remuneration records • Leave, disciplinary and grievance records • Employment equity records • Recruitment records • Training, skills development and MQA records • Pension, provident fund and medical aid records • Policies and procedures
Safety, health, environment and quality (SHEQ)	• Health and safety policies, codes of practice and risk assessments • Medical surveillance and occupational hygiene records (see paragraph 6.2) • Incident, accident and investigation reports • Environmental management records • ISO management system records and audit reports
Projects, engineering and operations	• Project execution plans and schedules • Engineering designs, drawings and specifications • Site records, daily reports and registers • Plant and equipment records
Commercial, tendering and procurement	• Tender and bid submissions • Client and subcontract agreements • Supplier and service provider records

	• Change orders, claims and variation records
Legal and compliance	• Agreements and contracts • Litigation, arbitration and dispute records • Intellectual property records • Compliance, risk and audit records • PAIA and POPIA records
Information technology	• IT policies and procedures • System access and security records • Software licences • Disaster recovery and back-up records
Marketing and communications	• Marketing material and company profiles • Website content • Internal communications

A person (customer, employee or third party) has the right to request access in terms of section 23 of POPIA:

Table 7-2: Subjects and categories of records

Subject	Categories of records
Personal Information	• any recorded piece of information relevant to a data subject, including but not limited to the following, which can be in either hard copy or electronic format: • race, gender, sex, pregnancy, marital status, nationality, ethnicity, or social origin; sexual orientation; age; physical or mental health and well-being • belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history • an identifying number or symbol • disability, personal opinions, blood type, biometric information • views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person • name of a person if it appears with other personal information • consumer or purchasing pattern • e-mail address and physical address, location information or online identifier and telephone number and mobile number.
Special Personal Information	• a special category of personal information - is religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour, and biometric information. Where personal information is referenced, it will automatically include special personal information unless otherwise indicated.

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8. FORM OF REQUEST: PAIA SECTION 18 AND 53 (1) (ALSO APPLICABLE TO POPI ACT SECTION 23)

To facilitate the processing of your request, kindly:

- Use the prescribed form (Form 2 – when a request is made to a private body or business), available on the UMS website and the website of the Information Regulator at PAIA Form 2 - Request for access to record.
- Address your request to UMS Group Information Officer.
- Provide sufficient details to enable UMS to identify:
  - The record(s) requested;
  - The requester (and if an agent is lodging the request, proof of capacity);
  - The form of access required:
    - The postal address, email address, or fax number of the requester in the Republic.
    - If the requester wishes to be informed of the decision in any manner (in addition to written) and the manner and particulars thereof.
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

9. PRESCRIBED FEES AND PROCEDURE: PAIA SECTION 54

The following applies to requests:

- A requestor is required to pay the prescribed fees before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fees are available on the website of the Information Regulator at PAIA Form 3 - Outcome of request and of fees payable.

Please note that the correct completion and submission of a PAIA Form 2 – Request for access to record does not automatically entitle or 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 category as specified in section 23 (4)(a) of the POPIA read with chapter 4 of PAIA.

Please further note that if it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false, or misleading information, legal proceedings may be instituted against such requester.

If a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under PAIA, an extract of the details of which is attached at the end of this PAIA Manual.

9.1 Completion of request for Access Form

All requesters should take note of the following guidelines when completing the PAIA Form 2 – Request for access to record.

- The form must be completed by filling in all lines and spaces;
- Proof of the identity, in the form of a copy of the requester's identity document, is required to be submitted with the application;
- If the requester is a body corporate, the authority of the person submitting the application on behalf of such body corporate must be proven on the basis of a written authority to be attached;

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- Type or print in a clear legible manner, if a question does not apply indicate so by inserting “N/A” in response to that question, and if there is nothing to disclose in response to a particular question write “NIL” in response thereto;
- If there is insufficient space in the form, add additional folios on which the additional information is provided, clearly indicating to which question this relates.
- Completion of Form 2 does not automatically entitle a requester to access. Access is subject to the grounds for refusal in paragraph 11.

Request for information will be evaluated, and the requester will be notified within 30 days after receipt of the request in the prescribed format of the following:

9.2 Notification of extension period (if required)

Requesters must take note that in terms of PAIA, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension).

9.3 The access fees and/or deposit

The requester will be informed of the access fee or deposit (if any) which is payable for having access to the records and for the search, reproduction and/or preparation work involved, the account details and of the methods in which payment may be made. In addition, a deposit may be requested which is fully refundable if the application is ultimately refused.

9.4 Decision on request

The requester will be informed whether or not the application for access has been denied or granted. In the event that the application is refused, the requester will be given adequate reasons for the refusal and will be informed that the requester may lodge an application with a Court (if a PAIA request) or the Information Regulator (if a POPIA) against the refusal of the application, as well as the procedure (including the period) for lodging such application.

9.5 UMS’s grounds for refusal of access

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

- Protecting personal information that UMS holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that UMS holds about a third party or UMS (for example trade secrets, financial, commercial, scientific, or technical information that may harm the commercial or financial interests of UMS or the third party);
- If disclosure of the record would result in a 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 UMS;
- Disclosure of the record would put the UMS at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer program which is owned by UMS and protected by copyright;

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- The record contains information about research being carried out or about to be carried out on behalf of a third party of UMS and/or
- Information not yet in the public domain

9.6 Records that cannot be found or do not exist

UMS 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 and locate the record.

10. AVAILABILITY OF THE UMS PAIA MANUAL

10.1 A copy of the Manual is available:
10.1.1 on https://umsint.com/

10.1.2 at the head office of UMS for public inspection during normal business hours;

10.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

10.1.4 to the Information Regulator upon request.

10.2 The fees payable are those prescribed in Annexure B to the Regulations, as amended from time to time. The current fees are published on the Regulator's website at www.inforegulator.org.za and are available from the Information Officer on request.

11. UPDATING OF THE UMS PAIA MANUAL

This Manual will be reviewed and updated from time to time, as and when required, to reflect changes in applicable legislation, regulatory requirements, business operations or UMS's information management practices.

12. THIRD PARTY INFORMATION

If access is requested to a record that contains information about a third party, UMS 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, our designated UMS Information Officer will consider these reasons in determining whether access should be granted, or not.

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