

Promotion of access to information manual (Paia manual) on access to information held by Ardagh Glass Packaging South Africa (PTY) Limited and the relevant subsidiaries (Ardagh)

compiled in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000

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1. Introduction

- 1.1. The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.
- 1.2. PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request must comply with the procedural requirements laid down by the Act.
- 1.3. The aim of the Manual is to assist potential requesters in requesting access to information (documents or records) from ARDAGH GLASS PACKAGING SOUTH AFRICA (PTY) Limited and the relevant subsidiaries as set out in 2.1 as contemplated under the Act.
- 1.4. The Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be published and distributed in accordance with the Act.
- 1.5. A requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.
- 1.6. The following words or expressions will bear the following meanings in this Manual:
 - » **“the Act”** means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;
 - » **“ARDAGH”** means ARDAGH GLASS PACKAGING SOUTH AFRICA (PTY) LIMITED with Registration number 2006/034503/07 and the relevant subsidiaries as set out in 2.1;
 - » **“Information Officer”** means the head of the body or any other person to whom the responsibility of designated information officer has been delegated by the head of the body as described in this Manual;
 - » **“Manual”** means this Manual, together with all annexures thereto as amended and made available at the offices of ARDAGH from time to time;

2. Scope of manual

- 2.1. This Manual has been prepared in respect of ARDAGH and the following South African registered subsidiary companies (hereinafter collectively referred to as ARDAGH, unless otherwise stated):-
 - 2.1.1. Apex Silica Mining (Pty) Limited with Registration number 2015/261473/07;
 - 2.1.2. Silica Quartz (Pty) Limited with Registration number 2003/026658/07;
 - 2.1.3. Kwanza Sands Minerals (Pty) Limited with Registration number 2011/136852/07;
 - 2.1.4. Keysource Minerals (Pty) Limited with Registration number 2012/071278/07;and
 - 2.1.5. Nhlabathi Minerals (Pty) Limited with Registration number 2012/071272/07.

3. Company overview

ARDAGH is involved in the manufacture of glass containers and the mining of sand, mostly for use as a raw material in its manufacturing process. General information on the company is available on the website www.ardaghgroup.com.

PART 1 – Information required in terms of section 51(1)(a) of the Act

The Senior Executive Information Systems and Technology has been duly appointed as the Deputy Information Officer by the Chief Executive Officer, to act as the person to whom requests for access to information must be made in terms of the Act.

ATTENTION: **Deputy Information Officer**
Postal address: P O Box 562,
Johannesburg,
2000
Physical address: ARDAGH House,
Osborn Road,
Wadeville,
Johannesburg
1400
Telephone: (011) 874 0000
E-mail address: privacy.africa@ardaghgroup.com
Website: www.ardaghgroup.com

PART 2 – Information required under section 51(1)(b) of the Act

The PAIA guide is available in English, and any person may request a copy of the guide.

The Information Regulator
27 Stiemens Street
Braamfontein
2001
P.O. Box 31533
Braamfontein, Johannesburg, 2017

Telephone: +27 10 023 5207
Website: <https://info regulator.org.za/>
email (POPIA complaints): POPIAComplaints@info regulator.org.za
email (PAIA complaints): PAIAComplaints@info regulator.org.za
email (general enquiries): enquiries@info regulator.org.za

PART 3 – Copy of notice, if any, required under section 51(1)(c) of the Act

No notice has been published in terms of section 52.

PART 4 – Information required under section 51(1)(d) of the Act

Records are kept in accordance with such other legislation as is applicable to ARDAGH, which includes but is not limited to, the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Medical Schemes Act 131 of 1998
- National Minimum Wage Act 9 of 2018
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000

- Promotion of Administrative Justice Act 3 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Personal Information Act 4 of 2013
- Securities Services Act 36 of 2004
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of the Act.

PART 5 – Information required under section 51(1)(e) of the Act

Other operational records as may be required for the day to day running of ARDAGH. For instance:

- Internal phone lists;
- Address lists;
- Company policies;
- Directives;
- Minutes of meetings and general housekeeping information.

A: Records that may be requested

Operational Information

Such information as relates to the operational, commercial and financial interests of ARDAGH, including, but not limited to:

- Commercial contracts (including, but not limited to contactor and supplier agreements and information)
- Operational data base (consisting of details pertaining to each of the operations; commercial and financial information; information on contemplated, existing and past legal matters; information relating to agreements, proposals and intellectual and other property rights of the operations)
- Company secretarial information
- Employment equity report
- Skills development report
- Human resource information (including internal policies and procedures; ARDAGH GLASS PACKAGING employee records; and personal information relating to past, present and prospective employees and directors)
- Insurance policies
- Rules and regulations relating to the pension fund and/ or provident fund
- Information relating to ARDAGH marketing, business plans, systems and procedures
- Internal phone lists
- Address lists
- Requisitions, permits, licences, authorisations, approvals, applications, consents required for the day to day running of ARDAGH
- Records relating to information technology (hardware, software and data collection and storage)
- Rules and regulations relating to the medical aid

Communications

Correspondence between persons within and without ARDAGH not covered by the records described in the Operations section above. By way of example, internal correspondence between employees and media releases.

Website

ARDAGH's website address is www.ardaghgroup.com and/or <http://consolshop.co.za/> and is accessible to anyone who has access to the Internet. The website contains various categories of information relating to the company, including recent market news; public interest information; information about the operations; editorials; literature; careers; directors' résumés; and contact details.

B: The Request Procedures

It should be noted that any and all records, whether specifically listed herein or not, shall only be made available subject to the provisions of the Act.

Form of request

- The requester must use the prescribed form (Appendix A) to make the request for access to a record. This must be made to the Deputy Information Officer. This request must be made to the address or electronic mail address of the Deputy Information Officer of ARDAGH.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in the Republic. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed in accordance with sections 53(2)(a) and (b) and (c) and (e) of the Act.
- The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right in terms of section 53(2)(d) of the Act.
- 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 head of the private body as detailed in section 53(2)(f) of the Act.

Fees

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

- Section 54(1) of the Act provides that the Information Officer must by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee in terms of section 54(3)(b) of the Act.
- After the Information Officer has made a decision on the request, the requester must be notified in the required form.
- If the request is granted, then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure in terms of section 54(6) of the Act.

Grounds to refuse Access

All requests that meet the requirements detailed above will be processed in line with the time limits as set out in PAIA. Requests may be refused based on the following grounds, as set out in PAIA

- 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 records privileged from production in legal proceedings;
- Commercial information of ARDAGH; or
- Mandatory protection of research information of a third party and of ARDAGH.

Requestors will be informed within 30 (thirty) days of a decision on whether the request for access has been granted or refused. This 30 (thirty) day period may be extended for a further 30 (thirty) day period if more time is required to gather the requested information. The requestor will however be notified if the initial 30 (thirty) day notice period will be extended for a further 30 (thirty) days.

Requests for information that are clearly frivolous or vexatious, of which involve an unreasonable diversion of resources shall be refused;

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

Additional Grounds

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party.

PART 6 – Other information as may be prescribed under section 51(1)(f)

The Minister of Justice and Constitutional Development has to date not made any regulations in this regard.

PART 7 – Description of personal information processing in terms of POPIA

ARDAGH processes personal information as follows:

Subject	Category
Purpose of the processing	<ul style="list-style-type: none"> • Sale of glass packaging and/or related products • To market glass packaging and/or related products to customers. • To comply with statutory obligations • Employment payroll purposes • Customer relations purposes • To conduct market research surveys • Security, administrative and legal purposes • To fulfil contractual obligations that we have with customers or third parties
Data subject categories and their personal information	<ul style="list-style-type: none"> • Employees: record of employee life cycle • General public: general enquiries and viewing the company website • Industry bodies: membership records • Media: records of media interactions • Service providers: record of service provider life cycle
Recipients of personal information	<ul style="list-style-type: none"> • Employee pension funds • Financial institutions • Industry bodies • Law enforcement • Medical aid schemes • Operators (service providers) • Statutory authorities
Expected transnational transfer of personal information	<ul style="list-style-type: none"> • Transfer of personal information to operators • Transfer of personal information to other members in the group • Transfer of personal information through social media platforms
Security measures to protect personal information	<p>Physical security measures</p> <ul style="list-style-type: none"> • Access control measures • Internal security measures <p>Cyber security measures</p> <ul style="list-style-type: none"> • Anti-spam measures • Anti-virus measures • Installing security firewalls • Password control <p>Training programs on information security Information security audits IT-related company policies</p>

For more information on how we process personal information, please refer to our privacy statement available at [Privacy Statement Africa | Ardagh Group](#).

Availability of Manual under section 51(3)

- This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of ARDAGH. Copies of the Manual may be made, subject to the prescribed fees.
- The Manual is also posted on ARDAGH website referred to above.

PART 8 – Prescribed forms and fee structure in respect of private bodies

The forms and fee structure prescribed under the Act are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development (www.doj.gov.za), under the “Regulations” section.

“Appendix A”

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 person requesting access to information

Full Names & Surname: _____

Identification Number: _____

Telephone Number: _____

Fax Number: _____

E-Mail Address: _____

Postal Address: _____

_____ Code: _____

2. Particulars of person on whose behalf the request is made

Only complete this section if a request for information is made on behalf of another person.

Full Names & Surname: _____

Identification / Company Number: _____

3. Particulars of requested information

Provide full particulars of the information to which access is requested. If the provided space is not sufficient, please continue on a separate page and attach it to this form. Any additional pages submitted must be initialled and signed.

Horizontal lines for providing particulars of requested information.

4. Format in which information is requested

Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.

Horizontal lines for indicating the format in which information is requested.

5. Right to be exercised or protected

Indicate what right is to be exercised and/or protected and why the information is required to protect and/or to exercise this right.

Lined area for text input, consisting of multiple horizontal lines.

7. Notice of approval / rejection of request

You will be notified via e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:

Multiple horizontal lines for providing details.

Signed at: _____
on this _____
day of _____ 20_____

Signature of person submitting the request.

On whose behalf request is made.

