



PROMOTION OF ACCESS TO INFORMATION ACT

MANUAL

OF

MGK OPERATING COMPANY (PTY) LTD and all its affiliates and subsidiaries

REGISTRATION NUMBER: 1998/001675/07

(HEREINAFTER REFERRED TO AS "MGK")

Prepared in accordance with section 51 of the Promotion of Access to Information Act, No 2 of 2000

1. INTRODUCTION

In terms of Section 32(1)(b) of the Bill of Rights in the Constitution of the Republic of South Africa, Act No 108 of 1996, every person has a right to access to information held by another person when that information is required for the exercise or protection of any rights and the rights of access to any information held by a public or private body may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in section 36 of the Constitution.

In order to fulfil this constitutional obligation, the Promotion of Access to Information Act 2 of 2000 ("the Act") was assented to by Parliament. The motivation for giving effect to the right to access to information is to:

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information
- actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights

Section 9 of the Act recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:

- limitation aimed at the reasonable protection of privacy
- commercial confidentiality
- effective, efficient and good governance

in a manner which balances that right with any other rights.

2. PURPOSE

This manual is prepared in accordance with Section 51 of the Act and the purpose thereof is to facilitate requests for access to information from MGK.

MGK makes no representation and gives no undertaking or warranty that the information provided in this manual or any information provided to a requester is complete or accurate.

3. INTRODUCTION TO MGK

MGK was converted from the Magaliesbergse Graankoöperasie Beperk into its existing form in 1998 and is known as the MGK Group of Companies.

MGK's business activities are mainly related to agriculture and involve amongst others:

- the sale and marketing of grain products
- buying, storage and handling of grain
- supplying of agricultural means of production

- marketing of specific product ranges related to agriculture
- processing and packaging of fertilizer and agricultural and horticultural products

4. CONTACT DETAILS

INFORMATION OFFICER

Name: Ms Charissa de Jager (Group Company Secretary)

Physical address: First Floor
Plaza Building
45 Van Velden Street
Brits
0250

Postal address: P O Box 2963
Brits
0250

Telephone Number: (012) 381 2800

Fax Number: (012) 252 7137

E-mail: compliance@mgk.co.za

Website: www.mgk.co.za

5. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The Guide is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700
Houghton
2041

Telephone Number: (011) 484 8300

Fax Number: (011) 484 0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

6. INFORMATION AVAILABLE IN TERMS OF SECTION 51(1)(D) OF THE ACT

MGK has records available in terms of the following legislation if and where applicable:

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 2003
- Companies Act 61 of 1973
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of the Republic of South Africa 108 of 1996
- Consumer Protection Act 2008
- Credit Agreement Act 75 of 1980
- The Criminal Procedure Act 51 of 1977

- Debt Collectors Act 114 of 1998
- Deed Registries Act 47 of 1937
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Identification Act 68 of 1997
- Interception of Communications Act
- Income Tax Act 58 of 1962
- National Credit Act 34 of 2005
- Security Services Act 36 of 2004
- Insolvency Act 24 of 1936
- Inspection of Financial Institutions Act 18 of 1998
- The Labour Relations Act 66 of 1995
- The Long Term Insurance Act 52 of 1998
- Patents, Designs and Copyright Merchandise Marks Act 17 of 1941
- Pension Funds Act 24 of 1956
- Petroleum Products Act 120 of 1977
- Regulation of Interception of Communications and Provision of Communication-related information Act 70 of 2002
- Securities Transfer Tax Act 25 of 2007
- Short Term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999
- Skills Development Act 1998
- Stamp Duties Act 1968
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act of 2002
- Unit Trust Control Act 54 of 1981
- The Usury Act 79 of 1968
- Value Added Tax Act 89 of 1991

7. INFORMATION AVAILABLE IN TERMS OF SECTION 52 OF THE ACT

Records available without prior applications for access include information pertaining to:

- Directors and officers
- Shareholders
- Minutes of shareholders' meetings
- Licenses and permits
- Trademarks and relevant information
- Annual reports
- Company registration documents

8. INFORMATION AVAILABLE IN TERMS OF SECTION 51(1)(C) AND (E)

Records that may be requested with prior application for access:

INCORPORATION DOCUMENTS

- Memorandum of association and articles

STATUTORY SECRETARIAL RECORDS

- Company policies, rules and regulations
- Minutes of board meetings
- Copies of statutory forms
- Resolutions

FINANCIAL RECORDS

- Accounting records, books and documents
- Annual financial reports
- Details of external auditors
- External Auditor's reports in respect of audits conducted on the company
- Tax returns
- Other documents and agreements pertaining to tax

HUMAN RESOURCES / EMPLOYMENT RECORDS

- List of employees
- Employee benefits
- Policies and procedures relating to appointments, dismissals, resignations, disciplinary code and procedures
- Research and reference materials
- Information pertaining to bonus, commission or profit sharing schemes or arrangements and agreements of each employee
- Arbitration orders and agreements
- Attendance registers at working stations and head office
- Any other information pertaining to employees
- Promotions criteria
- Skills levels and development
- Job profiles
- Training records of employees
- Disciplinary records
- Certain payroll information
- Employee performance records
- Collective agreement for the Grain Industry

PENSION AND PROVIDENT FUNDS

- Information regarding the processes and rules of the pension and/or provident funds
- List of employees who are members of pension and/or provident funds
- Minutes of meetings of trustees

INSURANCE RECORDS

- Group life insurance
- Group liability insurance
- Short term insurance
- Directors and officers liability insurance

IMMOVABLE AND MOVABLE PROPERTY

- Asset register
- Title deeds of land owned by MGK or subsidiaries
- Agreements for the lease or sale of land and/or other immovable property
- Agreements for the lease of movable property
- Mortgage bonds, notarial bonds or security interests on property
- Other agreements for the purchase, ordinary sale, conditional sale or hire of assets

CUSTOMER RELATED AGREEMENTS

- Agreements for the supply of production and/or trading credit
- Security agreements, deeds, guarantees, cession and bonds for credit
- Details of clients and correspondence
- Invoices, receipts, credit and debit notes

EXTERNAL AND INTERNAL COMMUNICATION

- Publications in newspapers and magazines
- Press releases
- Company newsletters

PRODUCTION, MARKETING AND SALES

- Product specifications
- Sales figures
- Demographical marketing areas
- Promotions
- Research
- Price lists
- Promotional and marketing material
- Deliveries and orders

CUSTOMER CARE

- Territorial areas
- Client survey
- Complaints

MISCELLANEOUS AGREEMENTS AND LEGAL DOCUMENTS

- Suretyship agreements
- Shareholders agreements
- Agreements for the trading activities of MGK
- Agency, management and distribution agreements
- Agreements with suppliers
- Agreements with clients
- Credit facilities and letters of credit
- Service level agreements
- Legal opinions

9. THE REQUESTS PROCEDURE

A request must be directed to the Information Officer or any authorised person.

The requester must use the prescribed form to request access to a record. This must be made to the address, fax number or electronic mail address of the Information Officer.

The form must be adequately completed, with sufficient information and detail particularly to enable MGK to identify

- By whom the request is made
- Exact reference to records being requested
- Access fee in the event that access is granted

The requester should also indicate which form of access is required and

- the preferred language if applicable
- whether the requester wishes to be informed of the decision in another manner in addition to a written reply
- a fax number, e-mail address and/or postal address

The requester must indicate the right he wishes to exercise or protect and provide reasons or an explanation as to how the particular record is relevant and required in order to exercise or protect the relevant right.

Requests made in a representative capacity or on behalf of another person, must be accompanied by proof of the capacity and/or mandate and/or authorization in this regard.

If an individual is unable to complete the prescribed due to reasons relating to illiteracy or disability, such a person may make the request verbally.

The requester must pay the prescribed fee before any further processing can take place.

10. FEES AND PROCESS OF REQUEST

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee (currently R50-00)
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postage

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 fees.

When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed fee (if any), before further processing of the request. The requester may lodge an application to the court against the tender or payment of the request fee.

After the Information Officer has made a decision on the request, the requester must be notified in the required form.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangement to make it available in the requested form.

If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the required fees.

11. RECORDS THAT CANNOT BE FOUND

If MGK searches 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. This affidavit will indicate the steps that were taken to try to locate the record.

12. PRESCRIBED FORMS AND FEES

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za under the regulations section and are summarized as follows:

12.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1-10 for every photocopy of an A4-size page or part thereof.

12.2 The fees for reproduction referred to in regulation 11(1) and 11 (3) are as follows:

- | | | |
|----|--|--------|
| a. | For every photocopy of an A4-size page or part thereof | R1-10 |
| b. | For every printed copy of an A4-size 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 disk | R70-00 |
| d. | Visual images | |
| | * Transcription on A4-size page or part thereof | R40-00 |
| | * Copy | R60-00 |
| e. | Audio record | |
| | * Transcription on A4-size page or part thereof | R20-00 |
| | * Copy | R30-00 |

12.3 To search for and prepare the record for disclosure, per hour or part of an hour reasonably required for such search and

preparation

R30-00

12.4 If the search and preparation exceeds 6 hours, a deposit of one third of the access fee is payable by the requester

12.5 The actual postage is payable when a copy of a record must be posted to a requester