

N3 TOLL CONCESSION (PROPRIETARY) LIMITED

Registration Number 1998/020534/07

INFORMATION MANUAL

Compiled in terms of section 51 of the Promotion of Access to Information Act No.2 of 2000

February 2003, Version 1

A copy of the manual will be available for inspection at the Human Rights Commission, and at the registered office of the company.

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INTRODUCTION

New legislation has been enacted called the Promotion of Access to Information Act of 2000 (hereinafter referred to as "the Act"). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person.

This document serves as the Information Manual of N3 Toll Concession (Proprietary) Limited in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

COMPANY OVERVIEW

The company was incorporated on 14 October 1998 for the purpose of entering into a concession contract with The South African National Roads Agency Limited ("SANRA"). The thirty year concession contract, for the design, construction, financing, operating and maintenance of a portion of National Route 3 as a toll highway, was signed on 27 May 1999. Subsequently, the financing arrangements were put in place and the company took over the operations of the highway with effect from 2 November 1999.

The company's income is derived from toll revenues and the toll tariffs are adjusted on an annual basis in the concession contract.

SCOPE OF THE MANUAL

The scope of this manual will serve to provide a reference regarding the records held by N3 Toll Concession (Proprietary) Limited.

ADMINISTRATION OF THE ACT

Section 51(1)(a)

The Board of Directors of the Company has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact person: Ms N Khoza

Postal address: P O Box 67166, Highveld Park, 0169

Physical address: 1st Floor Block D, Southdowns Office Park, 22 Karee Street, Irene,
Gauteng, South Africa

Telephone number: +27 (87) 285 6382

E-mail: nandik@n3tc.co.za

GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

Section 51(1)(b)

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This Guide will be 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

Phone: +27 (11) 484-8300

Fax: [+27 \(11\) 484-0582](tel:+27114840582)

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

Section 51(1)(c)

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION
Section 51(1)(d)

Records are kept in accordance with such other legislation as is applicable to N3 Toll Concession (Proprietary) Limited, which includes, but is not limited to, the following legislation:

- ◆ The Occupational Health and Safety Act No. 85 of 1993;
- ◆ The Hazardous Substances Act No. 15 of 1973;
- ◆ The Value-Added Tax Act No. 89 of 1991;
- ◆ Income Tax Act No. 58 of 1962;
- ◆ Companies Act No. 61 of 1973;
- ◆ Basic Conditions of Employment Act No. 75 of 1997;
- ◆ Employment Equity Act No. 55 of 1998;
- ◆ Labour Relations Act No. 66 of 1995;
- ◆ The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- ◆ The Unemployment Insurance Act No. 63 of 2001;
- ◆ The Skills Development Levies Act No. 9 of 1999;
- ◆ The Regional Services Councils Act No. 109 of 1985;
- ◆ The Atmospheric Pollution Prevention Act No. 45 of 1965;
- ◆ The Health Act No. 63 of 1977;
- ◆ The Road Transportation Act No. 74 of 1977;
- ◆ The Land Survey Act No. 8 of 1997;
- ◆ The Fire Brigade Service Act No. 99 of 1987;
- ◆ The Civil Protection Act No. 67 of 1977;
- ◆ The Explosives Act No. 26 of 1956;
- ◆ The Conservation of Agricultural Resources Act No. 43 of 1983;
- ◆ The National Veld and Forestry Fire Act No. 101 of 1998;
- ◆ The Water Act No. 36 of 1998; and
- ◆ The National Environmental Management Act No. 107 of 1998.

RECORD SUBJECTS AND CATEGORIES

Section 51(1)(e)

Chief Executive's Office

The Chief Executive's Office records comprise the following main categories:

- ◆ General Correspondence
- ◆ Administration Records
- ◆ Procurement Records and Procedures
- ◆ Executive Remuneration Records
- ◆ Correspondence with The South African National Roads Agency Limited ("SANRA") and the Contractor
- ◆ Correspondence with Shareholders

Chief Financial Officer

The Chief Financial Officer's records comprise the following main categories:

- ◆ Administrative Records
- ◆ Contracts and Agreements
- ◆ Property Records
- ◆ General Correspondence
- ◆ Share Registration Records
- ◆ Statutory Records
- ◆ Board Papers
- ◆ Audit Committee Records
- ◆ Financial Literature
- ◆ Insurance Records
- ◆ Correspondence with the Intercreditor Agent, Security Trustee and Lenders' Consultants
- ◆ Risk Management Records
- ◆ Annual Financial Statements
- ◆ Legal Correspondence
- ◆ Management Reports
- ◆ Tax Records

Financial Accountant

The Financial Accountant's records comprise the following main categories:

- ◆ Accounting Records
- ◆ Investment Records
- ◆ General Correspondence
- ◆ Management Accounts
- ◆ Treasury Dealing and Settlement Records
- ◆ Transactional Records
- ◆ VAT Records
- ◆ PAYE and UIF Records
- ◆ Consolidation Records

Technical Manager

The Technical Manager's records comprise the following categories:

- ◆ General Correspondence
- ◆ Contracts and Agreements
- ◆ Independent Engineer Reports
- ◆ Technical, Engineering, Geophysical and Safety, Health and Environmental Records
- ◆ Correspondence with the Independent Engineer, SANRA and the Contractor
- ◆ Routine Maintenance Records
- ◆ Initial Construction Works Records
- ◆ Upgrade, Repair and Replacement Records
- ◆ Construction Progress Reports
- ◆ Legal Correspondence and Opinions

Operations Manager

The Operations Manager's records comprise the following main categories:

- ◆ General Correspondence
- ◆ Contracts and Agreements
- ◆ Operational Records
- ◆ Maps and Diagrams
- ◆ Asset Records
- ◆ Operational Policies and Procedures
- ◆ Incident Management Records
- ◆ Overloading Records
- ◆ Internal Audit Reports and supporting working papers
- ◆ Traffic Records and reconciliations
- ◆ SOS Agreements and Records
- ◆ Information Technology Policies and Procedures
- ◆ Correspondence with SANRA, Operations Contractors, and Toll Consultants

Commercial Manager

The Commercial Manager's records comprise the following main categories:

- ◆ Administrative Records
- ◆ General Correspondence
- ◆ Employee Records
- ◆ General HR Policies and Procedures
- ◆ Training Records
- ◆ Pension Records
- ◆ Employee Benefit Records
- ◆ Labour Relations Records
- ◆ Statutory Records
- ◆ Employment Equity Records
- ◆ Contracts

- ◆ Public Relations Correspondence and Contractor
- ◆ Press Releases / Statements
- ◆ Media Cuttings / other interaction
- ◆ Advertising Correspondence and Contracts
- ◆ Social Development Records
- ◆ Concession Applications
- ◆ Insurance Claims
- ◆ Damages Claims
- ◆ Insurance Claims Procedures
- ◆ Skills Development Records

Documents Room

The Documents Room's records comprise the following main categories:

- ◆ Concession Contract
- ◆ Q & A Files
- ◆ Information Technology Software
- ◆ Tender Submission Files
- ◆ Founding Agreements
- ◆ Construction Contracts
- ◆ Financial Closure Correspondence
- ◆ Equity Funding Records
- ◆ Annual Financial Statements
- ◆ Credit Rating Reports
- ◆ Legal Correspondence and Opinions
- ◆ Guarantees
- ◆ Lease Agreements
- ◆ Lender Facility Agreements
- ◆ Independent Engineer Quarterly Manual
- ◆ Construction Progress Reports
- ◆ Public Relations Records
- ◆ Operations Contracts
- ◆ Technical Literature
- ◆ Equity Subscription Agreements
- ◆ Financial Closure Correspondence
- ◆ Lenders Technical Reports
- ◆ Management Information System Records
- ◆ Technical Drawings
- ◆ Common Terms Agreement and Associated Agreements
- ◆ Shareholder Support Agreements, Guarantees, Pledges, Undertakings and Cessions in Security
- ◆ Technical Agreements

ACCESS REQUEST PROCEDURE

Section 51(1)(e)

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by the Group.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note:

If it is reasonably suspected that the requester has obtained access to the Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Completion of Access Request Form

In order for the Group to respond to requests in a timely manner, the Access Request Form should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

- ◆ The Access Request Form must be completed in the English Language.
- ◆ Type or print in BLOCK LETTERS an answer to every question.
- ◆ If a question does not apply, state "N/A" in response to that question.
- ◆ If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- ◆ If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
- ◆ When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Submission of Access Request Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in Section 51(1)(a).

An initial, **non-refundable R50.00 request fee (excluding VAT)** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Payment of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Note:

If the request for access is successful, an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (refer attached). The access fee must be paid prior to access being given to the requested record.

Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests, including:

- ◆ The required extension period, which will not exceed an additional 30-day period;
- ◆ Adequate reasons for the extension; and
- ◆ Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- ◆ The amount of the deposit payable (if applicable); and
- ◆ That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Please note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required, the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is **successful**, the requester will be notified of the following:

- ◆ The amount of the access fee payable upon gaining access to the record (if any);
- ◆ An indication of the form in which the access will be granted;
- ◆ Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful**, the requester will be notified of the following:

- ◆ Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- ◆ That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, the Group 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 contact person will consider these reasons in determining whether access should be granted, or not.

Grounds for Refusal

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

- ◆ Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of the Group;
- ◆ The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- ◆ Protecting personal information that the Group holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- ◆ Protecting commercial information that the Group holds about a third party or the Group (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation 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 records 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;
- ◆ Disclosure of the record would put the Group at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- ◆ The record is a computer programme; and
- ◆ The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

Records that cannot be found or do not exist

If the Group 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 to locate the record.

Access Request Form

Page 1 of 5	FOR OFFICE USE ONLY	Reference Number: Received by:
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[Section 53(1)(e) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)]
[Regulation 10]

1 PARTICULARS OF BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Contact person: Ms N Khoza

Postal address: P O Box 67166, Highveld Park, 0169

Physical address: 1st Floor Block D, Southdowns Office Park, Irene, Gauteng, South Africa

Telephone number: +27 (87) 285 6382

E-mail: nandik@n3tc.co.za

2a PARTICULARS OF REQUESTER (If Natural Person)

- (a) Particulars of the person who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

Identity number:

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Postal address: _____

Postal code: _____

Phone number: (_____) _____

Fax number: (_____) _____

E-mail address: _____

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

2b PARTICULARS OF REQUESTER (if a Legal Entity)

- (a) Particulars of the entity that requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of entity: _____

Registration number: _____

Postal address: _____

Postal Code: _____

Phone number: (_____) _____

Fax number: (_____) _____

3 PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must ONLY be completed if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number:

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4 PARTICULARS OF RECORD

- (a) Provide full particulars of the record to which access is requested, including the reference number if it 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 requester must sign all the additional folios.

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of 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 **non-refundable request fee of R50.00 (exclusive of VAT)** has been paid.
- (b) 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.
- (c) You will be notified of the amount required to be paid as the **access fee**.
- (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: _____

6a FORM OF ACCESS TO RECORD

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 under certain circumstances. In such a case, you will be informed whether 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:

- 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 information that 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:
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

- Printed copy of record* Printed copy of Information derived from the record* Copy in computer readable form* (stiffy or compact disc)

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? **Postage is payable.**

Yes	No
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6b In the event of disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate the form in which the record is required.

Disability: _____ **Form in which record is required:** _____

7 PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

1. Indicate the right to be exercised or protected: _____

2. 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? _____

9

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

YOU MUST:

1. Complete all necessary spaces.
2. Sign the access request form.
3. Sign additional folios completed.

SEND WITH THIS APPLICATION:

1. R50.00 (if not personal requester) request fee (excluding VAT).
2. Any additional folios completed.

Prescribed Fees

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

1 PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)

(a) For every photocopy of an A4-size page or part thereof	R 1.10
(b) For every printed copy of an A4-size page of part thereof held on a computer or in an electronic or machine-readable form	R 0.75
(c) For a copy in a computer-readable form on	
(i) stiffy disc	R 7.50
(ii) compact disc	R70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	R40.00
(ii) For a copy of visual images	R60.00
(e) (i) For a transcription of an audio record, for an A4-size 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 thereof reasonably required for such search and preparation.	

[Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)]
[Regulation 11 (3)]

2 PLEASE NOTE THAT ALL PRICES FOR THE ITEMS LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)

- (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.

[Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)]
[Regulation 11 (3)]

3 PLEASE NOTE THAT THE PRICE FOR THE ITEMS LISTED BELOW IS EXCLUSIVE OF VALUE-ADDED TAX (VAT)

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

ADDITIONAL PRESCRIBED INFORMATION

The Minister of Justice has prescribed no additional information.

End of Document