

PAIA-POPIA Manual

Prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended) and the Promotion of Personal Information Act 4 of 2013 (as amended).

Date of compilation:17 July 2025



INTRODUCTION

- The right of access to information is embedded under section 32 of the Constitution of the Republic of South Africa, 1996 ("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/s is required for the exercise or protection of a right.
- 2. The Promotion of Access to Information Act 2 of 2000, as amended ("PAIA") came into effect on 9 March 2001. The purpose of the Act is to give effect to section 32 of the Constitution which allows for the right of access to information in a manner that affords persons the means to obtain records of a private or public body as efficiently as possible.
- 3. One of the main requirements specified in PAIA is the compilation of a manual that provides information on both the types and categories of records held by a private body. In terms of the Act, a private body includes any former or existing juristic person. Petra Diamonds is regarded as a private body and both the manual and the requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies.
- 4. The Protection of Personal Information Act, No. 4 of 2013 (the "**POPIA**") seeks to give effect to the constitutional right to privacy as contained in section 14 of the Bill of Rights. The POPIA seeks to safeguard personal information by regulating the manner in which it may be processed by public and private bodies. POPIA provides that data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information, which are set out in POPIA.

COMPANY OVERVIEW

- 5. Petra Diamonds Limited ("PDL"), is a diamond mining group that is listed on the London Stock Exchange, with its headquarters in London, the United Kingdom. PDL is the parent company of various other entities which operate in the diamond mining sector. Its portfolio comprises two South African producing operations at Finsch and Cullinan. Its focus has shifted from exploration to production, becoming one of the largest independent producers of diamonds in Africa.
- 6. In this manual, any reference to "Petra Diamonds" includes any of the entities as listed below:

Company Name	Registration Number
Cullinan Diamond Mine (Proprietary)	2007/021069/07
Limited	
Ealing Management Services	2010/023773/07
(Proprietary) Limited	
Finsch Diamond Mine (Proprietary)	2001/025614/07
Limited	
Petra Diamonds Southern Africa	1997/007770/07
(Proprietary) Limited	
Petra Diamonds Holdings South Africa	2015/023844/07
(Proprietary) Limited	
Premier (Transvaal) Diamond Mining	1902/001807/07
Company Limited	
Tarorite (Proprietary) Limited	2012/023733/07

PURPOSE

7. Section 51 of PAIA requires organisations to compile a manual containing a guide on how to obtain access to records. In ensuring compliance with PAIA, and fostering a culture of transparency and accountability, this manual is intended to outline the

processes and procedures for access to information, indicate the types of records held by Petra Diamonds and the availability of such records.

- 8. In addition, this manual explains how to access, object, request correction or deletion of, personal information held by Petra Diamonds, in terms of sections 23, 24 and 25 of POPIA, and the Regulations Relating to the Protection of Personal Information, 2017 ("POPIA Regulations").
- 9. This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provisions of PAIA and POPIA prior to making any requests to Petra Diamonds in terms of these Acts. However, Petra Diamonds will provide the required assistance in completing the necessary forms, by parties applying for access to records or personal information, as contemplated in section 19 of PAIA and Regulation 2 and 3 of the POPIA Regulations.
- 10. Petra Diamonds makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requestor is complete, or that such information is fit for any purpose.
- 11. All requesters of any such information use such information entirely at their own risk, and Petra Diamonds will not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Petra Diamonds or from any error therein.

KEY CONTACT DETAILS

12. Information Officer:

The Chief Executive Officer, Mr Vivek Gadodia and Mr Juan Kemp are the Information Officers, however, for purposes of this manual, all requests for information must be directed to the Deputy Information Officer as listed herein below.

13. **Deputy Information Officers:**

Deputy Information Officer	Devan Somiah
Telephone number:	+2711 702 6900
Email address:	Devan.somiah@petradiamonds.com
Postal address:	The Deputy Information Officer
	Petra Diamonds South Africa
	PO Box 71007
	Bryanston
	2021

14. Petra Diamonds Head Office:

Physical address	Block 3, Silver Point Office Park
Head office	22 Ealing Crescent
	Bryanston, 2052
	South Africa
Postal address	PO Box 71007
Head office	Bryanston, 2021
	South Africa

GUIDE FOR REQUESTERS ON HOW TO USE PAIA

- 15. As of 1 July 2021, the Information Regulator assumed the functions of the South African Human Rights Commission ("SAHRC") and has been responsible for all PAIA and POPIA queries.
- 16. As part of its functions, the Information Regulator has published a guide on how to use PAIA and POPIA in the new dispensation.
- 17. This guide is available on the Petra Diamonds website https://www.petradiamonds.com.
- 18. Any information or queries related to the guide, or to PAIA or POPIA should be directed to the persons referred to in paragraph 12.

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

- 19. At this stage no notices have been published by the Information Regulator on the categories of records that are automatically available without a person having to request access thereto in terms of PAIA.
- 20. The records that are located on the Petra Diamonds website are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA.

RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

- 21. Records are kept in accordance with, and are available in terms of, certain legislation that applies to Petra Diamonds, which include, but not limited to, the following
 - Basic Conditions of Employment Act No. 75 of 1997;
 - Broad-Based Black Economic Empowerment Act No. 53 of 2003;
 - Companies Act No.71 of 2008;
 - Compensation for Occupational Injuries and Diseases Act No.130 of 1993;
 - Competition Act No. 89 of 1998
 - Corporate Laws Amendment Act No. 24 of 2006
 - Customs and Excise Act No. 91 of 1964
 - Diamonds Act No.56 of 1986;
 - Disaster Management Act No. 57 of 2002
 - Employment Equity Act No. 55 of 1998;
 - Income Tax Act No. 58 of 1962;
 - Labour Relations Act No. 66 of 1995;
 - Mineral and Petroluem Resources Development Act No. 28 of 2002;
 - Mine Health and Safety Act No. 29 of 1996;

- National Environmental Act No. 107 of 1998
- National Environmental Management: Air Quality Act No. 39 of 2004
- National Environmental Management: Biodiversity Act No. 10 of 2004
- National Environmental Management: Integrated Coastal Management Act No. 24 of 2008
- National Environmental Management: Protected Areas Act No. 57 of 2003
- National Environmental Management: Waste Act No. 59 of 2008
- Occupational Health and Safety Act No. 85 of 1993;
- Pensions Fund Act No. 24 of 1956
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act 89 of 1991
- Legislation which would ordinarily be considered applicable to the business of Petra Diamonds.

RECORD SUBJECTS AND CATEGORIES

22. Petra Diamonds maintains records on the following categories and subject matters. However, please note that a category or subject matter in this manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Subject	Description of record
	☐ Company incorporation documents
	☐ Share register
	☐ Memorandum of Incorporation
	Minutes of meetings of the board of directors and shareholders
Statutory records	☐ Records relating to the appointment of directors, auditors, and other officers

	Pay-as-you-earn (PAYE) records					
	Documents issued to employees for					
	income tax purposes					
	Records of payments made to South African Revenue Services on behalf of employees					
Income tax	All or any statutory compliance					
	Value Added Tax					
	Skills development levies					
	Unemployment Insurance Fund					
	Company Income Tax Returns					
	Personnel documents and records					
Labour relations records	Employment contracts Medical aid records					
	Pension Fund records					
	Disciplinary records					
	Salary records					
	Disciplinary code and / or procedures					
	Leave records					
	Training records					
	Training manuals					
	Address lists					
	Internal telephone lists					
	Internal email lists					
	Lists of mobile phone numbers					
	Receipts and payments					
	Bank statements					
	Budgets Management accounts					
	Management accounts Asset registers					
Finance	-					
	Orders, quotes and invoices					
	Minutes of meetings					
	Correspondence					
	Annual Financial Statements					

	Contracts
	Testing certificates
Risk and compliance	Policies and procedures
Mak and compliance	Risk assessment
	Compliance records
	Regulatory compliance records

PROCESSING OF PERSONAL INFORMATION

- 23. Chapter 3 of POPIA provides for the minimum conditions for lawful processing of personal information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 24. Petra Diamonds processes personal information in accordance with POPIA. Petra Diamonds will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. Petra Diamonds processes personal information of both natural and juristic persons.
- 25. <u>Purpose for processing of personal information by Petra Diamonds</u>
- 25.1 Petra Diamonds processes personal information for a number of reasons including, but not limited to, –
- 25.2 **To provide products to our customers** we need to use our customers' personal information to make our products available to them (i.e. diamond sales).
- 25.3 **To improve your experience with us** we try to understand our customers so we can provide them with a great interactive experience, personalised offers, and online advertising.
- 25.4 **To improve our engagement with you** we try to understand our internal and external stakeholders, how our operations impact them and how we can engage with them to build better relationships.

25.5 **Ensuring legal/regulatory compliance** – in certain instances we will need to use, collect or process your personal information to ensure compliance with legislation or regulation, such as tax and labour legislation.

26. <u>Categories of data subjects</u>

Petra Diamonds processes personal information relating to the following categories of data subjects and information –

- Employees;
- Consultants;
- Customers;
- Service Providers;
- Directors;
- Shareholders;
- Individuals who have an interest in the operations and products of Petra Diamonds.

27. <u>Categories of information (and special personal information) processed</u>

Petra Diamonds processes the following types of personal information, amongst others, –

Customers				
Name and surname / company details	Physical / Business address			
Contact details	VAT			
Diamond Dealer Licence number	Diamond Beneficiation Licence number			
Suppliers/Contractor	s/Vendors/Consultants			
Name and surname / company details	Physical / Business Address			
VAT registration number	Contact details			
Registration number	B-BBEE certificate			
Quotes and invoices	Bank / Financial details			
Social sta	akeholders			
Name and surname / company details	Physical / Business Address			
Records of engagement	Contact details			
Registration number	Company/personal profile			
Employees				
Name and surname	Identity number			
Contact details	Residential address			

Banking details	Tax details
Next of kin	Educational/qualification history
Curriculum Vitae	Health status

28. <u>Trans-border/Cross border flows of personal information</u>

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. Insofar as the transborder flow of personal information may become applicable during the course of Petra Diamonds' operations, we will comply with the conditions set out in section 72 of POPIA.

29. General description of information security measures

Petra Diamonds will strive to take appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control.

ACCESS TO RECORDS PROCEDURE

- 30. 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 PAIA. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.
- 31. To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as **Annexure A**. This request must be sent to either of the persons at the addresses provided in paragraph 12.
- 32. For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed **Form 1** (objection) or **Form 2** (correction or deletion), which are attached to this Manual as **Annexure B**.

- 33. The requestor must provide sufficient detail to enable the persons mentioned in paragraph 12 to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation on why the requested record is required for the exercise or protection of that right.
- 34. If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the person contacted in terms of paragraph 12.
- 35. PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the person contacted in terms of paragraph 12 will make a decision whether or not to grant a request for access to information.

PAYMENT OF FEES

- 36. PAIA provides for two types of fees, namely –
- a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- an access fee, payable when access is granted which must be calculated by taking into costs related to account reproduction, search and preparation, as well as postage.
- 37. Subsequent to a request being made, the person contacted in terms of paragraph 4.2, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 38. Petra Diamonds may require a requester to pay a deposit in instances where the time taken in searching for and preparing to disclose a record is more than the hours prescribed in the regulations. The deposit will be in the form of a prescribed portion of the access fee which would be payable if the request is granted. For more information on this, please refer to the dialogue box at the end of **Annexure C**.

- 39. Petra Diamonds may also withhold a record until the requester has paid the fees as indicated in **Annexure C**.
- 40. A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 41. In terms of POPIA, a data subject has the right to request Petra Diamonds to confirm, free of charge, whether or not it holds personal information about the data subject and request from Petra Diamonds, the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 42. POPIA further provides that where the data subject is required to pay a fee for services provided to them, Petra Diamonds must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

TIME PERIODS

- 43. Petra Diamonds will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 44. The 30-day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Petra Diamonds or the records are not located at Petra Diamonds.

OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

- 45. Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.
- 46. Grounds for refusal of access to records
- 46.1 In terms of Section 62 to 69 of PAIA, a request for access to a record may be refused on one or more of the following grounds
 - protection of privacy to a third party who is a natural person;
 - protection of the commercial information of a third party;
 - protection of certain confidential information of a third person;
 - protection of the safety of individuals and the protection of property;
 - protection of records privileged from production and legal proceedings;
 - the commercial information of Petra Diamonds; and
 - the protection of research information of a third party.
- Despite any provisions of PAIA, a request for access must be granted if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environmental risk, and the public interest in the disclosure of the record clearly outweighs the personal harm which may be caused by not publishing the information.¹.

47. Remedies for refusal

Should the requester be dissatisfied with the Information Officer or the Deputy Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for an appropriate relief.

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¹ section 70 of PAIA.

AVAILABILITY OF THE MANUAL

- 48. This manual is available in English and can be accessed electronically, on Petra Diamonds' official website. Hard copies are also available at Petra Diamonds' Head Office.
- 49. This manual will be reviewed and updated, if necessary, on a periodic basis but no less than once each year.

ANNEXURE A FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Ocation FO(4) of the Act) [Demulation

(Section 53(1) of the Act) [Regulation

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A. Particulars of private body

The Head:	
Company Name:	
Company Registration Number:	

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.

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(c)	Proof of the capacity in w	nich the	request	is made	e, IT 6	аррисар	ie, n	nust be at	tacnea.
Full nan	mes and surname:								
Identity	number:								
Postal a	address:								
Fax nur	mber:								
Telepho	one number:								
	address: y in which request is	made,	when	made	on	behalf	of	another	person:
This	Particulars of person on vasection must be completed						mad	le on beha	alf of
This s	<u> </u>						mad	le on beha	alf of
This s anoth	section must be completed per person.						mad	le on beha	alf of
This sanoth Full nan Identity	section must be completed per person. mes and surname:						mad	le on beha	alf of
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This sanoth Full nan Identity Postal a	section must be completed ner person. mes and surname: number: address:			-			mad	le on beha	alf of
This sanoth Full nan Identity Postal a Fax nur Telepho	section must be completed per person. mes and surname: number: address:			-			mad	le on beha	alf of
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Description of record or relevant part of the record:

The address and/or fax number in the Republic to which the information is to be

(b)

1.

16

	2.
Refere	ence number, if available:
3.	Any further particulars of record:
E. (a)	Fees A request for second to a record other than a record containing nervenal
(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 has been paid.
(b)	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 for exemption.
Reaso	on for exemption from payment of fees:
F	Form of access to record
pro	ou are prevented by a disability to read, view or listen to the record in the form of access vided for in 1 to 4 hereunder, state your disability and indicate in which form the record equired.
Disa	ability: Form in which record is required

(c)	case you will be informed if					
(0)	-	access will be granted in ano	ther fo	m.		
(c)	The fee payable for access form in which access is req	to the record, if any, will be de uested.	etermir	ed p	partly by	y the
	1641					
1.	If the record is in written	or printed form:				
	copy of record*	inspection of record				
2.	If record consists of visu	al images				
(this sketc	includes photographs, slid hes, etc.):	les, video recordings, com	puter-ç	gene	erated	images
	view the images	copy of the images*	t	rans	cription	of the
			i i	mag	es*	
3.	If record consists of reco	rded words or information w	vhich (can	be	
	reproduced in sound:					
	listen to the soundtrack	transcription of soundtrack	*			
	(audio cassette)	(written or printed docume	nt)			
4.	If record is held on comp	uter or in an electronic or m	achine	e-rea	adable	form:
	printed copy of record*	printed copy of	C	ору	in co	mputer
		information derived from	r	eada	able for	m*
		the record*	(stiffy	or c	ompact
			c	lisc)		
*If you	u requested a copy or transcr	ription of a record (above), do	you wi	sh	YES	NO
the co	opy or transcription to be post	ted to you?				
Posta	age is payable.					
F	Particulars of right to be ex	ercised or protected				
If the p		, please continue on a separat	te folio	and	attach	it to this

Compliance with your request in the specified form may depend on the form in

Mark the appropriate box with an X.

which the record is available.

NOTES:

(a)

∠. ⊏xμια	Explain why the record requested is required for the exercise or protection of the						
afore	aforementioned						
right:							
⊔ Noti	oo of doololon roa	ardina roqu	upot for an				
	ce of decision reg			cess has been approved/deni	ed If you wish		
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	vou profes to be infe	armand of the	a de elejene m	anding vois source for			
	ou prefer to be into	ormed of the	e decision r	egarding your request fo	or access to the		
record?							
Signed at			this	day of			
20				aay or			
- <u></u>							
Signature of	•						
Person on w	hose behalf reques	st is made					
Name of req	uestor /						
	hose behalf reques	et is made					

ANNEXURE B

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017 [Regulation 2(1)]

Note:

- 1. Affidavits or other documentary evidence in support of the objection must be attached.
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference	Number			

DETAILS OF DATA SUBJECT
DETAILS OF RESPONSIBLE PARTY

of responsible party (if the responsible party is a natural person):	
Residential, postal	
or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
Name of public or private body (if the responsible	
party is not a natural person):	
Business address:	
Contact number(s):	
FAX number:	
E-mail address:	
C	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)
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	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signature	of Data subje	ect (applicant)
		FORM 2
	DECLIEST E	OR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
		OR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
	SECTION 24	4(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
		(ACT NO. 4 OF 2013)
DE (ZIII ATIONS	RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
INL	JULATIONS	[Regulation 3(2)]
	Affidavits	Note: or other documentary evidence in support of the request must be attached.
If the s		for in this Form is inadequate, submit information as an Annexure to this Form and sign
		each page.
		Reference Number
Mark the	appropriate bo	ox with an "x". Request
for:		
	Correction of	or deletion of the personal information about the data subject which is in possession or unde
		of the responsible party.
		or deletion of a record of personal information about the data subject which is in
		or under the control of the responsible party and who is no longer authorised to cord of information.
Α		DETAILS OF DATA SUBJECT
Surnam	e:	

Full names:	
Identity number:	
Residential, postal	
or business	
address:	
Contact number(s):	
Contact Hamber(c).	
FAX number:	
E-mail address:	
В	DETAILS OF RESPONSIBLE PARTY
Name and surname	
of responsible party	
(if the responsible	
party is a natural person):	
Residential, postal	
or business	
address:	
Contact number(s):	
FAX number:	
E-mail address:	
Name of public or	
private body (if	
the responsible party is not a	
natural person):	
Business address:	
Contact number(s):	
FAX number:	
E-mail address:	
C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL
	INFORMATION ABOUT THE DATA SUBJECT / *DESTRUCTION OR DELETION
	OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT
	WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)
	TAINT I. (Flease provide detailed reasons for the request)

Delete whichever is not applical	ole				
Signed at		this day	of	20	
olgried at		triis day	01	 20	•
Signature of Data subject					

ANNEXURE C

FEES PAYABLE IN RESPECT OF RECORDS REQUESTED FROM PETRA DIAMONDS

ZAR
R 1.10
R 0.75
R 40.00
R 60.00
R 20.00
R 30.00
R 50.00
R 1.10
R 0.75

For a copy in a computer-readable form on
• stiffy disc R 7.50

• compact disc R 70.00

For a transcription of visual images, for an A4-size page or part thereof

For a transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00

To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

For purposes of section 54(2) of the Act, the following applies -

- · Six hours as the hours to be exceeded before a deposit is payable; and
- one third of the access fee is payable as a deposit by the requester.

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