



# **CHEMICAL SPECIALITIES LTD.**

(Registration Number 2005/039947/06)

("Chemspec")

## **MANUAL**

**PREPARED IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT**

(Act No. 2 of 2000)

("the Act")

## INDEX

PARAGRAPH	SUBJECT
1.	<b>Preamble</b>
2.	<b>Introduction to Chemical Specialities Ltd</b>
3.	<b>Administration of the Act</b>
4.	<b>Guide for Requesters on how to use the Act</b>
5.	<b>Automatic Availability of Certain Records</b>
6.	<b>Record Subjects and Categories Available In Terms Of The Act</b>
7.	<b>Records Available In Accordance With Other Legislation</b>
8.	<b>Access Request Procedure</b>
9.	<b>Annexure A: Access Request Form</b>
10.	<b>Annexure B: Prescribed Fees</b>

### 1. Preamble

The Promotion of Access to Information Act of 2000 (“the Act”) was enacted to address Section 32 (2) of the Constitution. In terms of this section any person who has a legal right to have access to any information held by a public or private body must proceed in accordance with the Act. 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.

This document is the manual required by the Act 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 manual contains reference to documents held and the process to gain access to them.

### 2. Introduction to Chemical Specialities Ltd

#### **COMPANY OVERVIEW**

Chemspec Limited and its subsidiaries (Chemspec) (the Group) form a retail group operating throughout the world. The business has been in existence since 1957 and has been listed on the Alt-X since 2007.

Chemspec is a manufacturer, distributor and retailer of paint and related products. The divisions and subsidiaries of the company are as follows:

#### **DIVISIONS:**

- Chemspec Manufacturing
- Chemspec Sales and Distribution
- Chemspec Export
- House of Paint

**SUBSIDIARIES:**

USA:	Chemspec USA Inc.
Australia:	Chem Spec (Coatings) (Pty) Ltd
Botswana:	Chemspec Botswana (Pty) Ltd
Namibia:	Chemical Specialities Namibia (Pty) Ltd

**3. Administration of The Act**

## Section 51(1)(a)

The details of the contact person who will deal with all requests made in terms of the Act relating to any of the Chemspec Group (the Group) entities are as follows:

Contact person:	David Randles
Postal address:	PO Box 2359, Canelands Verulam 4339
Physical address:	2029 Old Mill Road Canelands Verulam 4339
Phone number:	+27 32 541 8600
Fax number:	086 619 6407
Email:	<a href="mailto:randles@chemspecpaint.com">randles@chemspecpaint.com</a>
Website :	<a href="http://www.chemspecpaint.com">www.chemspecpaint.com</a>

**4. Guide For Requesters On How To Use The Act**

## Section 51(1)(b)

The Act grants a requester access to the records of a public or private body, if the record is required for the exercise of or protection of any right. Requests for access must be made in accordance with the prescribed procedures, and on payment of the fees prescribed. The forms and tariffs are dealt with in Annexures A and B below. Anyone requesting information is also referred to the South African Human Rights Commission.

The South African Human Rights Commission (SAHRC) 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, by no later than March 2008. 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  
Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## **5. Automatic Availability Of Certain Records**

### Section 51(1)(c)

Annual financial statements including:

- Annual accounts
- Directors' Report
- Auditor's Report

Interim reports

Information contained on the Chemspec Group website

Other literature intended for public viewing.

## **6. Record Subjects and Categories Available In Terms Of The Act**

### Section 51(1)(e)

#### **1. Statutory Company Information**

Certificate of Incorporation

Certificate to Commence Business

Certificates of Change of Name

Copies of forms lodged with the Registrar of Companies

Directors' attendance register

Memorandum and Articles of Association

Minute books

Records of all subsidiary companies

Register of directors and officers

Register of directors' shareholdings

Register of members

#### **2. Financial and Accounting Records**

Accounting records (inclusive of books of account)

Administrative records

Internal and external audit reports

Supporting schedules and documentation to books of account

### **3. Tax Records**

Customs and Excise records

Income tax returns and other documentation

PAYE records

Regional Services Council records

Skills Development Levies records

Stamp Duties records

Value Added Tax records

### **4. Legal Records**

Documentation pertaining to litigation or arbitration

General agreements

Licences, permits and authorisations

### **5. Insurance Records**

Claims records

Details of insurance coverage, limits and insurers

Insurance policies

### **6. Employee Records**

Agreements with trade unions

Arbitration awards

Attendance registers

Casual employee records

CCMA records

Code of conduct

Company tax submissions in respect of employees

Confidentiality agreements

Disciplinary records

Employee personal details

Employment conditions and policies

Employment contracts

Employment equity plan

Medical aid records

Records of strikes, lockouts or protest action

Remuneration and benefits records

Restraint of trade agreements

Retirement fund records

Training schedules and material

#### **7. Share Registration Documents**

Dividend payment list

Share register

#### **8. Marketing**

Marketing and advertising records

Brochures and other promotional records

#### **9. Product Records**

Quality testing procedures and records

Records of the cost of goods acquired for resale and their selling price

#### **10. Customer Records and Credit Services**

Credit application forms

Customer records

Debtors with collection agents

Records of customer details and payment performance listed with credit bureaus

Sales records

Terms and conditions of sale

Transaction records

### **11. Supplier Records**

Code of Conduct

Terms and conditions for dealing with suppliers

Transactional records and supporting information

### **12. Information Technology**

Business and data information

Domain name registrations

IT technology capabilities

### **13. Fixed Property and Fixed Assets**

Financial lease agreements

Fixed asset registers

Property lease agreements

### **14. Intellectual Property**

Trademarks, trade names and protected names

Agreements pertaining to intellectual property.

### **15. Charters**

Audit committee charter

Remuneration Committee charter

Board Charter

Board appointment policy

Code of Ethics

## **7. Records Available In Accordance With Other Legislation**

Section 51(1)(d)

Where applicable to our operations, information is available (on notice) in accordance with the following legislation, including but not limited to:

Arbitration Act No. 42 of 1965

Atmospheric Pollution Prevention Act

Basic Conditions of Employment Act No.75 of 1997 (including Sectoral Determination 9: Wholesale and Retail Sector)

Broad Based Black Economic Empowerment Act

Companies Act No. 61 of 1973 (and 2008 Act)

Compensation for Occupational Injuries and Diseases Act No.130 of 1993

Competition Act No. 89 of 1998

Constitution of the Republic of South Africa

Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988

Consumer Protection Act

Copyright Act No. 98 of 1978

Credit Agreements Act No. 75 of 1980

Currency and Exchanges Act No. 9 of 1933

Customs and Excise Act No. 91 of 1964

Debt Collectors Act No. 114 of 1998

Electronic Communication and Transactions Act No. 25 of 2002

Employment Equity Act No. 55 of 1998

Environment Conservation Act of 1989

Factory Regulations Act No. 22 of 1941 (read with Act No. 6 of 1983)

Finance Act No. 35 of 2000

Financial Relations Act No. 65 of 1976

Financial Advisory and Intermediary Services Act

Financial Intelligence Centre Act

Financial Services Board Act No. 97 of 1990

Harmful Business Practices Act No. 23 of 1999

Hazardous Substances Act No. 15 of 1973

Import and Export Control Act No. 45 of 1963

Income Tax Act No. 58 of 1962

Insider Trading Act No. 135 of 1998

King 1,2 and 3 Reports on Corporate Governance

Labour Relations Act No. 66 of 1995

Medical Schemes Act No. 131 of 1998

Merchandise Marks Act No. 17 of 1941

National Credit Act

National Environment Act No. 107 of 1998 (Air Quality and Waste)

National Road Traffic Act No. 93 of 1996

National Water Act No. 36 of 1998

Occupational Health & Safety Act No. 85 of 1993

Pension Funds Act No. 24 of 1956

Prevention and Combating of Corrupt Activities Act

Price Control Amendment Act No. 80 of 1967

Promotion of Access to Information Act

Protection of Personal Information Bill

SA Reserve Bank Act No. 90 of 1989

Sale and Services Matters Act No. 25 of 1964

Skills Development Levies Act No. 9 of 1999

Skills Development Act No. 97 of 1998

Stamp Duties Act No. 77 of 1968

Stock Exchange Control Act No. 1 of 1985

Tobacco Products Control Act

Trade Metrology Act of 1973

Trade Practices Act No. 76 of 1976

Trademarks Act No. 194 of 1993

Transfer Duty Act No. 40 of 1949

Unemployment Contributions Act No. 4 of 2002

Unemployment Insurance Act No. 63 of 2001

Usury Act No 73 of 1968

Value Added Tax Act No. 89 of 1991.

## 8. Access Request Procedure

### Section 51(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.

All additional folios must be signed by the requestor.

### 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 R57.00 (inc VAT) request fee** 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 requester will be notified, within 30 days, of the decision on the request.

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:

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;

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 the Group;

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.

**Availability of the Manual of Chemical Specialities Limited**

The Manual is available for inspection at the offices of Chemical Specialities Limited. A copy is also available at the South African Human Rights Commission.

**Strath Wood  
Chief Executive Officer  
Chemical Specialities Limited**

**ANNEXURE A**

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

Section 53 (1) of the Promotion of Access to Information Act, No. 2 of 2000

[Regulation 10]

**A. Particulars of private body**

The Head:

.....  
.....  
.....

**B. Particulars of person requesting access to the record**

- |  |
|--|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|--|

Full names and surname: .....

.....

Identity number: .....

Postal address: .....

.....

.....

..... Fax number: .....

Telephone number: ..... E-mail address: .....

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

.....

**C. Particulars of person on whose behalf request is made**

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

Full names and surname: .....

.....

Identity number: .....

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that 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.**

1. Description of record or relevant part of the record: .....

.....  
.....  
.....  
.....

2. Reference number, if available: .....

3. Any further particulars of record: .....

.....  
.....  
.....  
.....

**E. Fees**

- (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.

Reason for exemption from payment of fees: .....

.....

.....

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: .....

.....

.....

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 in certain circumstances. In such a case you will be informed if 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.

<b>1. If the record is in written or printed form:</b>	
Copy of record*	Inspection of record

<b>2. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
View the images		copy of the images*	transcription of the images*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
Listen to the soundtrack (audio cassette)			transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
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? <b>Postage is payable.</b>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 5px;">YES</td> <td style="width: 50%; text-align: center; padding: 5px;">NO</td> </tr> </table>	YES	NO
YES	NO				

**G. Particulars of right to be exercised or protected**

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.**

1. Indicate which right is to be exercised or protected: .....  
 .....  
 .....
  
2. Explain why the record requested is required for the exercise or protection of the  
 aforementioned right: .....  
 .....  
 .....  
 .....

**H. 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?

.....  
.....

Signed at ..... this ..... day of ..... 20.....

.....  
SIGNATURE OF REQUESTER/PERSON ON WHOSE  
BEHALF REQUEST IS MADE

**ANNEXURE B****FEES IN RESPECT OF PRIVATE BODIES**

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.
2. The fees for reproduction referred to in regulation 11(1) 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	
	(i) stiffy disc	R7.50
	(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 A6-size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
  - (1) (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 R0.75 held on a computer or in electronic or machine-readable form
  - (c) For a copy in a computer-readable form on -
    - (i) stiffy disc R7,50
    - (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 of an hour reasonably required for such search and preparation.
- (2). For purposes of section 54(2) of the Act, the following applies:
  - (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.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.