

**NORCROS (SA) PROPRIETARY LIMITED**

**Registration Number 1952/000012/07**

**PROMOTION OF ACCESS TO INFORMATION MANUAL**

**Last updated 09 May 9, 2019**

## **1. INTRODUCTION**

The Promotion of Access to Information Act 2 of 2000 (the "Act") seeks to promote a culture of transparency, accountability and good governance by giving effect to a person's right of access to information as contained in Section 32 of the South African Constitution.

In terms of Section 51 (1) of the Act, all private bodies must compile and publish a manual setting out certain information prescribed by Section 51 of the Act. The Act further sets out the procedure to be followed when requesting information from a public or a private body and the prescribed fees.

For the avoidance of doubt, any reference in this manual to any information that is in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

The head of NORCROS SA (Proprietary) Limited (Registration number 1952/000012/07) ("Norcros SA"), as defined in the Act, has delegated his functions under the Act to the Designated Information Officer.

## **2. OVERVIEW OF NORCROS SA**

Norcros SA is a private body carrying on the business of the manufacture and sale of ceramic tiles. Norcros SA consists of three established brands:

- Johnson Tile, a manufacturer of glazed ceramic and porcelain tiles;
- TAL, which specializes in tiling installation material, tiling and allied building solutions; and
- Tile Africa, which is a leading national retailer of local and international tile, bathroom ware, taps and accessories.

## **3. SCOPE OF MANUAL**

In this manual, any reference to "Norcros SA" includes any of the divisions listed below:

- Johnson Tiles;
- TAL; and
- Tile Africa.

Reference to "Norcross SA" in this manual also includes any of the entities listed below:

- Ceracon (Pty) Ltd with registration number 1982 / 004470 / 07;
- General Adhesive (Pty) Ltd with registration number 1971 / 011379 / 07;
- Johnson tile (Pty) Ltd with registration number 1960 / 003701 / 07
- Lesatsi Trading (Pty) Ltd with registration number 2004 / 010507 / 07;
- Triton SA (Pty) Ltd with registration number 1997 / 004842 / 07;
- Talcot Property (Pty) Ltd with registration number 1966 / 007475 / 07;
- Tile Adhesives (Pty) Ltd with registration number 1985 / 005242 / 07;
- Tile Africa Group (Pty) Ltd with registration number 2003 / 015718 / 07;
- TAL (Pty) Ltd with registration number 1968 / 000411 / 07; and
- RAP Plumbing Supplies (Pty) Ltd with registration 2007 / 032441 / 07

#### 4. COMPANY CONTACT DETAILS

##### Information required in terms of Section 51(1)(a) of the Act

<b>Name of Body</b>	<b>Norcros SA</b>
<b>Physical Address</b>	04 Porcelain Road Olifantsfontein 1665
<b>Postal address</b>	Private Bag X4, Olifantsfontein, 1665
<b>Head of Body</b>	<b>Name:</b> Thomas John Willcocks (MD) Telephone No.: (011) 206 1709 E-mail: <a href="mailto:thomas@norcrossa.com">thomas@norcrossa.com</a>
<b>Designated Information Officer</b>	<b>Name:</b> Neo Rachel Imasiku Telephone No.:(011) 206 9701 E-mail: <a href="mailto:rachel@norcrossa.com">rachel@norcrossa.com</a>

#### 5. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

Under Section 10 of the Act, the South African Human Rights Commission ("**SAHRC**") must *"compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who*

wishes to exercise any right contemplated in the Act" ("**the Guide**"). The Guide is available for inspection, *inter alia*, at the SAHRC's offices. The contact details for the SAHRC are:

### **The South African Human Rights Commission:**

#### **PAIA Unit**

#### **The Research and Documentation Department**

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **6. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**

The following categories of records are automatically available for inspection, purchase or photocopying. In other words, there is no need to request this information in terms of the Act. The information can be requested from the Designated Information Officer whose details appear above.

The following information is available on the Norcros SA website ([www.norcros.co.za](http://www.norcros.co.za)) and at the offices of Norcros SA and will be made available without the need to request this information in terms of the Act:

- Corporate Social Investment strategies;
- Professional services offered by Norcros SA; and
- Marketing brochures.

## **7. RECORDS AVAILABLE UNDER OTHER LEGISLATION**

Records are kept in accordance with legislation applicable to Norcros SA, which includes but is not limited to the following legislation as amended from time to time:

- Basic Conditions of Employment Act, No. 75 of 1997;
- Broad-Based Black Economic Empowerment Act 53 of 2003;
- Companies Act, No. 61 of 1973 (repealed, save for chapter 14);

- Companies Act, No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Competition Act, No. 89 of 1998;
- Consumer Protection Act, No. 68 of 2008;
- Copyright Act, No. 98 of 1978;
- Currency Exchange Act, No. 9 of 1933;
- Credit Agreements Act, No. 75 of 1980 (repealed);
- Debt Collectors Act, No. 114 of 1998;
- Electronic Communications and Transaction Act, No. 25 of 2002;
- Employment Equity Act No 55 of 1998;
- Financial Intelligence Centre Act, No. 38 of 2001;
- Income Tax Act, No. 58 of 1962;
- Labour Relations Act, No. 66 of 1995;
- Medical Schemes Act, 131 of 1998;
- National Credit Act, No. 34 of 2005;
- Occupational Health and safety Act, No. 85 of 1993;
- Pension Funds Act, No. 24 of 1956;
- Protection of Personal Information Act, No. 4 of 2013;
- Skills Development Act, No. 97 of 1998;
- Skills Development Levies Act, No. 9 of 1999;
- Tax on Retirement Funds Act, No. 38 of 1996;
- Trade Marks Act, No. 194 of 1993;
- Unemployment Insurance Act, No. 63 of 2001;
- Unemployment Contributions Act, No. 4 of 2002; and
- Value Added Tax Act, No. 89 of 1991

## **8. CATEGORIES OF INFORMATION HELD BY NORCROS SA**

This section of the manual sets out the categories and the description of records held by Norcros SA. However, please note that the inclusion of any category of records should not be taken to mean that records falling within that category will be made available on request. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

CATEGORY	SUBJECT
<b>Finance</b>	Annual financial statements, monthly statutory accounts, monthly management accounts, monthly trial balances, general ledger, income tax returns, provisional tax returns, STC returns, monthly and annual management account budgets.
<b>Secretarial</b>	Annual reports, memorandum and articles of association, share register, statutory records, agendas and minutes of board meetings, agendas and minutes of executive committee meetings, trade mark correspondence, lease agreements, other agreements, shareholder correspondence, dividend payments, general correspondence.
<b>Human resources</b>	Offers of employment, contracts of employment, applications for employment, employee particulars, provident fund application forms, death benefit beneficiary nomination, Workmen's Compensation documentation, personnel policies, performance evaluations, job specifications, PAYE slips, code of business ethics, IRP5's, employment equity plan, medical aid scheme documentation, provident fund documentation, disciplinary procedures, loan and bursary agreements, payroll reports, training material, leave forms.
<b>Accounts</b>	Invoices, cash books, cheque requests, cheques, journals, bank statements, bank reconciliations, debit/credit notes, ledgers, trial balances, foreign exchange documentation, Vat returns.
<b>I.T.</b>	Software Licenses, contracts with computer suppliers and vendors, project documentation, specifications, budgets, system documentation, software documentation, reports and report definitions, invoices from suppliers and vendors, disaster recovery plans and procedures, all electronic documents, database systems with client information.
<b>Marketing</b>	Product brochures, product sales records, customer database
<b>Intellectual</b>	Trade-marks, copyrights and designs.
<b>Commercial</b>	Contracts/agreements, insurance policies, user manuals.

## **9. REQUEST PROCEDURE**

A record, whether specifically listed in this manual or not, will only be made available subject to the provisions of the Act.

### **(a) Form of request**

A request for access to a record must be made to the Designated Information Officer and sent to either the Norcros SA address or submitted to the electronic mail address set out above.

A person requesting access to a record held by Norcros SA ("**Requester**") must complete the prescribed Form attached to this manual or otherwise available from the SAHRC website. Not using the prescribed Form may result in a request being declined or delayed. The Form must be submitted with the request fee and a deposit (if applicable). The Requester must provide sufficient details on the request Form to enable the Designated 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, fax number or email address in South Africa. 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.

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.

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 Designated Information Officer.

### **(b) 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 requesting access to a record containing personal information about him/her or itself, must pay the required request fee as contained in Part III of Annexure "A" of the Regulations to the Act (published in Government Notice No. R.187 of 15 February 2002) ("**the Regulations**").

The Designated Information Officer will, by notice, require the Requester (other than a personal Requester) to pay the prescribed request fee (if any) before further processing the request.

Should access to a record/s be granted by Norcros SA, the Requester may be required to pay an access fee for the search and preparation of the records, and for the reproduction of the record/s. The access fee schedule can be accessed on the SAHRC website.

Furthermore, Norcros SA can withhold a record/s until such access fees have been paid.

Norcros SA will process the request for access to record/s within 30 (thirty) days and, unless the Requester has stated special reason to the satisfaction of the Designated Information Officer that circumstances dictate that the above time period not to be complied with.

Alternatively, the Requester shall be advised in writing, whether access to a record/s is granted or denied.

### **(c) Refusal of access to records**

In terms of Part 3, Chapter 4 of the Act, Norcros SA may and in certain instances must refuse access to records on the grounds set out in the Act. The grounds include:

- Mandatory protection of the privacy of a third person who is a natural, juristic or deceased person which would involve unreasonable disclosure of personal information of the natural or juristic person.
- Mandatory protection of the commercial information of a third party.
- Mandatory protection of the safety of individuals and protection of property.
- Mandatory protection of records which would be regarded as privileged in legal proceedings.



- Mandatory protection of the commercial information of a private body including a record that contains trade secrets or financial or technical information of the private body.

## **10. RECORDS OR INFORMATION NOT FOUND**

If, after all reasonable steps to locate a record have been taken, and no record is found, then the Designated Information Officer will notify the Requester, by way of an affirmation or affidavit, stating that access to the requested record cannot be provided. Such affirmation or affidavit will include a detailed account on the steps taken trying to locate the record.

Should the record be found, the Designated Information officer shall provide the Requester access to the record, unless access to the record is refused on the grounds permitted by the Act.

## **11. AVAILABILITY OF THE MANUAL**

The manual is available for inspection by the general public, during office hours and free of charge, at the offices of Norcros SA. Copies of the manual may be made, subject to the prescribed fees.

Copies may also be accessed at the Norcros SA website ([norcros.co.za](http://norcros.co.za)) and can be requested from the South African Human Rights Commission.

## **12. PRESCRIBED FORMS AND FEE STRUCTURE**

The forms and the fee structure prescribed under the Act are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development under the 'regulations' section as well as the SAHRC website.

**PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER**

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

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

**A. Particulars of private body**

**The Head:**

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

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

- (a) The particulars of the person who requests access to the records must be provided in the space provided below.*
- (b) Furnish an address and/or fax number within the Republic of South Africa to which information must be sent.*
- (c) Proof of the capacity in which a person is making the request must be attached, if applicable.*

**Full Name and Surname** .....

**Identity Number:** .....

**Postal Address:** .....

.....

**Telephone Number:** .....

**Fax Number:** .....

**E-mail Address:** .....

**Capacity in which the 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 on behalf of another person.*

**Full Name 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 the record or relevant part of the record:

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

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

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**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed after a request fee has been paid.
- (b) You will be notified on 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 the 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 therefore.

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

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**F. Form of access of 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:
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Mark the appropriate box with an <b>X</b>	
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 the access will be granted in another form.
(c)	The fee payable to 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 the record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>			
	View the images		Copy of the images*      Transcription of the images*
<b>3. If the record consists of recorded words or information which can be reproduced in sound</b>			
	Listen to the soundtrack (audio cassette)		Transcription of the soundtrack* (written or printed document)
<b>4. If the record is held on a computer or in an electronic or machine-readable form</b>			
	Printed copy of information derived from the record		Printed copy of 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>			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.***

Indicate which right is to be exercised or protected: .....

.....

.....  
.....

Explain why the record is requested 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 or 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 \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_ .

\_\_\_\_\_  
Signature of requester/ person on whose behalf  
request is made