



Registration Number 1960/000007/07

**SHELL AND BP SOUTH AFRICAN PETROLEUM REFINERIES (PTY) LTD
(SAPREF)**

**Manual in compliance with Section 14 of the
Promotion to Access to Information Act 2 of 2000**

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1. Purpose of the Manual

The Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) gives effect to the right of access to information in records held by public or private bodies that is required for the exercise or protection of any rights as enshrined in the Bill of Rights in The Constitution of The Republic of South Africa, 1996 (“the Constitution”). The Act sets out the requisite procedural issues attached to such request, the requirements with which such a request must comply as well as the grounds for refusal of such request.

This manual was developed as a guide on how members of the public can access information held by **SAPREF**. It informs requesters of the procedural and other requirements with which a request must comply in terms of the Act.

The Act recognizes that the right to access of information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- 1.1. Limitations aimed at reasonable protection of privacy;
- 1.2. commercial confidentiality;
- 1.3. Effective, efficient and good governance.

2. Introduction

SAPREF is a joint venture between Shell SA Refining and BP Southern Africa and is Southern Africa’s largest crude oil refinery, with a refining capacity of 8.5 million tons a year. The refinery has been in operation for 52 years. Building work on the **SAPREF** refinery started in 1960 and the first staff members were employed in June 1963.

SAPREF’s facilities are of national strategic importance. They include the refinery in the South Durban Basin (SDB), storage facilities at the harbour (Island View), a Single Buoy Mooring (SBM) where tankers offload about 80% of South Africa’s crude oil imports and joint bunkering services operated on behalf of various petroleum companies.

We manufacture a variety of petroleum products, including petrol, diesel, paraffin, aviation fuel, liquid petroleum gas, base oil, solvents and marine fuel oil.

Further public information regarding **SAPREF** can be found on the **SAPREF** website – www.sapref.com.

3. Contact Details

Person designated/duly authorized persons:

Managing Director:	Mr. Victor Bester
Information Officer:	Mrs. Mpume Mbambo
SAPREF (PTY) LTD	
Physical Address:	Box Address:
1 Refinery Road	P.O. Box 26312
Prospecton	Isipingo
Durban	4115
Telephone :	031 480 1911

Website : www.sapref.com
Email : mbambon@sapref.com

4. Guide to South African Human Rights Commission (SAHRC) on using PAIA

The Human Rights Commission (SAHRC) (hereafter referred to as 'the commission') has, in terms of Section 10 of the PAIA, 2000, compiled a guide on the use of this Act.

The guide contains information that will assist any person wishing to exercise a right contemplated by the Act and is available in all of the official languages.

Any queries relating to the guide should be directed to the commission at:

SAHRC

29 Princess of Wales Terrace Private Bag X2700
Corner York and St Andrews Streets Houghton
Parktown, Johannesburg 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-1360

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

5. Applicable Legislation

- 5.1. Basic Conditions of Employment Act and Regulations
- 5.2. Broad Based Black Economic Empowerment Act 53 of 2003
- 5.3. Companies Act 71 of 2008
- 5.4. Competition Act 89 of 1998
- 5.5. Compensation for Occupational Injuries and Diseases Act and Regulations 130 of 1993
- 5.6. Employment Equity Act and Regulations
- 5.7. Hazardous Substances Act and Regulations
- 5.8. Labour Relations Act and Regulations
- 5.9. Medicine and Related Substances Act and Regulations
- 5.10. National Environmental Management Act and Regulations
- 5.11. National Environmental Management: Air Quality Act
- 5.12. National Environmental Management: Waste Act
- 5.13. National Key Points Act
- 5.14. National Railway Safety Act
- 5.15. Occupational Health and Safety Act and Regulations
- 5.16. Pension Funds Act and Regulations
- 5.17. Petroleum Pipelines Act
- 5.18. Petroleum Products Act
- 5.19. Ports Act, Regulations and Rules
- 5.20. Prevention and Combating of Corrupt Activities Act and Regulations
- 5.21. Promotion of Access to Information Act and Regulation
- 5.22. Promotion of Equality and Prevention of unfair discrimination Act and Regulations
- 5.23. Protection from Harassment Act
- 5.24. Protection of Personal Information Act

- 5.25. Skills Development Act and Regulations
- 5.26. Unemployment Insurance Act and Regulations

6. Access of Records

6.1 Automatic disclosures

The following information is freely available and can be found on the SAPREF website:

- Press Releases
- Annual Sustainability Report
- Columns Magazine
- Code of Conduct and General Business Principles
- BBBEE Policy

6.2 Records that may be requested

The following records of **SAPREF** may be available upon request:

- Companies Act records
- Financial records
- Tax records
- Asset records
- Income and other tax records
- Employment records
- Employment policies
- Information technology records
- Procurement records
- Training manuals
- Other party records

7. Form of Request

Information about SAPREF may be requested from as per below using the attached Annexure 1 - Form "B".

Download the form, fill it out and send it back:

mbambon@sapref.com or communications@sapref.com

Shell and BP South African Petroleum Refineries

Attention: Mpume Mbambo

PO Box 26312

Isipingo Beach

4115

INFORMATION THAT MAY BE AVAILABLE TO THE PUBLIC IS DIVIDED INTO TWO CATEGORIES:

- CATEGORY A** : readily available on request
CATEGORY B : that which is of an operational nature and subject to SAPREF's discretion to disclose or refuse.

Both will require application and motivation using form "B".

8. Request and Access fees

Each request will be considered on its merit and **SAPREF** has the right to charge a requestor for access fees contemplated in sections 52 and 54 of the Information Act and as prescribed in items 2, 3, and 4 of Part III of Annexure A to the Regulations regarding the Promotion of Access to Information (GNR 187, GG 23119 of 15 February 2002). For ease of reference, the prescribed request and access fees are set out in Annexure 2 to this manual.

9. Reservation of Rights

SAPREF (PTY) LTD may refuse an application for access to a record: –

- 7.1 If the request does not comply with the procedural requirements of the Information Act;
- 7.2 on any ground contemplated in Chapter 4 of Part 3 of that Act; or
- 7.3 For any other lawful reason.

10. Availability of the manual

SAPREF (Pty) Ltd's manual is available for inspection free of charge at the registered address as set out in the contact details above. Furthermore, a copy is available on **SAPREF (Pty) Ltd's** website.

Signed at SAPREF on the 09 day of July 2020

by **Mr. Victor Bester** in his capacity of **Managing Director** of **SAPREF (Pty) Ltd**



Mr. Victor Bester
Managing Director of SAPREF (Pty) Ltd

Annexure 1
FORM B

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

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

[Regulation 10]

A. Particulars of SAPREF

The Head:

Mr. Victor Bester
SAPREF (PTY) LTD
PO Box 26312
Isipingo Beach
4115

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*
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (a) Proof of the capacity in which the request is made, if applicable, must be attached.*

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. Hemantha – where do they get such a reference number from?*
- (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 records 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 think that 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.

NOTE

- (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 by the form in which access is requested.

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record	<input type="checkbox"/>	Inspection of record
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2. If the record consists of visual images:

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

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images	<input type="checkbox"/>	Transcription of the images
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3. If the record consists of recorded words or information:

<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Printed copy of information derived from the record	<input type="checkbox"/>	
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4. If the record is held on computer or in an electronic or machine-readable:

<input type="checkbox"/>	Printed copy of soundtrack	<input type="checkbox"/>	Printed copy of information derived from the record	<input type="checkbox"/>	Copy in computer readable form
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If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted?

Postage is payable by requestor.

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_____

Annexure 2

SECTION 5 (1) OF NOTICE 7024 IN THE GOVERNMENT GAZETTE ON THE 9 MARCH 2001

Fees for records of private body

5. (1) The fee for reproduction referred to in section 52i3) of the Act, is as follows:
- | | R |
|--|----------------|
| (a) For every photocopy of an A4-size page or part thereof | 1.10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | 0.75 |
| (c) For a copy in a computer-readable form on -
(i) compact disc | 70.00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof
(ii) For a copy of visual images | 40.00
60.00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof
(ii) For a copy of an audio record | 20.00
30.00 |
- (2) The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R50.00.
- (3) The access fees payable by a requester referred to in section 54(7) of the Act, unless exempted under section 54(8) of the Act, are as follows:
- | | R |
|--|----------------|
| (a) For every photocopy of an A3-size page or part thereof | 1.10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | 0.75 |
| (c) For a copy in a computer-readable form on -
(i) compact disc | 70.00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof
(ii) For a copy of visual images | 40.00
60.00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof
(ii) For a copy of an audio record | 20.00
30.00 |
- (f) To search for the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search.
- (4) The actual postal fee is payable when a copy of a record must be posted to a requester.
- (5) 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.