



MANUAL

For

ITALTILE LIMITED

and its subsidiaries

Prepared in accordance with Section 51 of the

Promotion of Access to Information Act, No. 2 of 2002

Valid November 2006

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1. Introduction

The Promotion of Access to Information Act, No. 2 of 2000, (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right, subject to certain limitations and qualifications, of access to information held by public and private bodies. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the procedures to be followed in respect of any request.

2. Purpose, background and definitions

2.1 The manual is intended to foster a culture of transparency and accountability for businesses operating in South Africa.

2.2 Although this manual attempts to describe certain salient features of the Act as they may apply to the Italtile group, Italtile makes no representations and gives no warranties as to the accuracy or completeness thereof. Accordingly, any person who wishes to obtain access to information held by the Italtile group should obtain independent legal advice as to their rights and obligations under and in terms of the Act.

2.3 The Act recognises that the right of access to information should be subject to justifiable limitations, including, but not limited to

2.3.1 limitations aimed at the reasonable protection of privacy;

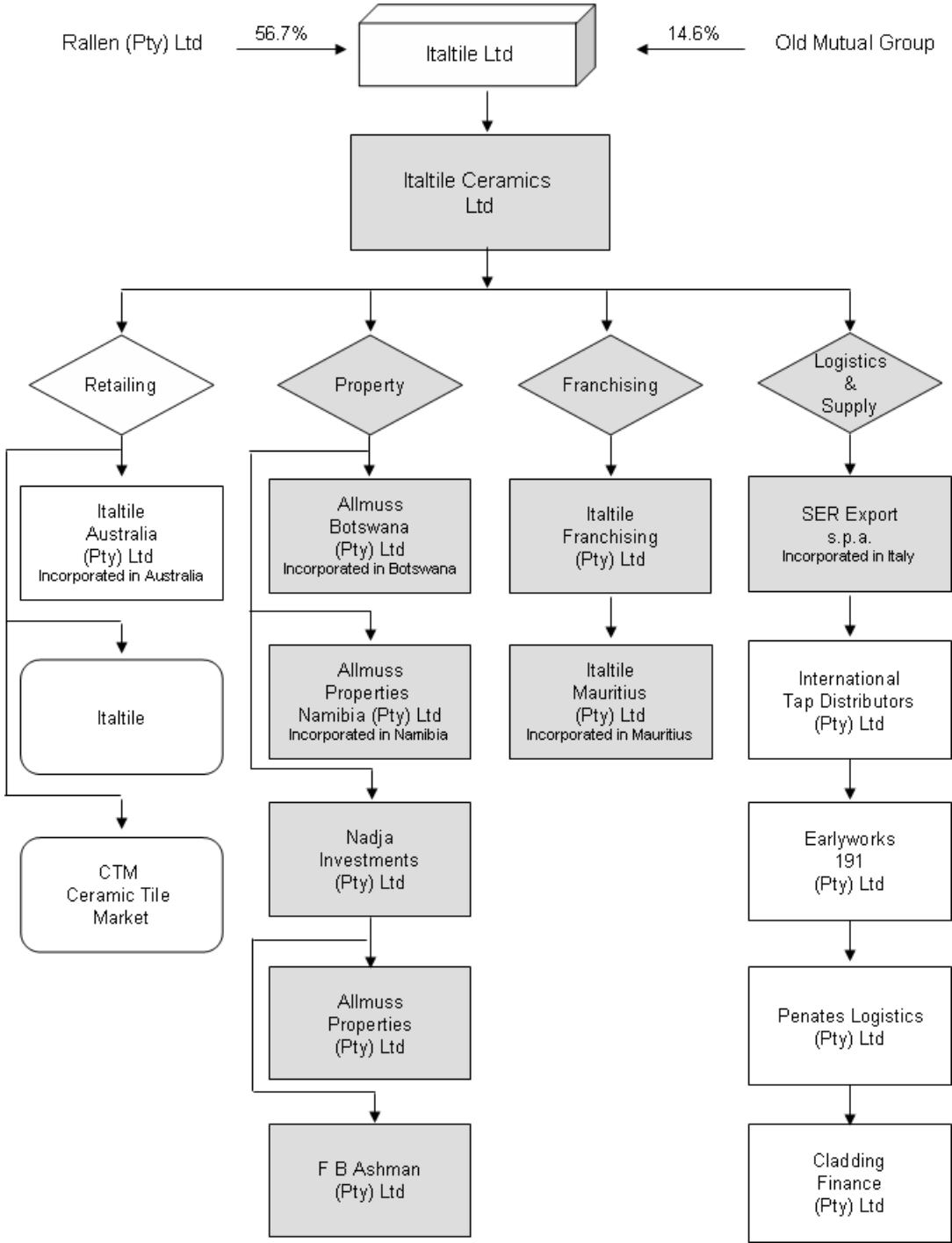
2.3.2 commercial confidentiality; and

2.3.3 effective, efficient and good governance,

and in a manner which balances that right with any other rights, including the rights contained in the Bill of Rights in the Constitution of the RSA.

2.4 Italtile, established in 1969, is a leading retailer of ceramic tiles, vitreous china sanitary-ware, bathroom furniture, fittings and accessories, and other related products. The business of the Italtile group is conducted through both Italtile

group owned stores and franchise stores. An organogram of the Italtile group is set out below.



2.5 In this manual, the following words shall bear the following meanings

- 2.5.1 “Italtile” – Italtile Limited, a public company incorporated and registered in the Republic of South Africa, with registration no. 1955/000558/06;
- 2.5.2 “Italtile group” – collectively or individually as the context may require, Italtile and its subsidiaries;
- 2.5.3 “personnel” – any person who works for, or provides services or products to or on behalf of the Italtile group, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Italtile group. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers;
- 2.5.4 “customer” – any natural or juristic entity that receives services or products from the Italtile group.

3. Contact details

3.1 Information Officer:

Name: Peter David Swatton
Postal address: PO Box 1689, Randburg, 2125, Gauteng
Physical address: The Italtile Centre Building, Cor. William Nicol Drive and Peter Place, Bryanston
Telephone: (011) 510 9050
Fax: (011) 510 9061
E-mail: swattonp@italtile.co.za

3.2 Deputy Information Officer:

Name: Selene Sacerdote
Postal address: PO Box 1689, Randburg, 2125, Gauteng
Physical address: The Italtile Centre Building, Cor. William Nicol Drive and Peter Place, Bryanston
Telephone: (011) 510 9050
Fax: (011) 510 9061
E-mail: sacerdots@italtile.co.za

3.3 General information:

Name: Italtile Limited
Postal address: PO Box 1689, Randburg, 2125, Gauteng
Physical address: The Italtile Centre Building, Cor. William Nicol Drive and Peter Place, Bryanston
Telephone: (011) 510 9050
Facsimile: (011) 510 9060
Website: www.italtile.com

4. Guide of the South African Human Rights Commission

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide, once published, will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiry regarding this guide should be directed to the South African Human Rights Commission, at the following –

The PAIA Unit (The Research and Documentation Department)

Private Bag X2700, Houghton, Gauteng, 2041

Telephone: 011-484 8300

Facsimile: 011-484 1360

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

5. Records of the Italtile group

- 5.1 This section serves as a reference in relation to the records held by the Italtile group in order to facilitate a request in terms of the Act.
- 5.2 The information is classified and grouped according to records relating to the subjects and categories set out below.
- 5.3 Personnel records
 - 5.3.1 Personal records provided by personnel.
 - 5.3.2 Records provided by a third party relating to personnel.
 - 5.3.3 Conditions of employment and other personnel-related contractual and quasi-legal records.
 - 5.3.4 Internal evaluation records and other internal records.
 - 5.3.5 Correspondence relating to personnel.
 - 5.3.6 Training schedules and material.
- 5.4 Customer related records
 - 5.4.1 Records provided by a customer to a third party acting for or on behalf of the Italtile group.
 - 5.4.2 Records provided by a third party.
 - 5.4.3 Records generated by or within the Italtile group relating to its customers, including transactional records.
- 5.5 Private body records

- 5.5.1 Financial records.
- 5.5.2 Operational records.
- 5.5.3 Databases.
- 5.5.4 Information technology.
- 5.5.5 Marketing records.
- 5.5.6 Internal correspondence.
- 5.5.7 Product records.
- 5.5.8 Statutory records.
- 5.5.9 Internal policies and procedures.
- 5.5.10 Records held by officials of the Italtile group.
These records include, but are not limited to, records that relate to the Italtile group's own affairs.
- 5.6 Third party records
 - 5.6.1 Personnel, customer or private body records that are held by a third party, as opposed to the records held by the Italtile group itself.
 - 5.6.2 Records held by the Italtile group relating to third parties, including, without limitation, financial records, correspondence, contractual records, records provided by the third party, and records third parties have provided about the Italtile group.

The Italtile group may possess records relating to third parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies, and service providers. Alternatively, such third parties may possess records that relate to the Italtile group.
- 5.7 Insofar as may be applicable, the Italtile group keeps records of information to the extent required in terms of, *inter alia*, the following legislation
 - 5.7.1 Insolvency Act, No. 24 of 1936;

- 5.7.2 Pension Funds Act, No. 24 of 1956;
 - 5.7.3 Income Tax Act, No. 58 of 1962;
 - 5.7.4 Companies Act, No. 61 of 1973;
 - 5.7.5 Copyright Act, No. 98 of 1978;
 - 5.7.6 Regional Services Councils Act, No. 109 of 1985;
 - 5.7.7 Value-Added-Tax Act, No. 89 of 1991;
 - 5.7.8 Occupational Health and Safety Act, No. 85 of 1993;
 - 5.7.9 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
 - 5.7.10 Labour Relations Act, No. 66 of 1995;
 - 5.7.11 Basic Conditions of Employment Act, No. 75 of 1997;
 - 5.7.12 Employment Equity Act, No. 55 of 1998;
 - 5.7.13 Skills Development Act, No. 97 of 1998;
 - 5.7.14 Medical Schemes Act, No. 131 of 1998;
 - 5.7.15 Skills Development Levies Act, No. 9 of 1998;
 - 5.7.16 Unemployment Insurance Act, No. 63 of 2001;
 - 5.7.17 Financial Intelligence Centre Act, No. 38 of 2001;
 - 5.7.18 Stock Exchanges Control Act, No. 1 of 1985; and
 - 5.7.19 Stamp Duties Act, No. 77 of 1968.
- 5.8 The legislation referred to above is not exhaustive. Information and records held by the Italtile group in terms of any of the abovementioned legislation will be made available in terms of the provisions of the relevant legislation, but without prejudice to the provisions of the Act.

6. Grounds for refusal of access to records

The grounds on which Italtile may or must refuse a request for access to information are set out in sections 63 to 69 of the Act.

7. Remedies available when a request is refused

7.1 Internal remedies

A decision made by the Information Officer or Deputy Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for the information is refused, and the requester is not satisfied with the answer supplied by the Information Officer or the Deputy Information Officer.

7.2 External remedies

A requester that is dissatisfied with an Information Officer or Deputy Information Officer's refusal to disclose information, may within thirty days of notification of the decision, apply to court for relief.

A third party dissatisfied with an Information Officer or Deputy Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief.

8. Request procedure

8.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to information.

8.2 The requester must complete the prescribed form attached as **Appendix 1** and submit it, together with payment of a request fee and a deposit, if applicable, to the Information Officer or Deputy Information Officer at the postal or physical address, fax number or electronic mail address set out in section 3 of this manual.

8.3 The prescribed form must be filled in with enough detail to at least enable the Information Officer or Deputy Information Officer to identify

8.3.1 the record or records requested;

- 8.3.2 the identity of the requester;
- 8.3.3 what form of access is required, if the request is granted; and
- 8.3.4 the postal address and/or fax number of the requester.
- 8.4 The requester must state that he requires the information in order to exercise or protect a right, and clearly state the nature of the right in question. In addition, the requester must clearly specify why the record is necessary to exercise or protect such right.
- 8.5 Italtile will endeavour to process the request within thirty days.
- 8.6 The requester shall be informed in writing as to whether its request is granted or refused. If, in addition to a written reply, the requester wishes to be informed of the decision in any other manner, he must state the manner and necessary particulars to be so informed.
- 8.7 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 reasonable satisfaction of the Information Officer or the Deputy Information Officer.
- 8.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.9 The requester must pay the prescribed fee, before any further processing of the request can take place.

9. Access to records held by the Italtile group

- 9.1 Records held by the Italtile group may be accessed upon request once the requirements for access have been complied with.
- 9.2 A requester is any person making a request for access to a record of the Italtile group. There are two types of requesters, namely, a personal requester and an other requester. A personal requester is a requester who is seeking access to a record containing personal information about the requester. An other requester is a person who is seeking information about a third party. Italtile is not obliged to

voluntarily grant access to such information. The requester (whether a personal requester or an other requester) must comply with the requirements for access in terms of the Act, including the payment of a request and access fee.

10. Fees

- 10.1 The Act provides for the payment of two types of fees, namely
- 10.1.1 a request fee, which will be a standard fee; and
- 10.1.2 an access fee, which must be calculated by taking into account production costs, search and preparation time and cost, as well as postal costs.
- 10.2 When a request is received by the Information Officer or Deputy Information Officer, such person shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of such request.
- 10.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer or Deputy Information Officer shall notify the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.
- 10.4 The Information Officer or Deputy Information Officer is entitled to withhold access to a record until the requester has paid the applicable fees set out in **Appendix 2**.
- 10.5 A requester whose request for access to a record has been granted must pay an access fee for reproduction and for search and preparation time, and for any time reasonably required in excess of the prescribed hours, including making arrangements to make it available in the requested format.
- 10.6 If a deposit has been paid in respect of a request for access which is refused, the Information Officer or the Deputy Information Officer must repay the deposit to the requester.

11. Decision

- 11.1 Italtile will, within thirty days of receipt of the request, endeavour to determine whether or not to accept the request and notify the requester of such determination in writing.
- 11.2 The abovementioned thirty day period, may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of the Italtile group and the information cannot reasonably be obtained within the initial thirty day period. Italtile will notify the requester in writing should an extension be sought.

12. Availability of the manual

This manual is made available in terms of Regulation Number R.187 of 15 February 2002.

Appendix 1

(Prescribed forms to be completed)

APPENDIX 1
PRESCRIBED FORMS TO BE COMPLETED BY A REQUESTER – FORM B
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000 – Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

The particulars of the person who requests access to the records must be recorded below.

Furnish an address and/or fax number in the Republic to which information must be sent.

Proof of the capacity in which the request is made, if applicable, must be attached.

Full name and surname:

Identity number:

Postal Address:

Telephone number: _____ Fax 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 **fees 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 therefore.*

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) *Your indication as to the required form of access depends 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.*

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

	Copy of record*		Inspection of record
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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*
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3. If record consists of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:					
	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? A postal fee is payable.	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 requested record is required for the exercising 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 thereof 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 _____ 200_____

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

Appendix 2

(Reproduction fees)

Appendix 2

REPRODUCTION FEES

In terms of section 52 of the Act, the head of a private body may, on a voluntary and periodic basis, submit to the Minister of Justice a description of the categories of records of the private body concerned that are automatically available without a person having to request access thereto in terms of the Act.

Where Italtile has voluntarily provided the Minister of Justice with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question. The applicable fees for reproduction referred to above are set out below.

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

Request fees

Where a requester submits a request for access to information held by Italtile in respect of a person other than the requester himself, a request fee in the amount of R50,00 is payable up-front before Italtile will further process such request.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8). The applicable access fees which are payable are set out below.

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable	

Deposits

Where Italtile receives a request for access to information held in respect of a person other than the requester himself and the Information officer or Deputy Information Officer, upon receipt of such request, is of the opinion that the preparation of the requested record for will take more than six hours, a deposit is payable by the requester.

The amount of the deposit shall not exceed one third of the amount of the applicable access fee.

VAT

Value Added Tax shall be added to all fees prescribed in terms of the Regulations to the Act.