



TRANSNET SOC LTD PAIA AND POPIA INFORMATION MANUAL

MANUAL PUBLISHED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO. 2 OF 2000) (PAIA) AND THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) (POPIA).



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1. INTRODUCTION

- 1.1 This information manual ("the Manual") is published in terms of Section 14 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("PAIA" / "the Act") and addresses the requirements of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) ("POPIA").
- 1.2 PAIA gives effect to the provisions of Section 32 of the Constitution which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.
- 1.3 The purpose of PAIA is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.
- 1.4 The purpose of this Manual is to set out the procedures to be followed and criteria that have to be met for anyone (the "requester") to request access to records in the possession or under the control of Transnet SOC Ltd ("Transnet") and its Operating Divisions.

2. AVAILABILITY OF THIS MANUAL

- 2.1 This Manual can be accessed on the Company's website at www.transnet.net or by requesting a copy by e-mail from the relevant Deputy Information Officer as provided for in paragraph 4 below.
- 2.2 Section 110 of the POPIA makes some amendments to PAIA, which amendments came into operation with effect from 1 July 2021. This Manual incorporates amendments to inter alia sections 10 and 14 of the Act, which provide for availability of the Manual, as well as section 25 of PAIA, which now includes a provision for the requester to lodge a complaint with the Information Regulator if the request for access is refused.

3. FUNCTIONS AND STRUCTURE OF TRANSNET

Transnet is a state-owned bulk freight transport and logistics company with the South African Government as its sole shareholder. Transnet comprises of its ports, rail, terminals, engineering, pipeline and property businesses.

Transnet is made up of the following Operating Divisions:

3.1 Transnet National Ports Authority: (TNPA)

With a total staff complement of 4 168 (including fixed contract employees), the Transnet National Ports Authority ("TNPA") is responsible for the safe, effective and efficient economic



functioning of the national port system, which it manages in a landlord capacity. It provides port infrastructure and marine services at the eight commercial seaports in South Africa, namely the Port of Richards Bay, the Port of Durban, the Port of Saldanha, the Port of Cape Town, the Port of Gqeberha, the Port of East London, the Port of Mossel Bay, and the Port of Ngqura.

TNPA operates within the legislative and regulatory environment created by the National Ports Act, 2005 (Act No. 12 of 2005) (“the NPA”). In line with the provisions of the NPA, the core functions of TNPA are as follows:

3.2 Transnet Port Terminals:

Transnet Port Terminals (“TPT”) was established in 2000, when Transnet’s then single port division, Portnet, was divided into operations and landlord businesses, namely South African Port Operations (SAPO) which became TPT, and the National Port Authority, which became TNPA. Since its inception, TPT has played a key role in supporting the South African Government export-led growth strategy. Most Southern African import and export commodities are handled through South Africa’s seven logistics ports, namely Richards Bay, Durban, Saldanha, Cape Town, Gqeberha, East London and Ngqura. TPT handles container sector, mineral bulk, agricultural bulk and Roro sectors.

TPT’s major customers represent a broad spectrum of the economy and include the shipping industry, vehicle manufacturers, agriculture, timber and forest products, the mining industry and exporters of minerals, metals and granite.

TPT has a total staff complement of 9 371, including fixed contract employees.

3.3 Transnet Freight Rail:

Transnet Freight Rail (“TFR”) is a world class heavy haul freight rail company that specialises in the transportation of freight. With a total permanent staff complement of approximately 26 800 spreads throughout the country, TFR maintains an extensive rail network across South Africa that connects with other rail networks in the sub-Saharan region, with its rail infrastructure representing about 80% of Africa’s total.

TFR is proud of its reputation for technological leadership beyond Africa as well as within the continent. TFR has positioned itself to become a profitable and sustainable freight railway business, assisting in driving the competitiveness of the South African economy.

TFR has Hospitality Service Offerings through the Blue Train. The Blue Train journeys run through a 1600-kilometre route between Pretoria and Cape Town.



3.4 Transnet Pipelines:

Transnet Pipelines (“TPL”) is the custodian of the country’s strategic pipeline assets and services two key industries, fuel and gas, by transporting petroleum and gas products over varying distances; and the storage of diesel and petrol at its Tarlton facility in Gauteng. The business handles an annual average throughput of some 17 billion liters of liquid fuel and more than 500 million cubic metres of methane rich gas. The liquid products include crude oil as well as diesel, unleaded petrol and aviation turbine fuels.

TPL owns and operates 3800km of pipeline network that traverses the provinces of KwaZulu-Natal, Free State, Gauteng, North West and Mpumalanga. The network includes a tank farm at Tarlton, with a capacity of 30 million litres which is used mainly for storage and the distribution of liquid fuels into Botswana.

The gas pipeline runs from Secunda to Durban via Empangeni. It has take-off points at Newcastle and Richards Bay as well as along the route between Empangeni and Durban. All TPL pipelines conform to ASME B31.4, an American code of practice, with their diameters designated in inches from six inches (nominally 152 mm) to 24 inches (nominally 607 mm). Pressure in the pipeline network is monitored on a 24 hours-a-day, 365 days-a-year basis at the TPL’s National Operating Centre (NOC) located at Pinetown.

TPL’s total staff complement of 703 permanent and fixed contract employees is deployed across the pipeline network with the business itself being geographically decentralised. The head office is located in Durban, Kwazulu-Natal.

TPL customers are all South Africa’s major fuel companies, namely BP, Astron Energy, Engen, Sasol, Shell and Total. TPL has provided access to the pipelines and storage facilities to emerging Black owned petroleum companies that are entering the petroleum industry.

3.5 Transnet Engineering:

Transnet Engineering (TE), being the advanced manufacturing division Transnet SOC Ltd dedicates its formidable human and capital resources to the research, design, manufacturing and maintenance of locomotives, freight wagons and passenger coaches. Through its seven well



equipped, ISO certified factories and workforce of 11 045 qualified personnel (including fixed contract employees), TE extends its railway customer portfolio to Africa and the world.

TE has been servicing the rail industry with provision of rail rolling stock and maintenance for over 150 years. TE is the backbone of South Africa's railway industry with strategic imperatives on being the preferred maintenance and overhaul (MRO) partner for rail and related equipment on the African Continent, an original equipment manufacturer (OEM) of world class rolling stock and logistics equipment, being the leading enterprise in driving Economic Development and Growth in Sub Saharan Africa and being a center of excellence for Technical and Engineering Skills Development in Africa.

TE core functions include:

- Locomotives Business: TE is Sub-Saharan Africa's leading supplier of alternating current (AC), direct current (DC), diesel, and diesel-electric locomotives, and continues to hold its position in the driver's seat of locomotive design and manufacturing across Africa. In addition to manufacturing locomotives, it also upgrades and maintains existing fleet.
- Coaches Business: TE manufactures and re-manufactures coaches and provides versatile and cost-effective solutions for the design and build of any type of railway car.
- Wagons Business: TE provides innovative technology to meet each customer's unique requirements.
- Maintenance and Services Business: Provides complete and adaptive maintenance offerings or all rolling stock.
- School of Engineering: Provides a well-established, reputable, and accredited Training Institution that focuses on the delivery of various competencies in the engineering industry.

3.6 Transnet Property

Transnet Property ("TP") was established on 1 January 2008 by merging Propnet and Transnet Housing. At the time of its formation, it became only a strategic support unit not focused on growth, but a corporate centre function providing services to the Group by managing the non-core and strategic property portfolio pending disposal or utilisation by business and providing corporate real estate services.

Today TP is one of South Africa's most significant property owners with a national footprint. TP manages a portfolio of properties used for core operations and investment properties generating revenue from tenants. Further, TP provides specialised property services including valuations, municipal valuations, roll analysis, land surveys, drawing of plans and Deeds Management.

TP's portfolio of commercial and residential properties has a book value of R6,5 billion out of the Transnet Group's portfolio of R35 billion. The remainder of the property portfolio is managed by



the other operating divisions. The commercial portfolio managed by TP consists of offices, industrial, retail buildings and land. The residential property portfolio consists of vacant stands, individual housing units and mass housing (hotels, lodges and line camps).

Some of TP's tenants occupying office space include the Free State Premier's Office, the Northern Cape Department of Health, the Directorate for Priority Crime Investigation (the Hawks) in Gqeberha, the City of Cape Town, the Passenger Rail Agency of South Africa and First National Bank. In the industrial and warehousing category, key tenants include Shoprite, Rovos Rail Tours, Grinrod Intermodal Transport, DHL Courier Services and Aspen Pharmicare. Key retail tenants in the Eastern Region include BP, Umlazi Mega City and Barlow Motor Investments.

TP's flagship Carlton Shopping Centre has a tenant mix that includes leading local brands such as Pick n Pay, Woolworths, Timberland, Truworths, Spitz Mr Price Kiddies, Nedbank, Standard Bank, Capitec Bank, Clicks, McDonald's, Nando's and Steers. While the Carlton hotel is currently non-operational, there are future strategic plans for the precinct.

4. INFORMATION OFFICERS AND CONTACT DETAILS

4.1 In terms of PAIA, the Chief Executive Officer, or equivalent officer, of a public body is designated as the information officer. The details of Transnet's Information Officer are as follows:

The Group Chief Executive,
Transnet SOC Ltd, 138 Eloff St, Braamfontein, Johannesburg, 2000
Tel: 0660056277
Email: Paia2@transnet.net

4.2 The Group Chief Executive has, in terms of section 17(3) of PAIA, delegated the powers and duties conferred and imposed on her by the Act to the Chief Executives (CEs) of Transnet Operating Divisions, who shall perform functions of deputy information officers for their respective Operating Divisions. Details of Transnet Deputy Information Officers are listed below.

	Transnet Freight Rail	Transnet Engineering	Transnet National Ports Authority	Transnet Port Terminals	Transnet Pipelines	Transnet Property
Deputy Information Officer	The Chief Executive: TFR	The Chief Officer: Advanced Manufacturing	The Chief Executive: TNPA	The Chief Executive: TPT	The Chief Executive: TPL	The Chief Executive: TP



Email Address for PAIA Requests	Paia2@transnet.net	Paia2@transnet.net	Paia2@transnet.net	Paia2@transnet.net	Paia2@transnet.net	Paia2@transnet.net
Physical Address	Transnet Freight Rail Girton Road Inyanda House 2 Parktown	Transnet Engineering Lynette Street Kilner Park Pretoria	National Ports Authority National Ports Authority 30 Wellington Road Parktown	Transnet Port Terminals 4 Floor, South Wing Kingsmead Office Park Stalwart Simelane Street Durban	Transnet Pipelines Room 807 202 Anton Lembede Street Durban	Transnet Property 150 Commissioner St, Marshalltown, Johannesburg, 2001
Phone	+27 11 774 4944	+27 12 391 1301	+27 11 351 9001	+27 31 308 8300	+27 31 361 1300	+27 11 308 3000

- 4.3 The Chief Legal Officer has delegated power to perform functions of Deputy Information Officer in respect of Requests directed to the Transnet Group (and not a particular Operating Division) and Transnet Corporate Centre. Such requests must be directed to the Deputy Information Officer as follows:

Deputy Information Officer	The Chief Legal Officer
Email address	Paia2@transnet.net
Postal Address	PO Box 72501 Parkview 2122
Street Address	2 nd Floor 138 Eloff Street Braamfontein Johannesburg, 2000
Phone	066 005 6277

- 4.4 Transnet has an internal appeal process in terms of Chapter 1 of Part 4 of PAIA.

- 4.5 The Group Chief Executive is the internal appellate body and the “relevant authority” for all contested decisions in PAIA matters. Internal appeals must be directed to the Information Officer at the details provided in clause 4.1 above.

- 4.5.1 An internal appeal or complaint to the Information Regulator may be lodged against any decision of the information officer, and the procedure (including the period) for lodging the internal appeal is outlined in Chapter 1 of Part 4 of PAIA.



- 4.5.2 An application with a court may be lodged against a decision on internal appeal.
- 4.5.3 If an internal appeal, complaint to the Information Regulator or an application to a court, as the case may be, is lodged against the granting of a request for access to a record, access to the record may be given only when the decision to grant the request is finally confirmed.
- 4.5.4 Complaints to the Information Regulator should be submitted to:

The Information Regulator (South Africa)
 JD House, 27 Stiemens Street, Braamfontein
 Johannesburg, 2001
 P.O. Box 31533, Braamfontein, Johannesburg, 2017

Complaint's e-mail:
helpdesk@infoeregulator.org.za or PAIAcomplaints@infoeregulator.org.za

5. INFORMATION REGULATOR GUIDE

- 5.1 In terms of section 10(1) of PAIA, as amended by section 110 of POPIA, the Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission (SAHRC) 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 PAIA and POPIA.
- 5.2 In terms of section 10(2) of PAIA (as amended) the guide must include a description of –
- (a) The objects of PAIA and POPIA;
 - (b) The manner and form of a request for –
 - (i) Access to a record of a public body contemplated in section 11; and
 - (ii) Access to a record of a private body contemplated in section 50;
 - (c) The assistance available from the information officer of a public body in terms of PAIA and POPIA;
 - (d) The assistance available from the Information Regulator in terms of PAIA and POPIA;
 - (e) All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging –
 - (i) An internal appeal;
 - (ii) A complaint to the Information Regulator; and
 - (iii) An application with a court against a decision by the information officer of a public body, a decision on internal appeal, a decision by the Information Regulator or a decision of the head of a private body;
 - (f) The provisions of section 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;



- (g) The provisions of section 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- (h) The notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- (i) The regulations made in terms of section 92

5.3 In terms of section 10(3) of PAIA (as amended) the Information Regulator must, if necessary, update and publish the guide at intervals of not more than two years.

5.4 Section 10(4) provides that the guide must be made available as prescribed.

Should you have any queries in this regard, please contact the Information Regulator directly at: The Information Regulator (South Africa), JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001.

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017; Telephone: +27 10 023 5207; E-mail: infoereg@justice.gov.za

6. HOW TO REQUEST ACCESS TO RECORDS HELD BY TRANSNET

The following steps must be considered before submitting a request:

6.1 Step 1: Are you entitled to use PAIA to request access?

6.1.1 Please take note of section 7(1) of PAIA which states:

"This Act does not apply to a record of a public body or a private body if –

- (a) that record is requested for the purpose of criminal or civil proceedings;
- (b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law."

6.1.2 If section 7(1) applies, you may not bring a request in terms of PAIA. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in.

6.1.3 Please have regard to section 45 of PAIA which entitles Transnet to refuse a request for access to a record if: (a) the request is manifestly frivolous or



vexatious; or (b) the work involved in processing the request would substantially and unreasonably divert the resources of Transnet.

6.2 Step 2: Does the Information requested exist in the form of a record?

6.2.1 Please note that PAIA only applies to records which are in existence at the time of receiving the request.

6.2.2 PAIA does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, PAIA cannot be used to obtain reasons for a decision taken by Transnet if such reasons have not been recorded.

6.2.3 If you are not sure whether the record exists, please indicate that to Transnet in the relevant request form.

6.3 Step 3: Is the record in the possession or under the control of Transnet?

6.3.1 Transnet is a large organization, and the search for the requested records may require substantial time, resources, and expenses. It is further advised that the request be as detailed as possible and include a reference number, particularly when it relates to tenders.

6.3.2 PAIA provides that the record requested must be in the possession or under the control of Transnet. However, for the purposes of this Act, a record in the possession or under the control of (a) a Transnet official or (b) an independent contractor engaged by Transnet, is regarded as being a record of Transnet. If the requester is not sure whether the record is in the possession or under the control of Transnet, such must be indicated in the relevant request form.

6.4 Step 4: Should you bring the request in terms of Part 2 or 3 of PAIA?

6.4.1 Transnet is a public body as referred to in subsection (b)(ii) of the definition of a public body in PAIA. For purposes of PAIA, Transnet should always be regarded as a public body, even where it does not exercise a “public power”.

6.4.4 The provisions of PAIA relating to public bodies will therefore always apply to Transnet.

6.5 Step 5: Form of Request

6.5.1 As stated above, Transnet is regarded as a public body for purposes of PAIA.



- 6.5.2 Requests for access to records held by Transnet must only be made on the request form prescribed by the Act, a copy of which is attached as **Annexure 1**.
- 6.5.3 If you wish to type in your information on an MS Word version of the request form, please send an email to the relevant Deputy Information Officer to enable an MS Word version of the request form to be transmitted to you.

7. PERSONAL INFORMATION

Collection and Processing by Transnet of Personal Information

7.1 Transnet takes the privacy and protection of personal information very seriously and will only collect and process personal information in accordance with the applicable South African law governing protection of personal information. To this end personal information will be collected and processed in accordance with the conditions for lawful processing of personal information as provided by the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (“POPIA”). Without deviating from the generality of the foregoing, the collection and processing of personal information by Transnet will include, but will not be limited to, ensuring that –

- 7.1.1 The conditions for lawful processing of personal information are satisfied;
- 7.1.2 Processing of personal information is conducted lawfully, for necessary and not excessive purposes, in a manner that protects the legitimate interests of the data subject/s and does not infringe on their rights;
- 7.1.3 Personal information is only processed with the consent of the data subject (or competent person where the data subject is a minor). Such consent is revocable at any time, and at such point, Transnet will cease processing the personal information: Provided that personal information may be processed without consent for a lawfully recognized purpose as specified in POPIA;
- 7.1.4 Further processing of personal information will be compatible with the original purpose for which it was collected, as determined by factors such as the nature of the information concerned, possible consequences of further processing on the data subject, the manner in which the information was collected, and contractual rights and obligations existing between Transnet and the data subject;
- 7.1.5 Reasonably practicable measures are taken to ensure that the personal information provided is accurate, complete and not misleading. In this regard the



purpose for which the personal information is collected or further processed will determine what is reasonably practical under the circumstances; and

- 7.1.6 The data subjects are allowed to exercise their rights under POPIA regarding their personal information.
- 7.1.7 Transnet secures the integrity and confidentiality of a data subject's personal information in its possession or under its control.
- 7.1.8 Any operator or anyone processing a data subject's personal information on behalf of Transnet or an operator, processes such information only with the knowledge or authorisation of Transnet, and treats the personal information as confidential and does not disclose it unless required by law or in the course of the proper performance of their duties.
- 7.1.9 Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by an unauthorised person, Transnet notifies the Information Regulator and the data subject where the identity of the latter can be established. Transnet will only delay notification of the data subject if a public body responsible for the prevention, detection or investigation of offences or the Information Regulator determines that such notification will impede a criminal investigation by the public body concerned.
- 7.1.10 A data subject, having provided adequate proof of identity, is afforded the right to request Transnet to confirm, free of charge, whether or not Transnet holds personal information about the data subject; and may request the record or a description of the personal information about the data subject held by Transnet, including information about the identity of all third parties who have or have had access to the personal information of the data subject.

Purposes for the Processing of Personal Information by Transnet

7.2 Transnet will process personal information for a variety of purposes, including but not limited to the following:

- 7.2.1 To maintain customer records;
- 7.2.2 For recruitment purposes;
- 7.2.3 For employment purposes;
- 7.2.4 To render efficient services to customers;
- 7.2.5 To provide value added services to customers;
- 7.2.6 For provision of health services and wellness advice to employees;



- 7.2.7 For maintenance of Transnet accounts and financial records;
- 7.2.8 To support and manage Transnet employees;
- 7.2.9 For use of technology to safeguard Transnet assets;
- 7.2.10 To assess and process claims;
- 7.2.11 To detect and prevent fraud, corruption and other crimes;
- 7.2.12 For market research and statistical analysis;
- 7.2.13 To compliance with legal and regulatory requirements;
- 7.2.14 To verifying the identity of the data subject.
- 7.2.15 For travel purposes;
- 7.2.16 For general administration, financial and tax purposes;
- 7.2.17 For legal and contractual purposes;
- 7.2.18 To monitor access to, secure and manage Transnet premises and facilities;
- 7.2.19 To help improve the quality of Transnet services;
- 7.2.20 To recover debt; and;
- 7.2.21 To carry out analysis and customer profiling.

Data Subjects whose Personal Information is processed by Transnet

7.3 The personal information of the following categories of data subjects is processed:

- 7.3.1 Members of the Board of Directors;
- 7.3.2 Members of the Executive;
- 7.3.3 Employees and prospective employees;
- 7.3.4 Consultants;
- 7.3.5 Complainants & enquirers;
- 7.3.6 Trustees of Transnet Pension Funds;
- 7.3.7 Directors, Executives and Employees of subsidiary companies;
- 7.3.8 External contractors;
- 7.3.9 Suppliers and service providers;
- 7.3.10 Customers and their employees;
- 7.3.11 Individuals captured by CCTV images / video;
- 7.3.12 Individuals who have indicated an interest in Transnet services;
- 7.3.13 Beneficiaries of Transnet's Corporate Social Investment initiatives; and
- 7.3.14 Data subjects implicated in Transnet investigations.

Personal Information processed by Transnet

7.4 The following categories of personal information is shared by Transnet:

- 7.4.1 Personal particulars of natural persons;
- 7.4.2 Lifestyle and social behaviour;
- 7.4.3 Business activities;



- 7.4.4 Goods provided and services rendered;
- 7.4.5 Personal views and/or preferences;
- 7.4.6 Particulars of family and friends;
- 7.4.7 Education and employment history;
- 7.4.8 Visual images of individuals captured on CCTV;
- 7.4.9 Financial details; and
- 7.4.10 Company registration details of juristic persons.

Special Personal information Processed by Transnet

7.5 Transnet will process the following categories of special personal information:

- 7.5.1 Information relating to racial and/or ethnic origin;
- 7.5.2 Trade union membership information of employees;
- 7.5.3 Offences or alleged offences;
- 7.5.4 Religious affiliation or other beliefs;
- 7.5.5 Physical / mental health details
- 7.5.6 Criminal proceedings, outcomes & sentences

Recipients with whom Personal Information is shared

7.6 Transnet will share personal information with the following recipients or categories of recipients:

Whenever need arises, Transnet will share the personal information it processes with the data subjects themselves. In the event of this necessity, Transnet is required to comply with the applicable provisions of POPIA. What follows is a description of categories of recipients Transnet may need to share some of the personal information with, for some or other reason:

- 7.6.1 Family, associates and representatives of the data subject;
- 7.6.2 Employment and recruitment agencies;
- 7.6.3 Financial services organisations;
- 7.6.4 Credit reference agencies;
- 7.6.5 Healthcare, social and welfare organisations;
- 7.6.6 Healthcare professionals;
- 7.6.7 Central government;
- 7.6.8 Law enforcement agencies;
- 7.6.9 Courts of law, commissions of inquiry and other tribunals;
- 7.6.10 Business associates;
- 7.6.11 Claimants and beneficiaries in deceased estates;
- 7.6.12 Persons making an enquiries or complaints;
- 7.6.13 Private investigators;
- 7.6.14 Educators and examining bodies;
- 7.6.15 Claims investigators;
- 7.6.16 Suppliers and service providers;
- 7.6.17 Industry bodies;



- 7.6.18 Ombudsmen and regulatory authorities;
- 7.6.19 Debt collection and tracing agencies;
- 7.6.20 Other Transnet operating divisions;
- 7.6.21 Auditors and the Auditor-General;
- 7.6.22 Pension fund administrators;
- 7.6.23 Trade unions; and
- 7.6.24 Security organisations.

Planned Trans-border Flows of Personal Information

7.7 Transnet may from time to time need to share personal information of data subjects with third parties in other countries. In the event of such need, Transnet is required to ensure compliance with the applicable POPIA provisions. This will only be done if one or more of the following requirements are met:

- 7.7.1 The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection that—
 - i) effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in POPIA; and
 - ii) includes provisions, that are substantially similar to section 72 of POPIA, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- 7.7.2 The data subject consents to the transfer;
- 7.7.3 The transfer is necessary for the performance of a contract between the data subject and the company in question, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- 7.7.4 The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party; or
- 7.7.5 the transfer is for the benefit of the data subject, and—
 - i) it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - ii) if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.



General Description of IT Security Measures Implemented within Transnet

7.8 Transnet will employ cutting edge technology to store data under its care. We conform to the highest ICT industry standards to protect company information and we use a variety of security layers to protect and secure the confidentiality, integrity and availability of our data and information (including personal information).

8. CONSIDERING YOUR REQUEST

8.1 Subject to the provisions of the PAIA and POPIA, access to records requested from Transnet will only be given if:

8.1.1 All the procedural requirements set out in PAIA and POPIA relating to a request are met; and

8.1.2 Access to the requested record/s is not refused in terms of any ground for refusal set out in PAIA.

8.2 The grounds of refusal are outlined in Chapter 4 of Part 2, and include mandatory protection of:

8.2.1 Commercial information of a third party;

8.2.2 Certain confidential information;

8.2.3 Safety of individuals, and protection of property;

8.2.4 Records privileged from production in legal proceedings;

8.2.5 Economic interests and financial welfare of the Republic and commercial activities of public bodies;

8.2.6 Research information of a third party, and protection of research information of a public body; or

8.2.7 Certain information regarding the operations of public bodies.

8.3 Transnet may also refuse requests that are in breach of other pieces of legislation, e.g. POPIA amongst others.



9. PRESCRIBED FEES

PAIA sets out two types of fees, namely a request fee and an access fee, that are required to be paid prior to Transnet processing the request for information.

9.1 A personal requester, i.e. a requester who requests access to a record containing personal information is not required to pay the request fee. Any other requester will be required to pay such fee, subject to the exemptions listed below.

9.2 Applicable fees are as follows:-

9.2.1 The fees for reproduction of this manual and records are listed in **Annexure 2**;

9.2.2 The request fee payable by every requestor, other than a personal requestor is listed in Annexure 2;

9.2.3 The access fees payable by a requester referred to section 22(7), unless exempted under section 22(8) of PAIA, are listed in Annexure 2.

9.3 The following persons are exempted from paying request and access fees:

9.3.1 A single person whose annual income, after permissible deductions does not exceed R14 712.00 per annum; and

9.3.2 Married persons or a person and his or her life partner whose annual income after permissible deductions does not exceed R27 192.00 per annum.

9.4 Fees are also not payable under the following circumstances:

9.4.1 Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure, exceeds the amount charged, such fee does not apply.

9.4.2 The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requester.

9.4.3 The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, 1998 (Act No. 99 of 1998) or the regulations made under section 44 of that Act.



10. RECORDS AUTOMATICALLY AVAILABLE

We hereby provide you with a list of record categories that are automatically available to requesters without a person having to request access in terms of PAIA, as required by section 15.

A: COPIES OF RECORDS AUTOMATICALLY AVAILABLE FOR FREE

- 1 Integrated Report of Transnet SOC Ltd;
- 2 Annual financial Statements of Transnet SOC Ltd; and
- 3 Sustainability Report of Transnet SOC Ltd.
- 4 **Documentation and information relating to Transnet SOC Ltd which is held by the Registrar of Companies**
- 5 RSR Contravention notices
- 6 Transnet Patent list
- 7 Class Notices
- 8 Transnet Bursary information and careers
- 9 Cable theft statistics
- 10 Transnet lockdown operation measures-27 March 2020.pdf
- 11 TNPA Notice 4 on Health Risk Alert - Covid -19- 20 March 2020.pdf
- 12 Tariff Application National Ports Authority for Tariff years 2020
- 13 Tariff Book April 2020 to 31 March 2021.pdf
- 14 Berth Deepening Landside
- 15 Select or deselect this item
- 16 Bosmanskop Substation
- 17 Select or deselect this item
- 18 Gauteng
- 19 Select or deselect this item
- 20 Leeufontein
- 21 Select or deselect this item
- 22 Port Nolloth Lighthouse Project
- 23 Select or deselect this item
- 24 Port of Cape Town
- 25 Select or deselect this item
- 26 Port of Durban
- 27 Select or deselect this item
- 28 Port of Ngqura
- 29 Select or deselect this item
- 30 Port of Saldanha
- 31 Select or deselect this item
- 32 Sishen - Saldanha Rail Line
- 33 Select or deselect this item
- 34 Swazi Rail Link
- 35 Anti-Fraud and Corruption policy 2021 (1).pdf
- 36 Audit Committee Mandate charter
- 37 Checklist of Documents for New Shipper Applications.pdf



Copies of all records listed above are only available for free subject to available stock in print at any given time. Access to these records will be granted to requesters in respect of a request for access to records, subject to the provisions of the Promotion of Access to Information Act, 2000.

B: RECORDS AUTOMATICALLY AVAILABLE SUBJECT TO PAYMENT OF PRESCRIBED FEE

No	Description
1	All documents relating to the incorporation of Transnet SOC Ltd that are retained by the Transnet Corporate Centre.
2	Details of auditors of Transnet SOC Ltd
3	Details of actuaries of the pension scheme and the medical aid funds utilized by Transnet SOC Ltd.
4	Rules of benefit, housing and medical schemes and funds.
5	Newsletters.

Requesters will be advised of prescribed fees on receipt of a request for access to records. Access to these records will be granted to requesters in respect of a request for access to records, subject to the provisions of the Promotion of Access to Information Act, 2000.

11. SERVICES AVAILABLE TO THE PUBLIC

11.1 Transnet National Ports Authority:

- 11.1.1 Plans, provides, maintains and improves port infrastructure.
- 11.1.2 Prepares and periodically updates a port development framework plan for each port, which must reflect the Authority's policy for port development and land use within such port.
- 11.1.3 Provides or arranges for road and rail access within ports.
- 11.1.4 Maintains the sustainability of the ports and their surroundings.
- 11.1.5 Regulates and controls the development of ports.
- 11.1.6 Controls land use within ports and has the power to let land under such conditions as the Authority may determine.
- 11.1.7 Arranges services such as water, light, power, and sewage and



telecommunications within ports.

- 11.1.8 Maintains the sustainability of the ports and their surroundings.
- 11.1.9 Regulates and controls the loading, unloading and storage of cargo and the embarkation and disembarkation of passengers.
- 11.1.10 Regulates and controls off-shore cargo-handling facilities.
- 11.1.11 Regulates and controls pollution and the protection of the environment within the port limits.
- 11.1.12 Regulates and controls the enhancement of safety and security within the port limits.
- 11.1.13 Prescribes the limits within which and the levels to which dredging may be carried out in the ports and the approaches thereto.
- 11.1.14 Ensures that adequate, affordable and efficient port services and facilities are provided.



- 11.1.15 Exercises licensing and controlling functions in respect of port services and port facilities.
- 11.1.16 Ensures that any person who is required to render any port services and port facilities is able to provide those services and facilities efficiently.
- 11.1.17 Promotes efficiency, reliability and economy on the part of the licensed operators in accordance with recognized international standards and public demand.
- 11.1.18 Promotes the achievement of equality by measures designed to advance persons or categories of persons historically disadvantaged by unfair discrimination in the operation of facilities in the port environment.
- 11.1.19 Promotes the use, improvement and development of ports.
- 11.1.20 Advises on all matters relating to the port sector, port services and port facilities.
- 11.1.21 Promotes greater representivity, in particular to increase the participation in terminal port operations of historically disadvantaged persons.
- 11.1.22 Exercises the licensing of the erection and operation of off-shore cargo handling facilities and services relating thereto.
- 11.1.23 Discharges or facilitates the discharge of international obligations relevant to ports.
- 11.1.24 Facilitates the performance any function of any organ of state in a port.
- 11.1.25 Promotes research and development in the sphere of port services and facilities.
- 11.1.26 Regulates and controls navigation within port limits and the approaches to the ports.
- 11.1.27 Regulates and controls the entry of vessels into ports, stay, movements or operation in and departures from ports.
- 11.1.28 Provides or arranges for tugs, pilot boats and other facilities and services for navigation and berthing of vessels in the ports.
- 11.1.29 Provides, controls and maintains vessel traffic services.



(For information on how to gain access to such services kindly visit Transnet's website at www.transnet.net).

11.2 Transnet Pipelines:

11.2.1 Transnet Pipelines owns, operates, and maintains a network of high-pressure petroleum and gas pipelines, and provides transportation and storage of petroleum products.; and

11.2.2 Transnet Pipelines transports petroleum and gas (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.net).

11.3 Transnet Port Terminals:

11.3.1 Manages the operation of South Africa's six (6) major ports;

11.3.2 Attends to the loading and unloading of cargo;

11.3.3 Provides value added services of packaging and unpackaging cargo, in transit storage; and

11.3.4 Has a vision of being the logistics business partner of choice (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.net).

11.4 Transnet Freight Rail:

Transnet Freight Rail's core business lies in freight logistics solutions designed for customers in industry-based business segments, mining, heavy and light manufacturing. TFR maintains an extensive rail network across South Africa that connects with other rail networks in the sub-Saharan region, with its rail infrastructure representing about 80% of Africa's total. (for information on how to gain access to such services kindly visit Transnet's website at www.transnet.net).

11.5 Transnet Engineering:

11.5.1 Is an engineering undertaking;

11.5.2 Is a leading South African upgrader and refurbisher of rail related products;



- 11.5.3 Refurbishes and upgrades railroad products, locomotives and wagons; and
 - 11.5.4 Provides components for rail freight products and builds rail freight wagons (for information on how to gain access to such services kindly visit Transnet's website at www.transnetnet).
- 11.6 Transnet Property:
- 11.6.1 Transnet Property's portfolio current capability includes leasing and lease administration, day-to-day management (operations), facilities management and property administration (billing and collections).
 - 11.6.2 Transnet Property also provides specialised property services to the other Transnet Operating divisions listed above, as well as to the Transnet Corporate Centre.
 - 11.6.3 Key services currently include property valuation monitoring, land surveys and registration, property inventory management and geographic information, as well as records and deeds management.

12. YOUR REMEDIES

- 12.1 A requester (or a third party, where applicable) may seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:
 - 12.1.1 refusal or partial refusal of the request for access;
 - 12.1.2 the amount of fees required to be paid;
 - 12.1.3 the extension of the period within which to deal with the request; or
 - 12.1.4 the form of access in which the information will be furnished.
- 12.2 All legal processes must be served on the Deputy Information Officer who dealt with the request.

13. RECORDS HELD BY TRANSNET

Transnet SOC Ltd maintains records on the following categories and subject matters. However, please note that recording 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.



13.1 Internal records

The following are records pertaining to Transnet's own affairs:

- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of Transnet.

13.2 Employee records

"Employee" refers to any person who works for or provides services to or on behalf of Transnet and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for Transnet. This includes, without limitation, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

13.2.1 Any personal records provided to Transnet by their personnel;

13.2.2 Any records a third party has provided to Transnet about any of their personnel;

13.2.3 Conditions of employment and other personnel-related contractual and quasi-legal records;

13.2.4 Internal evaluation records; and

13.3 Other internal records and correspondence. Work-related records

Work-related information includes the following:

13.3.1 Any records a third party has provided to Transnet; and

13.3.2 Records generated by or within Transnet pertaining to work or services, including transactional records.

13.4 Other Parties

Records are kept in respect of other parties, including without limitation



contractors, suppliers, state departments, service providers. Alternatively, such other parties may possess records which can be said to belong to Transnet. The following records fall under this category:

- 13.4.1 Personnel, work or service-related records which are held by another party as opposed to being held by Transnet; and
- 13.4.2 Records held by Transnet pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/supplier.



FORM 2
REQUEST FOR ACCESS TO RECORDS

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

--

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			



Identity Number	
Postal Address	

Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	

Reference number, if available	
--------------------------------	--

Any further particulars of record	

TYPE OF RECORD
(Mark the applicable box with an "X")

Record is in written or printed form	
--------------------------------------	--



Record comprises virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS

(Mark the applicable box with an "X")

Printed copy of record (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language (<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available</i>)	



PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED
If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES

- a) *A request fee must be paid before the request will be considered.*
- b) *You will be notified of the amount of the access fee to be paid.*
- 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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer



FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO:

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive(<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available</i>)	



Kindly note that your request has been:

Approved

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search		Amount of deposit <i>(calculated on one third of total amount per request)</i>	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____



Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer