

**HARMONY GOLD MINING COMPANY LIMITED  
("Harmony") AND SUBSIDIARY COMPANIES**

**PAIA MANUAL**

**Published in terms of section 51 of the Promotion of Access to  
Information Act 2 of 2000**

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## TABLE OF CONTENTS

1.	COMPANY OVERVIEW .....	3
2.	CONTACT INFORMATION .....	3
3.	INFORMATION REGULATORS GUIDE .....	3
4.	AUTOMATIC DISCLOSURE .....	4
5.	SUBMITTING A REQUEST .....	4
6.	LEGISLATIVE RECORDS .....	5
7.	CATEGORIES OF RECORDS AVAILABLE UPON REQUEST .....	8
8.	PERSONAL INFORMATION .....	15
9.	ACCESS REQUESTS .....	20
10.	GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS .....	22
11.	REMEDIES AVAILABLE TO AN AGGRIEVED REQUESTER OR THIRD PARTY .....	23
12.	AVAILABILITY OF THE MANUAL .....	24
13.	Annexure A: FORM 2 – REQUEST FOR ACCESS TO RECORD .....	25
14.	Annexure B: FEES IN RESPECT OF PRIVATE BODIES .....	30

**INFORMATION MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (“PAIA”) FOR HARMONY GOLD MINING COMPANY LIMITED (“HARMONY”) AND ITS SUBSIDIARIES**

**1. COMPANY OVERVIEW**

Harmony is a gold mining specialist with a growing international copper footprint. Harmony is involved in gold mining and related activities in South Africa, Papua New Guinea and Australia.

**2. CONTACT INFORMATION**

In accordance with Section 51(1)(a)(i) of PAIA, the contact details and contact person for Harmony, in relation to PAIA, are as follows:

<b>Name of Body</b>	Harmony Gold Mining Company Limited
<b>Physical Address</b>	Randfontein Office Park, Corner of Main Reef Road and Ward Avenue, Randfontein
<b>Postal Address</b>	PO Box 2, Randfontein, 1760
<b>Information Officer</b>	Lynnette Smith
<b>Telephone No</b>	(011) 411-2141
<b>E-mail</b>	popia@harmony.co.za

**3. INFORMATION REGULATORS GUIDE**

- 3.1 An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and *the Protection of Personal Information Act No. 3 of 2013* (“POPIA”). This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator and the Information Officer free of charge. Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Regulator must substantially correspond with Form 1 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. The form can be accessed via the following link: [InfoRegSA-PAIA-Form01-Reg3.pdf \(inforegulator.org.za\)](https://www.inforegulator.org.za/InfoRegSA-PAIA-Form01-Reg3.pdf)

3.2 Any enquiries regarding the Guide should be directed to:

<b>Postal address</b>	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
<b>Telephone number</b>	+27 (0) 10 023 5200
<b>E-mail address</b>	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>
<b>Website</b>	<a href="https://inforegulator.org.za/">https://inforegulator.org.za/</a>

#### 4. AUTOMATIC DISCLOSURE

- 4.1 Section 52(1) of PAIA makes provision for the voluntary submission by a private body, of a description of the categories of documents that may be available to the public without any need for a request of access to such, i.e. records automatically available to the public. Harmony has not made such a submission to date.
- 4.2 Information that is obtainable via Harmony's website is automatically available and need not to be formally requested in terms of this Manual

#### 5. SUBMITTING A REQUEST

- 5.1 PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.
- 5.2 Information will therefore not be furnished unless a person provides sufficient particulars to enable Harmony to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 5.3 The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 5.4 The Information Officer will facilitate the liaison with the internal legal team on all of these requests.

5.5 All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 2 above.

## 6. LEGISLATIVE RECORDS

In accordance with Section 51(1)(b)(iii) of PAIA, records held in accordance with legislation as is applicable to Harmony, include but are not limited to, the following legislation as amended from time to time:

Legislation	Records
Broad-based Black Economic Empowerment Act No. 53 of 2003	<ul style="list-style-type: none"> <li>• Skills development section on the Financial Services Council report (no unique identifiers)</li> <li>• BBBEE status</li> <li>• BBBEE status of suppliers</li> <li>• Supplier employee information</li> <li>• Contractor and supplier agreements</li> <li>• List of suppliers, products, services and distributors.</li> </ul>
Companies Act No. 71 of 2008	<ul style="list-style-type: none"> <li>• MOI</li> <li>• Minutes of meetings</li> <li>• Other records and correspondence</li> </ul>
Deed Registries Act No. 47 of 1937	<ul style="list-style-type: none"> <li>• Title deeds</li> </ul>
Financial Intelligence Centre Act No. 38 of 2001	<ul style="list-style-type: none"> <li>• Identification and verification records</li> <li>• Client due-diligence records</li> <li>• Risk management and compliance programme</li> </ul>
Insolvency Act No. 24 of 1936	<ul style="list-style-type: none"> <li>• Contracts with the client, third party, and between the client and other persons</li> <li>• Details of contracts, clients, third party enter into with Harmony</li> <li>• Details of transactions carried out with Harmony</li> <li>• Engagement letters</li> <li>• Minutes of meetings</li> <li>• Records of correspondence or enquiries from Clients or anyone acting on Clients' behalf</li> <li>• Other Records and correspondence</li> </ul>

Explosives Act No. 26 of 1956	<ul style="list-style-type: none"> <li>• Information relating to Harmony's operations</li> </ul>
Hazardous Substances Act No. 15 of 1973	<ul style="list-style-type: none"> <li>• Information relating to Harmony's operations</li> </ul>
Mine Health and Safety Act No. 29 of 1996	<ul style="list-style-type: none"> <li>• Health and safety reports</li> </ul>
Mineral and Petroleum Resources Development Act No. 28 of 2002	<ul style="list-style-type: none"> <li>• Information relating to Harmony's operations</li> </ul>
National Environmental Management Act No. 107 of 1998	<ul style="list-style-type: none"> <li>• Environmental impact assessment reports</li> </ul>
National Environmental Management: Air Quality Act No. 39 of 2004	<ul style="list-style-type: none"> <li>• Environmental impact assessment reports</li> </ul>
National Environmental Management: Waste Act No. 59 of 2008	<ul style="list-style-type: none"> <li>• Environmental impact assessment reports</li> </ul>
National Water Act No. 36 of 1992	<ul style="list-style-type: none"> <li>• Environmental impact assessment reports</li> </ul>
Nuclear Energy Act No. 46 of 1999	<ul style="list-style-type: none"> <li>• Environmental impact assessment reports</li> </ul>
Occupational Diseases in Mines and Works Act No. 78 of 1973	<ul style="list-style-type: none"> <li>• Health and safety reports</li> </ul>
Occupational Health & Safety Act No. 85 of 1993	<ul style="list-style-type: none"> <li>• Occupational health and safety (OHS) reports including the following: <ul style="list-style-type: none"> <li>• Learning history report;</li> <li>• OHS agreement;</li> <li>• OHS appointment letters</li> <li>• Incident reports</li> <li>• Personal information for workmen's compensation;</li> <li>• Personal information of visitors to our premises and branches;</li> <li>• CCTV footage</li> </ul> </li> </ul>
Prevention and Combating of Corrupt Activities Act No. 12 of 2004	<ul style="list-style-type: none"> <li>• Anti-bribery and Corruption Policy</li> <li>• Corrupt or fraudulent employee, client or merchant activities</li> <li>• Reports on corrupt and fraudulent activities to law enforcement agencies</li> <li>• Code of Ethics</li> </ul>
Promotion of Access to Information Act No. 2 of 2000	<ul style="list-style-type: none"> <li>• The PAIA manual</li> <li>• PAIA guide</li> <li>• PAIA forms</li> </ul>

Protection of Personal Information Act No. 4 of 2013	<ul style="list-style-type: none"> <li>• Document Retention Policy</li> <li>• Internal and External Privacy Policy</li> <li>• Information Security Policy</li> </ul>
Basic Conditions of Employment Act No. 75 of 1997	<ul style="list-style-type: none"> <li>• Employee details</li> <li>• Labour relations reports</li> <li>• Information regarding dismissals for dishonesty-related behaviour</li> <li>• Information on disability, trade union membership, race and religion</li> <li>• Employee next of kin or emergency contact details</li> <li>• Conflict-of-interest declarations</li> <li>• Education information</li> <li>• Health and safety records</li> <li>• Pension and provident fund records</li> <li>• Leave records</li> <li>• Internal evaluations and performance records</li> <li>• Training records</li> <li>• Background checks</li> </ul>
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993	<ul style="list-style-type: none"> <li>• Record of the earnings and other prescribed particulars of all employees.</li> </ul>
Employment Equity Act No. 55 of 1998	<ul style="list-style-type: none"> <li>• Employment equity plans and targets.</li> </ul>
Labour Relations Act No. 66 of 1995	<ul style="list-style-type: none"> <li>• Disciplinary records, including outcomes</li> <li>• Labour relations reports</li> <li>• Arbitration awards</li> <li>• Records of strike action and protests</li> </ul>
Medical Schemes Act No. 131 of 1998	<ul style="list-style-type: none"> <li>• Medical aid details</li> </ul>
Pension Funds Act No. 24 of 1956	<ul style="list-style-type: none"> <li>• Pension and Provident Fund details</li> </ul>
Skills Development Act No. 97 of 1998	<ul style="list-style-type: none"> <li>• Training and Development reports</li> </ul>
Skills Development Levies Act No. 9 of 1999	<ul style="list-style-type: none"> <li>• Skills levy reports</li> </ul>
Income Tax Act No. 58 of 1962	<ul style="list-style-type: none"> <li>• IT3</li> <li>• IRP5</li> <li>• T3a</li> <li>• Monthly IRP5 file</li> <li>• Unemployment Insurance Fund (UIF) files</li> </ul>

	<ul style="list-style-type: none"> <li>• PAYE information</li> <li>• SDL information</li> <li>• VAT record</li> <li>• Ledgers</li> <li>• Cash books</li> <li>• Journals</li> <li>• Bank statements</li> <li>• Deposit slips</li> <li>• Invoices</li> <li>• Other books of accounts</li> <li>• Electronic representations of information.</li> </ul>
Tax Administration Act No. 28 of 2011	<ul style="list-style-type: none"> <li>• Audited financial statements</li> <li>• Taxation records</li> <li>• Asset registers</li> <li>• Management accounts</li> <li>• Audit and Risk Committee reports</li> <li>• Operational</li> </ul>
Value Added Tax Act No. 89 of 1991	<ul style="list-style-type: none"> <li>• Invoices</li> <li>• Tax invoices</li> <li>• Credit note</li> <li>• Debit notes</li> <li>• Bank statements</li> <li>• Deposit slips</li> <li>• Stock lists</li> </ul>
Unemployment Insurance Act No. 63 of 2001	<ul style="list-style-type: none"> <li>• Unemployment Insurance Fund (UIF) files</li> <li>• PAYE information</li> </ul>

## 7. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

7.1 Harmony maintains records on the categories and subject matters listed below. 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 honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

7.2 Please note further that many of the records held by Harmony are those of third parties, such as clients and employees, and Harmony takes the protection of third party confidential information very seriously. In particular, where Harmony acts as a service provider to clients, many of the



records held are confidential and others are the property of the client and not of Harmony. For further information on the grounds of refusal of access to a record please see paragraph 10 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of records	Records
<p><b>Operational records</b></p> <p>The records listed pertain to Harmony's own affairs</p> <p>Some of these categories of records are covered in more detail below</p>	<ul style="list-style-type: none"> <li>• Memoranda and Articles of Association</li> <li>• Financial records</li> <li>• Operational records</li> <li>• Intellectual property</li> <li>• Marketing records</li> <li>• Internal correspondence</li> <li>• Service records</li> <li>• Statutory records</li> <li>• Internal policies and procedures</li> <li>• Minutes of meetings</li> </ul>
<p><b>Personnel records</b></p> <p>For the purposes of this section, "<b>personnel</b>" means any person who works for or provides services to or on behalf of Harmony and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Harmony. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> <li>• Any personal records provided to us by our personnel</li> <li>• Any records a third party has provided to us about any of their personnel</li> <li>• Conditions of employment and other personnel-related contractual and quasi legal records</li> <li>• Employment policies and procedures</li> <li>• Internal evaluation and disciplinary records and</li> <li>• Other internal records and correspondence.</li> </ul>
<p><b>Client-related records</b></p>	<ul style="list-style-type: none"> <li>• Contracts with the client and between the client and other persons</li> </ul>
<p><b>Other third party records</b></p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Harmony is a party, contractors and sub-contractors, suppliers,</p>	<ul style="list-style-type: none"> <li>• Personnel, client, or Harmony records which are held by another party as opposed to being held by Harmony</li> <li>• Records held by Harmony pertaining to other parties, including financial records,</li> </ul>

Category of records	Records
service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Harmony.	correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers
<b>Transformation and Stakeholder Development Records</b>	<ul style="list-style-type: none"> <li>• Proposals for funding received</li> <li>• Records concerning organisations receiving support</li> <li>• Schedules of approved projects</li> <li>• Reports, books, publications and general information</li> <li>• Records and contracts of agreements</li> </ul>
<b>Supply Chain Records</b>	<ul style="list-style-type: none"> <li>• Policies and procedures manuals</li> <li>• Purchasing agreements</li> <li>• Material catalogue for stock items</li> <li>• Supply contracts</li> <li>• Vendor list</li> </ul>
<b>Strategic Planning Records</b>	<ul style="list-style-type: none"> <li>• Operational plans</li> <li>• Strategic plans</li> </ul>
<b>Corporate Affairs and Investor Relations Records</b>	<ul style="list-style-type: none"> <li>• Database of current and past institutional investors</li> <li>• Database of analysts</li> <li>• Media database</li> <li>• General mailing lists</li> <li>• Promotional material</li> <li>• Company article and newspaper records</li> <li>• Presentations on Harmony</li> <li>• Market research on Harmony and peers</li> <li>• Company press releases</li> <li>• Media coverage on Harmony and peers</li> </ul>
<b>Human Resources Records</b>	<ul style="list-style-type: none"> <li>• Booklets and Codes for employees</li> <li>• Collective agreements</li> <li>• Human Resources Policies</li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>• Employee records relating to:               <ul style="list-style-type: none"> <li>- Employment</li> <li>- Manning</li> <li>- Remuneration and Incentives</li> <li>- Accommodation</li> <li>- Performance Management</li> <li>- Employee Development</li> <li>- Employee Relations</li> <li>- Employee Care</li> <li>- Human Resource Administration</li> <li>- Health and Wellness</li> <li>- Separations</li> <li>- Managerial</li> <li>- Disciplinary Hearings</li> <li>- Employment Equity Plan</li> </ul> </li> </ul>
<b>Treasury Records</b>	<ul style="list-style-type: none"> <li>• Correspondence</li> <li>• Mandates and resolutions</li> <li>• Service contracts</li> <li>• Facility letters</li> <li>• Transitional records</li> </ul>
<b>Finance Records</b>	<ul style="list-style-type: none"> <li>• Records for Harmony comprise:               <ul style="list-style-type: none"> <li>- Vendor invoices</li> <li>- Remittance advices</li> <li>- Accounts receivable</li> <li>- Banking records</li> <li>- Management and monthly accounts, quarterly and annual financial statements</li> <li>- External audit reports and records</li> <li>- Annual budgets</li> <li>- Fixed asset register</li> <li>- Accounting policies and procedures</li> <li>- Benchmarking</li> <li>- Guarantees, undertakings, subordinations, bonds and similar liabilities</li> </ul> </li> <li>• Other records comprise:</li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>- Medical scheme reports</li> <li>- Financial correspondence</li> <li>• Operational Audit, Risk (including Insurance) and SOX</li> </ul>
<b>Mineral Resource Records</b>	<ul style="list-style-type: none"> <li>• Mineral Resources and Reserves reports, bulletins, memoranda and correspondence relating to Harmony, other areas and old exploration projects</li> <li>• Geographical and other information concerning:               <ul style="list-style-type: none"> <li>- Surface boreholes drilled within Harmony; and</li> <li>- Stillwater mining lease areas</li> <li>- Exploration boreholes</li> </ul> </li> <li>• General mineral resource and reserve literature and plans:               <ul style="list-style-type: none"> <li>- Competent Persons Report</li> <li>- Shareholder plans</li> <li>- Annual resource and reserve supplement</li> </ul> </li> </ul>
<b>Mining Rights / Property Records</b>	<ul style="list-style-type: none"> <li>• Agreements to which Harmony is party to, including asset acquisitions, disposals, exchanges, joint ventures, participations arrangements and confidentiality agreements</li> <li>• Records relating to:               <ul style="list-style-type: none"> <li>- Bonds</li> <li>- Closure certificates</li> <li>- Mining claims</li> <li>- Mineral rights</li> <li>- Mineral leases</li> <li>- Mijnpacht titles</li> <li>- Tributing agreements</li> <li>- Real rights (rights to receive rentals in respect of mining title)</li> <li>- Mining authorisations (licenses and permits)</li> </ul> </li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>- Mining Rights</li> <li>- Mining Works Programme</li> <li>- Social and Labour Plan</li> <li>- Property leases (freehold farms and erven)</li> <li>- Owners reservations</li> <li>- Prospecting Rights</li> <li>- Prospecting Programme</li> <li>- Explorations Rights</li> <li>- Exploration Programme</li> <li>- Surface right permits (inclusive of trading sites and business grants)</li> <li>• General Permits:               <ul style="list-style-type: none"> <li>- Water usage</li> <li>- Change of use of land</li> <li>- Land subdivision</li> <li>- Servitudes</li> <li>- Freehold properties</li> <li>- Freehold erven</li> </ul> </li> </ul>
<b>Legal Records</b>	<ul style="list-style-type: none"> <li>• Details of external counsel used by the company (locally and abroad)</li> <li>• Offshore company data sheets</li> <li>• Copies of agreements to which group companies are party to</li> <li>• List of current matters</li> <li>• Details of legal proceedings</li> <li>• General legal correspondence</li> </ul>
<b>Tax Records</b>	<ul style="list-style-type: none"> <li>• Tax returns as filed with the South African Revenue Services ("SARS")</li> <li>• Correspondence with SARS on various issues – including objections to assessments, rulings obtained etc</li> <li>• Documentation on tax advice and opinions obtained from external counsel</li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>• Documentation on “internal” matters of Harmony e.g. employees’ tax matters etc.</li> </ul>
<b>Corporate Finance Records</b>	<ul style="list-style-type: none"> <li>• Circulars and announcements of past Harmony transactions</li> <li>• Group valuation models</li> <li>• Dealings with professional advisors</li> <li>• External valuation</li> </ul>
<b>Secretariat Records</b>	<ul style="list-style-type: none"> <li>• Records relating to Harmony comprising: <ul style="list-style-type: none"> <li>- Memoranda of Incorporation</li> <li>- Equity structure details</li> <li>- Statutory compliance records</li> <li>- Manual of records</li> </ul> </li> <li>Shareholders records comprising: <ul style="list-style-type: none"> <li>- Correspondence and queries</li> <li>- Notices, circulars and minutes of general meetings</li> <li>- Share certificates and transfer forms</li> <li>- Offshore stock exchanges</li> <li>- Dividend declarations and announcements</li> <li>- American depository receipts programme</li> <li>- Share schemes</li> <li>- Correspondence with investors</li> <li>- Securities regulation panel dealings</li> <li>- Shareholders agreements</li> </ul> </li> <li>• Records concerning Directors and Officers comprising: <ul style="list-style-type: none"> <li>- Appointments, resignations and fees</li> <li>- Board and Committee meetings attendance</li> <li>- Group committees and terms of reference</li> <li>- Approval framework</li> </ul> </li> </ul>
<b>Information and Communication Technology Records</b>	<ul style="list-style-type: none"> <li>• Supply and maintenance contracts</li> <li>• Projects feasibility studies and proposals</li> <li>• Policies, standards and procedures</li> </ul>

Category of records	Records
	<ul style="list-style-type: none"> <li>• Internal reports and correspondence</li> <li>• ICT strategy plan</li> <li>• Audit reports pertaining to ICT</li> <li>• Project plans and project minutes</li> <li>• Software licensing agreements</li> </ul>
<b>Operations Records</b>	<ul style="list-style-type: none"> <li>• Current records concerning: <ul style="list-style-type: none"> <li>- Business plans</li> <li>- Capital projects</li> <li>- Administration and management of the operations</li> <li>- Health, safety and environmental</li> <li>- Operational reports</li> </ul> </li> <li>• Technical records: <ul style="list-style-type: none"> <li>- Metallurgy</li> <li>- Mineral resources</li> <li>- Electrical and mechanical engineering</li> </ul> </li> </ul>
<b>Other records</b>	<ul style="list-style-type: none"> <li>• Information relating to Harmony</li> <li>• Research information belonging to Harmony or carried out on behalf of a third party</li> </ul>

## 8. PERSONAL INFORMATION

8.1 Personal information collected by Harmony is processed and safeguarded in accordance with applicable laws, including, to the extent applicable, POPIA.

### 8.2 Categories of personal information collected by Harmony

8.2.1 Harmony may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

8.2.1.1 race, gender, pregnancy, marital status, national, ethnic or social origin, colour, age, physical or mental health, well-being, disability, language and birthdates;

8.2.1.2 education, medical, financial, criminal and employment history;

8.2.2 identity or registration numbers, e-mail address, physical and postal address, telephone and contact numbers, location information, and other required identifiers pertaining to a data subject;

8.2.2.1 biometric information;

8.2.2.2 the personal opinions, views or preferences of the person;

8.2.2.3 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; and

8.2.2.4 the views or opinions of another individual about the person; and Harmony may from time to time make use of views or opinions of another individual about the person.

### **8.3 The purpose of processing personal information**

8.3.1 In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Harmony will depend on the nature of the data and the particular data subject, these may include:

8.3.1.1 purposes of complying with a variety of lawful obligations;

8.3.1.2 for the purposes of carrying out actions for the conclusion and performance of a contract as between Harmony and the data subject;

8.3.1.3 for the purposes of protecting data subject's and/or Harmony's legitimate interests including the performance of risk assessments and risk profiles;

8.3.1.4 where required by law or company policy receiving from or providing to any credit bureau or credit provider or credit association information about the data subject's credit record, including personal information about any judgement or default history;

8.3.1.5 for the purposes of any proposed or actual merger, acquisition or any form of sale of some or all Harmony's assets, providing the data subject's personal



information to third parties in connection with the evaluation of the transaction and related due diligence procedures;

- 8.3.1.6 for the purposes of making contact with the data subject and attending to the data subject's enquiries and requests;
- 8.3.1.7 for academic research and statistical analysis purposes, including data analysis, testing, research;
- 8.3.1.8 for the purposes of pursuing the data subject's and/or Harmony's legitimate interests, or that of a third party to whom the personal information is supplied;
- 8.3.1.9 for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and ER functions, call centres and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, and generally providing commercial support, where needed, requested or required; and
- 8.3.1.10 for the purpose of preventing fraud and abuse of Harmony processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

#### **8.4 Description of the categories of data subjects and of the information or categories of information relating thereto**

8.4.1 Harmony holds information and records on the following categories of data subjects:

- 8.4.1.1 potential and actual employees/personnel of Harmony;
- 8.4.1.2 any third party with whom Harmony conducts business with;
- 8.4.1.3 contractors of Harmony;
- 8.4.1.4 service providers of Harmony; and
- 8.4.1.5 anyone who applies for funding or assistance of any kind.

(This list of categories of data subjects is non-exhaustive.)

## **8.5 The recipients or categories of recipients to whom the personal information may be supplied**

- 8.5.1 Depending on the nature of the personal information, Harmony may supply information or records to the following categories of recipients:
- 8.5.1.1 other group companies or subsidiaries;
  - 8.5.1.2 joint venture companies;
  - 8.5.1.3 third party service providers service providers of Harmony;
  - 8.5.1.4 statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
  - 8.5.1.5 any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
  - 8.5.1.6 South African Revenue Services, or another similar authority;
  - 8.5.1.7 anyone making a successful application for access in terms of PAIA or POPIA; and
  - 8.5.1.8 subject to the provisions of POPIA and other relevant legislation, Harmony may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Harmony operates.

## **8.6 Planned transborder flows of personal information**

- 8.6.1 Harmony may from time to time have to disclose the data subject's personal information to other parties, including third parties that are outside of South Africa. Such disclosure will always be subject to an agreement which will be concluded as between Harmony and the party to whom it is disclosing the data subject's personal information to, which contractually obliges the recipient of your personal information to comply with strict confidentiality and data security conditions.
- 8.6.2 Where personal information and related data is transferred to a country which is situated outside the borders of South Africa, the data subject's personal information will only be transferred to those countries which have similar data privacy laws in place or where the

recipient of the personal information is bound contractually to a no lesser set of obligations that those imposed by POPIA.

## **8.7 A general description of information security measures to be implemented by Harmony**

8.7.1 Harmony takes appropriate information security measures to ensure the confidentiality, integrity and availability of personal information in Harmony's possession. Harmony takes appropriate technical and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

8.7.2 Harmony has implemented the following data security measures:

- 8.7.2.1 defined and documented information security policies, procedures, and standards;
- 8.7.2.2 firewalls in place to control inbound and outbound traffic;
- 8.7.2.3 regular data backups to safeguard against data loss;
- 8.7.2.4 data loss prevention technologies and policies;
- 8.7.2.5 enforced careful access controls to limit who can access confidential data on devices and systems;
- 8.7.2.6 robust monitoring, auditing, and reporting capabilities to detect and respond to security incidents;
- 8.7.2.7 utilisation of anti-virus and anti-malware solutions to prevent malicious attacks; and
- 8.7.2.8 security awareness program to ensure that Harmony employees remain vigilant and informed about security risks and best practices.

(This list is not exhaustive)

## **9. ACCESS REQUESTS**

### **9.1 Request Procedures**

- 9.1.1 It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain qualifications (in that the requested record must be required for the exercise or protection of a right), and may be refused by Harmony if the requested record falls within a certain category as specified in paragraph 10 below.
- 9.1.2 POPIA provides that a data subject may, upon proof of identity, request Harmony to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 9.1.3 If it is reasonably suspected that the requester has obtained access to Harmony's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

### **9.2 Form of Request**

- 9.2.1 The requester must use the prescribed form to make the request for access to a record. The form must substantially correspond with Form 2 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations and should be specific in terms of the record requested. The prescribed forms under PAIA in respect of private bodies, are available on the Information Regulator's website (PAIA Forms - Information Regulator ([inforegulator.org.za](http://inforegulator.org.za))).
- 9.2.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record/s requested, and the requester. The requester should also indicate which form of access is required and specify a revert address or fax number in the South Africa where any response to such request or such record may be sent. The requester should also indicate if, in addition to a written reply, any other medium is to be used to communicate with the requester, and state the necessary particulars for such purpose.

- 9.2.3 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.
- 9.2.4 Proof of identity is required to authenticate the identity of the requester and the request, such as a certified copy of an identity document or other legal forms of identity.
- 9.2.5 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 Information Officer.
- 9.2.6 A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to the requester, but a requester can contact our Information Officer for assistance with making a request.

### **9.3 Fees**

- 9.3.1 Every other requester, who is not a personal requester, must pay the required request fee.
- 9.3.2 The Information Officer must by notice, require the requester to pay the prescribed request fee (if any) before further processing the request;
- 9.3.3 After the Information Officer has made a decision on the request, the requester must be notified in writing unless specified otherwise; and
- 9.3.4 If the request is granted, then a further access fee must be paid for reproduction and for search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The fee calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Annexure B of Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations and 14.
- 9.3.5 The fee structure prescribed under the PAIA in respect of private bodies, are available on the Information Regulator's website (PAIA Forms - Information Regulator ([info regulator.org.za](http://info regulator.org.za))).
- 9.3.6 Section 54 of PAIA entitles Harmony to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that

may be charged are set out in Annexure B of Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. See 14.

- 9.3.7 Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

#### **9.4 Timelines for consideration of a request for access**

- 9.4.1 Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

9.4.1.1 The Information Officer will inform the requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with Form 3 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Refer to Form-3-PAIA.pdf (inforegulator.org.za).

9.4.1.2 Should an extension be required, the requester will be notified, together with reasons explaining why the extension is necessary.

### **10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4 OF THE ACT**

#### **10.1 The main grounds for refusal of a request for records would be:**

10.1.1 mandatory protection of the privacy of a third party who is a natural person, where disclosure of the records would involve the unreasonable disclosure of personal information of that natural person;

10.1.2 mandatory protection of the commercial information of a third party, if the record contains:

10.1.2.1 trade secrets of that party;

10.1.2.2 financial, commercial, scientific or technical information disclosure of which could likely cause harm to the financial or commercial interests of that party;

10.1.2.3 Information disclosed in confidence by a third party, to Harmony, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 10.1.2.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
  - 10.1.2.5 mandatory protection of the safety of individuals and the protection of property;
  - 10.1.2.6 mandatory protection of records which could be regarded as privileged in legal proceedings; and
- 10.1.3 protection of information relating to the commercial activities of Harmony, where such information may include:
- 10.1.3.1 trade secrets of Harmony; or
  - 10.1.3.2 financial, commercial scientific or technical information disclosure of which could likely cause harm to the financial or commercial interests of Harmony.

10.2 Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal: (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

10.3 If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

## **11. REMEDIES AVAILABLE TO AN AGGRIEVED REQUESTER OR THIRD PARTY**

11.1 A requester or third party aggrieved by a decision of the Information Officer: (i) to refuse a request for access to records; or (ii) taken in terms of Section 54, 57(1) or 60 of PAIA, may submit a complaint to the information Regulation, alleging that the decision was not in compliance with PAIA, within 180 (one hundred and eighty) days of receiving the decision from the Information Officer.

11.2 A requester or third party aggrieved by a decision of the Information Officer in relation to a request for access to a record of Harmony, may, by way of an application, within 180 days of receiving the decision from the Information Officer, apply to a court for appropriate relief in terms of Section 82 of PAIA.

11.3 In terms of Section 82 of PAIA, the court hearing an application may grant any order that is just and equitable, including orders—

- 11.3.1.1 confirming, amending or setting aside the decision which is the subject of the application concerned;
- 11.3.1.2 requiring from the Information Officer to take such action or to refrain from taking such action as the court considers necessary within a period mentioned in the order;
- 11.3.1.3 granting an interdict, interim or specific relief, a declaratory order or compensation;
- 11.3.1.4 as to costs; or
- 11.3.1.5 condoning non-compliance with the 180 (one hundred and eighty) day period within which to bring an application, where the interests of justice so require.

## **12. AVAILABILITY OF THE MANUAL**

In accordance with Section 51(3)(a) of PAIA, this manual is available on Harmony's website ([www.harmony.co.za](http://www.harmony.co.za)) and is also available for inspection by the general public upon request, during office hours and free of charge, at the offices of Harmony.



13. Annexure A: FORM 2 – REQUEST FOR ACCESS TO RECORD

## FORM 2

### REQUEST FOR ACCESS TO RECORD

[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:

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		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<i>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.)</i>			
Description of record or relevant part of the record			
Reference number, if available			
Any further particulars of record			

<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>	
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	
<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
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	
<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
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	
<i>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.</i>	
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:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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 (Please specify)

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>	

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**Signature of Information Officer**

#### 14. Annexure B: FEES IN RESPECT OF PRIVATE BODIES

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> <li>(i) Flash drive (to be provided by requestor)</li> <li>(ii) Compact disc <ul style="list-style-type: none"> <li>• If provided by requestor</li> <li>• If provided to the requestor</li> </ul> </li> </ul>	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: <ul style="list-style-type: none"> <li>(i) Flash drive (to be provided by requestor)</li> <li>(ii) Compact disc <ul style="list-style-type: none"> <li>• If provided by requestor</li> <li>• If provided to the requestor</li> </ul> </li> </ul>	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00

10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.