

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

OF

KIMBERLY-CLARK OF SOUTH AFRICA (PTY) LTD

Registration Number: 1966/006844/07

in terms of

Section 51 of

The Promotion of Access to Information Act No.2 of 2000

(the "ACT")

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1. INTRODUCTION

1.1 Overview

Kimberly-Clark of South Africa (Pty) Ltd is a duly registered company, whose principal business is in the manufacturing, importing, marketing, distribution and sale of Business to Business and Consumer based products such as Bath Tissue, Personal Care, Baby & Child Care products.

1.2 Purpose

This manual is published in terms of section 51 of the Promotion of Access to Information Act No.2 of 2000 (“the Act”). The Act gives effect to the provisions of section 23 of the Constitution, which provides for the right of access to information held by the State and to information held by another person or entity, whether such information is required by someone to protect his/her rights.

This manual serves to inform members of the public of the categories of information we hold, and which may, subject to the grounds of refusal listed in the Act, be disclosed following an evaluation of an application or request for access being made in terms of the Act.

A copy of this Manual is available –

2. COMPANY CONTACT DETAILS: Section 51 (1) (a)

2.1 Privacy at KCSA Offices: - On request from the **Information Officer**

Contact Person: Nadia Singh
Telephone Number: +27 (11) 456 5700
Email: Privacy.KCSA@kcc.com

Postal Address: Private Bag X6
Gardenview
South Africa
2047

Physical Address: Kimberly-Clark House
8 Leicester Road
Bedford Gardens
South Africa
2007

Website: <https://www.kimberly-clark.com/en-za/southafrica>

3. THE ACT: Section 51(1) (b) and Section 10 Guide

- 3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
 Telephone Number: +27-11-877 3600
 Fax Number: +27-11-403 0625
 Website: www.sahrc.org.za

4. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: Section 51 (1) (c)

Records are available in accordance with other applicable South African legislation and any amendments and regulations issued in terms thereof. As legislation changes from time to time, and new laws may stipulate new manners and extend the scope of access, this list should not be read as final and complete.

No	Reference	Act
1	No. 75 of 1997	Basic Conditions of Employment Act
2	No. 71 of 2008	Companies Act
3	No. 130 of 1993	Compensation for Occupational Injuries and Diseases Act
4	No. 89 of 1998	Competition Act
5	No. 68 of 2008	Consumer Protection Act
6	No. 25 of 2002	Electronic Communications and Transactions Act
7	No. 55 of 1998	Employment Equity Act
8	No. 38 of 2001	Financial Intelligence Centre Act
9	No. 15 of 1973	Hazardous Substances Act
10	No. 58 of 1962	Income Tax Act
11	No. 66 of 1995	Labour Relations Act
12	No. 131 of 1998	Medical Schemes Act
13	No. 34 of 2005	National Credit Act
14	No. 107 of 1998	National Environment Management Act
15	No. 39 of 2004.	National Environmental Management: Air Quality Act
16	No. 59 of 2008	National Environmental Management: Waste Act
17	No. 61 of 2003	National Health Act
18	No. 36 of 1998	National Water Act
19	No. 85 of 1993	Occupational Health and Safety Act

20	No. 24 of 1956	Pension Funds Act
21	No. 68 of 1969	Prescription Act
22	No. 2 of 2000	Promotion of Access to Information Act
23	No. 26 of 2000	Protected Disclosures Act
24	No. 70 of 2002	Regulation of Interception of Communications and Provision of Communication – Related Information Act
25	No. 36 of 2004	Securities Services Act
26	No. 97 of 1998	Skills Development Act
27	No. 9 of 1999	Skills Development Levies Act
29	No. 4 of 2002	Unemployment Insurance Contributions Act
28	No. 89 of 1991	Value Added Tax Act

5. SCHEDULE OF RECORDS AVAILABLE: Section 51 (1) (d)

5.1 The following categories of records are automatically available without a person having to request access in terms of the Act:

Records	Availability
Company Information	Freely available on web sites: https://www.Kimberly-Clark.com https://www.kimberly-clark.com/en-za/southafrica
Public Product Information	Freely available on web site https://www.Kimberly-Clark.com https://www.kimberly-clark.com/en-za/southafrica
Media Releases	Freely available on web site https://www.Kimberly-Clark.com https://www.kimberly-clark.com/en-za/southafrica

5.2 The following categories of records may be accessed by request from Kimberly-Clark in terms of the Act. It is however recorded that access to these records may be subject to the grounds of refusal as set out in the Act.

Category	Records
Finance	<p>The Records held by the Finance Department include the following: □</p> <ul style="list-style-type: none"> • Accounting and Banking Records • Financial Statements • Investment Records • Management Accounts • Invoices • PAYE Records • Tax Records • Transactional Records • VAT Records

Category	Records
Company Secretariat	<p>The Records held by the Company Secretary Department include the following:</p> <ul style="list-style-type: none"> • Relevant Contracts (other than Procurement) • General Correspondence • Intellectual Property Rights Records (Trademarks, Patents, Registered Designs and Copyright) • Internal Reports and Communications • Minute Books • Statutory Records • Annual Financial Statements
Human Resource (HR) Department	<p>The Records held by the Human Resources include the following:</p> <ul style="list-style-type: none"> • Relevant Contracts • Employee benefit Records • Employee Records • Employment Equity Records • General Correspondence • General HR Policies and Procedures • Labour Relations Records • Pension Records • Statutory Records • Training Records • Work Skills Development Plans and Records
Internal Controls	<p>The Records held by Internal Controls include the following:</p> <ul style="list-style-type: none"> • Audit Reports • Company Policies and Procedures • Compliance Records • General Correspondence
Information Technology	<p>The Records held by the IT department include the following:</p> <ul style="list-style-type: none"> • Project Plans • Policies and Procedures • IT Governance Records

Legal Department	The Records held by the Legal Department include the following: □ <ul style="list-style-type: none"> • Copies of Lease Agreements • Copies of relevant Non-Procurement Contracts • General Correspondence • Internal Reports and Communications • Legal Records • Litigation Records
Finance Department	The Records held by the Finance Department include the following: <ul style="list-style-type: none"> • Asset register • Internal Reports and Communications • Annual Financial Statements • Policies and Procedures • Business Reports • Guarantees • Insurance & Risk information • SARS, Treasury & Banking related information
Category	Records
Marketing & Sales Departments	The Records held by the Marketing & Sales Departments include the following: <ul style="list-style-type: none"> • Market Information • Public Customer Information • Performance and Sales Records • Marketing Strategies • Brand-related Information
Procurement Department	The Records held by the Procurement Department include the following: <ul style="list-style-type: none"> • Asset register • Vendor Compliance Records • RFP Records • Copies of Vendor commercial Contracts • Copies of Lease Agreements • General Correspondence • Policies and Procedures

6. FORM OF REQUEST: Section 51 (1) (e)

To facilitate the processing of your request, kindly:

6.1 Use the prescribed form (Form C-when a request is made to a private body or business), available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.

6.2 Address your request to the Information Officer.

6.3 Provide sufficient details to enable the Company to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;
- (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

(e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

6.4 If the request is made on behalf of a person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer of Kimberly-Clark.

6.5 Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to the Information Officer whose name and address details appear in paragraph 2 hereof.

7. PRESCRIBED FEES: Section 51 (1) (f)

The following applies to requests (other than personal requests):

7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.

7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).

7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

7.4 Records may be withheld until the fees have been paid.

7.5 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

A requestor whose request for access to a record has been granted must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

8. DECISION ON REQUEST

8.1 Kimberly-Clark will, within 30 days of receipt of the request or after receipt of the required particulars from the requestor, decide whether to grant or refuse the request.

8.2 In the event that the request is granted, the requestor will be notified of the access fee (if any) to be paid upon access, the form in which access will be given, and that the requestor may lodge an application with a court against the access fee to be paid, or the form of access granted, and the procedure, including the period allowed, for lodging the application.

8.3 In the event that the application is refused, the requestor will be given adequate reasons for the refusal, including the provisions of the Act relied on and will be informed that they may lodge an application with a court against the refusal of the request, as well as the procedure (including the period) for lodging such application.

8.4 The 30 day period within which Kimberly-Clark must make a decision on the request, may be extended for a further period of not more than 30 days under certain circumstances as set out in the Act.

8.5 The Information Officer's failure to give a decision on a request for access to the requestor within the 30 day period will be deemed as a refusal of the request.

8.6 If access is granted, access will be given in the form that the requestor reasonably requires, or if no specific form is required by the requestor, in such form as the Information Officer may reasonably determine.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Kimberly-Clark may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Kimberly-Clark may refuse access include:

- Protecting personal information that Kimberly-Clark holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that Kimberly-Clark holds about a third party or Kimberly-Clark (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of Kimberly-Clark or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Kimberly-Clark;
- Disclosure of the record would put Kimberly-Clark at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and/or
- The record contains information about research being carried out or about to be carried out on behalf of a third party of Kimberly-Clark.

10. NOTICE TO THIRD PARTIES

10.1 If access is requested to a record that contains information about a third party, the Information Officer is required in terms of the Act to take reasonable steps to inform that third party of the request, describe the content of the record and to furnish the name of the requestor to the third party. The third party will be given an opportunity to make representations as to why the request for access should be refused, or given written consent for the disclosure of the record.

10.2 Within 30 days after the third party is informed, the Information Officer will decide whether to grant access or not, giving due regard to the representations made by the third party as to whether to grant or refuse the request for access.

11. REMEDIES AVAILABLE IN THE EVENT OF A REFUSAL TO GRANT A REQUEST FOR INFORMATION

11.1 A requester that has been aggrieved by a decision of the Information Officer to refuse a request for access may, by way of an application, within 180 days of being notified of the decision, apply to a court for appropriate relief.

11.2 A third party that has been aggrieved by a decision of the Information Officer in relation to a request for access to a record may, by way of an application, within 180 days of being notified of the decision, apply to a court for appropriate relief.

12. AVAILABILITY OF THE MANUAL

12.1 A copy of this Manual is available-

- At Kimberly-Clark's offices at Kimberly-Clark House, 8 Leicester Road, Bedford Gardens, South Africa, 2007.
- On request from our Information Officer.
- On our website at <https://www.kimberly-clark.com/en-za/southafrica>
- From the South African Human Rights Commission ("SAHRC") at the addresses and/or telephone numbers as published by the Commission.

This manual is signed by the General Manager - SSA, EMEA and Director of Kimberly-Clark of South Africa (Pty) Limited on 01 May 2021



.....
Signature

APPENDIX 1

FEES SCHEDULE

Fee for a copy of the manual as contemplated in Regulation 5(c) for every photocopy of an A4-size page or part thereof.	R0-60
Fees for reproduction referred to in Regulation 7(1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R0-40
(c) For copy in a computer-readable on (i) compact disk	R40-00
(d) For a transcription of visual images (i) For an A4-size page or part thereof	R22-00
(ii) For a copy of visual images	R60-00
(e) For a transcription of an audio record (i) For an A4-size page or part thereof	R12-00
(ii) For a copy of an audio record	R17-00
Request fee payable by a requester, other than a personal requester, referred to in Regulation 7(2)	R35-00

The access fees payable by a requester referred to in regulation 7(3) are as follows	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0-40
(c) For copy in a computer-readable on (i) compact disk	R40-00
(d) For a transcription of visual images (i) for an A4-size page or part thereof (ii) for a copy of visual images	R22-00 R60-00
(e) For a transcription of an audio record (i) for an A4-size page or part thereof (ii) for a copy of an audio record	R12-00 R17-00
(f) 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	R15-00 for each hour
2. For purposes of Section 22(2) of the PAIA, the following applies:	
a. Six hours as the hours to be exceeded before a deposit is payable	
b. One third of the access fee is payable as a deposit by the requester	

APPENDIX 2

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of a private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given. (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

.....

Identity number:

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

.....

Identity number:

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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

2. Reference number, if available:

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

3. Any further particulars of record:

.....

.....

.....

.....

E. Fees

- | |
|---|
| <p>(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|---|

Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

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

	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

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

.....

.....

.....

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

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE