

MASSMART

**PROMOTION OF ACCESS TO INFORMATION ACT
SECTION 51 MANUAL
FOR
MASSMART HOLDINGS LIMITED AND
THE MASSMART GROUP**

1 INTRODUCTION

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000. The Act 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.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

This manual applies in respect of each member of the **Massmart Group**. The Information Officer named below is appointed in respect of the **Massmart Group** as a whole and in respect of each of the private bodies constituting the **Massmart Group**.

The **Massmart Group** includes various non-South African entities. Only requests for records of the South African incorporated members of the **Group** are covered by the Manual and requests for information or records of, or relating to, non-South African entities will not be considered.

2 DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “**Act**” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “**Information Officer**” means the person acting on behalf of the **Massmart Group** and discharging the duties and responsibilities assigned to the “head” of the **Massmart Group** by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of the **Massmart Group** in writing;
- “**Manual**” means this manual published in compliance with Section 51 of the Act;
- “**Massmart Group**” means the **Massmart Group**, comprising of Massmart Holdings Limited and its South African subsidiary and associated companies and associated entities. The South African entities comprising the **Massmart Group** are listed in Annexure 1 to this Manual and this Manual applies to all such South African entities, both jointly and severally, and such entities are referred to both individually and collectively as the “**Massmart Group**”;
- “**Personnel**” means any person who works for or provides services to or on behalf of the **Massmart Group** and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;
- “**Record**” means any recorded information, regardless of form or medium, which is in the possession or under the control of the **Massmart Group**, irrespective of whether it was created by the **Massmart Group**;
- “**Request**” means a request for access to a record of the **Massmart Group**;
- “**Requestor**” means any person, including a public body or an official thereof, making a request for access to a record of the **Massmart Group** and includes any person acting on behalf of that person;
- “**SAHRC**” means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:-

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic persons.

Terms defined in the Act shall have the same meaning in this Manual.

3 MASSMART GROUP OVERVIEW

The **Massmart Group** is composed of seven chains, under six management teams and comprising four coherent segments. These segments are constituted on the basis of similar target markets and business models. Accordingly the **Massmart Group** is managed within the following structure where the synergies of each segment can be exploited in complete accord with the **Massmart Group's** Chain and Channel strategy.

Massdiscounters comprises 80 retail discount stores, trading as Game (70 stores) in South Africa, Namibia, Botswana, Zambia, Uganda, Mozambique, Nigeria and Mauritius, and as Dion (10 stores), which trades only in the Gauteng province of South Africa. These stores offer a wide range of general merchandise and non-perishable groceries to the value-seeking customer.

Masswarehouse comprises 12 Makro Warehouse Club stores situated in the major metropolitan areas of South Africa, and two stores in Zimbabwe, trading in food, general merchandise and liquor.

Massbuild comprises three Chains of 65 stores, currently trading as Builders Warehouse (20 stores), Builders Express (14 stores) and Builders Trade Depot (31 stores). These Chains focus on home improvement trading in decorative hardware, tools, sanitaryware, builders hardware, tiles and garden services, throughout South Africa.

Masscash comprises 62 CBW and seven Jumbo wholesale cash and carry outlets, trading in South Africa, Lesotho, Namibia and Botswana, and Shield, a voluntary buying organisation serving 478 independent food outlets.

The **Massmart Group** is focused on high volume, low margin, low cost distribution of mainly branded consumer goods for cash, in eight countries in Southern Africa. The Group is the third largest distributor of consumer goods in Sub-Saharan Africa, the leader in general merchandise and liquor, and the fourth largest in food.

The simplified view of the **Massmart Group** and its primary brands is as follows:

<u>MASSDISCOUNTERS</u>	<u>MASSWAREHOUSE</u>	<u>MASSBUILD</u>	<u>MASSCASH</u>
 <p>70 stores</p> <p>General Merchandise</p> <p>RSA, Botswana, Namibia, Mauritius, Mozambique, Uganda, Zambia, Malawi, Tanzania, Nigeria</p>	 <p>14 stores</p> <p>General merchandise / Food / Liquor</p> <p>RSA, Zimbabwe</p>	   <p>65 Stores</p> <p>DIY / Building / Materials / Tiles</p> <p>RSA</p>	   <p>69 stores</p> <p>Food / Cosmetics Liquor</p> <p>RSA , Lesotho, Namibia, Botswana</p> <p>440 members / 478 outlets</p> <p>Food / Furniture / Appliances RSA, Botswana, Namibia, Swaziland</p>
 <p>10 Stores</p> <p>General Merchandise - RSA</p>			

The **Massmart Group** supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of our law.

4 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.massmart.co.za) or by sending a request for a copy to the Information Officer by email. The Manual may also be inspected at our head office and the SAHRC at the respective addresses set out below or obtained from the Government Printers. This Manual will be updated from time to time, as and when required.

5 HOW TO REQUEST ACCESS TO RECORDS HELD BY THE MASSMART GROUP

Requests for access to records held by the **Massmart Group** must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under "regulations").

For the convenience of requestors, copies of such forms are included in the version of this Manual available at our head office and on our website. Please note that requestors are also required to make payment of the prescribed fees. This issue is dealt with more fully below.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

Where you know which company in the **Massmart Group** holds the record/s you are requesting, please indicate the name of the company. Where you are unsure which company holds the record/s please provide as much detail as possible about the record to facilitate our search and to avoid any possible delays.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the **Massmart Group** Information Officer.

The standard form that must be used for the making of requests is attached as Annexure 2. . Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

The list detailing the prescribed fees payable to the Massmart Group in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure 3.

Annexures 2 and 3 are included in copies of this Manual available on the **Massmart Group** website and head office but need not be and are not included in the copies of this Manual published in the Government Gazette and delivered to the SAHRC.

Kindly note that all requests to the **Massmart Group** or any of its constituent companies will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the Massmart Group does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

6 CONTACT DETAILS

Name of Private Body	The Massmart Group
Designated Information Officer	Hans Van Lierop
Email address of Information Officer	info@massmart.co.za
Postal address	Private Bag X4 Sunninghill 2157
Street address	Massmart House 16 Peltier Drive Sunninghill Ext 6 Sandton 2196
Phone number	011 517-0000

7 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide is in the process of preparation and is expected to be available in August 2003. When available, it can be obtained from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

8 VOLUNTARY DISCLOSURE

The **Massmart Group** is not obliged to and has not published a notice in terms of Section 52(2) of the Act. Nevertheless the **Massmart Group** does make certain information freely available, including the most recent Annual Report of Massmart Holdings Limited. Other information relating to the **Massmart Group** is freely available on the **Massmart Group** website at www.massmart.co.za. Certain other information relating to the **Massmart Group** is also made available on such website from time to time as well as on various of the other websites operated by the **Massmart Group**. Brochures are mailed to customers, inserted into newspapers and other publications and made available in stores.

Certain information is also made available to employees of the **Massmart Group**, which is not generally made available to the public. To avoid confusion, these items of information are not listed here but may be obtained by **Massmart Group** employees from any group HR office.

9 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is retained in terms of the following legislation and is **usually available only to the persons or entities specified in such legislation**:

Companies Act 61 of 1973

Income Tax Act 58 of 1962

Value Added Tax Act 89 of 1991

Labour Relations Act 66 of 1995

Basic Conditions of Employment Act 75 of 1997

Employment Equity Act 55 of 1998

Skills Development Act 97 of 1998

Skills Development Levies Act 9 of 1999

Unemployment Insurance Act 30 of 1966

Unemployment Contributions Act 4 of 2002

National Environmental Management Act 107 of 1998

Compensation for Occupational Injuries and Health Diseases Act 130 of 1993

Consumer Affairs (Unfair Business Practices) Act 71 of 1988

Credit Agreements Act 75 of 1980

Harmful Business Practices Act 23 of 1999

Medical Schemes Act 131 of 1998

Occupational Health & Safety Act 85 of 1993

Protection of Businesses Act 99 of 1978

Regional Services Councils Act 109 of 1985

Short Term Insurance Act 53 of 1998

Stamp Duties Act 77 of 1968

Stock Exchanges Control Act 1 of 1985 and the rules and listings requirements of the JSE Securities Exchange authorised in terms thereof

Usury Act No 73 of 1968

10 RECORDS HELD BY THE MASSMART GROUP

We maintain 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 honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

10.1 Internal records

The following are records pertaining to the **Massmart Group's** own affairs and those of its constituent companies:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of the **Massmart Group**.

10.2 Personnel records

Personnel records include the following:

- Any personal records provided to the **Massmart Group** by its personnel;
- Any records a third party has provided to the **Massmart Group** about any of its personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

10.3 Customer-related records

Customer-related information includes the following:

- Any records a customer has provided to the **Massmart Group** or a third party acting for or on behalf of the **Massmart Group**;
- Any credit records or other research conducted by the **Massmart Group** in respect of its customers or research derived by the **Massmart Group** from its customers and their activities;
- Any records a third party has provided to the **Massmart Group** either directly or indirectly; and
- Records generated by or within the **Massmart Group** pertaining to the customer, including transactional records.

10.4 Other Parties

Records are kept in respect of other parties, including without limitation contractors, Commercial Banks, auditors and consultants, suppliers, joint venture companies and service providers, and general market conditions. In addition, such other parties may possess records which can be said to belong to the **Massmart Group**. The following records fall under this category:

- Personnel, customer, or **Massmart Group** records which are held by another party as opposed to being held by the **Massmart Group**; and
- Records held by the **Massmart Group** 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 or suppliers.

10.5 Other Records

Further records are held including:-

- Information relating to the **Massmart Group**'s own commercial activities; and
- Research information belonging to the **Massmart Group** or carried out on behalf of a third party.

This manual has been compiled with the assistance of:

THE MASSMART GROUP

Massmart Holdings Limited

Browns and Weirs Cash & Carry Holdings (Proprietary) Limited

Builders Warehouse (Proprietary) Limited

CCW Marketing (Proprietary) Limited

CCW Property Holdings (Proprietary) Limited and its subsidiary companies*

Cell-Shack (Proprietary) Limited

De La Rey 1001 Building Materials (Proprietary) Limited

Federated Timbers (Proprietary) Limited

Final Call Investments (Proprietary) Limited and its subsidiary companies*

Game Stores (Proprietary) Limited

Imagegate Limited and its subsidiary companies*

Jumbo Cash & Carry (Proprietary) Limited

Makro Southern Africa (Proprietary) Limited

Massbuild (Proprietary) Limited

Masscash (Proprietary) Limited and its subsidiary companies*

Masscash Holdings (Proprietary) Limited

Massdiscounters (Proprietary) Limited

Massmart International Holdings Limited and its subsidiary companies*

Massmart Management & Finance Company (Proprietary) Limited

Massmart Services (Proprietary) Limited

Massmart Trade (Proprietary) Limited

Masstores (Proprietary) Limited and its subsidiary companies*

Servistar (Proprietary) Limited

Shield Buying & Distribution (Proprietary) Limited and its subsidiary companies*

Thabiletrade 22 (Proprietary) Limited

The Drop Inn Group of Liquor Supermarkets (Proprietary) Limited and its subsidiary companies*

Wild Developments (Proprietary) Limited and its subsidiary companies*

* Details of subsidiaries of this company are available on request

This list represents the major companies in the **Massmart Group**. Certain further Group companies exist which are not listed here and details in respect of which are available on request.

Please note that several of the above named entities are dormant. In some circumstances the **Massmart Group** continues to trade using the trading name of such dormant entity, but as a division of the **Massmart Group** or one of its constituents. When submitting a request, please provide the Information Officer with as much information as possible about the record and the entity to which it relates when making your request to enable the record to be located quickly and efficiently, should your request be granted.