

FORM A

REQUEST FOR ACCESS TO RECORDS OF A PUBLIC BODY

(Section 18 (1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 2]

| | |
|--|---|
| FOR DEPARTMENTAL USE | |
| | Reference number: _____ |
| Request received by: _____ | |
| (state rank, name and surname of information officer/deputy information officer) | |
| on _____ (date) at _____ (place). | |
| Request fee (if any): | R..... |
| Deposit fee (if any): | R..... |
| Access fee: | R..... |
| | _____ |
| | SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER |

A. Particulars of public body

Deputy Information Officer: Adv. T Mokoena

Department of Mineral Resources and Energy

Private Bag X96

PRETORIA

0001

Tel: 012 444 3868

Fax: 012 444 3136

By email: Mamabefu.modipa@dmr.gov.za

B. Particulars of person requesting access to the record

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

Name of organisation: Centre for Environmental Rights

Registration number: 2009/020736/08

Postal address: 2nd Floor, Springtime Studios, 1 Scott Road, Observatory,
Cape Town, 7925

Fax number: +27 86 730 9098

Telephone number: +27 21 447 1647/083 275 2010

E-Mail Address: dmidgley@cer.org.za

Capacity in which request is made, when made on behalf of another person: **N/A**

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.

N/A

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:

Copies of the following records are requested:

1. Mineral Sands Resources (Pty) Ltd (MSR) operates the Tormin Mineral Sands Mine ("Tormin Mine") on the West Coast, Western Cape Province. MSR is a subsidiary of Mineral Commodities Limited (MRC).

2. On 6 July 2021, the Centre for Environmental Rights (CER) wrote to the Department of Mineral Resources and Energy (DMRE) requesting confirmation as to whether an order in terms of section 93 of the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) had been issued to MSR in the last 12 months in relation to its Tormin Mine.

3. On 9 July 2021, the DMRE responded to the CER confirming that a section 93 notice was issued to MSR and that the notice is still in effect and has not been set aside (“the section 93 notice”). The DMRE advised that the CER lodge a request in terms of the PAIA for a copy of the section 93 notice. A copy of this correspondence between the CER and the DMRE is annexed hereto as “**Annexure A**”.

4. We accordingly request a copies of the following records:
 - a. the section 93 notice issued by the DMRE to MSR; and
 - b. any correspondence between the DMRE and MSR (and/or MRC) regarding the above section 93 order.

E. Fees

(a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*

(b) *You will be notified of the amount required to be paid as the request fee.*

(c) *The **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 for exemption from payment of fees:

F. Form of access to record

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

| | |
|----------------------------|--|
| Disability: _____ _____ | Form in which record is required: _____ _____ |
|----------------------------|--|

Mark the appropriate box with an "X".

NOTES:

(a) Your indication as to the required form of access depends on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in printed form:

| | | | |
|-------------------------------------|-----------------|--------------------------|----------------------|
| <input checked="" type="checkbox"/> | Copy of record* | <input type="checkbox"/> | Inspection of record |
|-------------------------------------|-----------------|--------------------------|----------------------|

2. If record consists of visual images:
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc).

| | | | | | |
|--------------------------|-----------------|-------------------------------------|---------------------|--------------------------|------------------------------|
| <input type="checkbox"/> | view the images | <input checked="" type="checkbox"/> | copy of the images* | <input type="checkbox"/> | transcription of the images* |
|--------------------------|-----------------|-------------------------------------|---------------------|--------------------------|------------------------------|

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

| | | | |
|--------------------------|---|-------------------------------------|--|
| <input type="checkbox"/> | Listen to the soundtrack (audio cassette) | <input checked="" type="checkbox"/> | transcription of soundtrack* (written or printed document) |
|--------------------------|---|-------------------------------------|--|

4. If record is held on computer or in an electronic or machine – readable form:

| | | | | | |
|--------------------------|-------------------------|--------------------------|---------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | Printed copy of record* | <input type="checkbox"/> | Printed copy derived from the record* | <input checked="" type="checkbox"/> | copy in computer readable form*(stiffy or compact disc) |
|--------------------------|-------------------------|--------------------------|---------------------------------------|-------------------------------------|---|

| | | |
|--|-----|----|
| * If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? | YES | NO |
| A postal fee is payable. | | X |

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.

In which language would you prefer the record? **English**

G. Notice of decision regarding request for access

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

particulars to enable compliance with your request.

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

Per Email: dmidgley@cer.org.za

Signed at **Cape Town** this **9th** day of **July 2021**.

A handwritten signature in black ink, appearing to read 'D. Midgley', written over a horizontal line.

SIGNATURE OF THE REQUESTER

Danjelle Midgley

Centre for Environmental Rights