

# **Montagu Dried Fruit and Nuts (Pty) Ltd**

## **PAIA MANUAL**

**Prepared in terms of Section 51 of the  
Promotion of Access to Information Act 2 of 2000, as  
amended**

*(Applicable provisions of the Protection of Personal Information Act 4 of 2013 are included in this PAIA Manual)*

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# 1. Interpretation

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

1.1 an expression which denotes –

1.1.1 any gender includes the other genders;

1.1.2 a natural person includes an artificial or juristic person and *vice versa*;

1.1.3 the singular includes the plural and *vice versa*;

1.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.2.1 “**Access Fee**” this is the fee paid by the Requester to the Company to cover the costs of finding and copying the records the Requester is seeking. The fee that can be charged is prescribed by regulation;

1.2.2 this “**Manual**” means this document regarding the promotion of access to and protection of Personal Information together with all of its annexures, as amended from time to time prepared in terms of section 51 of PAIA;

1.2.3 the “**Company**” means {insert company registered name}, duly incorporated under Registration Number {insert company registration number};

1.2.4 “**Data Subject**” has the meaning ascribed to it in terms of section 1 of the POPIA;

1.2.5 “**PAIA**” means the Promotion of Access to Information Act No. 2 of 2000, as amended from time to time, including the regulations promulgated in terms thereof;

1.2.6 “**Personal Information**” has the meaning ascribed to it as set out in section 1 of the POPIA;

1.2.7 “**POPIA**” means the Protection of Personal Information Act No. 4 of 2013, as amended from time to time, including the regulations promulgated in terms thereof;

1.2.8 “**Information Officer**” means the designated Information Officer/s or head of the body, as described in this Manual, responsible for discharging the duties and responsibilities assigned to the Information Officer as prescribed in terms of PAIA and POPIA;

1.2.9 “**Requester**” has the meaning ascribed to it as set out in section 1 of the PAIA which includes a natural or juristic person making a request on behalf of the Data Subject;

1.2.10 “**Special Personal Information**” has the meaning ascribed to it as set out in section 1 of the POPIA;

1.3 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

- 1.4 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party, then notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual;
- 1.5 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this Manual;
- 1.6 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.7 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.8 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.9 insofar as there is a conflict in the interpretation of or application of this Manual and PAIA or POPIA, the legislation shall prevail;
- 1.10 this Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or POPIA. A requester is advised to familiarise his/her/itself with the provisions of PAIA and POPIA before lodging any request with the Company.

## 2. Introduction

The Promotion of Access to Information Act, No 2 of 2000 ("PAIA") was enacted on 3 February 2000 and came into operation on the 09 March 2001, giving effect to the constitutional right in terms section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa of access to any information that is held by another person and that is required for the exercise or protection of any rights.

This Manual has been prepared in terms of section 51 of PAIA and regulation 4(1)(c) of the Regulations relating to the POPIA, for the Company. The intention is to ensure that the Company complies with PAIA and POPIA and also instils the principles of other relevant privacy legislation of South Africa by fostering the culture of transparency and accountability and giving effect to the right to information.

In addition, the Manual explains how to access, or object to, or request correction or deletion of, Personal Information held by the Company in terms of sections 23, 24 and 25 of POPIA and its regulations.

## 3. Contact Details of the Company

Any Requestor is advised to contact the Company's Information Officer should he/she require any assistance in respect of the utilisation of this Manual and/or the requesting of documents/information from the Company.

|                                                                                                                                                                                                                                                                                                                |                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| <b>Company details:</b><br><br>Montagu Dried Fruit and Nuts (Pty) Ltd<br><br>Registration number: 2005/038076/07<br><br>Address: Corner of Cilmor Street and Rubicon Boulevard, Brackenfell South, 7560                                                                                                        |                                                                                                                |
| <b>Company CEO: Lourens van Rensburg</b><br><br>Physical Address: Corner of Cilmor Street and Rubicon Boulevard, Brackenfell South, 7560<br><br>Postal Address: Corner of Cilmor Street and Rubicon Boulevard, Brackenfell South, 7560<br><br>Tel: +27 (0) 21 207 0207<br><br>E-mail: info@montagusnacks.co.za | <b>Information Officer: Tina Brand</b><br><br>Tel: +27 (0) 21 207 0207<br><br>E-mail: tina@montagusnacks.co.za |

## 4. Guidance on PAIA and POPIA

### 4.1 Purpose

This Manual is intended to foster and proclaim the Company's commitment to fostering a culture of transparency and accountability within the Company as a whole, by giving effect to the right to access information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to Personal Information to enable them to more fully exercise and protect their rights. The purpose of this Manual is to facilitate requests for access to records of the Company as provided for in PAIA, and to inform Data Subjects on the types of information the Company collects and processes, and how a Data Subject may request access to his/her Personal Information.

PAIA provides that a person, other than a government department or agency, may only request Personal Information in terms of the Act. Personal Information will therefore not be furnished unless a Requester clearly provides sufficient particulars on the request form to enable the Company's 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.

### 4.2 Guidance on how to use PAIA

The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"). The Guide has been designed to be a guiding, user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA and the POPIA. A copy of this Guide can be obtained from the website of the Information Regulator (<https://info regulator.org.za/>).

This Guide will assist people i.e. Data Subjects on how to access his/her Personal Information and in understanding how to challenge the granting of access to their records or how to participate in the process of accessing their records. Data Subjects and Requesters should familiarise themselves with the provisions contained in the Guide.

### 4.3 Objectives of this Manual

With the above provisions in mind, the Company compiled this Manual to set out the procedure to be followed by Requesters when requesting access to Personal Information from the Company as contemplated in terms of PAIA, as well as to set out the protection that the Company provides to any Personal Information in the Company's possession, in accordance with both PAIA and the POPIA.

*Please note:* This Manual is not exhaustive, nor does it comprehensively deal with, every procedure provided for in POPIA and PAIA. Requesters are advised to familiarise themselves with the provisions of these Acts before making any requests to the Company in terms of these Acts.

### 4.4 Availability of this Manual

This Manual is published on the Company's website at {insert company website address} or alternatively, a copy can be requested from the Company's Information Officer.

This Manual may be amended and updated from time to time and the final/latest version of the Manual will be publicly available.

### 4.5 Who may request access to Personal Information

In terms of section 1 of PAIA, a "Requester", may act on behalf of a Data Subject in making a request for a record.

In terms of section 53(2)(d) of PAIA, the Requester when making a request for access must identify the right the Requester 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.

Requests can be made:

- as a personal request;
- as an agent of a Data Subject ; and
- as a third-party seeking information.

All Company clients are allowed to access their own Personal Information without having to go through the formal information request process provided that the Personal Information is not to be used in any legal action.

## 5. Classes of records

### 5.1 Records automatically available to the Public - Section 51 (1) (b) (ii)

No category of notice(s), except as indicated herein below, are automatically available to any person, and as such, no category of records has been published as being automatically available. Any request for records must

be made by the Requester by completing **Form 1** in **Annexure A** hereto. The following Records of the Company are available without a person having to request access by completing **Form 1** as attached:

- Records of a public nature;
- Non-confidential records, such as product and promotional brochures, newsletters, pamphlets and other literature intended for public viewing;
- Company Banking details; Information on the Company website
- Statutory records relating to the Company which is held by the Companies and Intellectual Property Commission("CIPC");
- This Manual.

If the above Records are not available on the Company's website, where a person may download it, he/ she may request a copy telephonically or by sending an email or a letter to the Information Officer.

If a copy is requested, a payment of the prescribed fee as set out in this Manual for reproduction is required.

If a person only wants to inspect the Records, it can be arranged with the Information Officer/ Deputy Information Officer at the head office of the Company during normal office hours.

## 5.2 Records available in accordance with other legislation - Section 51 (1) (b) (iii)

Where applicable to its operation, the Company also retains records and documents in terms of legislation listed below for the relevant periods as provided in the applicable legislation. Please note that the records referred to on the listed legislation below are not exhaustive and as such, each request for access to a record will be treated uniquely with consideration of applicable legislation, procedure and policy.

Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of this legislation shall be made available for inspection by interested parties in terms of the requirements and conditions of the PAIA.

A non-exhaustive list of records kept by the Company in accordance with other legislation:

| Topic                          | Applicable legislation                                            |
|--------------------------------|-------------------------------------------------------------------|
| Employee-Employer Relationship | Basic Conditions of Employment Act 75 of 1997                     |
|                                | Compensation of Occupational Injuries and Diseases Act 13 of 1993 |
|                                | Disaster Management Act 57 of 2002                                |
|                                | Employment Equity Act 55 of 1998                                  |
|                                | Labour Relations Act 66 of 1995                                   |
|                                | Occupational Health and Safety Act 85 of 1993                     |
|                                | Unemployment Insurance Act 30 of 1966                             |
|                                | Skills Development Act 97 of 1998                                 |
| Revenue/ Income                | Value Added Tax Act 89 of 2001                                    |
|                                | Income Tax Act 58 of 1962                                         |
|                                | Skills Development Levies Act 9 of 1999                           |
|                                | Taxation Laws Amendment Acts                                      |
|                                | Unemployment Contributions Act 63 of 2001                         |
| General                        | National Credit Act 34 of 2005                                    |
|                                | Promotion of Access to Information Act 2 of 2000                  |
|                                | Protection of Personal Information Act 4 of 2013                  |
|                                | Broad-Based Black Empowerment Act 46 of 2003                      |
|                                | Companies Act 71 of 2008                                          |

|  |                                                              |
|--|--------------------------------------------------------------|
|  | Constitution of the Republic of South Africa Act 108 of 1996 |
|  | Copyright Act 98 of 1978                                     |
|  | Competition Act 89 of 1998                                   |
|  | Electronic Communications and Transaction Act 25 of 2002     |
|  | Consumer Protection Act 68 of 2008                           |
|  | Financial Intelligence Centre Act 31 of 2001                 |

### 5.3 Categories of Personal Information records held by the Company - Section 51 (1) (b) (iv)

The table below contains a non-exhaustive list and description of the subjects on which the Company holds records and the categories of records which may be held in respect of such a subject. Some of these records are not automatically available without a request in terms of PAIA. A request made in terms of PAIA for records in any of the categories below may be refused in accordance with any of the grounds of refusal as set out in PAIA.

| Subject                                      | Categories of records                                                  |
|----------------------------------------------|------------------------------------------------------------------------|
| <b>Statutory Records</b>                     | Company incorporation documents                                        |
|                                              | Memorandum of Incorporation                                            |
|                                              | Records lodged with the Companies and Intellectual Property Commission |
|                                              | Minutes of Meetings                                                    |
|                                              | Resolutions                                                            |
|                                              | Company Register                                                       |
|                                              | Share Register                                                         |
| <b>Fixed Property</b>                        | Title Deeds                                                            |
|                                              | Lease                                                                  |
|                                              | Building Plans                                                         |
|                                              | Mortgage Bonds or other encumbrances to fixed property                 |
| <b>Operational And Transactional Records</b> | Products                                                               |
|                                              | Market                                                                 |
|                                              | Customers                                                              |
|                                              | Brochures, Newsletters and Advertising Material                        |
|                                              | Sales                                                                  |
|                                              | Company Policies and Procedures                                        |
|                                              | Domestic and Export orders                                             |
| <b>Legal Records</b>                         | Documentation pertaining to Litigation or Arbitration                  |
|                                              | Agreements and Contracts                                               |
|                                              | Licenses and Permits                                                   |
| <b>Insurance Records</b>                     | Claims                                                                 |
|                                              | Insurance Policies                                                     |
|                                              | Correspondence                                                         |
| <b>Marketing, Suppliers and Products</b>     | Marketing and Advertising Records                                      |
|                                              | Brochures and other Promotional Information                            |
|                                              | Supplier details, including Terms and Conditions                       |
|                                              | Product Orders and - Specifications                                    |
| <b>Customer Records and Credit Services</b>  | Application Forms                                                      |
|                                              | Customer details, including Payments                                   |
|                                              | Transaction Records                                                    |
|                                              | Statutory Records                                                      |
|                                              | Records provided by a Third Party                                      |
|                                              | Correspondence                                                         |

|                                               |                                                            |
|-----------------------------------------------|------------------------------------------------------------|
| <b>Information Technology</b>                 | Business and Data Information                              |
|                                               | Domain Name Registrations                                  |
|                                               | IT Technology Capabilities                                 |
| <b>Intellectual Property</b>                  | Trademarks, Trade Names, Designs and Protected Name        |
|                                               | Agreements and Patents pertaining to Intellectual Property |
| <b>Human Resources and Financial Division</b> | Employee Records                                           |
|                                               | Employment Contracts                                       |
|                                               | Employee Disability Records                                |
|                                               | Recruitment Records                                        |
|                                               | Audited Financial Statements                               |
|                                               | Tax records (Company & Employees)                          |
|                                               | Management Accounts                                        |
|                                               | Asset Register                                             |

#### 5.4 Categories of Data Subjects and Personal Information records held by the Company - Section 51 (1) (c) (ii)

The table below contains a non-exhaustive list and description of the categories of Data Subjects and of the information or categories of information relating thereto which the Company holds in accordance with section 51(1)(c)(ii) of PAIA. Personal Information is classified and grouped according to records relating to the following categories of Data Subjects.

| Categories of Data Subjects                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                             | Personal Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Personnel Records</b>                                                | “Personnel” refers to any person. who works for or provides services to or on behalf of the Company and receives or is entitled to receive remuneration and any person who assists in carrying out or conducting the business of the Company. This includes without limitation, Company directors, (executive and non-executive), all permanent, temporary and part-time Company employees as well as contract workers. | Record of employee life cycle, e.g., name, surname, identity number/ passport number, address, qualifications, employment history, medical history, financial history, marital status, dependents, nationality, pregnancy. Social origin, well-being, disability, culture, language, gender, race, personal opinions, preferences and views, salary, etc.                                                                                                                                                                                                                                                                                                  |
| <b>Customer Related Records</b>                                         | A “customer” refers to any natural or juristic entity that receives products or services from the Company.                                                                                                                                                                                                                                                                                                              | Record of client life cycle, e.g., name, registration number or identity number, trade secrets, financial and criminal history, ownership, governance, risk and compliance management frameworks, structures and Records, statutory records, directors, management and staff’s Personal Information, employment status, symbol, e-mail address, physical address, telephone number, location information and/ or online identifier, relevant management Records, organograms, whistle blower reports, minutes of meetings, audit findings and reports, Personal Information impact assessments, policies and procedures, confidential correspondence, etc. |
| <b>Suppliers and Service Providers</b><br>(Natural or juristic persons) | Providers of services and/or their products to the Company.                                                                                                                                                                                                                                                                                                                                                             | Record of supplier or service provider life cycle, e.g., name, products, services, registration number or identity number, trade secrets, financial and criminal history, ownership, governing body, employment status, bank details, symbol, e-mail address, physical address, telephone number, location information and/ or online identifier, etc.                                                                                                                                                                                                                                                                                                     |

## 6. Processing of Personal Information

Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA. The Company processes Personal Information in accordance with POPIA. In terms of this Manual, the Company will ensure that all processing conditions of POPIA are complied with at the time of processing of Personal Information. The Company processes Personal Information of both living and juristic persons.

These conditions applies to all Personal Information, including those relating to Company employees and third parties, as well as information received from third parties.

The process only applies to Personal Information that exists at the time of the request and it does not require the Company to create a record which does not exist.

### 6.1 Data Subject rights

A Data Subject has the right to:

- request the Company to confirm, free of charge, whether the Company holds Personal Information about such Data Subject;
- request from the Company the record or a description of the Personal Information about him/ her or it, held by the Company, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the Personal Information, at a prescribed fee,;
- request the Company to correct or delete Personal Information about him/ her or it in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully;
- request the Company to destroy or delete a record of Personal Information about him/ her or it that the Company is no longer authorised to retain; or
- object to the processing of their Personal Information.

The Company will take all reasonable steps to confirm a Data Subject's identity before providing details of their Personal Information or making changes to their Personal Information.

If a Data Subject is required by the Company to pay a fee for services provided to the Data Subject to enable the Company to respond to a request, the Company -

- will give the Requester a written estimate of the fee before providing the services and may require the Requester to pay a deposit for all or part of the fee.
- may or must refuse to disclose any Personal Information requested on the same grounds for refusal of access to records as set out in this Manual.

### 6.2 Special Personal Information

We will only process your Special Personal Information, such as religious or philosophical beliefs, political persuasion, health or sex life, in accordance with the provisions of POPIA, for example:

- Where the Data Subject consents to the processing.
- Where it may be necessary for Us to establish, exercise, or defend a right or obligation in law.
- If it is necessary to comply with international public law.

- Processing is for historical, statistical, or research purposes in the public interest.
- Where the Data Subject made the Special Personal Information public.

The Company will generally treat information relating to its employees' health or sex life as confidential, unless it is required by law or in connection with its duties to communicate the information to other parties who are authorised to process such information in accordance with Section 32(1) of the POPIA.

Special Personal Information and Personal Information relating to Company employees will be processed in accordance with the rules established in compliance with labour legislation.

### 6.3 Personal Information of children

The Company does not as part of the general nature of the business it conducts process Personal Information relating to children. The Company will only process the Personal Information of its employees' children for purposes of the employees' employment benefits.

If, upon request by the Company, the Information Regulator grants authorisation, the Company will comply with the conditions imposed on it with regard to how it will, upon request of a competent person provide a reasonable means for that person to-

- review the Personal Information processed; and
- refuse to permit its further processing.

### 6.4 Guidance on Completion and Submission of Prescribed Access Forms

There are prescribed fees (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained herein below.

To request a record in terms of PAIA, the Requestor must complete the prescribed form contained as in **Annexure A**. This request must be sent to the Information Officer at the addresses provided herein.

For requests to access, object to, correct or delete the processing of personal information, the request must be made in writing on the applicable prescribed, **Form 1** (access) or **Form 3** (objection) or **Form 4** (correction or deletion), which are attached to this Manual and contained in Annexure A.

To facilitate the processing of your request, kindly:

- Use the prescribed Form and its annexures as contained in **Annexure A** below and complete in full,
- Provide sufficient detail to enable the Information Officer to identify the record(s) requested and the Requestor,
- Indicate which form of access is required,
- Identify the right that the Requester 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 the request is made on behalf of another 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.

The completed Form and its annexures, if applicable, must be submitted via courier or email and must be addressed to the Information Officer.

## 6.5 Applicable time periods

PAIA makes provision for certain grounds upon which a request for access to Personal Information must be refused. On this basis, the Information Officer will decide whether or not to grant a request for access to the Personal Information.

The Company will inform the Requester within 30 (thirty) days, after a request has been received or after the particulars required in terms of paragraph 6.4 above has been received, of its decision whether or not to grant the request, including adequate reasons for the refusal per **Annexure A Form 2**. The 30 (thirty)-day period may be extended by a further period of not more than 30 (thirty) days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Company or the records are not located at the office of the Company, or consultations with another private body is required.

## 6.6 Disclosure of Personal Information to third parties

We may disclose your personal information to third parties such as our employees, associates and service providers (i.e., Operators), for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.

Should the Company disclose your Personal Information to third parties, the latter will be obliged to use that Personal Information for the reasons and purposes the Personal Information was disclosed for.

## 6.7 Trans-border/Cross border flows of Personal Information

We may transfer and store your Personal Information to recipients and servers outside of the Republic of South Africa. However, the Company complies with the conditions for the transborder flow of Personal Information as provided by section 72 of POPIA.

## 6.8 Security

The Company takes reasonable, appropriate and adequate technical and organisational measures to ensure that your Personal Information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorized access. We contractually mandate any third parties to which your Personal Information is transferred to keep your Personal Information secure in accordance with the provisions of POPIA.

The Company regularly reviews our security controls and related processes to ensure that your Personal Information is secure. However, where there are reasonable grounds to believe that your Personal Information has been accessed or acquired by any unauthorised person, we will notify the Information Regulator and you, unless the Information Regulator or a public body responsible for detection, prevention or investigation of offences, informs us that notifying you will impede a criminal investigation.

# 7. Refusal of Access to records

## 7.1 Grounds for refusal

In terms of section 62 to 69 of PAIA, the Information Officer may refuse access to a record if:

- the disclosure would be an unreasonable disclosure of Personal Information about a third party, including a deceased individual;
- the request for access will be refused if the record contains trade secrets, financial, commercial, scientific or technical information of the body or a third party that is likely to harm or prejudice the Company or third party;
- information supplied in confidence by a third party;
- if disclosure would constitute an action for breach of the duty of confidence owed to a third party in terms of an agreement;
- if disclosure would constitute a violation of any law or statute, such as the Copyright Act, 1978;
- disclosure could reasonably be expected to endanger the life, physical safety or property of the individual;
- it is for the protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege;
- the disclosure of research information of the Company or a third party on behalf of the Company would expose the third party, the Company, the researcher or the subject matter of the research to serious disadvantage; and
- the Information Officer is of the opinion that processing requests will be unreasonably time-consuming and lead to a waste of resources. In addition, the Information Officer may refuse access to a record if the request is seen to be made by a Requester to unnecessarily annoy or provoke.

The Company may withhold a record until the Requester has paid the applicable fee (if any).

## 7.2 Remedies available when the Company refuses a request

### 7.2.1 Internal remedies

The Company does not have any internal appeal procedures that may be followed after a request to access information has been refused. As such, the decision made by the Information Officer, as approved by the CEO is final.

Requestors will have to exercise such external remedies at their disposal if the request for Personal Information is refused and the Requestor is not satisfied with the answer supplied by the Information Officer.

### 7.2.2 External remedies

Subject to the provisions of PAIA, a Requester that is dissatisfied with a decision regarding a request for Personal information, may within 180 (one hundred and eighty) days of notification of the decision, submit a complaint, alleging that the decision was not in compliance with the PAIA, to the Information Regulator in the prescribed manner and form for appropriate relief or apply to a Court having competent jurisdiction.

The above provisions apply to a third party dissatisfied with the Information Officers decision.

A complaint form [Regulation 10], can be found on the website of the Information Regulator <https://infoeregulator.org.za/>.

### 7.3 Payment of Prescribed Fees

Subsequent to a complete and valid request being made, the Information Officer shall by notice inform the Requester whether their request has been granted or refused and pay the prescribed request fee (if any) before further processing of the request.

PAIA provides for two types of fees, namely:

- A Request Fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- An Access Fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

Prescribed Fees as published under PAIA Regulations can be found in **Annexure B** of this Manual.

If the search for a record of the Company in respect of which a request for access has been made and the preparation of the record for disclosure, including any arrangements to provide it in the required form would, in the opinion of the Information Officer, require more than six hours, the Information Officer/ Deputy Information Officer shall notify the Requester to pay a deposit as set out in Annexure B ("Notice").

This Notice will state-

- the amount of the deposit payable, if applicable;
- that the Requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the Request Fee, or the tender or payment of a deposit, as the case may be; and
- the procedure (including the period) for lodging the complaint to the Information Regulator or the application.

If a deposit has been paid in respect of a request for access which is refused, the Information Officer/ Deputy Information Officer will repay the deposit to the Requester.

The Information Officer/ Deputy Information Officer shall withhold a record until the Requester has paid the required fees.

A Requester whose request for access to a record of the Company has been granted must pay an Access Fee for reproduction and for search and preparation, respectively, for any time reasonably required in excess of six hours to search for and prepare (including making any arrangements to provide it in the requested form) the record for disclosure.

The actual postage is payable when a copy of a record must be posted to a Requester.

## 8. Records that cannot be found or do not exist

If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the Company's possession but cannot be found or it does not exist, the managing executive of the Company shall, by way of affidavit or affirmation, notify the Requester that it is not possible to

give access to that record. (This will be regarded as a decision to refuse a request for access to the record concerned.)

This affidavit or affirmation will give a full account of all steps taken to find the record in question or to determine whether the record exists including all communications with every person who conducted the search on behalf of the Company.

If, after notice is given, the record in question is found, the Information Officer/ Deputy Information Officer will give access to the Requester concerned to the record unless access is refused on a ground for refusal contemplated in this Manual.

## 9. Revision history

| Approved date | Approved by and resolution reference    | Revision no | Description of change                      |
|---------------|-----------------------------------------|-------------|--------------------------------------------|
|               |                                         | 1           | Initial creation                           |
| 26/04/2022    | Social and Ethics Committee             | 2           | Annual review                              |
| 03/08/2023    | Compliance, Social and Ethics Committee | 3           | Annual review – update in light of AAF 2.0 |

# Annexure A

## Form 1

### 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  
 {insert company name and registration number}  
 {insert company Information Officer email address}

Mark with an "X"

☐ Request is made in my own name

☐ Request is made on behalf of another person

| PERSONAL INFORMATION <sup>1</sup>                                                                |           |  |            |
|--------------------------------------------------------------------------------------------------|-----------|--|------------|
| Full Name and surname                                                                            |           |  |            |
| Identity Number/ Passport Number                                                                 |           |  |            |
| Capacity in which request is made<br>(when made on behalf of another person) <sup>2</sup>        |           |  |            |
| Postal Address <sup>3</sup>                                                                      |           |  |            |
| Street Address                                                                                   |           |  |            |
| E-mail Address                                                                                   |           |  |            |
| Contact Numbers                                                                                  | Tel. (B): |  | Facsimile: |
|                                                                                                  | Cellular: |  |            |
| Full name and surname of person on whose behalf request is made<br>(if applicable): <sup>4</sup> |           |  |            |
| Identity Number/ Passport Number                                                                 |           |  |            |
| Postal Address                                                                                   |           |  |            |
| Street Address                                                                                   |           |  |            |
| E-mail Address                                                                                   |           |  |            |
| Contact Numbers                                                                                  | Tel. (B): |  | Facsimile: |
|                                                                                                  | Cellular: |  |            |
| PARTICULARS OF RECORD REQUESTED                                                                  |           |  |            |

<sup>1</sup> The particulars of the person who requests access to the record must be recorded.

<sup>2</sup> Proof of the capacity in which the request is made (Letter of Authorisation), if applicable, must be attached.

<sup>3</sup> Furnish an address in the Republic to which information must be sent.

<sup>4</sup> This section must be completed only if a request for information is made on behalf of another person

*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.)*

|                                                              |  |
|--------------------------------------------------------------|--|
| <b>Description of record or relevant part of the record:</b> |  |
|                                                              |  |
|                                                              |  |
|                                                              |  |
| <b>Reference Number, if available:</b>                       |  |
| <b>Any further particulars of record:</b>                    |  |
|                                                              |  |

|                                                                                                         |
|---------------------------------------------------------------------------------------------------------|
| <p align="center"><b>TYPE OF RECORD</b></p> <p align="center">(Mark the applicable box with an "X")</p> |
|---------------------------------------------------------------------------------------------------------|

|                                                                                                                                        |  |
|----------------------------------------------------------------------------------------------------------------------------------------|--|
| 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                                                             |  |

|                                                                                                         |
|---------------------------------------------------------------------------------------------------------|
| <p align="center"><b>FORM OF ACCESS</b></p> <p align="center">(Mark the applicable box with an "X")</p> |
|---------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                      |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 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 (written or printed document)                                                                                                            |  |
| 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                                                                                                                         |  |

|                                                                                                           |
|-----------------------------------------------------------------------------------------------------------|
| <p align="center"><b>MANNER OF ACCESS</b></p> <p align="center">(Mark the applicable box with an "X")</p> |
|-----------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                                       |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 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 (including transcriptions)                                                                                                                                                                      |  |
| E-mail of information (including soundtracks if possible)                                                                                                                                                                                             |  |
| Cloud share/file transfer                                                                                                                                                                                                                             |  |

|                           |
|---------------------------|
| <b>Preferred language</b> |
|---------------------------|

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

|  |
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|  |
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**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

|                                                                                                          |  |
|----------------------------------------------------------------------------------------------------------|--|
| Indicate which right is to be exercised or protected                                                     |  |
|                                                                                                          |  |
| Explain why the record requested is required for the exercise or protection of the aforementioned right: |  |
|                                                                                                          |  |
|                                                                                                          |  |

**FEES**

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption

|               |  |
|---------------|--|
| <b>Reason</b> |  |
|               |  |

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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
Signature of requester/ person on whose behalf request is made

**FOR OFFICIAL USE**

|                                                             |  |
|-------------------------------------------------------------|--|
| Reference number:                                           |  |
| Request received by:<br>(Rank, Name and Surname of IO/ DIO) |  |
| Date received:                                              |  |
| Access fees:                                                |  |
| Deposit (if any)                                            |  |

\_\_\_\_\_  
Signature of Information Officer/ Deputy Information Officer

## OUTCOME OF REQUEST AND OF FEES PAYABLE (Regulation 8)

### NOTE:

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

Reference number: \_\_\_\_\_

TO: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your request dated \_\_\_\_\_ refers.

### 1. You requested:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| Personal inspection of information at registered address of private/public body (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) is free of charge. You are required to make an appointment for the inspection of the information and to bring this form with you. If you then require any form of reproduction of the information, you will be liable for the fees as prescribed. |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

OR

### 2. You requested:

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

### 3. Requested Personal Information to be provided via:

|                                   |  |
|-----------------------------------|--|
| Postal service to postal address  |  |
| Postal service to street address  |  |
| Courier service to street address |  |
| Email                             |  |
| Cloud share / file transfer       |  |

**Please 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.

Kindly note that your request has been:

☐  
☐

Approved

Denied, for the following reasons:

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**4. Fees payable with regards to your request:**

Please note the below fees are in addition to the initial request fee and the search and preparation fee (if applicable).

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

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

☐

Yes

☐

No

| Hours of search | Amount of deposit<br>(calculated on one third of total amount per request) |
|-----------------|----------------------------------------------------------------------------|
|                 |                                                                            |

The amount must be paid into the following bank account before the requested Personal Information will be provided:

|                        |  |
|------------------------|--|
| Name of Bank           |  |
| Name of account holder |  |
| Type of account        |  |
| Account number         |  |
| Branch code            |  |

|                            |  |
|----------------------------|--|
| Reference number           |  |
| Submit proof of payment to |  |

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_

Information Officer / Deputy Information Officer

**OBJECTION TO PROCESSING OF PERSONAL INFORMATION**

Please submit the completed form to the Information Officer/ Deputy Information Office @ \_\_\_\_\_

**Details of Data Subject**

Name and Surname

Identity Number

Residential Address

Contact Number

Email Address

**Details of Responsible Party**

Registered name of responsible party:

Residential, postal or business address:

Contact number(s):

E-mail address:

**Reasons for objection to processing in terms of Section 11(1)(d) to (f) of POPIA***(Please provide detailed reasons for the objection)***Signature of Data Subject**

Signed on

Signature

**Please Note:**

1. The Information Officer/ Deputy Information Officer may require you to provide an affidavit or other documentary evidence as applicable in support of the objection prior to processing your request.
2. If the space provided for in this Form is inadequate, submit information as an annexure to this Form and sign each page.
3. The person signing this in a representative capacity warrants their authority to do so.

## REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

### Please Note:

1. The Information Officer/ Deputy Information Officer may require you to provide an affidavit or other documentary evidence as applicable in support of the objection prior to processing your request.
2. If the space provided for in this Form is inadequate, submit information as an annexure to this Form and sign each page.
3. The person signing this in a representative capacity warrants their authority to do so.

|                                              |                                                                                                                                                                                                                                     |
|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Mark the appropriate box with an "x".</b> |                                                                                                                                                                                                                                     |
| <b>Request for:</b>                          |                                                                                                                                                                                                                                     |
| <input type="checkbox"/>                     | Correction or deletion of the Personal Information about the data subject which is in possession or under the control of the responsible party i.e., the Company                                                                    |
| <input type="checkbox"/>                     | Destroying or deletion of a record of Personal Information about the Data Subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of personal information |

|                                                                                                                            |  |
|----------------------------------------------------------------------------------------------------------------------------|--|
| <b>Please submit the completed form to the Information Officer/ Deputy Information Officer @ _____</b>                     |  |
| <b>Details of Data Subject</b>                                                                                             |  |
| Name and Surname                                                                                                           |  |
| Identity Number                                                                                                            |  |
| Residential Address                                                                                                        |  |
| Contact Number                                                                                                             |  |
| Email Address                                                                                                              |  |
| <b>Details of Responsible Party</b>                                                                                        |  |
| Registered name of responsible party:                                                                                      |  |
| Residential, postal or business address:                                                                                   |  |
| Contact number(s):                                                                                                         |  |
| E-mail address:                                                                                                            |  |
| <b>Information to be Corrected/ Deleted/ Destroyed</b>                                                                     |  |
|                                                                                                                            |  |
|                                                                                                                            |  |
| <b>Please provide detailed reasons for the request for correction, deletion or destruction of the Personal Information</b> |  |

|  |
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|  |
|  |
|  |

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
Signature of the Data Subject or duly authorised representative

## Annexure B

### PREScribed FEES

| Item | Description                                                                                                                                                                                          | Amount                                                                    |
|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| 1.   | The Request Fee payable by every Requester                                                                                                                                                           | R140.00                                                                   |
| 2.   | Photocopy/ printed black & white copy of A4-size page<br><i>(This applies to Records as well as a copy of this Manual)</i>                                                                           | 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:<br>(i) Flash drive (to be provided by requester)<br>(ii) Compact disc<br>- If provided by requester<br>- If provided to the requestor                     | R40.00<br>R40.00<br>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                                                                                                                                                                                |                                                                           |
| 7.   | Transcription of an audio Record per A4-size page                                                                                                                                                    | R24.00                                                                    |
| 8.   | A copy of an audio Record on:<br>(i) Flash drive (to be provided by requester)<br>(ii) Compact disc<br>- If provided by requester<br>- If provided to the requestor                                  | R40.00<br>R40.00<br>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<br>To not exceed a total cost of | R145.00<br>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.                                                   |