

**Lotus South Africa Manufacturing (Pty) Ltd**

**Registration Number: 2017/311726/07**

**PAIA MANUAL**

Manual in terms of Section 51 of the Promotion of  
Access to Information Act 2 of 2000

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## 1. DEFINITIONS AND INTERPRETATION

**Company** means Lotus South Africa Manufacturing (2017/311726/07);

**Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in POPIA and in section 13 of this Manual;

**Data Subject** has the meaning ascribed thereto in section 1 of POPIA and includes both natural persons and juristic persons;

**Information Officer** means the duly authorised Head (as defined in section 1 of PAIA) of the Company or such person that has been registered as the information officer with the Information Regulator in accordance with POPIA, being Wilna Maritz;

**Manual** means this manual prepared in accordance with section 51 of PAIA;

**PAIA** means the Promotion of Access to Information Act 2 of 2000, as amended or replaced from time to time;

**Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

**POPIA** means the Protection of Personal Information Act 4 of 2013, as amended or replaced from time to time;

**POPIA Regulations** means the regulations promulgated in terms of section 112(2) of POPIA;

**Private Body** means-

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;

- (b) a partnership which carries or has carried on any trade, business or profession; or
- (c) any former or existing juristic person, but excludes a public body;

**Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including-

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

**Record** of, or in relation to, a Private Body, means any recorded information-

- (a) regardless of form or medium;
- (b) in the possession or under the control of that Private Body; and
- (c) whether or not it was created by that Private Body;

**Requester**, in relation to a Private Body, means-

- (a) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that Private Body; or
- (b) a person acting on behalf of the person contemplated in (a) above;

**Request for Access**, in relation to a Private Body, means a request for access to a record of a Private Body in terms of section 50 of PAIA;

**Responsible Party** means a public body or Private Body or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;

**SAHRC** means the South African Human Rights Commission; and

**Special Personal Information** means Personal Information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information and criminal behaviour.

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

## **2. PREAMBLE**

- 2.1 PAIA came into operation on 23 November 2001 and POPIA came into effect on 1 July 2020, subject to a 12-month grace period. The Company is a Private Body as defined in PAIA. Section 51 of PAIA requires that the Company as a Private Body compiles a manual giving information to the public regarding the procedure to be followed when requesting information from the Company for the purpose of exercising or protecting rights.

2.2 The Manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA and POPIA. Requesters are advised to familiarise themselves with the provisions of PAIA and POPIA before making any request to the Company in terms of PAIA and POPIA.

### **3. INTRODUCTION TO THE COMPANY**

3.1 Lotus South Africa Manufacturing (Pty) Ltd conducts business as manufacturer and exporter of the BEAR brand that offers an extensive range of healthy snacks for children.

3.2 The Company has compiled this Manual to comply with the provisions of PAIA and POPIA and to ensure that members of the public have effective access to information in the Company's possession which will assist them in exercising and protecting their rights. Where information requested is not immediately available the Company will endeavour to make it available in a timely manner insofar as that is reasonably practicable in the circumstances.

3.3 This Manual sets out the procedure to be followed to facilitate a request to access to information as well as the following information:

- (a) Purpose of the processing of Personal Information;
- (b) Description of the categories of Data Subjects and of the information or categories of information relating thereto;
- (c) The recipients or categories of recipients to whom Personal Information may be supplied;
- (d) Planned transborder flows of Personal Information;
- (e) A general description of the security measures implemented by the Company to ensure the confidentiality, integrity and availability of the information which is to be processed.

### **4. DETAILS OF THE COMPANY**

Full name: Lotus South Africa Manufacturing Proprietary Limited

Registration number: 2017/311726/07

Registered address: Erf 4109  
Voortrekker Road  
Wolseley  
Western Cape  
6830

Business address: Erf 4109  
Voortrekker Road  
Wolseley  
Western Cape  
6830

Postal address: PO Box 78  
Wolseley

Western Cape  
6830  
Telephone number: 023 4920070  
Fax number: NA  
Information Officer: Wilna Maritz  
Email address of Information Officer: wilna.maritz@lotusbakeries.com

## 5. SAHRC GUIDE

- 5.1 Section 10 of PAIA requires the South African Human Rights Commission (SAHRC) to publish a guide containing information reasonably required by a person wishing to exercise any right in terms of PAIA.
- 5.2 The Guide that has been published contains the following information:
- (a) the object of PAIA;
  - (b) particulars of the information;
  - (c) the manner and form of a Request for Access to information held by a Private Body;
  - (d) assistance available from both the Information Officer and the SAHRC in terms of PAIA;
  - (e) all remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
  - (f) schedules of fees to be paid in relation to requests for access to information; and
  - (g) regulations made in terms of PAIA.
- 5.3 A copy of this Guide is available for inspection at the offices of the SAHRC and on the website at [www.sahrc.org.za](http://www.sahrc.org.za). Contact details are as follows:

Post: South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag X2700  
Houghton 2041

Telephone: 011 877 3600

Fax: 011 403 0668

Website: [www.sahrc.org.za](http://www.sahrc.org.za) or [www.section51.paia@sahrc.org.za](mailto:www.section51.paia@sahrc.org.za)

E-mail: PAIA@sahrc.org.za

## **6. INFORMATION AVAILABLE IN TERMS OF PAIA**

### **6.1 Categories of information**

We hold the following categories of information which are available for inspection in terms of PAIA. The procedure in terms of which such Records may be requested from the Company is set out in Section 7 of this Manual. The Records listed below will not in all instances be provided to a Requester who requests them in terms of PAIA as the Requester is required to identify the right the Requester is seeking to exercise or protect and to provide an explanation of why the requested Record is required for the exercise or protection of that right. Furthermore, the request may be denied on the basis of the grounds of refusal under PAIA.

#### Categories of Records and description of Records held:

- (a) Financial Records (where applicable)
  - (i) Tax Records including SARS and E-filing;
  - (ii) Debtors' Records;
  - (iii) Creditors' Records;
  - (iv) Insurance Records;
  - (v) Auditors' Reports;
  - (vi) Annual financial statements;
  - (vii) Internal monthly pack
  - (viii) Bank statements and other banking records;
  - (ix) Invoices issued in respect of debtors and billing information;
  - (x) Records regarding the Company's financial commitments.
- (b) Accounting Records
  - (i) Books of account including journals and ledgers
  - (ii) Delivery notes, orders, invoices, statements, receipts and vouchers.
- (c) Taxation Records
  - (i) Employee tax information;
  - (ii) Company tax information.
- (d) Employee Records including internal policies and procedures
  - (i) Personnel Records of Employees;
  - (ii) Conditions of employment;

- (iii) Employment contracts;
  - (iv) Employment policies and procedures;
  - (v) Salary and wage register and other payroll records;
  - (vi) Registrations with Department of Labour, Unemployment Insurance Fund, Compensation Fund and in terms of the Skills Development Levies Act;
  - (vii) Records of Unemployment Insurance Fund contributions;
  - (viii) Health and safety Records;
  - (ix) Workplace skills plans and training records; and
  - (x) Other internal Records.
- (e) Agreements and contracts
- (i) All agreements of a material nature.
- (f) Administration, secretarial and legal records (where applicable)
- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
  - (ii) Shareholder Records;
  - (iii) Share register;
  - (iv) Minutes of meetings of directors;
  - (v) Records relating to the incorporation of the Company;
  - (vi) Minutes of meetings of committees and sub-committees;
  - (vii) Powers of Attorney;
  - (viii) Records of litigation / arbitration proceedings;
  - (ix) Title deeds;
  - (x) Trade mark, copyright, patent, service mark certificates and registrations;
  - (xi) Material licences, permits and authorisations.
- (g) Insurance
- (i) Insurance policies;
  - (ii) Claim Records;
  - (iii) Details of insurance coverage, limits and insurers.
- (h) Information Technology



- (i) Hardware;
  - (ii) Operating systems and other operational records;
  - (iii) Telephone and other lines;
  - (iv) Software packages;
  - (v) Agreements;
  - (vi) Support and maintenance agreements;
  - (vii) User manuals and licences.
- 
- (i) Sales, advertising, promotional and marketing materials;
  - (j) Databases;
  - (k) Records pertaining to health and safety and the environment;
  - (l) Production and quality records;
  - (m) Facilities Management records;
  - (n) Biometric systems; and
  - (o) Surveillance cameras.

## **7. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

7.1 Information is available in terms of the following legislation, persons or entities specified in such legislation:

- (a) Basic Conditions of Employment Act, 75 of 1997;
- (b) Companies Act, 71 of 2008;
- (c) Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- (d) Competition Act, 89 of 1998;
- (e) Consumer Protection Act, 68 of 2008;
- (f) Electronic Communications and Transactions Act, 25 of 2002;
- (g) Employment Equity Act, 55 of 1998;
- (h) Financial Intelligence Centre Act, 38 of 2001;
- (i) Income Tax Act, 58 of 1962;
- (j) Insolvency Act, 24 of 1936;
- (k) Insurance Act, 63 of 2001;

- (l) Labour Relations Act, 66 of 1995;
- (m) Occupational Health and Safety Act, 85 of 1993;
- (n) Pension Funds Act, 24 of 1956;
- (o) Protected Disclosures Act, 26 of 2000;
- (p) Protection of Personal Information Act, 4 of 2013;
- (q) Skills Development Act, 97 of 1998;
- (r) Skills Development Levies Act, 9 of 1999;
- (s) Unemployment Insurance Act, 63 of 2001;
- (t) Unemployment Insurance Contributions Act, 4 of 2002;
- (u) Value Added Tax Act, 89 of 1991.

7.2 The abovementioned Acts, as amended, apply and the list is not exhaustive.

7.3 Records available in terms of the abovementioned legislation are available automatically without a person having to request access thereto in terms of PAIA, as envisaged in Section 52 of PAIA.

## **8. INFORMATION AUTOMATICALLY AVAILABLE**

8.1 The following categories of Records are automatically available for inspection, purchase or photocopying.

8.2 Request forms for these categories of information are also available from the Company's Information Officer, whose contact details appear in clause 1 of this Manual:

- (a) General information pertaining to the Company;
- (b) Services information and brochures;
- (c) Newsletters.

## **9. SUBJECTS, CATEGORIES AND DESCRIPTION OF INFORMATION HELD**

Please note that the Records listed in clause 6 above are not automatically available, and the process outlined in PAIA in respect of access to information must be followed.

## **10. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION IN TERMS OF PAIA**

10.1 A request must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record. These procedural requirements are set out in this section.

- 10.2 If a Requester wishes to request access to any of the aforementioned categories of information, s/he is required to complete a request form as set out in annexure "A" hereto. These forms are also available from:
- (a) The Company's Information Officer (whose contact details are in clause 1 of this Manual);
  - (b) the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za));
  - (c) The Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).
- 10.3 In certain instances there is a prescribed fee (payable in advance where applicable) for requesting and accessing information in terms of PAIA. Details of these fees are contained in the request form. A Requester may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information that is requested, including the costs of making copies of the information.
- 10.4 In terms of 54(3)(b) of PAIA a Requester may lodge a complaint with the Information Regulator or make 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.
- 10.5 It is important to note that access to information is not guaranteed – the Requester must identify the right she/he/it is seeking to protect and explain why the Record requested is required for the exercise or protection of that right. The Request for Access form must be completed with enough particularity to at least enable the Information Officer to identify the following:
- The Record/s requested;
  - The identity of the Requester;
  - The form of access that is required, if the request is granted;
  - The postal address or fax number of the Requester; and
  - The right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.
- 10.6 The Requester will be notified in the manner indicated by him/her/it on the Request for Access form whether or not his/her/its request has been approved.
- 10.7 The completed request must be submitted, together with the prescribed fee where applicable, to the Information Officer at the postal or physical address or electronic mail address recorded in clause 3 above.
- 10.8 The Company will process the Request for Access within 30 days of receipt of the Request for Access, unless the Request for Access is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA. In the case of an extension of the time limit, the Requester has the right to lodge a complaint with the Information Regulator in accordance with section 57(3)(c) of PAIA by following the process and completing the form prescribed by POPIA. The Requester may also make an application with a court against the extension.

- 10.9 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requestor must state the manner and the particulars so required.
- 10.10 If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.
- 10.11 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 10.12 The prescribed fee for reproduction of the Record requested by a Personal Requestor will be charged in accordance with section 54(6) of PAIA and Annexure B below.
- 10.13 If the search for a Record of the Company in respect of which a Request for Access by a Requester has been made; and the preparation of that Record for disclosure would, in the opinion of the Information Officer, require more than the hours prescribed for this purpose, the Information Officer must by notice require the Requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable should the request be granted.
- 10.14 The Requester may lodge a complaint with the Information Regulator or make an application to court against the tender of the request fee or the tender or payment of a deposit, as the case may be.
- 10.15 If the Requester's interest does affect a third party then the Company will first need to inform the third party within 21 days of receiving the request and the third party will have 21 days to make representations and/or submissions regarding the granting of access to the Record. If the Information Officer does decide to grant access to the Record after considering these submissions, the third party that has been affected has 30 days in which to appeal the decision in the High Court or to lodge a complaint with the Information Regulator in accordance with section 74 of POPIA in the prescribed form. If no appeal or complaint is lodged within 30 days, the Requester must be granted access to the Record.

## **11. GROUNDS FOR REFUSAL**

- 11.1 There are various grounds upon which the Company may or must refuse a Request for Access to a Record in accordance with Chapter 4 of PAIA. They are:
- (a) the protection of Personal Information of a third person (who is a natural person, including a deceased person) from unreasonable disclosure (section 63 of PAIA);
  - (b) the protection of commercial information of a third party if the Records contain trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party (section 64 of PAIA);
  - (c) refusing access to a Record if disclosure would result in the breach of a duty of confidence owed to a third party (section 65 of PAIA);
  - (d) refusing access to a Record if it would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person (section 66 of PAIA);
  - (e) refusing access to a Record that was produced during legal proceedings, unless that legal privilege has been waived (section 67 of PAIA);

- (f) refusing access to a Record containing trade secrets, financial or sensitive information or any information that would put the Private Body at a disadvantage in negotiations or prejudice it in commercial competition (section 68 of PAIA);
- (g) refusing access to a Record containing information about research being carried out or about to be carried out on behalf of a third party (section 69 of PAIA).

11.2 Section 70 of PAIA contains an overriding provision. Disclosure of a Record that has been requested is compulsory if it would reveal a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the Record clearly outweighs the harm contemplated by its disclosure.

11.3 If all reasonable steps have been taken to find a Record requested and there are reasonable grounds for believing that the record (a) is in the Private Body's possession but cannot be found or (b) does not exist, the Head of the Private Body must, by way of affidavit or affirmation, notify the Requester that it is not possible to give access to that Record.

## **12. THE INFORMATION OFFICER'S DECISION AND REQUESTER'S RECOURSE**

12.1 Once the Information Officer has considered all the submissions, he or she will make a decision as to whether or not access to the Record will be granted. If access is granted the Requester must then be granted access to the Record within 30 days of being informed of the decision.

12.2 If the Information Officer does not grant the Requester access to the Record the Requester is entitled in accordance with sections 56(3) (c) and 78 of PAIA to apply to a court for relief within 180 days of notification of the decision. Such relief may include any order compelling the Record or Records requested to be made available to the Requester or for another appropriate order. The court will determine whether the Records should be made available or not. The Requester may also lodge a complaint with the Information Regulator against the refusal of the request.

12.3 The Requester may also approach the Information Regulator and lodge a complaint in accordance with section 74 of POPIA in the prescribed form against the access fee to be paid or the form of access granted. The details of the Information Regulator are as follows:

The Information Regulator (South Africa)  
33 Hoofd Street  
Forum III, 3rd Floor Braampark  
Braamfontein, Johannesburg  
email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

12.4 The Company does not have any internal appeal procedures. As such, the decision made by the Information Officer is final and Requesters will have to exercise the external remedies at their disposal in the event that a Request for Access is refused.

12.5 The Requester is entitled to receive proper reasons as to why the request was refused.

## **13. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY**

### **13.1 Conditions for Lawful Processing**

Chapter 3 of POPIA sets out the Conditions for Lawful Processing of Personal Information which must be complied with when a Responsible Party Processes Personal Information. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

- a) Accountability  
POPIA provides that the Responsible Party is obliged to ensure that the Conditions for Lawful Processing and all other measures required in terms of POPIA are complied with.
- b) Processing limitation  
The Processing must be done lawfully and in a manner that does not infringe the right to privacy of a Data Subject. Personal Information may only be Processed if, given the purpose for which it is Processed, it is adequate, relevant and not excessive. There must furthermore be a justification for Processing Personal Information. Consent is one of the justifications but Personal Information may be Processed in the absence of consent if it is necessary for pursuing the legitimate interests of the Responsible Party or the third party to whom it is disclosed or for the protection of the legitimate interests of the Data Subject. It may also be Processed if it complies with an obligation imposed by law or where it is necessary for the performance of a contract. The Processing of Special Personal Information or Personal Information of children generally requires consent, subject to certain limited exceptions.
- c) Purpose specification  
POPIA provides that Personal Information must be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the Responsible Party. Subject to certain exceptions, Records of Personal Information must not be retained for longer than is necessary to achieve the purpose for which it was collected or subsequently Processed, and must be destroyed or deleted once the Responsible Party is no longer authorised to retain the Record. Such exceptions include where (i) the retention is required or authorised by law, (ii) the Data Subject has consented to the retention, or (iii) the Personal Information is being retained for historical, statistical or research purposes.
- d) Further Processing Limitation  
POPIA provides that the further Processing of Personal Information must be in accordance with or compatible with the purpose for which the Personal Information was collected.
- e) Information quality  
A Responsible Party must take reasonably practicable steps to ensure that Personal Information is complete, accurate, not misleading and updated where necessary.
- f) Openness  
A Responsible Party is required to maintain the documentation of all Processing operations under its responsibility as required in terms of PAIA and must take reasonably practicable steps to ensure that the Data Subject is made aware of the Personal Information being collected, together with other stipulated information, subject to certain exceptions.
- g) Security safeguards  
POPIA provides that a Responsible Party must secure the integrity and confidentiality of Personal Information in its possession or under its control by implementing appropriate, reasonable technical and organisational measures to prevent the loss of, damage to or unauthorised destruction of Personal Information, or unlawful access to or Processing of Personal Information. In addition, the Responsible Party should take all reasonable measures to identify all reasonably foreseeable internal and external risks, establish and maintain appropriate safeguards against risks identified, verify that the safeguards are

effectively implemented and ensure that the safeguards are updated in response to new risks.

h) Data subject participation

A Data subject is entitled to request a Responsible Party to confirm whether or not it holds Personal Information about the Data Subject, and to request the Record itself or a description of the Record, subject to the requirements in PAIA. A Data Subject may also request a Responsible Party to correct or delete Personal Information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or to destroy or delete personal information that a Responsible Party is no longer authorised to retain.

**13.2 Purpose of the Processing of Personal Information by the Company**

The purposes for which the Company Processes or will Process Personal Information are set out in Annexure C.

**13.3 Categories of Data Subjects and Personal Information/Special Personal Information relating thereto**

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. The categories of Data Subjects in relation to which the Company Processes Personal Information are set out in Annexure D.

**13.4 Recipients or categories of recipients of Personal Information**

The following are the recipients to whom the Company may provide a Data Subject's Personal Information:

- (a) various vendors or suppliers;
- (b) service providers;
- (c) third-party applications or platforms; and/ or
- (d) companies within the Company's group of companies.

**13.5 Cross-border flows of Personal Information**

13.6 Section 72 of POPIA provides that Personal Information may only be transferred by a Responsible Party to a third party in a foreign country outside of the Republic of South Africa in the following circumstances:

- (a) If the third party who is the recipient of the Personal Information is subject to a law, binding corporate rules or a binding agreement which provide an adequate level of protection that effectively upholds principles similar to the Conditions for Lawful Processing under POPIA, including provisions relating to the further transfer of Personal Information from the recipient to third parties who are in a foreign country; or
- (b) If the Data Subject consents to the transfer of their Personal Information; or
- (c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

- (d) If the transfer is necessary for the conclusion or performance of a contract between the Responsible Party and a third party, concluded in the interests of the Data Subject; or
- (e) If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

13.7 Annexure E contains a list of the planned cross-border transfers of Personal Information and the justification for such transfers.

13.8 The Company has entered into an agreement with all its offices and affiliates to ensure that Personal Information shared with other entities within its group is adequately protected.

### **13.9 Description of information security measures to be implemented by the Company**

The types of security measures implemented by the Company in order to secure the integrity and confidentiality of the Personal Information and ensure that Personal Information is protected from loss, damage, unauthorized destruction or unlawful access are listed in Annexure F hereto.

### **13.10 Objection to the Processing of Personal Information by a Data Subject**

Section 11(3) of POPIA and Regulation 2 of the POPIA Regulations provides that a Data Subject may object to Processing in the prescribed form attached as Annexure G to this Manual where the Processing is based on one of the following grounds, unless legislation provides for such Processing:

- Processing protects a legitimate interest of the Data Subject;
- Processing is necessary for the proper performance of a public law duty by a public body;
- Processing is necessary for pursuing the legitimate interests of the Responsible Party or of a third party to whom it is supplied;
- Processing is for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications as referred to in section 69 of POPIA.

### **13.11 Request for correction or deletion of Personal Information**

Section 24 of POPIA and Regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Annexure H to this Manual.



**ANNEXURE A: FORM C (REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY)**

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)  
(Regulation 10)

**1. Particulars of Private Body**

The Head:

**2. Particulars of person requesting access to the Record**

- 2.1 The particulars of the person who requests access to the Record must be given below.
- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: .....

Identity number: .....

Postal address: .....

.....

Fax number: ..... Telephone number: .....

E-mail address: .....

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

.....

.....

**3. Particulars of person on whose behalf request is made**

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

Full names and surname: .....

Identity number: .....

**4. Particulars of Record**

- 4.1 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.
- 4.2 If the provided space is inadequate, please continue on a separate folio and attach into this form.

4.3 The Requester must sign all the additional folios.

Description of Record or relevant part of the Record: .....

Reference number, if available: .....

Any further particulars of Record: .....

**5. Fees**

5.1 A Request for Access to a Record, other than a Record containing Personal Information about you, will be processed only after a request fee has been paid.

5.2 You will be notified of the amount required to be paid as the request fee.

5.3 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.

5.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: .....

**6. 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 6.1 to 6.4 hereunder, state your disability in which form the Record is required.

Disability: .....

Form in which Record is required: .....

Mark the appropriate box with an X

**Notes:**

(a) Compliance with your request in the specified form may depend on the form in which the Record is available.

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

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

6.1 If the Record is in written on printed form:

Copy of Record\*

Inspection of Record

6.2 If Record consists of visual image

(this includes photographs, slides, video Recordings, computer-generated images, sketches etc)

View the images

Copy of the images\*

Transcription of the images\*

6.3 If the Record consists of Recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)

Transcription of the soundtrack\* (written or printed document)

6.4 If the Record is held on computer or in an electronic or machine-readable form:

Printed copy of Record\*

Printed copy of information derived from Record\*

Copy in computer readable form (stiffy or compact)

YES/NO

\*If you requested a copy or transcription of a Record \*above, do you wish the copy or the transcription to be posted to you? Postage is payable.

**7. Particulars of right to be exercised or protected**

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

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:

.....

**8. Notice of decision regarding Request for Access**

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

How would you prefer to be informed of the decision regarding your Request for Access to the Record?

Signed: .....

Date: .....

Signature of Requester/person on whose behalf request is made

## **ANNEXURE B: EXPLANATORY NOTE ON FEES**

An explanatory note on fees to be charged by a private body when granting a Request for Access to information in terms of the Promotion of Access to Information Act, 2000.

The fees chargeable by private bodies are contained in part III of Annexure "A" of the Regulations. A copy of part III is attached for your convenience. The present charges are as follows:

### **1. Copies of a manual**

Should an individual require a copy of the business/organizations manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

### **2. Reproduction fees**

Reproduction fees apply to obtaining copies or transactions of information, which is automatically available from the business/organization. The fees are listed in paragraph 2 of part III of Annexure "A" to the Regulations.

### **3. Access fees**

Access fees are chargeable for copies of transcriptions of information requested under this Act. The fees are listed in paragraph 4 of part III of Annexure "A" to the Regulations.

### **4. Other fees**

4.1 A request fee of R50,00 is payable by a Requester who is seeking access to a Record containing information which is not personal to the Requester. See paragraph 6 of part 1 of this work.

4.2 A search fee may be charged at a rate of R30,00 per hour or part thereof for the searching and preparing the Record for disclosure provided such time was reasonably required for that purpose.

4.3 If the request is not limited to Records containing information which is personal to the Requester and if the Head of the Company is of the opinion that the time taken to give effect to the request will exceed six hours the Requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

4.4 If a copy of a Record is posted to a Requester, the Requester is obliged to pay the actual postage payable.

### **PART III: FEES IN RESPECT OF A PRIVATE BODY**

1. The fee for a copy of the manual as contemplated in regulations 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(a) are as follows:
  - 2.1 for every photocopy of an A4-size or part thereof R 1,10;
  - 2.2 for every printed copy of an A4-size or part thereof held on a computer or in electronic R 0,75 or machine-readable form;
  - 2.3 for a copy in a computer-readable form on:
    - (a) stiffy disc - R 7,50;
    - (b) compact disc - R 70,00;
  - 2.4 for a transcription of visual images, for an A4-size page or part thereof R 40,00, for a copy of the visual images R 60,000;
  - 2.5 for a transcription of an audio Record, for an A4-size page or part thereof R 20,00, for a copy of an audio Record R 30,00.
3. The request fee payable by a Requester, other than a personal Requester, referred to regulation 11(2) is R 50,00.
4. The access fees payable by a Requester referred to in regulation 11(3) are as follows:
  - 4.1 for every photocopy of an A4-size or part thereof R 1,10;
  - 4.2 for every printed copy of an A4-size or part thereof held on a computer or in electronic or machine-readable form R 0,75;
  - 4.3 for a copy in a computer-readable form on:
    - (a) stiff disc R 7,50;
    - (b) compact disc R 70,00
  - 4.4 for a transcription of visual images, for an A4-size page or part thereof R 40,00, for a copy of an audio Record R 30,00;
  - 4.5 to search for and prepare the Record for disclosure, R 30,00 for each hour or part of an hour reasonably required for such search and preparation;
  - 4.6 for purposes of section 54(2) of the Act, the following applies; and
    - (a) six hours as the hours to be exceeded before a deposit is payable; and
    - (b) one third of the access fee is payable as a deposit by the Requester;
  - 4.7 the actual postage is payable when a copy of a Record must be posted to a Requester.

## **ANNEXURE C: DESCRIPTION OF PURPOSES OF PROCESSING PERSONAL INFORMATION**

We process personal information for a variety of purposes, including but not limited to the following:

### **Employees:**

- Carrying out and managing the Company's business operations; (production records, standard operating procedures, quality and engineering records, statutory requirements);
- Complying with legal obligations (Registrations with Department Labour, UIF, Workmen Compensation Fund, and the required SETA);
- Administering and maintaining required statutory appointments;
- Administering and maintaining personnel records, including occupational health & safety records.
- Reporting Injuries on Duty to the Workmen's Compensation Fund and Department of Labour;
- Administering and maintaining occupational health and safety policies as well yearly medical surveillance reports;
- Managing recruitment records;
- Managing in-and-ex-patriates records;
- Managing union subscriptions and membership;
- Managing and maintaining time and attendance records for payroll purposes;
- Managing and maintaining biometric access system and physical security records (visitors, suppliers, contractors, employees);
- Managing complaints and investigation records from a quality perspective;
- Managing waste management;
- Administering and maintaining all COVID -19 (visitors and employees) records as per the Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- Paying and reviewing salary, expenses and any other administration of remuneration and benefits;
- Providing and administering benefits (medical insurance);
- Undertaking performance management, talent management, succession planning, training and development, disciplinary and grievance procedures and associated investigations;
- Managing business travel;
- For purposes of corporate security and surveillance and archiving of emails for disaster recovery purposes;
- Maintaining sickness and other absence records and assessing your fitness for work;
- Monitoring equal opportunities and associated legal reporting obligations;
- Providing information to regulatory bodies and governmental and quasi-governmental bodies for social security and other purposes, and tax authorities;
- Supplying information to potential purchasers of the Company or any other Group Company;
- Posting information on the Company's website and on social media platforms; and
- As may be necessary for pursuing any other of the Company's legitimate business interests.
- Registering new users via service desk in order for new employees to obtain a user account, email address, password and access to Share Point;
- Submitting monthly proof of Unemployment Insurance Fund deductions and payments to Department of Labour via email;
- Managing the exit of employees;
- Monitoring employee happiness via surveys and questionnaires;
- Managing notices or letters to employees;
- Managing non-disclosure agreements signed by visitors, employees and contractors;

- Maintaining records of CCMA cases and settlement agreements where applicable;
- Recording recognition agreement between union and company;
- Maintaining hard copies of employees identity documents to ensure legal compliance;

**Financial reports: (Managing the Company's financials in order to comply with legal obligations)**

- Providing information to regulatory bodies, governmental and quasi-governmental bodies as well as to tax authorities;
- Submitting tax records for the Company and employees (EMP201 and EMP501) via SARS E-filing
- Administering and maintaining debtors, creditors, insurance as well as auditors reports and management accounts;
- Preparing internal monthly management pack;
- Administering and maintaining records regarding the Company's financial commitments;
- Administering and maintaining the Company's asset register;
- Administering and maintaining supplier records, and non-disclosure agreements;

**Accounting Records: (Managing the Company's financials as well as compliance with legal obligations)**

- Administering and maintaining books of account including journals and ledgers via the ERP system, Evolution and SAP;
- Administering and maintaining delivery notes, orders, invoices and statements;
- Maintaining supplier agreements and contracts as well as agreements of a material nature;

**Administration, secretarial and legal records: (To ensure legal compliance)**

Administering and maintaining the following:

- Shareholder records;
- Share register;
- Minutes of meetings of directors;
- Records relating to the incorporation of the Company;
- Minutes of meetings of committees and sub-committees including monthly food safety meetings, occupational health and safety meetings, equity meetings, training committee meetings, union and management meetings;
- Powers of Attorney;
- Records of litigation / arbitration proceedings where applicable;
- Title deeds;
- Insurance policies;
- Claims Records;
- Details of insurance coverage, limits and insurers; and
- Intellectual property records;

**Information Technology:**

- Processing and storage of data and records.

## Environment

- Administering and maintaining environmental policies and records for the prevention and control of pollution, and promotion of sustainable development.

### **ANNEXURE D: DESCRIPTION OF DATA SUBJECT OR CATEGORY OF DATA SUBJECTS AND CATEGORIES OF PERSONAL INFORMATION IN RELATION TO THE DATA SUBJECTS**

<b>Data Subject or Category of Data Subject</b>	<b>Description of Personal Information processed in relation to Data Subject</b>
Employees	<ul style="list-style-type: none"><li>• Personnel Records of Employees;</li><li>• Conditions of employment;</li><li>• Employment contracts;</li><li>• Payroll information and platforms(VIP);</li><li>• Health and safety Records and platforms (COIDA);</li><li>• Photographs for statutory requirements;</li><li>• UIF and Tax Submissions;</li><li>• Non-Disclosure Agreements;</li><li>• Absenteeism reports;</li><li>• Disciplinary forms;</li><li>• Performance appraisals;</li><li>• Statutory Appointments;</li><li>• External training;</li><li>• Training registers;</li><li>• Union memberships;</li><li>• Medical Aids;</li><li>• Employment Equity Reports/Submissions;</li></ul>



	<ul style="list-style-type: none"> <li>• SETA Reports/Submissions;</li> <li>• Minutes of meetings (Food safe, occupational health and safety, training, employment equity, unions and management);</li> <li>• Copy of identity documents;</li> <li>• COVID -19 reporting to Department of Health and Department of Labour.</li> </ul>
Customers	<ul style="list-style-type: none"> <li>• Budgets and forecasts;</li> <li>• Quality audits and reports.</li> </ul>
Suppliers	<ul style="list-style-type: none"> <li>• Contractual agreements;</li> <li>• Non-disclosure agreements;</li> <li>• Lease agreements.</li> </ul>
<u>Company</u>	<ul style="list-style-type: none"> <li>• Financial records;</li> <li>• SARS E-Filing platform;</li> <li>• ERP Systems (Evolution &amp; SAP);</li> <li>• Credit applications to suppliers;</li> <li>• Accounting consultants;</li> <li>• Audit reports;</li> <li>• Vehicle lease agreements;</li> <li>• Permits &amp; Licences;</li> <li>• Insurance contracts and claims;</li> <li>• Banking platforms;</li> <li>• Company registration documents.</li> </ul>

**ANNEXURE E: CROSS-BORDER FLOWS OF PERSONAL INFORMATION**

<b>Country</b>	<b>Justification for Transfer (in terms of section 72 of POPIA)</b>
Belgium	<u>Intra group data transfer agreement</u>
United Kingdom	<u>Intra group data transfer agreement</u>
United States of America	<u>Intra group data transfer agreement</u>
China	<u>Intra group data transfer agreement</u>
Netherlands	<u>Intra group data transfer agreement</u>
France	<u>Intra group data transfer agreement</u>
Germany	<u>Intra group data transfer agreement</u>
Switzerland	<u>Intra group data transfer agreement</u>
Italia	<u>Intra group data transfer agreement</u>
South Korea	<u>Intra group data transfer agreement</u>
Sweden	<u>Intra group data transfer agreement</u>
Austria	<u>Intra group data transfer agreement</u>
Czech	<u>Intra group data transfer agreement</u>
Spain	<u>Intra group data transfer agreement</u>

## **ANNEXURE F: SECURITY MEASURES TO BE IMPLEMENTED BY THE COMPANY**

The following is a list of the types of security measures implemented by the Company in order to ensure that Personal Information is protected from loss of, damage to or unauthorized destruction of or unlawful access to Personal Information:

- Access to the premises will be controlled and there will be restriction of access to hard copies of documents containing Personal Information;
- Physical access is controlled by biometric systems, electrical fences and security guards;
- Biometric detail of employees that permanently exit the Company will be deactivated immediately at last working day;
- The Company has a password system that consists of at least 8 characters and it is modified at six month intervals;
- Where the Processing concerns Special Personal Information, the keyword will be modified at least every three months;
- The Company has an authentication system whereby the user's credentials will be deactivated in cases where the credentials have not been used for at least six months (except for those that have been authorized exclusively for technical management purposes);
- Access credentials to applicable databases are deactivated if the person in charge of the processing of data is disqualified or employment terminated;
- Anti-virus systems are used and updated at least every six months;
- Anti-intrusion systems (i.e. firewalls) are used and updated at least annually (every six months in the case of Special Personal Information);
- The areas containing archives are adequate with regard to the necessities of security and secrecy;
- Agreements have been entered into with service providers and operators in terms of which such service providers and operators have contractually agreed to implement and maintain appropriate security measures.
- Hard copies containing employee information are safely locked in cabinets in the HR office.
- Hard copies containing Company information and agreements are locked in a safe on the premises and access to information is controlled;
- Access to any employees personal information must be approved by the HR Manager; Removal of any documents containing personal information from the HR office is strictly forbidden;
- Adherence to a clean desk policy must be maintained at all times by employees who may have access to personal information;
- Employees issued with laptops that have access to personal or Company information must ensure that the computer is on lock screen whenever they leave their work station;
- Site security is enhanced by surveillance cameras;
- All printing containing personal and Company information is secured;
- No information regarding personal information and / or Company information is allowed to be stored on the Desktop. All fore-mentioned information to be stored on OneDrive.

**ANNEXURE G: FORM FOR THE OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017**  
[Regulation 2(1)]

*Note:*

1. *Affidavits or other documentary evidence in support of the objection must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

A	DETAILS OF DATA SUBJECT
Name and surname of Data Subject:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of Responsible Party( <i>if the Responsible Party is a natural</i> ):	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number:	

E-mail address:

Name of public or Private Body(*if the Responsible Party is not a natural person*):

Business address:

Code ( )

Contact number(s):

Fax number:

E-mail address:

**C      REASONS**

**Signed at                                      this                                      day of                                      20**

*Signature of Data Subject (applicant)*

**ANNEXURE H: FORM FOR THE REQUEST TO DELETE OR CORRECT PERSONAL INFORMATION IN TERMS OF POPIA**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017**

[Regulation 3(2)]

*Note:*

1. *Affidavits or other documentary evidence in support of the request must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number

Mark the appropriate box with an "x".

**Request for:**

Reference Number....

Correction or deletion of the Personal Information about the Data Subject which is in possession or under the control of the Responsible Party.

Destruction or deletion of a Record of Personal Information about the Data Subject which is in the possession or under the control of the Responsible Party and who is no longer authorised to security the Record of information.

<b>A DETAILS OF THE DATA SUBJECT</b>	
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number:	
E-mail address:	

<b>B DETAILS OF RESPONSIBLE PARTY</b>	
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number:	
E-mail address:	

Name of public or Private Body (if the Responsible Party is not a natural person):

Business address:

Code ( )

Contact number(s):

Fax number:

E-mail address:

<b>C</b>	<p><b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request) *Delete whichever is not applicable.</b></p>

Signed at                      on this                      day of                      20





