



# PAIA MANUAL

of

## **SOUTH AFRICAN BULK TERMINALS (Pty) Ltd**

(Registration no: 1994/004247/07)

This Manual is prepared in terms of Section 51 of the Promotion of Access to Information Act No 2 of 2000 ("PAIA") as amended by the Protection of Personal Information Act, No 4 of 2013 ("POPIA")

As of 15 February 2024

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## 1. DEFINITIONS

“Bidvest”	means The Bidvest Group Limited (registration number 1946/021180/06), a listed company incorporated in South Africa with subsidiaries and associates and is our ultimate holding company.
“Bidvest Freight”	means The Bidvest Group Limited’s Freight division, of which South African Bulk Terminals is one of the businesses making up this division.
“SABT” “Company”, “we”, “us” and “our”	means South African Bulk Terminals (Pty) Ltd (registration number 1994/004247/07), a private company incorporated in South Africa.
“Data Subject”	means the person to whom the personal information relates.
“Manual”	means this PAIA manual, together with all appendices hereto.
“PAIA”	means the of Promotion of Access to Information Act, No 2 of 2000.
“POPIA”	means the Protection of Personal Information Act, No 4 of 2013.
“Processing”	means any operation or activity, whether or not by automatic means, concerning personal information including collection, receipt, storage, alteration, erasure, as further defined in POPIA.
“Record”	means any recorded information, regardless of form or medium which includes writing, label, marking, hardware, software, book, image (as further defined in POPIA).
“Regulator”	means the Information Regulator as defined in POPIA and established in terms of section 39 of POPIA.
“Requestor”	means any private body, any person, including a public body or official thereof, making a Request for Access to a Record of that private body, or a person

	acting on behalf of the aforesaid person.
“Request for Access”	means as promulgated in section 1 of PAIA, in relation to a private body, means a Request for Access to a record of a private body in terms of section 50.

## 2. INTRODUCTION TO PAIA AND POPIA

### PAIA:

The Promotion of Access to Information Act, 2000 ("PAIA") commenced on 9 March 2001, which among other things:

- seeks to give effect to a person’s Constitutional right of access to information (subject to certain limitations) and sets out the procedural process to follow to exercise or protect this right.
- sets out the obligation of private bodies to compile a PAIA Manual.

Thus, where a person is desirous of obtaining information from SABT in terms of PAIA, such request must be made in the format as prescribed under this Bidvest PAIA Manual, and following receipt of the request, SABT must decide if it is able to provide the requested information to the Requester in accordance with the provisions of PAIA.

### POPIA:

The Protection of Personal Information Act, 2013 ("POPIA") commenced on 1 July 2020 and gives effect to:

- a person’s right to privacy, including the right to data privacy, and in accordance with this objective, describes and prescribes a series of conditions which must be met when personal information is processed, which conditions establish the minimum requirements for the Processing of personal information.
- amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

This PAIA Manual is compiled in accordance with section 51 of PAIA as amended by POPIA.

### 3. PURPOSE OF THE PAIA MANUAL

The purpose of this Manual:

- For purposes of PAIA: details the procedure that a Requester is to follow making a Request for Access, and the way a Request for Access will be facilitated by SABT.
- For purposes of POPIA: details the purpose for which personal information may be processed; a description of the categories of Data Subjects for whom SABT processes personal information, as well as the categories of personal information relating to such Data Subjects and the recipients to whom personal information may be supplied.

### 4. THE INFORMATION REGULATOR’S PAIA GUIDE

The Regulator has compiled an official PAIA Guide which is user-friendly and accessible in order to assist in understanding how to exercise any right contemplated in PAIA or POPIA.

The Regulator’s Guide is available in each of the official languages at the following link on the Regulators website (under the heading PAIA GUIDE AND MANUAL).

<https://inforegulator.org.za/information-regulator-paia-manuals/>

Should you have any queries, or require a copy of the Guide, contact the Regulator directly:

<b>Address:</b>	The Information Regulator (South Africa) JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 P.O. Box 31533, Braamfontein, Johannesburg, 2017
<b>Telephone Number:</b>	+27 (0)10 023 5207
<b>E-mail Address:</b>	Complaints email: <a href="mailto:PAIAcomplaints@inforegulator.org.za">PAIAcomplaints@inforegulator.org.za</a>  General enquiries: <a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>
<b>Website</b>	<a href="https://inforegulator.org.za/">https://inforegulator.org.za/</a>

**NOTE:** Copies of the Regulators PAIA Guide are available in at least 2 of the official languages, for public inspection, during normal office hours at the reception of the primary place of business of SABT physical address set out in section 6 below.



## 5. COMPANY OVERVIEW

SABT is a private sector company forming part of the Bidvest Freight division which is owned by The Bidvest Group Limited whose shares are listed on the Johannesburg Stock Exchange. If you would like to find out more about the Bidvest Group visit <https://www.bidvest.co.za/about.php>

To find out more about the Bidvest Freight division visit:  
<https://www.bidvest.co.za/bidvest-industrial-freight.php>

The information is updated at year end annually on 30 June.

The annexure of interest in subsidiaries and associates can be found at pages 123 - 131 at the following link: <https://www.bidvest-reports.co.za/integrated-reports/2023/pdf/bidvest-audited-consolidated-afs-2023.pdf>

The divisions, subsidiaries and associate companies in Bidvest including SABT operate in a decentralized manner, while being accountable to the Bidvest Group holding company.

SABT owns and operates two world class bulk terminals (DBS and RBT) in the Port of Durban. The RBT terminal at Maydon Wharf 5 (MW5) has a combined silo/flat bin storage capacity of 150 000 tons and the DBS terminal located at Island View 3 (IV 3) has a silo storage capacity of 70 000 tons.

Major commodities imported and exported by both the RBT and DBS terminals include rice, wheat, maize, soya beans, sunflower seeds and soya bean meal which are both human consumption and for the supply of the animal feed industry. Furthermore, RBT exports fluorspar, a mineral which is mined exclusively in the North-West Province of South Africa.

As South Africa’s largest bulk grain handler, SABT plays an integral role within the South African economy allowing both import and export cargoes to flow through the Port of Durban efficiently and effectively. The information contained in this Manual shall apply mutatis mutandis to South African Bulk Terminals (Pty) Ltd.

## 6. SOUTH AFRICAN BULK TERMINALS - CONTACT DETAILS

<b>Managing Director</b>	Mr. Jackie Goodwin
<b>Physical Address</b>	101 Maydon Road, Maydon Wharf, 4001
<b>Postal Address</b>	PO Box 59097, Umbilo, 4075
<b>Telephone Number/Head Office</b>	031 327 5000
<b>Facsimile Number</b>	
<b>Email Address</b>	jackie.goodwin@sabulk.co.za

The contact details of our Information Officer are as follows:

<b>Chief Information Officer</b>	Mrs. Buyisile Mabaso
<b>Deputy Information Officer</b>	Mrs. Rene Smith
<b>Physical Address</b>	101 Maydon Road, Maydon Wharf, 4001

<b>Postal Address</b>	PO Box 59097, Umbilo, 4075
<b>Internet Address</b>	www.sabulk.co.za
<b>Telephone Number</b> <b>Facsimile Number</b>	031 327 5000
<b>Email Address</b>	info@sabulk.co.za

A copy of this PAIA Manual is available for inspection, during normal office hours at the reception of the above physical address.

## 7. RECORDS AUTOMATICALLY AVAILABLE

The following Information is automatically available via the SABT website and need not be formally requested in terms of this Manual.

<b>NAME OF INFORMATION</b>	<b>WEB PAGE</b>
The Company information	<a href="https://www.sabulk.co.za">https://www.sabulk.co.za</a>
The Divisional Information for Freight Division of Bidvest, under which umbrella SABT falls	<a href="https://www.bidvest.co.za/bidvest-industrial-freight.php">https://www.bidvest.co.za/bidvest-industrial-freight.php</a>
The Bidvest Group Information	<a href="https://www.bidvest.co.za/divisional-information.php">https://www.bidvest.co.za/divisional-information.php</a>
The Bidvest Group Integrated Report	<a href="https://www.bidvest-reports.co.za/integrated-reports/2023/pdf/bidvest-audited-consolidated-afs-2023.pdf">https://www.bidvest-reports.co.za/integrated-reports/2023/pdf/bidvest-audited-consolidated-afs-2023.pdf</a>
The Bidvest Directory	<a href="https://www.bidvest.co.za/">https://www.bidvest.co.za/</a>
Company Services	<a href="#">Facts   SABT - South African Bulk Terminals (sabulk.co.za)</a>
B-BEE Certificate	<a href="#">Resources   SABT - South African Bulk Terminals (sabulk.co.za)</a>
Standard Trading Conditions	<a href="#">Resources   SABT - South African Bulk Terminals (sabulk.co.za)</a>
Section 18 Consent to Process Personal Information Bidvest Data Protection Policy	<a href="#">POPIA   SABT - South African Bulk Terminals (sabulk.co.za)</a> <a href="https://www.bidvest.co.za/data-protection.php">https://www.bidvest.co.za/data-protection.php</a>
Code of Ethics	<a href="https://www.bidvest.co.za/pdf/code-ethics/code-of-ethics.pdf">https://www.bidvest.co.za/pdf/code-ethics/code-of-ethics.pdf</a>

## 8. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS

SABT maintains records on the categories and subject matters listed below.

Recording a subject matter or category does not imply that a Request for Access to such Record(s) will be granted. All Requests for Access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Please note that many of the records held by SABT are those of third parties, such as clients and employees, and we take the protection of third-party confidential information seriously. Requests for Access to these Records will be carefully considered.

Subjects of Records	Categories of Records
Statutory Company Information	<ul style="list-style-type: none"> <li>○ Incorporation documents</li> <li>○ Memorandum of Incorporation</li> <li>○ Minute books, Resolutions</li> <li>○ Registers of directors and officers</li> <li>○ Share registers and other statutory registers</li> <li>○ Statutory returns to relevant authorities</li> <li>○ Statutory Records</li> <li>○ Records relating to appointment of directors, auditors, company secretary, public officer and other officers.</li> <li>○ Internal policies and procedures</li> </ul>
Financial and Accounting Records	<ul style="list-style-type: none"> <li>○ Annual Financial Statements</li> <li>○ Accounting Records (inclusive of books of account)</li> <li>○ Administrative Records</li> <li>○ Banking Records</li> <li>○ Internal and external audit reports</li> <li>○ Rental agreements</li> <li>○ Invoices</li> <li>○ Supporting schedules and documentation to books of account</li> <li>○ Lease agreements</li> <li>○ Asset registers</li> <li>○ Sale Agreements</li> <li>○ Intellectual Property records</li> <li>○ Client contracts and related information</li> <li>○ Service provider contracts and vendor details</li> <li>○ Insurance records</li> </ul>
Tax Records	<ul style="list-style-type: none"> <li>○ Customs and Excise Records</li> <li>○ Income tax returns and other documentation</li> <li>○ PAYE Records</li> <li>○ Regional services council Records</li> <li>○ Skills Development Levies Records</li> </ul>



	<ul style="list-style-type: none"> <li>○ Stamp Duties Records</li> <li>○ UIF and Workmen’s compensation</li> <li>○ Value Added Tax Records</li> </ul>
Legal Records	<ul style="list-style-type: none"> <li>○ Documentation pertaining to litigation or arbitration</li> <li>○ General agreements and contracts</li> <li>○ Licenses, permits and authorizations</li> </ul>
Insurance Records	<ul style="list-style-type: none"> <li>○ Claims Records</li> <li>○ Details of insurance coverage, limits, and insurers</li> <li>○ Insurance policies</li> </ul>
Employee Records	<ul style="list-style-type: none"> <li>○ Agreements with trade unions</li> <li>○ Arbitration awards</li> <li>○ Attendance registers</li> <li>○ Casual employee Records</li> <li>○ CCMA Records</li> <li>○ Code of conduct</li> <li>○ Company tax submissions in respect of employees</li> <li>○ Confidentiality agreements</li> <li>○ Disciplinary Records and internal evaluations</li> <li>○ Employee personal details</li> <li>○ Employment conditions and policies</li> <li>○ Employment contracts</li> <li>○ Employment equity plans and reports</li> <li>○ Internal correspondence</li> <li>○ Internal Records, policies, and procedures</li> <li>○ Leave Records</li> <li>○ Operating manuals</li> <li>○ Medical aid records</li> <li>○ Payroll records</li> <li>○ Personnel Records provided by personnel</li> <li>○ Records of strikes, lockouts or protest action</li> <li>○ Remuneration and benefits Records</li> <li>○ Restraint of trade agreements</li> <li>○ Retirement and Pension fund Records</li> <li>○ Service Records</li> <li>○ Training schedules and material</li> <li>○ UIF records</li> </ul>
Customer Records and Credit Services	<ul style="list-style-type: none"> <li>○ Customer contracts</li> <li>○ Credit application forms</li> <li>○ Customer Records</li> <li>○ Debtors with collection agents</li> <li>○ Records of customer details and payment performance listed with credit bureaus</li> <li>○ Sales Records</li> <li>○ Terms and conditions of sale</li> </ul>

	<ul style="list-style-type: none"> <li>○ Transaction Records</li> <li>○ Cargo Records</li> </ul>
Supplier /Third Party Records	<ul style="list-style-type: none"> <li>○ Code of Conduct</li> <li>○ Supplier contracts</li> <li>○ Terms and conditions for dealing with suppliers</li> <li>○ Transactional Records and supporting information</li> <li>○ Transnet Records</li> <li>○ Customs Records</li> </ul>
Health and Safety	<ul style="list-style-type: none"> <li>○ Medical and Disability Records</li> <li>○ Incident Reports and Registers</li> <li>○ Property lease files</li> </ul>

## 9. LIST OF APPLICABLE LEGISLATION

Where applicable to the business Records are retained which are required in terms of legislation other than PAIA.

Certain legislation provides that private bodies shall allow certain persons access to specified Records upon request. The legislation may be consulted to establish whether the Requester has a right of access to a Record other than in terms of the procedure set out in PAIA.

The following legislation is included and can be consulted but is not an exhaustive list. Please note that in many cases the Acts are amended. The Government website provides ancillary legislation and clarification of amendments at <https://www.gov.za/documents/acts> :

- Air Services Licensing Amendment Act. No. 21 of 2008
- Airports Company Act No. 44 of 1993
- Appropriation Act 2008 No. 9 of 2008
- Basic Conditions of Employment Act No. 75 of 1997
- Bills of Exchange Act No. 34 of 1964
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Carriage of Goods by Sea Act No. 1 of 1986
- Carriage by Air Act No. 17 of 1946
- Civil Aviation Act No. 13 of 2009
- Companies Act No. 71 of 2008 (as amended)
- Compensation for Occupational Injuries and diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Consumer Protection Act No. 68 of 2008
- Copyright Act No. 98 of 1978
- Counterfeit Goods Act No. 37 of 1997
- Criminal Procedure Act No. 91 of 1977
- Currency and Exchanges Act No. 9 of 1933 (and Exchange Control Regulations)
- Customs and Excise Act No. 91 of 1964

- Debt Collectors Act No. 114 of 1998
- Disaster Management Act No. 57 Of 2002
- Electronic Communication and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001 (FICA)
- Firearms Control Act No. 60 of 2000
- Hazardous Substances Act No. 15 of 1973
- Income Tax Act No. 58 of 1962
- Immigration Act No. 13 of 2002
- Income Tax Act No.58 of 1962
- King IV Code on Corporate Governance
- Labour Relations Act No. 66 of 1995
- Marine Pollution (Control and Civil Liability) Act No. 6 of 1981
- Medical Schemes Act No. 131 of 1998
- Merchandise Marks Act No. 17 of 1941
- Merchant Shipping Act No. 57 of 1951
- National Credit Act No. 34 of 2005
- National Environmental Management Act No. 107 of 1998 (NEMA)
- National Environment Management: Air Quality Act No. 39 of 2004
- National Environmental Management: Biodiversity Act No. 10 of 2004
- National Environmental Management: Waste Act No. 59 of 2008
- National Ports Act No. 12 of 2005
- National Building Regulations and Building Standards Act No. 103 of 1977 (NBRBSA)
- National Energy Regulator Act No. 40 of 2008 (NERA)
- National Railway Safety Regulator Act No. 16 of 2002 (NRSRA)
- National Road Traffic Act No. 93 of 1996
- Occupational Health and Safety Act No. 85 of 1993
- Perishable Products Export Control Act No. 9 of 1983
- Pension Funds Act No. 24 of 1956
- Prevention of Organized Crime Act No. 121 of 1998
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- Protected Disclosures Act No. 26 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 Of 2004
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Protection of Personal Information Act No 4. of 2013
- Revenue Laws Act No. 19. of 2022 (Rates Act)
- Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002
- Road Transportation Act No. 74 of 1977
- Sea Transport Documents Act No. 65 of 2000
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- South African Revenue Services Act No. 34 of 1997

- Standards Act No. 8 of 2008
- Trademarks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991 Water Services Act No. 108 of 1997

If you believe that a right of access to a Record exists in terms of legislation other than that listed above, you are required to indicate what legislative right the Request for Access is based on, to allow the Information Officer the opportunity of considering the Request for Access in the light thereof.

## 10. INFORMATION RELATED TO PERSONAL INFORMATION

### Introduction

The Protection of Personal Information Act, 4 of 2013 (POPIA), regulates and controls the Processing, including the collection, use, and transfer of personal information relating to identifiable, living, natural persons and juristic persons.

Personal information as defined in terms of POPIA includes, but is not limited to, information as follows: Name, address, contact details, date of birth, place of birth, identity number, colour, ethnic or social origin, religion, identification number, passport number, bank details, tax number, financial information, biometric information, personal opinions or views of a person, criminal history, membership of a trade union, images by way of CCTV.

In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate, and responsible manner and in accordance with the provisions and 8 Processing conditions set out under POPIA.

### How to request your personal information under POPIA

Requests for personal information under POPIA must be made in accordance with the provisions of PAIA which process is outlined below in Section 11.

If you have provided us with your personal information, you also have the right to request the correction, deletion or destruction ("rectification") of your personal information, on the prescribed form (APPENDIX D hereto). You may also object to the Processing of your personal information on the prescribed form (APPENDIX C hereto).

### Purpose of Processing personal information

POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe upon the Data Subject's privacy.

The type of personal information that we process will depend on the purpose for which it is collected. We will disclose the reason the personal information is being collected and will process the personal

information for that purpose only.

Information is required by our business to allow us to perform the following (without detracting from the generality hereof):

- to pursue their business objectives and strategies;
- to comply with a variety of lawful obligations, including without detracting from the generality thereof, to carry out actions for the conclusion and performance of a contract as between the Company and the Data Subject;
- to put in place protective mechanisms to protect the parties' legitimate interests including the performance of risk assessments and risk profiles where applicable and necessary;
- to obtain or provide Personal Information from a credit bureau or credit provider or credit association, information about certain Data Subject's credit record, including personal information about any judgement or default history;
- for the purposes of contacting the Data Subject and attending to the Data Subject's enquiries and requests;
- for the purpose of providing the Data Subject from time to time with information pertaining to the Company, their officers, employees, services and goods and other ad hoc business-related information;
- to pursue the parties' legitimate interests, or that of a third party to whom the Personal Information is supplied;
- for the purposes of providing, maintaining, and improving our Products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;
- for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and IR functions, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating, and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested, or required; and
- for the purpose of preventing fraud and abuse of the Company's processes, systems, procedures, and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

See further information on the Bidvest Group website. Where applicable references in the Bidvest Group Data Protection Policy are to be construed as references to SABT with the necessary modifications.

[POPIA | SABT - South African Bulk Terminals \(sabulk.co.za\)  
https://www.bidvest.co.za/data-protection.php](https://www.bidvest.co.za/data-protection.php)

### **Description of categories of Data Subjects and personal information processed**

We hold information and Records relating to the following broad categories of data subjects or persons, which is a non exhaustive list of categories:

- Clients - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.
- Clients – Juristic persons / entities / business partners: names of contact persons; name of legal entity;

- physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.
- Clients – Foreign persons / entities: names; contact details; physical and postal, financial information addresses; date of birth; passport number tax related information; nationality; gender; confidential correspondence; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
  - Contracted Service Providers/Suppliers/franchisors/franchisees - Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, banking information.
  - Intermediaries/Advisor/Banks/Insurers /Agents; Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
  - Employees / Directors /Potential Employees/Learners/Interns/Shareholders /Volunteers /Employees' family members/Temporary employees - gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children's name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal Records; well-being; trade union membership; external commercial interests; medical information; health Records; images; demographics.
  - Website end-users/Application end-users: names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data, social media.
  - Persons who interact with us physically or enter sites, offices, restricted areas, parking areas, and all facilities of the Company, or who move, handle or store cargo by engaging with us directly or through subcontractors, or interact via websites / email / correspondence and who provide their personal information.

### **Categories of recipients for Processing personal information**

We may supply personal Information to these potential recipients:

- Management.
- Employees and temporary employees/learnerships/internships/job applicants/agents/bursary applicants/directors.
- Bidvest Group entities.
- Business partners.
- Advertisers.
- Customers and clients.
- Medical Service Providers, insurance companies, pensions and provident funds, wellness, or health providers; banks.
- Contractors / vendors / suppliers / service providers / operators / franchisors / franchisees.
- Third party service providers.
- Cyber third parties service providers / Users / Third parties with whom Bidvest conducts business.
- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information, enforcement agencies; public bodies who we engage with to discharge legal and public

duties and obligations including SARS, National treasury, Department of Labour and the financial sector conduct authorities.

- Publicly owned companies in the transport and marine sectors such as but not limited to Transnet Port Authority, South African Maritime Safety Authority (SAMSA) and the Railway Safety Regulator (RSR).
- Courts, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules.
- Anyone making a successful Request for Access in terms of PAIA or POPIA.
- Subject to the provisions of POPIA and other relevant legislation, Bidvest may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Bidvest operates.

We may from time to time have to disclose personal information to other parties as set out above, including, trading partners, agents, auditors, organs of state, regulatory bodies and / or national governmental, provincial, or local government municipal officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing the personal information to, which contractually obliges the recipient of the personal information to comply with strict confidentiality and data security conditions. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

#### **Cross border flows of personal information**

The Company may from time to time have to disclose a Data Subject's personal information to other parties, including organs of state, other departments or subsidiaries, product or third-party service providers, regulators and or governmental officials, overseas service providers and or agents. Such disclosure will always be subject to an agreement which will be concluded as between the Company and the party to whom it is disclosing the Data Subject's personal information to, which contractually obliges the recipient of this personal information to comply with strict confidentiality and data security conditions. Where personal information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's personal information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the personal information is bound contractually to a no lesser set of obligations than those imposed by POPIA.

#### **Security measures**

The Company will ensure that the Data Subject's personal information is securely stored electronically, which for operational reasons, will be accessible to certain categories of authorised persons within the Company on a need to know and business basis, save that where appropriate, some of the Data Subject's personal information may be retained in hard copy and stored securely.

Considering the nature, scope, context, and purpose of Processing, the Company ensures implementation of appropriate technical and organizational measures designed to ensure the confidentiality, integrity and security of personal information against unlawful access and against accidental loss, destruction or damage as prescribed by POPIA.

The security measures implemented to secure against unauthorized processing or access may include (note: this is not an exhaustive list):

- Firewalls; authentication software; intrusion detection systems; unique user profiles; encryption;

- Anti - Virus software and update protocols;
- Logistical and physical access control; alarms systems; biometric access barriers; video monitoring;
- Secure setup of hardware and software making up our information technology infrastructure; and
- Outsourced service providers who are contracted to implement security controls.

## 11. REQUEST PROCEDURE

### Completion of the prescribed form

Any Request for Access to a Record of a private body in terms of PAIA must substantially correspond with the form attached hereto marked *APPENDIX A - Request for Access to Record* (Section 53(1) of PAIA) [this is per Regulation 7].

Note: Section G to APPENDIX A requires you to explain how the record you are asking for is reasonably required for you to protect, or exercise, another right.

A Request for Access to information which does not comply with the formalities as prescribed by PAIA will be returned to you for completion as per PAIA formalities.

### Payment of the prescribed fees

A Fee may be payable, depending on the type of information requested, as described under *APPENDIX B (Outcome of Request and Fees Payable)*

There are two categories of fees which are payable:

- **The request fee:** R140
- **The access fee:** This is calculated by considering reproduction costs, search, and preparation costs, as well as postal costs.

Section 54 of PAIA entitles us to levy a charge or to request a fee to enable us to recover the cost of processing a Request for Access. The fees that may be charged are set out in Appendix B.

Where a decision to grant a Request for Access has been taken, the Record will not be disclosed until the necessary fees have been paid in full.

POPIA provides that a Data Subject may, upon proof of identity, request us to confirm, free of charge, all the information we hold about the Data Subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA also provides that where the Data Subject is required to pay a fee for services provided to him/her, we must provide the Data Subject with a written estimate of the payable amount before providing the service and may require that the Data Subject pays a deposit for all or part of the fee.

## 12. OBJECTION

POPIA provides that a Data Subject may object, at any time, to the Processing of personal information, on reasonable grounds relating to his/her situation, unless legislation provides for such Processing.

The Data Subject must complete the prescribed form attached hereto as *APPENDIX C - Objection to the Processing of personal information in terms of section 11(3) of POPIA Regulations relating to the protection*



of personal information, 2018 [this is per Regulation 2] and submit it to the Information Officer at the postal or physical address or electronic mail address set out above.

### **13. RECTIFICATION**

A Data Subject may also request us to correct or delete personal information about the Data Subject in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or destroy or delete a Record of personal information about the Data Subject that we are no longer authorised to retain Records in terms of POPIA's retention and restriction of Records provisions.

A Data Subject that wishes to request a rectification in the form of a correction or deletion of personal information or the destruction or deletion of a Record of personal information, must submit a request to the Information Officer at the postal or physical address or electronic mail address set out above, on the form attached hereto as *APPENDIX D – Request for correction or deletion of personal information or destroying or deletion of Record of personal information in terms of section 24(1) of POPIA's Regulations relating to the protection of personal information, 2018 [this is per Regulation 3]*.

### **14. PROOF OF IDENTITY**

Proof of identity is required to authenticate your identity and the Request for Access. You will, in addition to the prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

### **15. TIMELINES FOR CONSIDERATION OF A REQUEST FOR ACCESS**

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

Should an extension be required, the initial 30 (thirty) days may be extended for a further period of no more than 30 (thirty) days, if for instance the request requires a search for records that cannot reasonably be completed within the initial period. You will be notified, together with reasons explaining why the extension is necessary.

### **16. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION**

There are various grounds upon which a Request for Access to a Record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial,

- commercial, scientific, or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
  - if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
  - if the Record was produced during legal proceedings, unless that legal privilege has been waived;
  - if the Record contains trade secrets, financial or sensitive information or any information that would put us at a disadvantage in negotiations or prejudice it in commercial competition; and/or
  - if the Record contains information about research being carried out or about to be carried out on behalf of a third party or by the Company.

Section 70 of PAIA contains an overriding provision. Disclosure of a Record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the Record in question clearly outweighs the harm contemplated by its disclosure.

If the Request for Access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the Record.

**17. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS**

If the Information Officer decides to grant a Requester access to the relevant Record, such access must be granted within 30 (thirty) days of being informed of the decision.

If you are aggrieved by the decision of the Information Officer, in terms of section 77A of PAIA you may lay a complaint with the Information Regulator within 180 (one hundred and eighty) days of being informed of the decision in the prescribed manner and form, for which refer contact details under section 4 above.

You may also make an application to a court for relief in terms of section 78 of PAIA.

**18. APPENDICES – (FORMS)**

<b>APPENDIX A</b>	Request for Access to Record
<b>APPENDIX B</b>	Outcome of Request and Fees Payable
<b>APPENDIX C</b>	Objection Form (POPIA)
<b>APPENDIX D</b>	Rectification (POPIA)

**FORM 2**  
**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


*(Address)*

**E-mail address:**

**Fax number:**

*Mark with an "X"*

- Request is made in my own name.     Request is made on behalf of another person.

<b>PERSONAL INFORMATION</b>				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	

	Cellular:			
Full names of person on whose behalf request is made (if applicable)				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
<b>PARTICULARS OF RECORD REQUESTED</b>				
<p><i>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.)</i></p>				
Description of record or relevant part of the record:				
Reference number, if available				
Any further particulars of record				

<b>TYPE OF RECORD</b> (Mark the applicable box with an "X")	
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	

<b>FORM OF ACCESS</b> (Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions 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 record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private 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)	
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	
Preferred language  (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)	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
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:	

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



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 <i>(Please specify)</i>

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

\_\_\_\_\_

*Signature of Requester / person on whose behalf request is made*

FOR OFFICIAL USE

<i>Reference Number:</i>	
<i>Request received by: (State Rank, Name and Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

\_\_\_\_\_

*Signature of Information Officer*

**FORM 3**  
**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 public/private 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 prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions 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 (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

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	



Preferred language: (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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Kindly note that your request has been:

Approved

Denied, for the following reasons:

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

Item	Cost per A4-size page or part thereof / item	Number of pages / items	Total
Photocopy	R2.00		
Printed copy	R2.00		
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
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	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

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



Yes

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank:

Name of account holder:

Type of account:

Account number:

Branch Code:

Reference Nr:

Submit proof of payment to:

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

\_\_\_\_\_  
*Signature Information officer*

**APPENDIX C**

**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, 2018**  
[Regulation 2]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the objection may 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.*
3. *Complete as is applicable.*

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	<hr/> <hr/> <hr/> <hr/> <div style="text-align: right;">Code (____)</div>
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	<hr/> <hr/> <hr/> <hr/> <div style="text-align: right;">Code (____)</div>
Contact number(s):	
Fax number / E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) TO (f)</b> <i>(Please provide detailed reasons for the objection)</i>

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



.....  
*Signature of data subject / designated person*

**APPENDIX D  
RECTIFICATION**

**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, 2018  
[Regulation 3]**

*Note:*

1. Affidavits or other documentary evidence as applicable in support of the objection may 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.
3. Complete as is applicable.

Mark the appropriate box with an “x”.

**Request for:**

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.**
- 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 information.**

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	<hr/> <hr/> <hr/> <hr/> <div style="text-align: right;">Code ( _____ )</div>
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	<hr/> <hr/> <hr/> <hr/> <div style="text-align: right;">Code ( _____ )</div>
Contact number(s):	
Fax number / E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED / DELETED / DESTROYED</b>

<b>D</b>	<p><b>REASONS FOR *CORRECTIONS OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN</b></p> <p><i>(Please provide detailed reasons for the request)</i></p>

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

.....  
*Signature of data subject / designated person*