

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (“PAIA”) AND TO ADDRESS
THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
 (“POPIA”)

FOR

Franschhoek Motor Museum (Pty) Ltd

JUNE 2021 version

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1. INTRODUCTION

- 1.1 The Promotion of Access to Information Act 2 of 2000, as amended, ("the Act") was enacted with the purpose of addressing section 32(2) of the Constitution of the Republic of South Africa 108 of 1996, as amended ("Constitution"). This section provides that any person has a right to gain access to any information held by public and private body. If the record is requested from a private body, the requester is required to show that the record is required for the exercise or protection of a right.
- 1.2 One of the main requirements specified in the Act is the compilation of a manual that provides information on both types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person.
- 1.3 This document serves as the manual in terms of the Act which provides a reference in relation to the records held by the private body and the process which must be followed in order to request access to such records.

2. SCOPE, PURPOSE, BACKGROUND AND DEFINITIONS

This manual has been prepared in respect of Franschoek Motor Museum (Pty) Ltd

- 2.1 In this manual, the following words shall bear the following meanings -
- 2.1.1 "the Act" means the Promotion of Access to Information Act 2 of 2002 and the Protection of Personal Information Act 4 of 2013, as amended, together with all the relevant regulations;
- 2.1.2 "company" means Franschoek Motor Museum (Pty) Ltd
- 2.1.3 "Information Officer" means the Chief Executive Officer of the company or such person who is from time to time duly authorised to act as Information Officer by that Chief Executive Officer;
- 2.1.4 "personnel" means any person who works for, or provides services or products to or on behalf of the company and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting

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the business of the companies. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers;

2.1.5 "customer" means any natural or juristic entity that receives services or products from the company;

2.1.6 "the / this manual" means this manual together with all annexures thereto as available at the corporate offices of the company at L'Ormarins Estate, R45 Wine Route, Franschhoek, 7690 and

2.1.7 "IR" means the Information Regulator established in terms of S39 of the Protection of Personal Information Act, 2013

2.2 Although this manual attempt to describe certain salient features of the Act as they may apply to the company, makes no representations and gives no warranties as to the accuracy or completeness thereof. Any person who wishes to obtain access to information held by the company, should obtain independent legal advice as to their rights and obligations under and in terms of the Act.

2.3 The Act recognises that the right of access to information should be subject to justifiable limitations, including, but not limited to -

2.3.1 limitations aimed at the reasonable protection of privacy;

2.3.2 commercial confidentiality; and

2.3.3 effective, efficient and good governance,

and in a manner that balances that right with any other rights, including the rights contained in the Bill of Rights in the Constitution.

2.4 This manual supersedes and replaces all prior manuals prepared by the company in terms of section 51 of the Act.

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3. CONTACT DETAILS

- 3.1 Information Officer: John Loftie-Eaton
Postal address: PO Box 435, Franschhoek, 7690
Physical address: L'Ormarins Estate, R45 Wine Route, Franschhoek, 7690
Telephone: 021 874 9000
Email address: popia.info@rupertwines.com
- 3.2 Deputy Information Officer 1: Wayne Harley
Telephone: 021 874 9000
Email address: popia.info@rupertwines.com
- 3.3 Deputy Information Officer 2: Frikkie Doman
Telephone: 021 874 9000
Email address: popia.info@rupertwines.com
- 3.4 General information
Physical address: L'Ormarins Estate, R45 Wine Route, Franschhoek, 7690
Postal address: PO Box 435, Franschhoek, 7690
Telephone: 021 874 9000
Email address: popia.info@rupertwines.com

4. GUIDE OF THE INFORMATION REGULATOR

In terms of section 10 of the Act, the IR is required to compile within three years, in each official language update and make available a guide to the Act, to assist people in exercising their rights under the Act. This guide is available from the IR upon request. Any enquiry regarding this guide should be directed to the IR at -

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The Information Regulator:
The PAIA Unit (The Research and Documentation Department)

Postal address: P.O Box 31533, Braamfontein, 2017

Telephone: +27 (0) 10 023 5200

Fax: +27 (0) 10 023 5200

Website: www.justice.gov.za/inforeg/index.ht

E-mail: inforeg@justice.gov.za

5. OBJECTIVES OF THIS MANUAL

The objectives of this Manual are:

- to provide a list of all records held by the company;
- to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by POPIA.

6. AUTOMATICALLY AVAILABLE INFORMATION

Information that is obtainable via the company websites is automatically available and need not be formally requested in terms of this Manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- Company Press Releases
- Websites: www.fmm.co.za
- The company website is available to on the Internet.

7. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST

To date, no notice in terms of section 52(2) of the Act regarding categories of records of the company which are available without request has been published. Information regarding the company is accessible at the websites without request.

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8. CATEGORIES OF INFORMATION AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

8.1 Insofar as may be applicable, the company keeps records of information to the extent required in terms of, *inter alia*, the following legislation -

- 8.1.1 Income Tax Act 58 of 1962, as amended;
- 8.1.2 Insolvency Act 24 of 1936, as amended;
- 8.1.3 Companies Act 71 of 2008, as amended;
- 8.1.4 Value-Added-Tax Act 89 of 1991, as amended;
- 8.1.5 Occupational Health and Safety Act 85 of 1993, as amended;
- 8.1.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993, as amended;
- 8.1.7 Labour Relations Act 66 of 1995, as amended;
- 8.1.8 Basic Conditions of Employment Act 75 of 1997, as amended;
- 8.1.9 Employment Equity Act 55 of 1998, as amended;
- 8.1.10 Skills Development Act 97 of 1998, as amended;
- 8.1.11 Medical Schemes Act 131 of 1998, as amended;
- 8.1.12 Skills Development Levies Act 9 of 1999, as amended;
- 8.1.13 Consumer Protection Act 63 of 2008, as amended;
- 8.1.14 Regional Services Council Act 109 of 1985, as amended;
- 8.1.15 Copyright Act 98 of 1978, as amended; and
- 8.1.16 Unemployment Contributions Act 4 of 2002, as amended.
- 8.1.17 Protection of Personal Information Act 4 of 2013

8.2 The legislation referred to above is not exhaustive. Information and records held by the company in terms of any legislation in terms of which the company is obliged to hold records will be made available in terms of the provisions of the relevant legislation, but without prejudice to the provisions of the Act.

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9. DESCRIPTION RECORDS HELD BY THE COMPANY ON EACH SUBJECT

9.1 This section serves as a reference in relation to the records held by the company in order to facilitate a request in terms of the Act.

9.2 The information is classified and grouped according to records relating to the subjects and categories set out below.

9.3 Human resources

9.3.1 Accounting and payroll records;

9.3.2 BBBEE statistics;

9.3.3 Personnel information;

9.3.4 Employment equity reports;

9.3.5 General terms of employment;

9.3.6 Letters of employment;

9.3.7 Leave records;

9.3.8 Clock-in records;

9.3.9 Indemnity records;

9.3.10 Record of bank details;

9.3.11 Disciplinary records;

9.3.12 OHS records;

9.3.13 School fees records;

9.3.14 Criminal checks records;

9.3.15 Curriculum Vitae;

9.3.16 Paye records and returns;

9.3.17 Policies and procedures; and

9.3.18 Medical certificates

9.3.19 UIF returns.

9.4 **Finance and administration**

- 9.4.1 Accounting records;
- 9.4.2 Annual financial statements;
- 9.4.3 Agreements;
- 9.4.4 Banking records;
- 9.4.5 Correspondence;
- 9.4.6 Annual reports;
- 9.4.7 Statutory documentation;
- 9.4.8 Memoranda and articles of association (to be amended to the memorandum of incorporation);
- 9.4.9 Share registers;
- 9.4.10 Share certificates;
- 9.4.11 Statutory returns to relevant authorities;
- 9.4.12 Minutes.
- 9.4.13 Invoices and statements;
- 9.4.14 Management reports;
- 9.4.15 Tax records and returns;
- 9.4.16 Financial policies and procedures;
- 9.4.17 Statutory returns records;
- 9.4.18 Value-added tax returns records;
- 9.4.19 Financial audit statements;
- 9.4.20 Customer account application forms;
- 9.4.21 Supplier account application forms;
- 9.4.22 Agreements records;
- 9.4.23 Court case judgement records;

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9.4.24 Insurance records; and

9.4.25 Certificates.

9.5 **Information technology and Security**

9.5.1 Agreements;

9.5.2 Equipment register;

9.5.3 Shareholder and syndicate partner records;

9.5.4 Customer account records;

9.5.5 Policies, procedures, and guidelines;

9.5.6 Licensing and software documents;

9.5.7 Employee access request forms;

9.5.8 Supplier agreements;

9.5.9 CCTV footage;

9.5.10 Organizational structure safety records

9.5.11 Biometric information records;

9.5.12 ATG System; and

9.5.13 Accident investigation reports;

9.6 **Operations and production**

9.6.1 Access control records;

9.6.2 Agreements;

9.6.3 Archival administration documentation;

9.6.4 Correspondence;

9.6.5 Quality control records;

9.6.6 Production records;

9.6.7 Material handling equipment records;

9.6.8 Inventory records; ad

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- 9.6.9 Good receipt notes;
- 9.6.10 Vehicle registration documentation.

9.7 **Marketing and Sales**

- 9.7.1 Price information;
- 9.7.2 Customer delivery schedule;
- 9.7.3 Customer records;
- 9.7.4 Invoices;
- 9.7.5 Debit and credit notes;
- 9.7.6 Account application forms;
- 9.7.7 Indemnity forms;
- 9.7.8 Delivery notes;
- 9.7.9 Event records; and
- 9.7.10 Customer application

9.8 **Safety, Health, Environment and Quality – SHEQ**

- 9.8.1 Health Survey records;
- 9.8.2 Audit records;
- 9.8.3 Quality control records;
- 9.8.4 Specification and related documents;
- 9.8.5 OHS records;
- 9.8.6 Agreements; and
- 9.8.7 Systems and procedure records.

9.9 **Third party records**

- 9.9.1 Records held by the company relating to third parties, including, without limitation, financial records, correspondence, contractual records, records provided by the third party, and records third parties have provided about

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the company.

10. REQUEST PROCEDURE

10.1 Records held by the company may be accessed upon request once the requirements for access have been complied with.

10.2 A requester is any person making a request for access to a record of the company. There are two types of requesters, namely, a personal requester and an "other requester". A personal requester is a requester who seeks access to a record containing personal information about the requester. An "other requester" is a requester who seeks access to information about third parties. The company is not obliged to automatically grant access to any information, and the requester (whether a personal or an "other requester") must comply with the requirements for requesting access in terms of the Act excluding the payment of a fee. As described in the set regulations, a fee is only paid by the requested when:

- The Information Officer has determined that the search for such a record will require more than six (6) hours to search. Form 3 is completed and the requester is required to pay as a deposit a portion of the access fee as set out in Annexure B of the PAIA Regulations.

10.3 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to information.

10.4 The requester must complete the prescribed form attached as **Form 2** and submit it,

10.5 The prescribed form must be completed with enough detail to enable the Information Officer to identify -

10.5.1 the record or records requested;

10.5.2 the identity of the requester;

10.5.3 what form of access is required, if the request is granted; and

10.5.4 the postal address and/or fax number of the requester.

10.6 The requester must state that he requires the information in order to exercise or

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protect a right, and clearly state the nature of the right in question. In addition, the requester must clearly specify why the record is necessary to exercise or protect such right.

- 10.7 The requester will be informed in writing as to whether its request is granted or refused. If, in addition to a written reply, the requester wishes to be informed of the decision in any other manner, he must state the manner and necessary particulars to be so informed.
- 10.8 If a request 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.
- 10.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The Information Officer must complete Form 2 on behalf of the requester and provide a copy to the requester.
- 10.10 This manual, or part thereof can be obtained from either -
- 10.10.1 The company head offices, at the prescribed fee as set out in **Annexure A**;
 - 10.10.2 the IR, the details of which are set out in paragraph 4 above;
 - 10.10.3 the Government Gazette; or
 - 10.10.4 it can be downloaded from our websites referred to above.

11. FEES

- 11.1 The Act provides for the payment of two types of fees, namely -
- 11.1.1 a request fee, which will be a standard fee; and
 - 11.1.2 an access fee, which must be calculated by taking into account production costs, search and preparation time and cost, as well as postal costs.
- 11.2 When a request is received by the Information Officer, such person shall by notice, require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing such request.

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- 11.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.
- 11.4 The Information Officer is entitled to withhold access to a record until the requester has paid the applicable fees set out in **Form 3**.
- 11.5 A requester whose request for access to a record has been granted must pay an access fee for reproduction and for search and preparation time, and for any time reasonably required in excess of the prescribed hours, including making arrangements to make it available in the requested format.
- 11.6 If a deposit has been paid in respect of a request for access, which is refused, the Information Officer must repay the deposit to the requester.

12. DECISION

- 12.1 The company will, within thirty days of receipt of the request, endeavour to determine whether or not to accept the request and notify the requester of such determination in writing.
- 12.2 The thirty-day period may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the company and the information cannot reasonably be obtained within the initial thirty-day period. The company will notify the requester in writing should an extension be sought.

13. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If the company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

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14. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The grounds on which the company may or must refuse a request for access to information are set out in sections 63 to 69 of the Act.

15. REMEDIES AVAILABLE WHEN A REQUEST IS REFUSED

15.1 Internal remedies

A decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

15.2 External remedies

15.2.1 A requester that is dissatisfied with the Information Officer's refusal to disclose information may, within thirty days of notification of the decision, apply to court for relief.

15.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information may, within a prescribed period, apply to a court for relief.

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16. CATEGORIES OF DATA SUBJECTS AND THEIR PERSONAL INFORMATION

The company may possess or possesses records relating to clients/customers, suppliers, board members, contractors, service providers, members of the public who lodged complaints:

Data subject category	Personal information processed
Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Passport number; Tax related information; nationality; gender; confidential correspondence
Juristic Persons / Entities	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
Contracted Service Providers	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
Board	Gender; Marital Status; Ethnicity; Age; Home Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details

Annexure A
(Prescribed forms to be completed)

Form	Description	Link
A	Request for access to record of Public Body	https://www.justice.gov.za/forms/paia/J750_paia_Form%20A.pdf
B	Notice of Internal Appeal (Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 8	https://www.justice.gov.za/forms/paia/J751_paia_Form%20B.pdf
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)	https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf
D	AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS: (Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))	https://www.justice.gov.za/forms/paia/J753_paia_Form%20D.pdf
E	AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS: (Section 52 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))	https://www.justice.gov.za/forms/paia/J749_paia_Form%20E.pdf

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