

VHEMBE MILLING (PTY) LTD

REG NO: 1978/082604/07

("Vhembe")

Manual prepared in accordance with section 51 of the Promotion of Access to Information Act, No 2 of 2000

1. INTRODUCTION

- 1.1. In terms of section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No.108 of 1996 every person has a right to access information. In order to comply with this constitutional obligation, the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") was assented to by Parliament.
- 1.2. The motivation for giving effect to the right of access to information is to:
 - 1.2.1. Foster a culture of transparency and accountability in both public and private bodies.
 - 1.2.2. Promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.
- 1.3. In addition, the Protection of Personal Information Act 4 of 2013 ("**POPIA**") regulates the rights of a data subject to access his/her Personal Information ("**PI**"), which accessing procedure is also address in this manual.
- 1.4. PAIA and POPIA however recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 1.4.1. Limitation aimed at the reasonable protection of privacy;
 - 1.4.2. Commercial confidentiality; and
 - 1.4.3. Effective, efficient and good governance;

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

2. PURPOSE

- 2.1. The purpose of this manual is to facilitate requests for access to information held by VHEMBE.
- 2.2. This manual does not 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 requests to VHEMBE in terms of such legislation.
- 2.3. VHEMBE makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information

entirely at their own risk, and VHEMBE shall not be liable for any loss, expense, liability, or claims, howsoever arising, resulting from the use of this manual or of any information provided by VHEMBE or from any error therein.

- 2.4. All users and requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by VHEMBE.

3. THE MAIN BUSINESS ACTIVITIES OF VHEMBE

The main business of VHEMBE includes the operation of various depots trading in maize and general groceries.

4. CONTACT DETAILS OF INFORMATION OFFICER

- **Name:** Gustav Nel (Director)
- **Postal address:** P.O. Box 100, REITZ, 9810
- **Physical Address:** 31 President CR Swart Street, REITZ, 9810
- **Telephone number:** 058 863 8111
- **E-mail address:** privacy@vkb.co.za
- **Website:** www.vkb.co.za

5. GUIDES TO PAIA AND POPIA OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The Guide described in section 10 of PAIA was published in August 2003 and contains the information as prescribed in PAIA. Any enquiries regarding this guide should be directed to the SAHRC.

Copies of PAIA and POPIA, the relevant regulations and guides to these acts, can also be obtained from the SAHRC or the Information Regulator (see contact details below):

SAHRC	INFORMATION REGULATOR
South African Human Rights Commission	JD House
Promotion of Access to Information Act Unit	27 Stiemens Street
Research and Documentation Department	Braamfontein,
Private Bag 2700	Johannesburg,
Houghton	2001
Johannesburg	Email: infoereg@justice.gov.za
2041	
Telephone number: (011) 877 3600	

Fax number: (011) 484 7146/7	
Website: www.sahrc.org.za	
Email: info@sahrc.org.za	

6. THE FOLLOWING RECORDS ARE AVAILABLE IN TERMS OF SECTION 51(1)(d) OF PAIA:

6.1. VHEMBE has, *inter alia*, records available in terms of the following legislation of the Republic of South Africa:

Companies Act 71 of 2008	The Labour Relations Act, No. 66 of 1995
Basic Conditions of Employment Act 75 of 1997	Value Added Tax Act, No. 89 of 1991
Employment Equity Act 55 of 1998	Income Tax Act, No. 58 of 1962
Compensation for Occupational Injuries and Diseases Act 130 of 1993	Occupational Health and Safety Act No. 85 of 1993

6.2. Please note that aforementioned list is not exhaustive, and the Information Officer can be contacted in order to confirm any specific legislative record holding.

7. INFORMATION AVAILABLE IN TERMS OF SECTION 52 OF PAIA

To date, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

8. DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY VHEMBE

8.1. The description of the subjects and categories of records held by VHEMBE are the following:

SUBJECT OF INFORMATION	CATEGORIES OF INFORMATION
Company Incorporation Documents	MOI and CIPC documents
Secretarial records	Share Register and Minute of General meetings
Financial records	Accounting records, books and documents
Income tax records	PAYE and UIF records
Human Resources/Employment records	List of employees and Arbitration orders and agreements
Pension and provident funds	Lists of employees who belong to the respective funds and Minutes of meetings of trustees

Insurance records	Public liability insurance records
Immovable and movable property	Asset register and Title deeds of any land owned by VHEMBE
Client agreements	Production agreements, applications for trading accounts and debit and credit notes
Miscellaneous agreements	Suretyship agreements and general commercial agreements
Correspondence	Correspondence with clients of VHEMBE

8.2. Please note that aforementioned list is not exhaustive, and the Information Officer can be contacted in order to confirm any specific subject and category of information held by VHEMBE.

9. PROCESSING OF PERSONAL INFORMATION

9.1. The purpose for processing personal information

VHEMBE processes PI for various purposes, where legally justified to do so. The VKB Group maintains a separate privacy statement, which incorporates the purposes for processing. The privacy statement is available on VKB's website: <https://www.vkb.co.za/index.php/en/about-us/privacy-portal>

9.2. Categories of data subjects and Personal Information processed by VHEMBE

CATEGORIES OF DATA SUBJECTS	PI PROCESSED
Shareholders	Shareholder PI
Customers including potential and previous customers	Customer personal/special PI, e.g. name, identity number (ID), race, etc.
	Customer bank details, e.g. account number, products, etc
	Customer biometric special information
	Customer vehicle registration
	Surveillance records
	Customer contracts
	Customer location information
	Customer third-party information, such as from

	credit bureaux and the Companies and Intellectual Property Commission (CIPC).
Suppliers / Contractors	Supplier / Contractor PI
	Supplier / Contractor contracts
	Supplier / Contractor bank details
	Biometric information of supplier / contractor representatives
	Surveillance information of supplier representatives (e.g. CCTV footage)
	PI of supplier / contractor representatives
Employees (prospective, previous and existing employees)	Employee PI (e.g. name, ID, etc.)
	Employee education and psychometrics records
	Employee medical information
	Employee disability information
	Employee biometric information
	Employee pension and provident fund information
	Employee bank details
	Employee tax and financial information
	Employee contracts
	Employee beneficiary information
	Employee vehicle registration
	Employee performance records
	Payroll records
	Physical access records
	Electronic access records
	Surveillance records
	Health and safety records

	Training records
	Background checks
	Criminal checks
	Employment history
Job applicants	Curriculum vitae and application forms
	Criminal checks
	Background checks
Visitors	Physical access records
	Electronic access records, scans and photographs
	Surveillance records (like CCTV footage)

9.3. Recipients or categories with whom Personal Information is shared

9.3.1. VHEMBE may share the PI of its data subjects, where legally justified to do so, for any of the purposes as set out in VHEMBE's Privacy Notice (see paragraph 9.1 above) with the following parties (amongst others):

9.3.1.1. other companies within the VKB Group; and

9.3.1.2. VHEMBE's service providers, operators (suppliers and third parties) who perform services on its behalf.

9.3.2. VHEMBE does not share the PI of its data subjects with any third parties, except if:

9.3.2.1. it is obliged to provide such information for legal or regulatory purposes;

9.3.2.2. it is required to do so for purposes of existing or future legal proceedings;

9.3.2.3. it is selling one or more of its businesses or part of its businesses to a third party to whom it may transfer its rights under any agreement it may have with data subjects;

9.3.2.4. it is involved in the prevention of fraud, loss, bribery or corruption;

9.3.2.5. the third party performs services and processes PI on VHEMBE's behalf as its operator;

9.3.2.6. this is required to provide or manage any information, products and/or services to data subjects; or

9.3.2.7. this is needed to help the VKB Group improve the quality of its products and services.

9.3.3. VHEMBE will send its data subjects appropriate notifications or communications of its processing if it is obliged to do so by law, or in terms of its contractual relationship with data subjects.

9.3.4. VHEMBE's employees and suppliers are required to adhere to legislation relating to privacy and confidentiality principles.

9.4. **Information security measures to protect personal information**

9.4.1. Reasonable technical and organisational measures have been implemented for the protection of PI processed by VHEMBE.

9.4.2. VHEMBE continuously implement and monitor reasonable technical and organisational security measures to protect the PI it holds, against unauthorised access, as well as accidental or wilful manipulation, loss, damage, or destruction.

9.4.3. VHEMBE will take reasonable steps to ensure that operators (suppliers and third parties) Process PI on its behalf in accordance with POPIA.

9.5. **Personal Information received from third parties**

When VHEMBE receives PI from a third party on behalf of a data subject, it requires confirmation that the third party has a lawful justification in terms of section 11 of POPIA, to share such information with VHEMBE.

9.6. **Cross-border flows of personal information**

VHEMBE will only transfer PI across South African borders if the relevant transactions or situation requires cross-border processing. It will only do so in accordance with South African legislative requirements, or if the data subject consents to the transfer of their PI to third parties in foreign countries.

10. THE MANNER IN WHICH THE ABOVE RECORDS WILL BE MADE AVAILABLE

10.1. The above-mentioned records are available for public inspection at the offices of VHEMBE during office hours, by prior arrangement with the Information Officer, subject to the grounds of refusal mentioned in Chapter 4 of Part 3 of PAIA and any other applicable legislation.

10.2. In order to request access to information held by VHEMBE, the person requesting access to such information (hereinafter referred to as the "**requester**") must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right, but must also comply with all the procedural requirements set out in PAIA. Should the requester that request access to the information be a public body (i.e. state), the requester must identify that the request for information is for the public's interest by stipulating adequate reasons.

11. REQUEST PROCEDURE

- 11.1. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 11.2. The requester must complete VHEMBE's prescribed form and pay the request fee (if applicable) as referred to in paragraph 18 hereof.
- 11.3. The request must be made to the Information Officer at his/her address and e-mail address.
- 11.4. If a request is made on behalf of another person, then the requester must show to the reasonable satisfaction of the Information Officer that he/she is duly authorised to make such application.
- 11.5. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- 11.6. The requester must pay the prescribed request fee, before any further processing can take place.
- 11.7. VHEMBE will process the request within 30 days from the date when the prescribed fee and form was received, whatever was the latest.
- 11.8. The requester shall be informed whether access is granted or denied.
- 11.9. The requester must indicate that he/she requires the information in order to exercise or protect a right.

12. ACCESS TO RECORDS HELD BY VHEMBE

- 12.1. Records held by VHEMBE may be accessed by requests only once all prerequisite requirements for access have been met.
- 12.2. A requester is any person making a request for access to a record of VHEMBE.

13. REQUESTER

- 13.1. A personal requester is a requester who is seeking access to a record containing PI about the requester.
- 13.2. VHEMBE will voluntarily provide the requested information, or give access to any record with regard to the requester's PI. The prescribed fee for reproduction of the information requested will be charged.
- 13.3. The requester (other than a personal requester) is entitled to request access to information of third parties. However, VHEMBE is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.
- 13.4. Employees will not be required to use the PAIA/POPIA process to obtain their PI held by VHEMBE. Such records can be obtained from VHEMBE's HR Department.

14. FEES

- 14.1. PAIA provides for two types of fees, namely:
- 14.1.1. A request fee, which will be a standard fee as contemplated in *Government Gazette* No. 23119; and
- 14.1.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs as contemplated in *Government Gazette* No. 23119.
- 14.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 14.3. 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 of the access fee which would be payable if the request is granted.
- 14.4. The Information Officer shall withhold a record until the requester has paid the required fees.
- 14.5. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 14.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

15. AVAILABILITY OF THE MANUAL

- 15.1. This manual is made available in terms of Regulation Number R. 187 of 15 February 2002 and will be available on www.vkb.co.za
- 15.2. The manual will also be available at the offices of the South African Human Rights Commission.

16. INFORMATION THAT MAY BE PRESCRIBED IN TERMS OF SECTION 51(1)(f)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

17. RECORDS THAT CANNOT BE FOUND

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

18. PRESCRIBED FORMS AND FEES

The prescribed request form and fees applicable to the request for information can be obtained on request from the Information Officer.

DATE: 1 JULY 2021