



WE ARE MILK

PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 SECTION 51 (“PAIA”) MANUAL

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1. INTRODUCTION

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

This Manual may be amended from time to time, and once amendments have been affected, the latest version of this Manual will be distributed and published in accordance with the Act.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

2. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:–

- **“Act”** means the Promotion of Access to Information Act No. 2 of 2000, as amended from time to time;
- **“Dairy Group”** means Dairy Group (Proprietary) Limited, a private company registered in terms of the laws of the Republic of South Africa under registration number 2020/270779/07, comprising of Dairy Group and its subsidiaries;
- **“Information Officer”** as defined by the Act, means the person acting on behalf of Dairy Group and discharging the duties and responsibilities assigned to the head of Dairy Group by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the head of Dairy Group in writing;
- **“Manual”** means this manual published in compliance with Section 51 of the Act;
- **“Minister”** means the cabinet member responsible for the administration of justice;
- **“Personnel”** means any person who works for or provides services to or on behalf of Dairy Group and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;
- **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of Dairy Group, irrespective of whether it was created by Dairy Group;
- **“Request”** means a request for access to a Record of Dairy Group;
- **“Requestor”** means any person, including a public body or an official thereof, making a Request for access to a Record of Dairy Group and includes any person acting on behalf of that person;
- **“SAHRC”** means the South African Human Rights Commission.

Terms defined in the Act shall have the same meaning in this Manual.

3. CONTACT DETAILS

The Company Secretary of Dairy Group is Mr Anelisa Makwabe (“**Mr. Makwabe**”). Mr. Makwabe, is the Information Officer for the purposes of the Act and is the person to whom Requests for access to Records should be addressed.

The Information Officer’s contact details are listed below:

Name of Company	Dairy Group (Pty) Ltd
Postal address	PO Box 612072 Bluewater Bay 6212
Physical address	Cable Road Zone 3 Coega IDZ Port Elizabeth 6100
Phone number	041 405 0000
Fax number	041 405 0050
Information Officer	Anelisa Makwabe
Email address of Information Officer	anelisa@coegadairy.com
Telephone Number	041 405 0025

4. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The SAHRC has, in terms of Section 10 of the Act, published a Guide to assist persons wishing to exercise any right in terms of the Act. The Guide may be obtained from the SAHRC or on its website (<http://www.sahrc.org.za>).

Please direct any queries to:

**The South African Human Rights
Commission PAIA Unit**

The Research and Documentation Department

Postal address: Private Bag X2700
Houghton 2041

Telephone: 011 484 8300
Fax: 011 484 0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

5. HOW TO REQUEST ACCESS TO RECORDS HELD BY DAIRY GROUP

Requests for access to Records held by Dairy Group in terms of Section 50 of the Act must be made on the form contained in Annexure 1. The Request must be made to the Information Officer at the address, fax number or electronic mail address provided for above. Not using this form could cause your Request to be refused or delayed.

The Requestor must provide sufficient detail on the Request form to enable the Information Officer to identify the Records requested and the identity of the Requestor.

The Requestor must identify the right that he or she is seeking to exercise or protect by accessing Records held by Dairy Group and provide an explanation of why the requested Record is required for the exercise or protection of that right.

If a Request is made on behalf of a person, the Requestor must then submit proof of the capacity in which the Requestor is making the Request to the satisfaction of the Information Officer.

Dairy Group is required to inform a Requestor in writing of its decision in relation to a Request.

6. FEES PAYABLE

The list detailing the prescribed fees payable to Dairy Group in respect of Requests and the fees in respect of access to Records (if the Request is granted) is attached as Annexure 2.

7. GROUNDS OF REFUSAL OF ACCESS

Dairy Group may, and must in certain instances, refuse access to Records on any of the grounds set out in Chapter 4 of Part 3 of the Act. These grounds for refusal include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of Dairy Group itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a Record constitutes privileged information for the purpose of legal proceedings, or that it is necessary to protect the research information of a third party or Dairy Group itself. Access to documents may also be refused on the basis of professional privilege.

8. VOLUNTARY DISCLOSURE

Dairy Group does make certain information freely available, including its quarterly published Newsletter. Other information relating to Dairy Group is freely available on its website at www.dairygroup.co.za.

Certain information is also made available to employees of Dairy Group, which is not generally made available to the public. To avoid confusion, these items of information are not listed here but may be obtained by Dairy Group employees from its HR office.

9. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Information is retained in terms of the following legislation. The legislation includes, but is not limited to, the following:

- Agricultural Products Standards Act 119 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003

- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Customs and Excise Act 91 of 1964
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972
- Harmful Business Practices Act 23 of 1999
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Environmental Management Act 107 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Protection of Personal Information Act, 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Short Term Insurance Act 53 of 1998
- Stamp Duties Act 77 of 1968
- Standards Act 29 of 1993
- Trademarks Act 94 of 1993
- Tax Administration Act 28 of 2011
- Unemployment Insurance Act 30 of 1966
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

10. RECORDS HELD BY DAIRY GROUP

We maintain Records on the following categories and subject matters. All Requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

10.1. Company Records

- Documents of Incorporation;
- Memorandum of Incorporation;
- Necessary certificates in terms of the Companies Act 71 of 2008;
- Share registers and other statutory registers;
- Names of directors;
- Minutes of meeting of committees and sub-committees;
- Company policies and directives;
- Intellectual property;
- Marketing Records;
- Legal Records;
- Internal correspondence;
- Statutory Records;
- Internal policies and procedures;
- Records held by officials of Dairy Group.

10.2. Financial Records

- Financial Records and reports;
- Accounting Records;
- Audit Records and reports;
- Debtors Records;
- Tax returns;
- Banking Records;
- Financial policies and procedures;
- Risk management Records;
- Management accounts and Records;
- Purchase and order Records;
- General correspondence.

10.3. Human Resources Records

- A list of Dairy Group's Personnel;
- Any personal Records provided to Dairy Group by its Personnel;
- Any Records a third party has provided to Dairy Group about any of its Personnel;
- Conditions of employment and other Personnel-related contractual Records;
- Internal evaluation Records;
- Skills plans;
- Disciplinary Records;
- Employment Equity Plans of the Dairy Group;
- Employee Tax information;
- Training schedules and manuals;
- Pension and Provident Fund Records;
- Internal policies and procedures.

10.4. Customer-related Records

- Any Records a customer has provided to the Dairy Group or a third party acting for or on behalf of the Dairy Group;
- Any credit Records or other research conducted by the Dairy Group in respect of its customers or research derived by the Dairy Group from its customers and their activities;
- Any Records a third party has provided to the Dairy Group either directly or indirectly;
- Records generated by or within the Dairy Group pertaining to the customer, including transactional Records.

10.5. Information Technology

- Computer software;
- IT technology capabilities;
- Support and maintenance agreements;
- Records regarding computer systems;
- Programs including software license agreements;
- IT policies and procedures;
- Network Diagrams;
- Configuration setups;
- Systems and user manuals.

10.6. Legal

- Agreements/general contract;
- Litigation claims/court documents and records;

- Property records;
- Trademark and intellectual property records.

10.7. Third Party Records

Records are kept in respect of other parties, including without limitation contractors, Commercial Banks, auditors and consultants, suppliers, joint venture companies and service providers. In addition, such other parties may possess Records which can be said to belong to the Dairy Group. The following Records fall under this category:

- Personnel, customer, or Dairy Group Records which are held by another party as opposed to being held by the Dairy Group; and
- Records held by the Dairy Group pertaining to other parties, including financial Records, correspondence, contractual Records, Records provided by the other party, and Records third parties have provided about the contractors or suppliers.

11. INFORMATION OR RECORDS NOT FOUND

If all reasonable steps have been taken to find a Record, and such a Record cannot be found or if the Records do not exist, then Dairy Group will notify the Requestor, by way of an affidavit or affirmation, that it is not possible to give access to the requested Record.

If the Record in question should later be found, the Requestor shall be given access to the Record in the manner stipulated by the Requestor unless access is refused by Dairy Group as permitted by the Act.

12. INFORMATION REQUESTED ABOUT A THIRD PARTY

Where any information is requested from Dairy Group that relates to a third party, Dairy Group is required to notify the third party of the Request. The third party has an opportunity to grant his, her or its consent to the disclosure of the Record or to make representations as to why the requested Record should not be disclosed to the Requestor. If Dairy Group decides to grant access to the Record, it will notify the affected third party again.

13. OTHER INFORMATION AS PRESCRIBED

The Minister has not prescribed that any further information must be contained in this Manual.

14. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.dairygroup.co.za/paia/) or by sending a Request for a copy to the Information Officer by email.

REQUEST FOR ACCESS TO RECORD

(Section 53(1) of the Promotion of Access to Information Act No 2 of 2000)

A. Particulars of Company

The Information Officer of Dairy Group:

B. Particulars of Person requesting access to the Record

(a) The particulars of the person who Requests access to the Records must be recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the Request is made, if applicable, must be attached.

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number: _____

Fax Number: _____

E-mail address: _____

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

C. Particulars of person of whose behalf Request is made:

*This Section must be completed **only** if a Request for information is made on behalf of another person*

Full names and Surname:

Identity Number:

D. Particulars of Record:

(a) Provide full particulars of the Record to which access is requested.

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

E. Particulars of right to be exercised or protected:

1. Indicate which right is to be exercised or protected:

2. Explain why the requested Record is required for the exercising or protection of the aforementioned right:

F. Notice of decision regarding Request for access:

You will be notified in writing whether your Request has been approved/denied.

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTOR / PERSON
ON WHOSE BEHALF REQUEST IS MADE

PRESCRIBED FEES PAYABLE**1. The following applies to requests:**

- 1.1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 1.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 1.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 1.4. Records may be withheld until the fees have been paid.

2. Reproduction and Access Fees

- 2.1. The fees for reproduction referred to in regulation 11(1) are as follows:

Reproduction of Information Fees	Fees to be Charged
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine – readable form	R0.75
For a copy in a computer-readable form on – Stiffy Disc Compact Disc	R7.50 R70.00
For a transcription of visual images for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00

- 2.2. The access fees payable by a requester referred to in regulation 11(3) are as follows:

Access of Information Fees	Fees to be Charged
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine – readable form	R0.75

For a copy in a computer-readable form on – Stiffy Disc Compact Disc	R7.50 R70.00
For a transcription of visual images for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for and prepare the record for disclosure R30.00 for each hour or part of an hour reasonably required for such search and preparation	
The actual postage is payable when a copy of a record must be posted to a requester	

2.3. For purposes of section 54(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable; and
- one third of the access fee is payable as a deposit by the requester.