



BEXGROUP (PTY) LTD

**Registration Number: 2002/021088/07
(the "Company"/ "BexGroup")**

**MANUAL ON:
THE PROMOTION OF ACCESS TO INFORMATION ACT¹ &
THE PROTECTION OF PERSONAL INFORMATION ACT².
("PAIA AND POPIA MANUAL/ MANUAL")**

Version	1
Approved	24 June 2021

¹ In terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA")

² The Protection of Personal Information Act, No. 4 of 2013 ("POPIA")

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1. INTRODUCTION

1.1. This Manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) and to address requirements of the Protection of Personal Information Act, No. 4 of 2013 (“POPIA”).

1.2. BexGroup (Pty) Ltd (“BexGroup”) is the holding company for several businesses in the agricultural and logistics value chain. This Manual applies BexGroup, including its subsidiary and related entities.

1.3. PAIA was enacted to give effect to the constitutional right of access to information. In terms of the Constitution and PAIA, all people in South Africa, including non-nationals, can request information from public and private bodies.

1.4. The objectives of PAIA:

- To promote transparency, accountability and effective governance of all public and private bodies;
- To assist members of the public to effectively scrutinize and participate in decision making by public bodies;
- To ensure that the state promotes a human rights culture and social justice
- To encourage openness; and
- To establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner.

1.5. This Manual informs requestors of procedural and other requirements which a request to BexGroup, a private body, must meet as prescribed by the PAIA as read with POPIA.

2. COMPANY CONTACT DETAILS – (PAIA: Section 51 (1) (a))

Directors: Mr GW Bester
Ms AM Bester
Mr SD Meades
Ms A Louw
Mr CV Human

Office Manager/CEO: Mr GW Bester

Postal Address: PO Box 7329, Stellenbosch, 7599

Street Address: Platinum Square, 20 Techno Drive,
Technopark, Stellenbosch, 7600

Telephone Number: +27 (0)21 809 2500

Fax Number: +27 (0)86 618 8924

Email: info.officer@bexgroup.co.za

Information Officer: Dr AP Simpson

Postal Address: PO Box 7329, Stellenbosch, 7599

Street Address: Platinum Square, 20 Techno Drive,
Technopark, Stellenbosch, 7600

Telephone Number: +27 (0)21 809 2500

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3. REQUESTS – (PAIA: Section 51(1) (b))

3.1. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and fees are dealt with in PAIA as read with POPIA.

3.3. Requesters are currently referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”) and contains information for the purposes of exercising rights in terms of PAIA and POPIA.

3.4. All powers and responsibilities currently performed by the South African Human Rights Commission in terms of PAIA have been taken over by the Information Regulator with that office having been established in terms of POPIA.

3.5. The contact details of the Information Regulator are:

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Email Address: infoereg@justice.gov.za

Website: www.justice.gov.za

4. APPLICABLE LEGISLATION – (PAIA: Section 51 (1) (c))

4.1. As at the time of adopting and issuing this PAIA and POPIA Manual, the following Legislation, as amended from time to time, and such underlying Regulations and Codes of Conduct are applicable to BexGroup:

APPLICABLE LEGISLATION
Agricultural Produce Agents Act No. 12 of 1992
Agricultural Product Standards Act No.119 of 1990
Basic Conditions of Employment Act No. 75 of 1997
Broad-Based Black Economic Empowerment Act No. 53 of 2003 as Amended by Act No. 46 of 2013
Companies Act No. 71 of 2008 as Amended by Act No. 3 of 2011
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Competition Act No. 89 of 1998
Consumer Protection Act No. 68 of 2008
Copyright Act No. 98 of 1978
Constitution of the Republic of South Africa Act No. 108 of 1996
Criminal Procedure Act No. 51 of 1977
Credit Agreement Act No. 75 of 1980
Customs and Excise Act No. 91 of 1964
Currency and Exchanges Act No. 9 of 1933
Cybercrimes Act No. 19 of 2020
Deed Registries Act No. 47 of 1937
Electronic Communications and Transactions Act No. 25 of 2002

APPLICABLE LEGISLATION

Employment Equity Act No. 55 of 1998

Estate Duties Act No. 45 of 1955

Fertilizers, Farm Feeds, Seeds and Remedies Act No. 36 of 1947

Financial Intelligence Centre Act No. 38 of 2008

Financial Markets Act No. 19 of 2012

Financial Markets Control Act No. 55 of 1989

Identification Act No. 68 of 1997

Income Tax Act No. 58 of 1962

Insider Trading Act No. 135 of 1998

Insolvency Act No. 24 of 1936

Intellectual Property Laws Amendment Act No.38 of 1997

Labour Relations Act No. 66 of 1995

Machinery and Occupational Safety Act No. 6 of 1983

Magistrates' Court Act No. 32 of 1944

National Credit Act No. 35 of 2005

National Water Act No. 36 of 1998

Occupational Health and Safety Act No. 85 of 1993

Patents, Designs and Copyright Merchandise Marks Act No. 17 of 1941

Pension Funds Act No. 24 of 1956

Prescription Act No. 68 of 1969

Prevention of Organized Crime Act No. 121 of 1998

APPLICABLE LEGISLATION
Promotion of Access of Information Act No. 2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Protection of Personal Information Act No. 4 of 2013
Road Transportation Act No. 74 of 1977
Skills Development Levies Act No. 9 of 1999
Stock Exchanges Control Act No. 1 of 1985
Unemployment Insurance Act No. 63 of 2001
Tax Administration Act No. 28 of 2011
Trade Marks Act No. 194 of 1993
Transfer Duty Act No. 40 of 1949
Value-added Tax Act No. 89 of 1991

5. CATEGORIES OF RECORDS HELD BY THE COMPANY – (PAIA: Section 51 (1) (d))

5.1. Companies Act Records:

- Documents of incorporation.
- Memorandum of Incorporation.
- Minutes of Board of Directors meetings.
- Records relating to the appointment of directors/ auditor / secretary/ public officer and other officers.
- Share Register and other statutory registers.

5.2. Financial Records:

- Annual Financial Statements.
- Tax Returns.
- Accounting Records.
- Banking Records.
- Bank Statements.

- Electronic banking records.
- Asset Register.
- Rental Agreements.
- Invoices.

5.3. Tax Records:

- PAYE Records.
- Documents issued to employees for income tax purposes.
- Records of payments made to SARS on behalf of employees.
- All other statutory compliances:
 - VAT.
 - Skills Development Levies.
 - UIF.
 - Workmen's Compensation.

5.4. Personnel Documents and Records:

- Employment contracts
- Employment Equity Plan (if applicable)
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

5.5. Counterparty Documentation:

- A copy of business registration certificate.
- A copy of proof of physical address (*Domicilium citandi et executandi*).
- Confirmation of banking details (Bank letter, Bank statement, or cancelled cheque).
- A copy of VAT registration certificate.
- Copies of IDs included but not limited to Director/Member/Partner/Trustee/Agent.
- The Client information page.
- Terms and conditions signed by the authorised person as well as witnesses.
- A valid resolution.
- A copy of audited financial statements.
- Suretyship completed and signed by the individual signing surety on behalf of the applicant.
- Individual signing surety's personal balance sheet.
- Sale and/or purchase contract.
- Any other documentation related to the sale and/or purchase.

- Any other agreement including a memorandum of understanding or a tri-party agreement.

5.6. Company Policies and Directives:

- Internal relating to employees and the company.
- External relating to clients and other third parties.

5.7. Regulatory:

- Licenses or Authorities.

5.8. Systems, Solutions, and Information Technology:

- Intellectual property pertaining to solutions and products developed.
- Usage of solutions and products.

5.9. Reference Materials:

- Newsletters and Journal Articles.
- Magazines.
- Newspaper Articles.

6. ACCESS TO RECORDS HELD BY THE COMPANY – (PAIA: Section 51 (1) (e))

Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company.

6.1. The PAIA distinguishes between two types of requesters:

- Personal Requester is a requester who is seeking access to a record containing Personal Information about the requester. Subject to the provisions of PAIA and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's Personal Information. The prescribed fee for reproduction of the information requested will be charged by the Company.
- Other Requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the PAIA. The prescribed fee for reproduction of the information requested will be charged by the Company.

6.2. Request Procedure:

- A requester must comply with all the procedural requirements contained in the PAIA relating to a request for access to a record.
- Address your request to the Information Officer per contact details provided in this Manual.
- A requester must complete the prescribed form in terms of PAIA, as read with POPIA, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, or electronic mail address stated herein.
- The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
 - The record or records requested.
 - The identity of the requester.
 - What form of access is required.
 - The postal address or electronic mail address of the requester.
- A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected.
- The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.
- The Company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.
- The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

6.3. Decision:

- The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect.
- The 30-day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

7. PRESCRIBED FEES – (PAIA: Section 51 (1) (f))

The following applies to requests (other than personal requests):

- 7.1. A requestor is required to pay the prescribed fees in terms of PAIA, as read with POPIA, before a request will be processed.
- 7.2. 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).
- 7.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 7.4. Records may be withheld until the fees have been paid.

8. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY BEXGROUP

- 8.1. POPIA provides eight conditions under which Personal Information may legally be gathered and processed. These conditions have been adopted and are applied by BexGroup through processes and documented in formal information protection and privacy policies.
- 8.2. The eight conditions may not be derogated from, unless specific exclusions apply, as provided for by POPIA. These conditions (1) to (8) are summarised as follows:
 - (1) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.
 - (2) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.
 - (3) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
 - (4) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
 - (5) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
 - (6) Openness - there must be transparency between the Data Subject and the Responsible Party.

- (7) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- (8) Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

8.3. Purpose of the Processing of Personal Information – BexGroup uses Personal Information, as listed per categories in clause 5, in the following manner:

- Administration.
- Rendering services according to contractual agreements.
- Staff administration.
- Complying with relevant legislation.
- Keeping accounts of records.

8.4. Categories of Data Subjects and Personal Information/special Personal Information relating thereto – BexGroup may possess records relating to suppliers, shareholders, service providers, staff, vendors, and clients (natural and juristic persons).

8.5. Recipients of Personal Information – BexGroup only legally discloses Personal Information to third parties, in terms of its Privacy Policy, which is available on its website as referenced below in clause 10.

8.6. Cross-Border Flows of Personal Information – Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:

- If the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially like the Conditions for Lawful Processing as contained in POPIA; or
- If the Data Subject consents to the transfer of their Personal Information; or
- If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

BexGroup adheres to the above conditions in Cross-Border transfers of any Personal Information relating to employees, clients, companies, or organisation where so required.

- 8.7. Request for correction or deletion of Personal Information – Data subjects have the right to access the Personal Information the Company holds about them. Data subjects also have the right to ask the Company to update, correct or delete their Personal Information on reasonable grounds.
- 8.8. Objection to the Processing of Personal Information by a Data Subject – a Data Subject may, at any time object to the Processing of his/her/its Personal Information, subject to exceptions contained in POPIA.
- 8.9. BexGroup have information security safeguards in place to protect Personal Information. Measures include:
- Firewalls.
 - Virus protection software and update protocols.
 - Physical access control.
 - Secure setup of hardware and software making up the IT infrastructure.
- 8.10. BexGroup have measures and a response plan in place to minimise the threat and impact to Personal Information in case of a breach.

9. LIABILITY

- 9.1. Notwithstanding anything to the contrary contained herein, the provisions of this PAIA and POPIA Manual are not intended and should not be construed nor interpreted as placing more onerous duties, obligations or responsibilities of any nature whatsoever on the Company, the board, managers or employees than is required in terms of any legislation and/or regulatory requirements.

10. UPDATES TO THIS PAIA AND POPIA MANUAL

- 10.1. This PAIA and POPIA Manual will be updated when new legislation is released, or other material changes are required. Please check our website, www.bexgroup.co.za³, periodically to inform yourself of any changes.
- 10.2. This PAIA and POPIA Manual must be read and interpreted along with BexGroup Privacy Policy as available on its website referenced above.

³ <https://www.bexgroup.co.za/>