

**SCHNELLECKE SOUTH AFRICA (PTY) LTD**  
**REGISTRATION NO. 1995/001449/07**

**PAIA AND POPIA MANUAL**

**This manual is prepared in terms of Section 51 of the  
Promotion of Access to Information Act, 2 of 2000 ("PAIA") and to  
address requirements of the Protection of Personal Information Act, 4 of  
2013 ("POPIA")**

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## 1 INTRODUCTION

PAIA gives effect to section 32 of the South African Constitution, which focuses on the right to access information. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.

This manual constitutes Schnellecke South Africa (Pty) Ltd's (the "**Company**") PAIA manual compiled in accordance with section 51 of PAIA, as amended by POPIA.

POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information.

This PAIA manual also includes information on the submission of objection to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

## 2 OVERVIEW

The Company is a private company, which is a private body in terms of PAIA. This company provides logistic services and trades within the motor industry.

Whilst the directors of Schnellecke Logistics Parts and Accessories (Pty) Ltd endeavour to ensure that the information in this manual is accurate, complete and updated on a regular basis, no representation is made regarding such information.

## 3 COMPANY CONTACT DETAILS

Name of Body: Schnellecke South Africa (Pty) Ltd

Director and appointed Information Officer: Claire Nicholls

Deputy Information Officers: Lynn Damons  
Dirk Kunz

(The Information Officer oversees the functions and responsibilities as required for in terms of PAIA as well as the duties and responsibilities in terms of section POPIA after registering with the Information Regulator.)

Physical Address: Nelson Mandela Bay Logistics  
Park, Sensuzi Road  
Jagvlakte Industrial Area  
Uitenhage

*CN*

6230

Postal Address:

P.O. Box 80, Uitenhage, 6230

Telephone:

041-9945981

Fax number:

0866248951

E-mail:

[claire.nicholls@schnellecke.com](mailto:claire.nicholls@schnellecke.com)

#### 4 PAIA

PAIA grants a requestor 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, such public body must be acting in the public interest.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures at the rates provided. The forms and tariffs are dealt with in PAIA.

#### 5 GUIDE ON HOW TO HOW TO USE PAIA

A guide in relation to how to use PAIA has been issued by The South African Human Rights Commission (“**HRC**”). A copy of the guide can be obtained directly from the HRC and/or from its website, and any queries can be directed to:

**The South African Human Rights Commission**

PAIA Unit

The Research and Documentation Department

Postal Address:

Private Bag 2700  
Houghton  
2041

Telephone:

011 877 3600

Fax:

011 403 0625

Email:

[mnyuswa@sahrc.org.za](mailto:mnyuswa@sahrc.org.za)

Website:

[www.sahrc.org.za](http://www.sahrc.org.za)

Or, alternatively, the HRC’s successor:

**The Information Regulator (South Africa)**

Physical Address:

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

Postal Address:

P.O Box 31533  
Braamfontein

Johannesburg  
2017

Email address:

[infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

Website:

[www.justice.gov.za/infoereg](http://www.justice.gov.za/infoereg)

You can also contact the Information Regulator if you have any queries where you believe the Company has not adequately dealt with your request, or to lodge a complaint.

## **6 COMPANY RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST**

None of the records held by the Company are automatically available without a person having to request access in terms of PAIA.

## **7 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION**

Information may be made available in terms of *inter alia* the following legislation to *inter alia* the persons/entities specified in such legislation:

- Value Added Tax Act, 89 of 1991;
- Income Tax Act, 58 of 1962;
- Labour Relations Act, 66 of 1995;
- Basic Conditions of Employment Act, 75 of 1997;
- Employment Equity Act, 55 of 1998;
- Unemployment Insurance Act, 63 of 2001;
- Occupational Health and Safety Act, 85 of 1993;
- Compensation for Occupational Injuries and Health Diseases Act, 130 of 1993;
- Skills Development Act No. 97 of 1998;
- Skills Development Levies Act, 9 of 1999;
- Prevention of Combating of Corrupt Activities Act, 12 of 2004;
- Prevention of Organised Crime Act, 121 of 1998;
- Protected Disclosures Act, 26 of 2000;
- Electronic Communications and Transactions Act No. 25 of 2002;
- Regulation of Interception of Communications and Provision of Communications Related Information Act No. 70 of 2002;
- Consumer Protection Act, 68 of 2008;
- Companies Act, 71 of 2008;
- Copyright Act, 98 of 1978;
- Financial Advisory and Intermediary Services Act, 37 of 2002;
- Financial Intelligence Centre Act, 38 of 2001;
- PAIA;
- POPIA;
- other legislation as a result of the products and services being provided to clients operating in different sectors.

Although the Company has used its best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. If a requester believes that a right of access to a record exists in terms of

legislation other than that listed above, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

## **8 SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY**

The Company has the following subjects/categories of records:

- Finance / Accounts:
  - Financial Statements;
  - Financial and tax records (Company and employee);
- Secretarial:
  - Minutes of meetings;
  - Statutory returns;
- Human Resources:
  - Employee Records;
  - Employment policies and procedures;
  - Standard letters and notices;
- Client and supplier details:
  - Contact details;
  - Contracts with clients and suppliers;
  - Records generated by or in relation to the client and supplier.

Although the Company has used its best endeavours to supply a list of records held by it, it is possible that this list may be incomplete. If a requester believes that a record exists, the requester is required to indicate as such to the Information Officer who will then consider and make an assessment in relation to such request.

Recording subjects/categories of records does not imply that a request for access to such records will be honoured or create a right or entitlement (contractual or otherwise) to such records. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

## **9 HOW TO REQUEST ACCESS TO A RECORD OF THE COMPANY**

Although the process regarding how to access a record is set out in the Guide as referred to above, at a high level, please take note of the following should you want to request a Company record:

### **Form of request**

The requester must use the prescribed form made available by the HRC to request access to a record (also attached to this Manual as “**Annexure A**”).

The form must be sent to the Information Officer by means of the contact details stated above for the Company.

The form must contain the following particularity:

- Enough particularity to at least enable the Information Officer to identify the record(s) requested;
- Enough particularity to at least enable the Information Officer to identify the requestor (if it is an agent lodging the request, proof of capacity must also be provided);
- The requestor's contact details;
- Which form of access that is required;
- If the requestor wishes to be informed of the decision on the request in any other form other than in writing, the requestor must specify the manner and the necessary particulars to be so informed;
- The requestor must specify what right they seek to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right.

## **Fees**

A requester must pay two types of fees:

- A request fee of R50, which amount must be paid before the request will be processed; and
- An access fee for the search, reproduction, preparation and for any time spent to search and prepare the record for disclosure. If the Information Officer thinks that the collection and reproduction of documents will take longer than 6 (six) hours, he/she will inform the requester (by formal notice) that one third of the access fee is payable upfront as a deposit.

The Information Officer may withhold the record until the requestor has paid the applicable fee/s.

A requestor may lodge a complaint with the Information Regulator or an application with a court against the tender/payment of the request fee and/or deposit.

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. The requester may still however be required to pay the access fee.

## **Decision**

The Company will make a decision whether to grant or deny the request within 30 (thirty) days. The Information Officer may extend the period by an additional 30 (thirty) days depending on the complexity of the request requirements.

The requester shall be advised whether access is granted or denied in writing, unless otherwise specified in the request and it is reasonably possible for the Information Officer to comply with such request.

### **Non-compliance by requestor**

Where a requestor has made a request that does not comply with PAIA or POPIA, the Information Officer will only refuse the request because of non-compliance if he/she has:

- Notified the requestor of his/her intention to refuse the request, provided reasons for the contemplated refusal as well as his/her availability to assist the requestor to remove the ground for refusal;
- Given the requestor a reasonable opportunity to seek such a assistance;
- As far as reasonably possible, furnished the requestor with any information that would assist the making of the request in the prescribed form;
- Given the requestor a reasonable opportunity to confirm the request or alter it to comply with section 18 of PAIA or section 24 of POPIA.

## **10 POPIA**

### **Purpose of Processing**

The Company uses the Personal Information under its care in *inter alia* the following ways:

- As authorised/consented to by the data subject;
- For employee and potential employee administration;
- To conclude and carry out contracts with clients, suppliers, employees and other third parties;
- To render services in accordance with instructions given by clients;
- For accounting purposes;
- To ensure compliance with legislation;
- In the interests of the Data Subject;
- For record keeping;
- Any other purpose reasonably required by the Company.

### **Categories of Data Subjects and their Personal Information**

The Company may possess *inter alia* the following personal information:

<b>Entity Type</b>	<b>Personal Information Processed</b>
Clients, suppliers, contractors, service providers (natural and juristic persons)	Personal Information of clients, suppliers, contractors and service providers including but not limited to their business particulars, banking details and the contact details of the contact person.



Prospective Employees/ Employees / Directors (natural persons)	Personal Information associated with the life cycle of an employee
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### **Categories of Recipients of Personal Information**

The Company may supply Personal Information to *inter alia* the following recipients:

- Those recipients who the data subject has authorised may process their personal information;
- Regulatory and governmental authorities;
- Judicial authorities or forums making a request for Personal Information in accordance with relevant rules;
- Financial institutions;
- Anyone making a successful application in terms of PAIA or POPIA;
- Third parties to whom payments are made on behalf of employees such as Trade Unions, Medical Aids and Provident Funds;
- Any other operator or entity which the Company is required to share the information with to protect its or the Data Subject's interests or rights.

### **Actual or Planned Trans border Flows of Personal Information**

The Company may transfer data trans-border in order to store data with third party cloud storage providers or as otherwise agreed by data subjects.

### **General Description of Information Security Measures**

The Company understands the value of personal information and will take all appropriate, reasonable, technical and organisational measures to prevent loss of, or damage to, or unauthorized destruction of, or access to or Processing of personal information.

In this regard, the Company undertakes to:

- Identify all reasonable foreseeable internal and external risks to Company Personal Information;
- Establish and maintain appropriate safeguards against the risks identified by *inter alia* making use of electronic and computer safeguards, such as firewalls and data encryption, to secure Personal Information, having physical and electronic access control to its premises and only authorising access to Personal Information to those employees who require it to fulfil their designated responsibilities;
- Regularly verify that the safeguards are effectively implemented; and
- Ensure that the safeguards are continually updated in respect of new risks or deficiencies in previously implemented safeguards.

The Company will also have regard to generally accepted information security practices and procedures applicable to it or in its industry.

### **Request for access to Personal Information**

A requestor may in terms of section 23 of POPIA, and subject to the restrictions provided for in PAIA and POPIA, request that the Company:

- Confirm if the Company holds Personal Information about them;
- Provide them with particulars of the Personal Information about them that the Company holds;
- Identify all of the third parties or categories of third parties who have had access to their Personal Information.

The process set out in clause 9 above should be followed in this regard.

### **Objection to the Processing of Personal Information by a Data Subject**

POPIA provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in terms of section 11(3) of POPIA by means of the prescribed form subject to the exceptions contained in POPIA (form attached to this Manual as “**Annexure B**”). The form should be sent to the Information Officer.

### **Request for correction or deletion of Personal Information**

POPIA provides that a Data Subject may request for his/her/its Personal Information to be corrected/deleted by means of the prescribed form subject to the exceptions contained in POPIA (form attached to this Manual as “**Annexure C**”). The form should be sent to the Information Officer.

## **11 REVIEW**

This manual will be reviewed on an annual basis or as soon as any information referred to herein changes.



Claire Nicholls

Vice President Finance and Admin

11 June 2021

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**FORM 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)

[Regulation 10]

**A. Particulars of private body**

The Head:

**B. Particulars of person requesting access to the record**

- |     |   |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below.                |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

**C. Particulars of person on whose behalf request is made**

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names and surname:

Identity number:

**D. Particulars of record**

- |     |  |
|-----|--|
| (a) | 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. |
| (b) | If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.          |

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

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**E. Fees**

- |     |  |
|-----|--|
| (a) | A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.           |
| (b) | You will be <i>notified of</i> the amount required to be paid as the request fee.  |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption of the payment of any fee, please state the reason for exemption.   |

Reason for exemption from payment of fees:

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.
---

Disability:	Form in which record is required
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images	copy of the images"	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack audio cassette	transcription of soundtrack* written or printed document	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	printed copy of record*	printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES      NO

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**G Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE

*CN*

**FORM 1**  
**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:	
	Code (    )
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:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11 (1) (d) to ( f ) (Please provide detailed reasons for the objection)</b>

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

*Signature of data subject/designated person*

*CN*

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[[Regulation 3.](#)]

1. *Affidavits or other documentary evidence as applicable in support of the request 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.*

**Request for:**

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.   |
| <input type="checkbox"/> | 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. |

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D	<b>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> <i>(Please provide detailed reasons for the request)</i>
Signed at	this                      day of                      20
	.....
	Signature of data subject/designated person

CN