

Piekenierskloof Wine Company (Pty) Ltd

ACCESS TO INFORMATION MANUAL (PRIVATE BODY)

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT 2 OF 2000

1. **Purpose of the Manual in terms of PAIA.** The purpose of this Manual is to assist people wishing to access information in terms of the PAIA from Piekenierskloof Wine Company (Pty) Ltd.

This PAIA and POPIA Manual (“Manual”) provides an outline of the type of records and the personal information it holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act (2 of 2000) (“PAIA”). In addition, it explains how to object to the processing of personal information held by the Company, or request for correction or deletion of the personal information, in terms of Sections 11 and 24 of the Protection of Personal Information Act (4 of 2013) (“POPIA”).

2. **Request for access to information.** In the event that a person or entity requires access to information as contemplated in the Act, the requester must contact the company Information Officer. In terms of section 25(2) states that:
 - a. If the request for access is granted, the notice in terms of subsection (1)(b) must state:
 - i. the access fee (if any) to be paid upon access;
 - ii. the form in which access will be given; and
 - iii. that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.
 - b. If the request for access is refused, the notice in terms of subsection (1)(b) must:
 - i. state adequate reasons for the refusal, including the provisions of this Act relied upon;
 - ii. exclude, from such reasons, any reference to the content of the record; and
 - iii. state that the requester may lodge an (internal) appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

3. Terms used in this document

- Terms defined in the act shall have the meaning set out therein;
- Reference to sections shall be a reference to sections in the Act

4. **Background of Piekenierskloof Wine Company (Pty) Ltd.** Piekenierskloof Wine Company (PKWC) is situated in the town of Citrusdal, and sources grapes from local producers and manufactures, bottles and distributes wine to the local and international markets. PKWC operations incorporates a small retail entity registered as De Tol, responsible for promotions and retail activities.

All aspects of the application of the Protection of Private Information Act (POPIA) shall be applicable in all its intent and applications on staff, suppliers and customers.

5. **Organisation Details.** Current registration details are as follows:
 - a. Name: Piekenierskloof Wine Company (Pty) Ltd

- b. Physical address: Nieuwoudt Street, Citrusdal, 7340
- c. Postal address; Nieuwoudt Street, Citrusdal, 7340
- d. Contact details: Information Officer, PO Box, Citrusdal
- e. Website address: www.pkwc.co.za

6. **Details of the information officer:** Leonie Ellis – 022- 921 2233 / leonie@pkwc.co.za

7. **Processing of Personal Information.** The Company takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy protection laws. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by the Company.

8. **Section 51(1) (c).** In terms of Section 52, we as a private body may, on a voluntary and periodic basis, may submit to the Minister a description of categories of records which are automatically available without a person having to request access in terms of this Act. This includes records:

- 1. for inspection
- 2. for purchase or copying from the private body; and
- 3. from the private body free of charge.

9. **Section 51(1) (d).** This manual describes those records which we as a private body must make available in terms of any other legislation. This list is by no means exhaustive, and is intended to serve as a guide:

- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Cybercrimes Act 19 of 2020
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Intellectual Property Laws Amendments Act 38 of 1997
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- The Co-operatives Act 14 of 2005
- The National Credit Act 34 of 2005

- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

10. **Section 51(1) (e).** This section of the manual sets out a description of the subjects on which our organisation holds record, and categories of records held on each subject. These include operational records of your organisation utilised in the day to day running and administration of its administration, such as:

- Accounting records
- Information Technology
- Intellectual Property
- Personnel Records
- Sales and Marketing
- Statutory Company records
- Client Databases
- Internal Phone lists
- Policies
- Directives
- Minutes of Meetings
- Administrative information

11. **Requesting Procedure.** A person who wants access to the records must complete the necessary request form, as set out in Annexure 1, and the completed form must be sent to the address provided in this manual, and marked for the attention of the Information Officer.

The requester must indicate which form of access is required, and identify the right that is sought to be exercised or protected, and provide an explanation of which the requested record is required for the exercise or protection of that right. Proof of the capacity in which the requester is requesting the information

12. **Availability of the Manual.** *Individuals can access a copy of this manual by requesting in writing at the address provided in this manual.*

- a. This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our offices (situated at Nieuwoudt Street, Citrusdal). Copies of the manual may be made available subject to the prescribed fees.
- b. Copies may also be requested from the South African Human Rights Commission at the address indicated below.

- c. Fees. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee:
 - i. A fee will be required by the IO before further processing of the request in terms of S54 of the Act
 - ii. A requester fee of R50 should be paid, this amount will be refunded should the request for access be refused
 - iii. A portion of the access fee (not more than one third) may be required before the request is considered
 - iv. The requester may lodge an application with a court against the payment of the request fee in terms of S54(3)(b) of the Act
 - v. The head may withhold a record until the requester has paid the applicable fees

13. **Remedies.** The Company does not have internal appeal procedures regarding the PAIA and POPIA Act requests. As such, the decision made by the duly authorised person(s), is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (South Africa), for relief.

14. Details of the South African Human Rights Commission

Any queries with regard to this manual should be directed to:

The South African Human Rights Commission;

PAIA Unit Research and Documentation Department

Private Bag 2700

Houghton 2041

Phone: 011 484 8300

Fax: 011 484 0582

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

Signed on behalf of Piekenierskloof Wine Company (Pty) Ltd

Full Name [Company Representative]

Date: