

Malan's Factory Shop (Pty) Ltd

(Registration Number: 2019/019333/07)

Manual in terms of section 51 of the Promotion of
Access to Information Act, 2 of 2000

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Contents Page

PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)

Section 51 Manual of Malan's Factory Shop (Pty) Ltd
(Registration number: 2019/019333/07)

1. Contact particulars
2. Introduction
3. Guide in terms of section 10 of The Act
4. Facilitation of a request for access to information
5. Information available in terms of other applicable legislation
6. Information automatically available
7. Information available in terms of the act - On Request
8. General
9. Requesting Procedures
10. Prescribed Fees
11. Protection of Personal Information Processed
12. Availability of the manual

PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)

SECTION 51 MANUAL OF MALAN'S FACTORY SHOP (PTY) LTD (REGISTRATION NUMBER: 2019/019333/07)

1. CONTACT PARTICULARS

Head of business:	Henriëtte Goosen	Information officer:	Henriëtte Goosen
Deputy Information officer(s):	Maré van der Merwe		
Postal Address:	P.O. Box 7160	Physical Address:	41 Eiland Street
	Northern Paarl		Paarl
	7623		7646
Telephone Number:	0832697134	Fax Number:	0218720674
E-mail Address:	henriette@malansdairy.co.za		
Website:	www.malansdairy.co.za		

2. INTRODUCTION

Malan's Factory Shop (Pty) Ltd sells dairy products in the Factory shop and distribute dairy products to restaurants, catering kitchens, universities en government institutions.

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT

3.1 The ACT 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 the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 53 and 54 of the Act.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	(+27)11 877 3600
Fax Number:	(+27)11 403 0625
Website:	www.sahrc.org.za

4. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request, are available from **Malan's Factory Shop (Pty) Ltd, www.malansdairy.co.za**.

5. INFORMATION AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Employment Equity Act 55 of 1998
- Employment Tax Incentive Act 26 of 2013
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

6. INFORMATION AUTOMATICALLY AVAILABLE

- Newsletters
- Pamphlets \ Brochures
- Posters
- Reports
- Marketing and Promotional Material
- www.malansdairy.co.za

7. INFORMATION AVAILABLE IN TERMS OF THE ACT - ON REQUEST

Statutory Business Records

- Certificate of Incorporation
- Memorandum of Incorporation
- Minutes of Directors Meetings
- Register of Directors and Officers
- Register of Directors Shareholding

Accounting Records

- Annual financial statements and working papers

- General ledger
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Fixed asset register
- Tax returns and assessments
- Lease or instalment sale agreements
- Inventory records

Distribution and Transportation

- Permits and licenses
- Transportation rights
- Transportation, warehouse and storage contracts

Environment, Health and Safety

- Emergency response plans
- Permits, licenses, approvals and registrations for operations of sites and business

Fixed Property

- Leases
- Title deeds

Information Technology

- Agreements
- Licenses
- Software packages

Insurance

- Insurance policies

Intellectual Property

- Agreements relating to intellectual property
- Copyrights
- Designs, trademarks, trade names and protected names

Legal, Agreements and Contracts

- Agreements with contractors, suppliers and clients
- Agreements with shareholders, officers or directors
- Distributor, dealer or agency agreements
- Material licenses, permits and authorisations
- Sale agreements
- Warranty agreements

Personnel Records

- Disciplinary records
- Employee evaluation and performance records
- Employee information records

- Employment contracts
- IRP 5 and IT 3 certificates
- Leave applications
- Medical aid records
- Pension fund information
- Salary and wage registers
- Training and development
- UIF, PAYE and SDL returns

Sales and Marketing

- Brochures, newsletters and marketing material
- Customers
- Service and product information

8. GENERAL

Malan's Dairy (Pty) Ltd may keep records in terms of other legislation and this act, such as above, but not necessarily limited to. Records kept are subject to change due to operational and legislative needs.

9. REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request forms that is available at the offices of Malan's Factory Shop (Pty) Ltd, or can be accessed on www.justice.gov.za/infoleg. The completed request form must be sent to the address or fax number provided in this manual and marked for the attention of the Information Officer.

Please provide sufficient details to enable the company to identify:

- a. The record(s) requested
- b. The requester (and if an agent is lodging the request, proof of capacity)
- c. The form of access required
- d. The postal address or fax number of the requester in the Republic
- e. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof
- f. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

10. PRESCRIBED FEES

- A requestor is required to pay the prescribed fees before a request will be processed;
- 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);

- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za and as an appendix to this manual.

11. PROTECTION OF PERSONAL INFORMATION PROCESSED

Malan's Factory Shop (Pty) Ltd is committed to protecting the privacy of personal information of our data subjects. The information you share with us as a data subject allows us to provide you with the best experience with our products and services, or as a stakeholder.

Malan's Factory Shop (Pty) Ltd has dedicated policies and procedures in place to protect all personal information collected and processed by us. Please read below for more information on how we collect, process, use and disclose personal information.

11.1 The purpose of processing of personal information

We process personal information for various reasons, including but not limited to the following:

- To manage information, products and/or services requested by data subjects
- To help us identify data subjects when they contact us
- Manage customers
- To maintain customer records
- Recruitment purposes
- Employment purposes
- To transact with our suppliers
- To help us detect and prevent fraud and money laundering under FICA

11.2 Data subject categories and personal information processed

Customers	e mail address ID number Name of individual if it appears with other personal information Physical address Telephone number
Employees	Disability e mail address Education history Employment history Gender ID number Language and birth of the person Marital status Name of individual if it appears with other personal information Physical address Race Sex Telephone number
Prospective employee	Age Disability e mail address Education history Employment history Gender ID number Language and birth of the person Location information Marital status Name of individual if it appears with other personal information Physical address Sex Telephone number
Suppliers	e mail address Name of individual if it appears with other personal information Physical address Telephone number

11.3 Recipients with whom personal information is shared

In processing your personal information, we may share it within the group of companies or with other third parties. These include but are not limited to:

- Payment processors
- Email management and distribution tools
- Server hosts
- Service providers

11.4 Security measures implemented to protect personal information

We have identified our security risks over the personal information we process in line with the Protection of Personal Information Act, and we have implemented various security measures to ensure reasonable protection against the risk of loss, misuse, unauthorised access and disclosure, alteration and destruction of the personal information.

We also take steps to ensure that operators that process personal information on behalf of company name apply adequate safeguards as outlined above.

11.5 Trans-border flows of personal information

We may transfer to, and store personal information we collect about you, in countries other than South Africa, if the relevant business transactions or situation requires trans-border processing. These countries may not have the same data protection laws as South Africa, and in this instance, we will only transfer the information if we have consent from you, or it is necessary for the performance or conclusion of a contract between us.

11.6 Personal information received from third parties

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

Where information on third parties is provided by a data subject, or a third party provides information on a data subject, that information may be taken into account with other personal information.

11.7 Data Breaches

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, MALAN'S FACTORY SHOP (PTY) LTD shall notify:

- a) the Regulator; and
- b) the data subject, unless the identity of such data subject cannot be established.

The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

12. AVAILABILITY OF THE MANUAL

Copies of the manual are available for inspection, free of charge, at the offices of Malan's Factory Shop (Pty) Ltd, from the South African Human Rights Commission and at: www.malansdairy.co.za.