

DELECTA FRUIT (PTY) LTD

("Delecta / the Company")

Registration Number: 2004/007472/07

PAIA MANUAL

prepared in terms of Section 51 of The Promotion of Access to Information (Act 2 of 2000) ("the Act")

which aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

*(Note: the applicable parts of the Protection of Personal Information Act 4 of 2013 ("**POPI Act**")*

that commences on the 30th of June 2021 has been included)

1. Introduction

- 1.1. The Company is in the business of, inter alia, procuring, purchasing, marketing, selling, distributing and exporting of fruit.
- 1.2. In addition to the Company, the group of which it is a part comprises of the following companies:
 - 1.2.1. Delecta Holdings (Pty) Ltd
 - 1.2.2. Delecta Blu (Pty) Ltd
 - 1.2.3. Delecta Limited (Pty) Ltd (UK)
- 1.3. This Manual applies to the Company and if you wish to obtain a copy of the Manual for any other entity deemed part of the group, please contact the Information Officer referred to below.

Company Contact Details	
Directors	Sir De V Graaff Mr. R Graaff Mr. AJ de Jager Mr. WJ du Toit Mr. JJ Basson Mr. DNA Dicey Ms. MM Botha
MD / CEO / Head of the private body:	Mr. AJ de Jager
Postal Address:	P.O. Box 3134, Paarl, 7620, South Africa
Street Address:	205 Main Road, Paarl, 7646, South Africa
Telephone:	021 860 3999
Email:	awie@delecta.co.za

2. The Information Officer - Section 51(1)(b)

- 2.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51 of the Act. The Company has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.
- 2.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the POPI Act. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the POPI Act after registering with the Information Regulator.
- 2.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the POPI Act. This is in order to render the Company as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the POPI Act. All request for information in terms of this Act must be addressed to the Information Officer.

Contact Details of the Information Officer	
Information Officer:	Mr. Johan Basson
Physical address:	205 Main Road, Paarl, 7646, South Africa
Telephone Number:	021 860 3999
E-mail Address:	johan.basson@delecta.co.za

3. **Guide of SA Human Rights Commission (“SAHRC”) - Section 51(1)(b)(i)**

- 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. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.
- 3.2. Requesters are referred to the Guide that has been compiled in terms of Section 10 of the Act by the SAHRC. It contains information required by a person wishing to exercise any right, contemplated by the Act. It is available in all of the official languages.

Contact details of the SA Human Rights Commission	
Physical Address:	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27 11 877 3600
E-mail Address	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

4. **Notice - Section 51(1)(b)(ii)**

- 4.1. No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of the Act.

5. **Description of records available in accordance with other legislation - Section 51(1)(b)(iii)**

- 5.1. Where applicable to its operations, the Company also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.
- 5.2. Although we have used our reasonable endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in the Act, we shall update the list accordingly.

Records available in terms of other legislation	
Other legislation:	<ul style="list-style-type: none"> - Auditing Professions Act, No 26 of 2005 - Basic Conditions of Employment Act 75 of 1997 - Broad Based Black Economic Empowerment Act 53 of 2003 - Business Act, No 71 of 1991 - Companies Act 71 of 2008 - Compensation for Occupational Injuries and Health Diseases Act 130 of 1993 - Competition Act, No.71 of 2008 - Consumer Protection Act 68 of 2008 - Copyright Act, 1978 - Customs and Excise Act 91 of 1964 - Deeds Registries Act, 1937 - Electronic Communications Act, No 36 of 2005 - Electronic Communications and Transactions Act, 2002 - Employment Equity Act 55 of 1998 - Financial Intelligence Centre Act 38 of 2001 - Income Tax Act 58 of 1962 - Intellectual Property Laws Amendment Act, No 38 of 1997 - Labour Relations Act, 1995 - National Credit Act 34 of 2005 - Occupational Health & Safety Act, No 85 of 1993 - Promotion of Access to Information Act 2 of 2000 - Protection of Personal Information Act, No. 4 of 2013 - South African Revenue Services Act 34 of 1997 - Skills Development Levies Act 9 of 1999 - Unemployment Contributions Act 4 of 2002 - Value Added Tax Act 89 of 1991

6. Description of the subjects and categories on which Records are held by the Company – Section 51(1)(b)(iv)

6.1. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Company will consider access.

The subjects on which the Company holds records and the categories on each subject in terms of Section 51(1)(b)(iv) of the Act	
General information about the Company	General information about the Company can be accessed via the internet on www.delecta.co.za , which is available to all persons who have access to the internet.
Companies Act 71 of 2008 - Records	Documents of Incorporation; Index of names of Directors; Memorandum of Incorporation; Minutes of meetings of the Board of Directors; Minutes of meetings of Shareholders; Proxy forms; Register of debenture-holders; Register of directors' shareholdings; Share certificates; Share Register and other statutory registers and/or records and/or documents; Records relating to the appointment of: Auditors, Directors, Prescribed Officer, Public Officer and Company Secretary.
Financial Records	Accounting Records; Annual Financial Reports; Annual Financial Statements; Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation; Invoices; Policies and procedures; and Tax Returns
Income 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 / Regional Services Levies / Skills Development Levies / UIF / Workmen's Compensation
Personnel documents and records	Address Lists; Disciplinary Code and Records; Employee benefits arrangements rules and records; Employment Contracts; Employment Equity Plan Forms and Applications; Grievance Procedures; Leave Records; Medical Aid Records; Payroll reports / Wage register; Pension Fund Records; Safety, Health and Environmental records; Salary Records; SETA records; Standard letters and notices; Training Manuals; Training Records; Workplace and Union agreements and records.
Procurement Department	Standard Terms and Conditions for supply of services and products; Contractor, client and supplier agreements; Lists of suppliers, products, services and distribution; and Policies and Procedures.
Sales Department	Customer details; Credit application information; Information and records provided by a third party.
Marketing Department	Advertising and promotional material.
Risk Management and Audit	Audit reports; Risk management frameworks; and Risk management plans.
Health, Safety and Environment	Complete Safety, Health and Environment Risk Assessment Environmental Managements Plans; Inquiries, inspections, examinations by environmental authorities
IT	Computer / mobile device usage policy documentation; Disaster recovery plans; Hardware asset registers; Information security policies / standards / procedures; Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing; and System documentation and manuals.
Corporate Social Responsibility (CSR)	Schedule of projects / record of organisations that receive funding; Reports, books, publications and general information related to CSR spend; Records and contracts of agreement with funded organisations.
Operational information	Certain general information needed in the day-to-day running of the Company.

7. How to facilitate a request for access to a Record – Section 51(1)(b)(iv)

7.1. The requester must:

- 7.1.1. comply with all the procedural requirements contained in the Act relating to the request for access to a record;
- 7.1.2. complete the prescribed form enclosed herewith see Annexure A, and

7.1.3. submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address or electronic mail address as noted in paragraph 2 above.

7.2. The Company will:

7.2.1. process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with; and

7.2.2. notify the requester of its decision in the required form.

7.3. If the request is granted, then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

8. POPI Act requirements – Section 51(1)(c)

8.1. We are required in terms of the POPI Act to obtain a Data Subject’s consent before processing, storing, or sharing the personal information so obtained.

8.2. We will only use and process such information for the particular purpose for which it was obtained namely, to provide the Data Subject with a service and/or goods as agreed upon.

Insofar as the POPI Act is concerned	
Section 51(1)(c)(i) of the Act	The purposes for which the Company processes or will process Personal Information is to provide the Data Subject with a service and/or goods as agreed upon.
Section 51(1)(c)(ii) of the Act	In order to conduct business with a Data Subject (including but not limited to a supplier, marketer and/or otherwise seller of fresh fruit), the Company typically requires the following information from a Data Subject: <ul style="list-style-type: none"> - entity name, name and surname, registration- / identity- / VAT number, physical- / postal address, GPS coordinates of farming operations; and - such other relevant contact details as may be required / agreed upon.
Section 51(1)(c)(iii) of the Act	The recipients or categories of recipients to whom the Personal Information may be supplied are those employees, directors and/or duly appointed service providers of the Company.
Section 51(1)(c)(iv) of the Act	Personal Information may be transmitted past the borders of South Africa in situations where an importer, buyer, shipper, or other service provider in the exporting chain of fruit may require such information for purposes of executing the underlying transaction of marketing, distributing and selling fresh fruit. <p>Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. The Company will endeavour to ensure that an importer, buyer, shipper, or other service provider in such instance will make all reasonable efforts to secure the said data and Personal Information.</p>
Section 51(1)(c)(v) of the Act	In order to ensure the confidentiality, integrity and availability of the information, which is to be processed, the Company (as the Responsible Party) has implemented or will implement the following security measures: <ul style="list-style-type: none"> - appointment of information Officer and Deputy Information Officers; - finalising of Operator Agreements with clients and suppliers / service providers; - implementation and publishing of our privacy- and related policies / notices; - providing appropriate training to our staff and employees;

	<ul style="list-style-type: none">- implementation of procedures relevant to data subject requests and security breaches;- implementation of recommendations for risks identified during our risk assessment.- Implementing IT-security measures applicable and relevant to our business and industry. <p>The Company may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.</p>
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9. Prescribed Fees

- 9.1. The prescribed fees payable for each requests (other than personal requests) are recorded in Annexure B hereby attached.
- 9.2. The complete fee structure is also available on the website of the SAHRC at www.sahrc.org.za.
- 9.3. The Information Officer of the Company:
 - 9.3.1. must, during office hours and upon request, make available for public inspection a copy of this PAIA Manual (and may not charge a fee for such a public inspection); and
 - 9.3.2. may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in 9.3.1, charge the fee prescribed in Item 1 of Part III of Annexure B and the actual postage if a copy of the manual must be posted.

Availability and Updating of the PAIA Manual

This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. The Company will update this PAIA Manual at such intervals as may be deemed necessary. This PAIA Manual is available to view at its premises and on its website.

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 Information Officer in respect of _____ (specify company or operating division, if applicable). If you are aware of the company within the Group that holds the Record/s you are Requesting, please indicate this fact clearly. Where you are unsure of the company name, please give as much detail to facilitate our search for the Record/s concerned. Please note that your failure to specify a company name will not invalidate your Request, but it may cause unavoidable delays.

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.
 - i. Full names and surname: _____
 - ii. Identity number: _____
 - iii. Postal address: _____
 - iv. Telephone number: _____
 - v. E-mail address: _____
 - vi. Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

- a. This section must be completed ONLY if a request for information is made on behalf of another person.
 - i. Full names and surname: _____
 - ii. 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.
 - i. Description of record or relevant part of the record (also indicate if you require the record in a specific language): _____
 - ii. Reference number, if available: _____
 - iii. Any further particulars of record: _____

E. Fees

- a. A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b. You will be notified of the amount required to be paid as the request fee.
- c. The fee payable for access to a record depends on the form in which access is required and the reasonable time required 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.
 - i. Reason for exemption from payment of fees: _____

F. Form of access to record

- a. 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.
- b. Disability: _____
- c. Form in which record is required: _____
- d. Mark the appropriate box with an X.

NOTES:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

copy of record* [] inspection of record []

2. If record consists of visual images(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images [] copy of the images* []

transcription of the images* []

3. If record consists of recorded words or information which can be reproduced in sound:

listen to the soundtrack (audio cassette) []

transcription of soundtrack* (written or printed document) []

4. If record is held on computer or in an electronic or machine-readable form:

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?

YES [] NO []

Postage is payable.

G. Particulars of right to be exercised or protected

- a. 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.
- 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.
- c. Indicate which right is to be exercised or protected: _____
- d. Explain why the record requested is required for the exercise or protection of the aforementioned right:
_____.

H. Notice of decision regarding request for access

- a. 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: _____.

Signed at this day of 20____

SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST IS MADE

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I**FEES IN RESPECT OF GUIDE**

1. The fee for a copy of the guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II**FEES IN RESPECT OF PUBLIC BODIES**

1. The fee for a copy of the manual as contemplated in regulation 5 (c) is R0,60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

Description	Rand
a) For every photocopy of an A4-size page or part thereof	R0,60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
c) For a copy in a computer-readable form on:	
- stiffy disc	R5,00
- compact disc	R40,00
d) For a transcription of visual images, for an A4-size page or part thereof	R22,00
- For a copy of visual images	R60,00
e) For a transcription of an audio record, for an A4-size page or part thereof	R12,00
- For a copy of an audio record	R17,00

3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

Description	Rand
a) For every photocopy of an A4-size page or part thereof	R0,60
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
c) For a copy in a computer-readable form on:	
- stiffer disc	R5,00
- compact disc	R40,00
d) For a transcription of visual images, for an A4-size page or part thereof	R22,00
- For a copy of visual images	R60,00
e) For a transcription of an audio record, for an A4-size page or part thereof	R12,00
- For a copy of an audio record	R17,00
f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
For purposes of section 22(2) of the Act, the following applies:	
a) Six hours as the hours to be exceeded before a deposit is payable; and	
b) one third of the access fee is payable as a deposit by the requester.	
The actual postage is payable when a copy of a record must be posted to a requester.	

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

Description	Rand
a) For every photocopy of an A4-size page or part thereof	R1,10
b) 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
c) For a copy in a computer-readable form on:	
- stiffy disc	R7,50
- compact disc	R70,00
d) For a transcription of visual images, for an A4-size page or part thereof	R40,00
- For a copy of visual images	R60,00
e) 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

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

Description	Rand
a) For every photocopy of an A4-size page or part thereof	R1,10
b) 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
c) For a copy in a computer-readable form on:	
- stiffy disc	R7,50

- compact disc	R70,00
d) For a transcription of visual images, for an A4-size page or part thereof	R40,00
- For a copy of visual images	R60,00
e) 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, excluding the first hour, reasonably required for such search and preparation.	
For purposes of section 54(2) of the Act, the following applies:	
a) Six hours as the hours to be exceeded before a deposit is payable; and	
b) one third of the access fee is payable as a deposit by the requester.	
The actual postage is payable when a copy of a record must be posted to a requester.	