

Donford Holdings (Pty) Ltd/ PAIA Policy

(This PAIA Policy pertains to Donford Holdings (Pty) Ltd and the group companies listed in Annexure A hereto hereinafter collectively referred to as “**Donford Group**”)

THE PROMOTION OF ACCESS TO INFORMATION POLICY (“POLICY”)

1. PREAMBLE

The *Promotion of Access to Information Act, 2000* (“**PAIA**”) came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.

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 Donford Group’s PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (“**POPIA**”), which gives effect to everyone’s Constitutional right to privacy. 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. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.

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

2. ABOUT DONFORD GROUP

The Donford Group is an independent group of companies in the automotive and related industries with its head office in Stellenbosch, South Africa. It is a privately-owned and managed business, founded by Wallace James Philp in 1946, which grew to become known as the Selfords Group. Its name change to the Donford Group more recently, is a mere

continuation of the rich history of this Group in which the Donford name already featured prominently over many years.

3. CONTACT DETAILS

Name of Body:	Donford Holdings (Pty) Ltd (and the companies listed in Annexure A hereto) (“Donford Group”)
Designated Information Officer: (Donford Holdings)	Leon Grobler
Email address of Information Officer:	leon.grobler@donford.co.za
Postal address:	PO Box 84 Stellenbosch 7599
Street address:	2nd Floor, Andmar Building Ryneveld Street Stellenbosch Western Cape 7600
Phone number:	+27 21 888 4200
Fax number:	+27 21 888 4222

4. INFORMATION REGULATORS GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the Guide should be directed to:

Postal Address:	JD House 27 Stiemens Street Braamfontein Johannesburg, 2001
E-mail Address:	infoereg@justice.gov.za
Website:	https://www.justice.gov.za/infoereg/

5. OBJECTIVES OF THIS MANUAL

The objectives of this Manual are:

- to provide a list of all records held by Donford Group;
- to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by POPIA.

6. ENTRY POINT FOR REQUESTS

PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.

Information will therefore not be furnished unless a person provides sufficient particulars to enable Donford Group to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.

The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

The Information Officer will facilitate the liaison with the appointed Information Officer of the particular Donford Group business entity in question on all of these requests.

All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 3 above.

7. INFORMATION AVAILABLE IN TERMS OF POPIA

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Donford Group will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

Please also refer to the **Donford POPIA Policy** for further information.

7.1. Categories of data subjects and personal information collected by Donford Group

Categories of data subjects	Categories of Personal Information collected
Shareholders	Shareholder personal information
Clients (including potential and previous clients)	personal/special personal information
	contact information
	bank details, e.g. account number, etc.
	biometric information
	surveillance information (e.g. CCTV footage)
	client contracts
	location information
	data collected through cookies and tracking technologies
	data collected through surveys
	third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).
Suppliers, service providers, or contractors	Supplier or supplier representative personal information
	Supplier contracts
	Supplier bank details
	Biometric information of supplier representatives
	Surveillance information of supplier representatives (e.g. CCTV footage)
	third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).

Employees (prospective, previous and existing employees)	Employee personal information
	Employee education and psychometrics records
	Employee medical information
	Employee disability information
	Employee biometric information
	Employee pension and provident fund information
	Employee bank details
	Employee tax and financial information
	Employee contracts
	Employee beneficiary information
	Employee performance records
	Payroll records
	Electronic access records
	Physical access records
	Surveillance records
	Health and safety records
	Training records
	Background checks
	Criminal checks
Employment history	
Employee vehicle registration	

Job applicants	Curriculum vitae and application forms
	Criminal checks
	Background checks
Family members of Employees	Personal information
	Medical and disability information
	Personal information acquired for processing travel documents
Children of Employees	Child's personal information processed e.g. birth certificate, etc.
	Child's medical information and disability information
	Child's information acquired for processing travel documents
Visitors	Physical access records
	Electronic access records, scans and photographs
	Surveillance records (e.g CCTV footage)
	Biometric information

7.2. The purpose of processing personal information

Depending on the category of personal information which is collected, the purposes for processing may include:

- 7.2.1. to provide you with a service which you have requested from Donford Group;
- 7.2.2. communication with data subjects;
- 7.2.3. to improve our services;
- 7.2.4. conducting research and compiling research reports;
- 7.2.5. provision of support services to data subjects;

- 7.2.6. preparing aggregated and anonymised reports;
- 7.2.7. to manage accounts, receive services and process payments;
- 7.2.8. to assess the suitability of job applicants for employment;
- 7.2.9. meeting legal obligations in respect of employment equity and to comply with other applicable laws.

7.3. The recipients or categories of recipients to whom the personal information may be supplied

Depending on the nature of the personal information, Donford Group may supply information or records to the following categories of recipients:

- companies in the Donford Group;
- statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- any court, administrative or judicial forum, arbitration making a request for data or discovery in terms of the applicable rules (i.e. South African Revenue Services, or another similar authority) and anyone making a successful application for access in terms of PAIA; and
- companies that provide services to Donford Group or act on its behalf may have access to information about data subjects; and
- third parties where the data subject provides consent.

7.4. Planned transborder flows of personal information

- 7.4.1. Donford Group may need to transfer a data subject's information to service providers in countries outside South Africa, in which case Donford Group will fully comply with applicable data privacy and protection legislation. This may happen if the Donford Group's servers or suppliers and service providers are based outside South Africa, or if the Donford Group's services are hosted in systems or servers outside South Africa and/or if a data subject uses Donford Group's services while visiting countries outside this area. These countries may not have data-protection laws which are similar to those of South Africa.
- 7.4.2. If Donford Group transfers personal information outside of South Africa, Donford Group will make sure that the information is protected in the same way as if it was being used in South Africa. Donford Group will use one of the following safeguards:

- transfer to another country whose privacy legislation ensures an adequate level of protection of personal information similar or equivalent to South Africa; or
- put in place a contract with the third-party that means they must protect personal information to the same standards as South Africa.

7.5. A general description of information security measures to be implemented by Donford Group

Donford Group takes appropriate technical and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage

8. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Close Corporations Act 69 of 1984
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Estate Agency Affairs Act 112 of 1976
- Income Tax Act 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

9. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

Donford Group maintains records on the categories and subject matters listed below. **Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.**

Please note further that many of the records held by Donford Group are those of third parties, such as clients and employees, and Donford Group takes the protection of third party confidential information very seriously. In particular, where Donford Group acts as professional advisors to clients, many of the records held are confidential and others are the property of the client and not of Donford Group. For further information on the grounds of refusal of access to a record please see paragraph 11.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of records	Records
<p>Personnel records</p> <p>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Donford Group and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Donford Group. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> • Any personal records provided to us by our personnel; • Any records a third party has provided to us about any of their personnel; • Conditions and contracts of employment and other personnel-related contractual and quasi legal records; • Employment policies and procedures; • Internal evaluation and disciplinary records; and • Other internal records and correspondence.
<p>Client-related records</p>	<ul style="list-style-type: none"> • Contracts with the client and between the client and other persons;
<p>Other third party records</p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Donford Group is a party, contractors and sub-contractors,</p>	<ul style="list-style-type: none"> • Personnel, client, or Donford Group records which are held by another party as opposed to being held by Donford Group; and

<p>suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Donford Group.</p>	<ul style="list-style-type: none"> Records held by Donford Group pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.
<p>Other records</p>	<ul style="list-style-type: none"> Information relating to Donford Group; and Research and/or market information belonging to Donford Group or carried out on behalf of a third party.

10. REQUEST PROCEDURE

10.1. Completion of the prescribed form

Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested.

A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.

POPIA provides that a data subject may, upon proof of identity, request the Donford Group to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Donford Group must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

POPIA provides that a data subject may object, at any time, to the processing of personal information by Donford Group, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form, available from the Information Officer.

A data subject may also request Donford Group to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data

subject that Donford Group is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

10.2. **Proof of identity**

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

10.3. **Payment of the prescribed fees**

There are two categories of fees which are payable:

- **The request fee:** R50
- **The access fee:** This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are available on request from the Information Officer by using the details in paragraph 3 above

Section 54 of PAIA entitles Donford Group to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

10.4. **Timelines for consideration of a request for access**

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

10.5. **Grounds for refusal of access and protection of information**

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;

- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put Donford Group (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Donford Group.

Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

11. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

A person has the right to lodge a complaint to the Regulator and request the contact details of the Regulator from the Information Officer if they feel that this Manual does not comply with the applicable laws.

12. AVAILABILITY OF THIS MANUAL

Copies of this Manual are available for inspection, free of charge, at the offices of Donford Group at 2nd Floor, Andmar Building, Ryneveld Street, Stellenbosch, 7600, or alternatively, an electronic copy could be e-mailed upon receipt of such a request by the Information Officer.

Annexure A

Donford Group Companies:

1. Donford Holdings (Pty) Ltd
2. Donvol (Pty) Ltd, t/a Jaguar Land Rover Stellenbosch
3. Donford (Pty) Ltd, t/a BMW Stellenbosch
4. Donford (Pty) Ltd, t/a BMW Somerset West
5. Donford Motorrad Cape Town (Pty) Ltd
6. Donford Approved Repair Centre (Pty) Ltd
7. Selfords (Pty) Ltd, t/a Selfords Panelbeaters
8. Stellenbosch Square Service Station (Pty) Ltd

Each of the listed entities above have a formally appointed Information Officer and Deputy Information Officers. Please contact the Information Officer for Donford Holdings (Pty) Ltd, as informed in Clause 3 above, to be put in touch with any one of the respective Information Officer for the Companies listed.

Please note that this list is not exhaustive and may be updated from time to time as required.