

THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000 (THE ACT)

PRIVATE BODY MANUAL

INA PAARMAN'S KITCHEN (PROPRIETARY) LIMITED

(Registration Number: 1996/017954/07)

("hereinafter Ina Paarman's Kitchen or the Company")

Dated 17 October 2024

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MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000

1. Interpretation and General

Ina Paarman's Kitchen is a private body and conducts business as a food manufacturer and online retailer.

This manual sets out the procedure to be followed by a party that requires access ("requester") when requesting access to information or documents from the Company as contemplated in the Act. The Company is required to make this manual available to a party who request such information so that they:

- know what types of information the Company holds; and
- are able to request access to such information.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

"the Act"	means the Promotion of Access to Information Act No 2 of 2000 (as amended) together with all relevant regulations published
"the/this manual".	means this manual together with all annexures as available from the Company or from the SAHRC from time to time
"information officer"	means the person duly authorised by the head of the Company and appointed by the Company to facilitate or assist the head of the Company with any request in terms of the Act.
"requester"	means any person or entity requesting information or documentation from the Company as contemplated in terms of the Act.
"record"	means any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, regardless of where created.
"SAHRC"	means the South African Human Rights Commission

Terms defined in the Act shall have the same meaning in this manual.

Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time.

Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

Insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail.

This document does not purport to be exhaustive of or comprehensively deal with every procedure provided in the Act. A requester is accordingly advised to familiarise themselves with the provisions of the Act before lodging any request with the Company.

2. Company Contact Details

Managing Director

Graham Paarman

Telephone : 021 705 6440

Email: Graham@paarman.co.za

Information Officer

Kevin Paarman

Telephone: 021 705 6440

Email: Kevin@paarman.co.za

Directors

Graham Paarman

Ina Paarman

Physical Address: Block C, Diep River Industrial Park, Greenville Terrace, Diep River, Cape Town 7800

Postal Address: PO Box: 316, Constantia, 7848

Website: www.paarman.co.za

Fax Number: 021 705 6399

3 **The South African Human Rights Commission Guide to the Act**

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. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission (SHRC), 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:

The South African Human Rights Commission

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone:	+27 11 877 3600
Telefax:	+27 11 403 0625
Website:	www.sahrc.org.za
E-mail	mnyuswa@sahrc.org.za

4. **Records that are automatically available to Employees only**

The following records are automatically available to all employees and need not be requested in accordance with the procedure prescribed by the Act.

- personnel records are available to the employee whose file it is;
- records of disciplinary hearings and related matters are available to the employee concerned.
- The company policies and procedures manual.

We do not hold any information that is available for general public access.

5. **Schedule of Records held in terms of applicable legislation: Section 51(1) (d)**

The Company is required by law to keep certain records. These records are enumerated in certain Acts of Parliament. The Company holds the records in terms of these Acts of Parliament as set out below. We do not hold any information that is available for general public access.

Kindly note that the below list is not intended to be exhaustive.

- Labour Relations Act 66 of 1995
- Employment Equity Act No 44 of 1998
- Broad Based Black Economic Empowerment Act No 53 of 2003
- Companies Act No 71 of 2008
- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999.
- Unemployment Insurance Act No 30 of 1996
- Value Added Tax Act of 991
- Companies Act 71 of 2008
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- National Credit Act No 34 of 2005
- Electronic Communications and Transactions Act No 25 of 2002
- Foodstuffs, Cosmetics and Disinfectants Act No 54 of 1972

6. Records held as a matter of standard practice (Section 51(1)(e) of the Act

The Company keeps certain records in the conduct of day-to-day business and as a matter of standard practice and good governance. The broad subjects and categories of these records held by the Company are detailed below.

Human Resources Department

- Personal information including, employment history, health records that the company may hold from time to time
- Training and development information
- General files containing information on employee benefits, employee recruitment and selected information
- Standard Employee Contracts
- Disciplinary Records
- Leave Records
- Salary/ Pension Fund Records
- Training Records
- Operational Manuals
- Other Statutory Records

Webpages

Information accessible to anyone with access to the internet includes but is not limited to the following information:

- Company profile and information
- Online retail products (including product images, product information, prices, special offers, customer reviews and delivery information)
- Secured personal user information (including the login page, personal details, order history, tracking, saved addresses, invoices, exchanges and returns)
- Terms and policies (including terms and conditions of use, privacy policy, return and refunds policy)
- Newsletters and recipe information.

Income Tax Records

- PAYE Tax records
- Corporate tax records
- Customs tax
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees.
- All other records in relation to statutory compliance such as VAT, UIF, Workmen's Compensation and Levies.

Company Act Records

- Memorandum of Incorporation
- Directors' names
- Documents of Incorporation
- Written Resolutions/ Minutes of Meetings
- Statutory Registers
- Company Policies and Directives
- Trademarks and Patents
- Legal records
- Domain name registration

Financial Records

- Annual Financial Statements
- Tax returns
- Other tax related information
- Accounting records
- Banking records
- Asset Register
- Rental Agreements
- Financial Agreements

Insurance Records

- Insurance policies held by the company
- Register of all immovable property owned by the company

Regulatory Documents

- Permits
- Licenses
- Authorities

Contracts

- Agreements with various third parties
- Letters of intent
- MOU's/ NDA's
- Office management contracts
- Supplier contracts

Customer Information

- Customer Details
- Communication with customers
- Sales records
- Marketing records

Reference Materials

- Cooking Books, magazines and related materials

7. How to make a request for access- Section 51 (e)

To facilitate the processing of a request kindly:

- Use the prescribed form, available on the website of the SAHRC at www.sahrc.org.za together with the list of applicable fees. These fees must be paid before access to a record will be allowed. You will be informed of the amount of your fees once you have submitted your request. The Minister may exempt certain persons from having to pay the fees referred to in the Act. To date, no such exemptions have been published.
- Once you have filled in the form you need to submit it to the Information Officer at the email address listed under paragraph 2 (kevin@paarman.co.za)

- If the record you have requested exists and allowing access to it does not affect a third party your request will be processed within 30 days.
- The period may be extended once for a further 30 days if:
 - (i) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Company.
 - (ii) consultation with another private body is necessary or desirable to decide upon the request and this consultation cannot reasonably be completed within the original period.
 - (iii) more than one of the circumstances contemplated in the prior paragraphs exist in respect of the request making compliance with the original period not reasonably possible.
 - (iv) If the requester consents in writing to an extension.
- Provide sufficient details to enable the Company to identify:
 - (i) the records required
 - (ii) the requester (and if an agent is lodging the request, proof of capacity)
 - (iii) The postal address, email or fax number of the requester in the Republic of South Africa
 - (iv) If the requester wishes to be informed of the decision in any particular manner (in addition to written), the manner and particulars thereof.
- Access will be granted to a record if the following criteria are fulfilled:
 - (i) the record is required for the exercise or protection of any right;
 - (ii) the requestor complies with the procedural requirements in the Act relating to a request; and
 - (iii) access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

8. Grounds for Refusal

Various grounds exist for a Company to refuse a requester's access to certain information in terms of the Act. They are:

- the protection of personal information of a third party (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).
- refusing access to a record if disclosure would result in the breach of a duty of confidence owed to a third party.
- refusing access to a record if it would jeopardize the safety of an individual or prejudice or impair certain property rights of a third person.
- refusing access to a record that was produced during legal proceedings, unless that legal privilege has been waived.
- refusing access to a record containing trade secrets, financial or sensitive information or any information that would put the Company at a disadvantage in negotiations or prejudice it in commercial competition.
- refusing access to a record containing information about research been carried out or about to be carried out on behalf of a third party or by the Company.
- section 70 of the Act contains an overriding provision. Disclosure is compulsory if it would reveal a substantial contravention, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.
- If the request does affect a third party, the Company will first need to inform the third party within 21 days of the receipt of a request for information. The third party then has 21 days to make representations and/or submissions regarding the granting of access to the record.

The company will notify a requester in writing to inform them of whether their request has been approved or denied, within 30 calendar days after the Company has received a completed request for access form. To the extent that no requested record exists or the Company is unable to find such record, then the information officer will notify the requester by way of affidavit that it is not possible to give access to that particular record.

If the information officer does not grant access to the record, the requester is entitled to appeal the decision and will need to lodge their appeal with the High Court. The information officer will provide reasons for any refusal to disclose a record.

9. How access will be provided

The information officer will evaluate and consider all requests to the Company in terms of the Act. If the information officer approves a request for access then he will determine how to provide access to the requester, unless the requester has requested access in a specific manner. Kindly note that publication of this manual does not give rise to any rights to access information or records, except in terms of the Act

10. Prescribed Fees

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee is payable on submission of the request for access to a record (unless the requestor seeks access to his/her own personal information in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

11. Updating of Manual

This manual will be updated whenever the Company makes material changes to the current information or when legislation dictates such a change.