

PROMOTION OF ACCESS TO INFORMATION MANUAL

OF

EASTVAAL MOTOR HOLDINGS (PTY) LTD

AND ALL SUBSIDIARY COMPANIES

Co Reg number 1987/000988/07

Manual prepared in accordance with Section 51 of the Promotion of Access to
Information Act 2 of 2000

1. INTRODUCTION

1.1 General overview

Eastvaal Motor Holdings (Pty) Ltd is a private company that was incorporated in 1987 with its head office based in Middelburg. As a Motor Dealer Group, Eastvaal Motor Holdings (Pty) Ltd offers the following services to both natural and juristic persons:

- Sale of new vehicles of various franchises.
- Sale of pre-owned vehicles.
- Finance on any vehicle purchased at the dealership.
- Insurance on any vehicle purchased at the dealership.
- Servicing of vehicles.
- Sale of parts.

1.2 Purpose of the Act

The Promotion of Access to Information Act no 2 of 2000 was enacted on 03 February 2000 and was put into effect in part on 09 March 2001. On 15 February 2002, Section 51 and other section pertaining to a manual to be prepared by public and private bodies came into effect. In addition, Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy which includes a right to protection against the unlawful collection, retention, dissemination and use of personal information. To this end we have developed and adopted both a PAIA and a POPIA manual with the purpose to stipulates the manner and form in which we obtain, store and discard of information as well as how a request for information must be submitted. This manual sets out the criteria and grounds, derived from the Act, to be applied with when granting or refusing a request for information held by Eastvaal Motor Holdings (Pty) Ltd.

1.3 Definitions

For the purpose of this document, the following words bear the meaning as set out below:

<i>Employee</i>	means any person who works for or provides a service to or on behalf of Eastvaal Motor Holdings (Pty) Ltd, and receives or is entitled to receive remuneration.
<i>Guide</i>	means the guide published by the Information Regulator in terms of Section 10 of PAIA, as amended and updated by the Information Regulator from time to time.
<i>IR</i>	means the Information Regulator.
<i>PAIA</i>	means the Promotion of Access to Information Act 2 of 2000 and any Regulations published thereunder, as amended from time to time.
<i>POPIA</i>	means the Protection of Personal Information Act
<i>Requester</i>	means any person or entity requesting access to a record that under the control of Eastvaal Motor Holdings (Pty) Ltd.

Special Personal Information	has the same meaning as set out in section 1 of POPIA
The company	means Eastvaal Motor Holdings (Pty) Ltd
The information	means the Chief Executive Officer of Eastvaal Motor Holdings (Pty) Ltd, or any person duly authorised by him or her to carry out the duties ascribed to the “head” of a private body by PAIA.
The/this manual	means this manual which is published in accordance with Section 51 of PAIA.
The Minister	means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

This manual has been compiled in accordance with the requirements of PAIA and contains the information specified in Section 51(1) of PAIA, which is applicable to private bodies. The specified information is noted below:

- The contact details of the head of the private body
- A description of the guide referred to in Section 10 of PAIA
- The latest notice published by the Minister under section 52(2) of PAIA
- A description of the records of the private body which are available in terms of any legislation other than PAIA
- A description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record;
- Other information as prescribed by regulation.

This manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA and the latest version will be made public.

This manual can be access on our website (details noted under number 2 below), at our principal place of business for public inspection during normal business hours, or by requesting a copy by email from the duly appointed information officer as provided for in number 2 below.

A requester who required further information with regards to the use of this manual and/or the procedure to be followed, may direct enquiries to:

Name	:	Jaco Taljaard
Telephone number	:	(013) 282 4681
Email address	:	jacot@eastvaal.co.za

2. CONTACT DETAILS

2.1 General

The Chief Executive Officer of the company is Clive Blechman and is also the head for the purposes of PAIA.

CEO : Clive Blechman

Physical address : C/O Cowen Ntuli & Morkel Street
Middelburg
1095

Postal address : P.O. Box 974
Middelburg
1050

Telephone number : (013) 282 4681

Email Address : cblechman@eastvaal.co.za

Auditors : Jordaan, Botha & Vennote Inc

Website : www.eastvaal.co.za

2.2 Information Officer

The Information Officer is the person to whom requests for access to records should be addressed. The company has appointed an Information Officer whose details are as follows:

Information Officer : Jaco Taljaard

Physical address : C/O Cowen Ntuli & Morkel Street
Middelburg
1095

Postal address : P.O. Box 974
Middelburg
1050

Telephone number : (013) 282 4681

Email Address : jacot@eastvaal.co.za

2.3 Business Units

The company consists out of various divisions and the details of the divisional heads are noted below:

Eastvaal Motors Witbank Ford

Dealer Principal : Gerrit de Beer

Physical address : Cnr Frans and Mandela Drive
Witbank

Telephone number : (013) 693 8200

Email Address : gerritd@eastvaal.co.za

Eastvaal Toyota Potchefstroom

Dealer Principal : Pine Maritz
Physical address : 7 James Maroka Street
Potchefstroom
Telephone number : (018) 297 3935
Email Address : pine@eastvaal.co.za

Eastvaal Motors Secunda

Dealer Principal : Phillip Els
Physical address : 3 Walter Sisulu Street
Secunda
Telephone number : (017) 634 7152
Email Address : phillipe@eastvaal.co.za

Eastvaal Motors Middelburg

Dealer Principal : Louis Fouche
Physical address : Cnr Cowen Ntuli and Morkel Street
Middelburg
Telephone number : (013) 282 4681
Email Address : louisf@eastvaal.co.za

Eastvaal Motors Bethal

Dealer Principal : Christo van Schalkwyk
Physical address : 5 Moses Kotane Street
Bethal
Telephone number : (017) 647 1098
Email Address : christovs@eastvaal.co.za

Eastvaal Motors Motor City

Dealer Principal : Paul Griffin
Physical address : Cnr Clive Blechman Street and Mandella Drive
Witbank
Telephone number : (013) 656 1511
Email Address : paulg@eastvaal.co.za

Eastvaal Motors Automotive

Dealer Principal : Naylor Kruger
Physical address : 19 St Andrews Road
Houghton Estate, Johannesburg
Telephone number : (011) 648 5573
Email Address : naylork@eastvaal.co.za

Eastvaal Motors Quick Lane Tyre and Auto Centre

Dealer Principal : Jeandre Lewis
Physical address : 109 Mandela Street
Witbank
Telephone number : (013) 590 6870
Email Address : jeandrel@eastvaal.co.za

Eastvaal Motors Ford

Dealer Principal : Ben Demeillon
Physical address : 22 Weeber Street
Middelburg
Telephone number : (013) 249 2600
Email Address : bend@eastvaal.co.za

Eastvaal Motors Honda

Dealer Principal : Ben Demeillon
Physical address : 66A Jeppe Street
Middelburg
Telephone number : (013) 249 2600
Email Address : bend@eastvaal.co.za

JAC Witbank

Dealer Principal : Brad Blechman
Physical address : 9 Mandela Drive
Witbank
Telephone number : (013) 591 4154
Email Address : bradb@eastvaal.co.za

Kohler Auto

Dealer Principal : Anneke Shafer
Physical address : 3 Corridor Crescent
N4 Business Park
Witbank
Telephone number : (013) 653 4300
Email Address : annekes@kohlerauto.com

Eastvaal Financial Services

Dealer Principal : Jaco Taljaard
Physical address : Cnr Cowen Ntuli and Morkel Street
Middelburg
Telephone number : (013) 282 4681
Email Address : jacot@eastvaal.co.za

3. SECTION 10 GUIDE ON HOW TO USE PAIA

It is the responsibility of the IR to ensure that a Guide is made available in all official languages to assist the requester access to the records of a private body, if the records is required for the exercise or protection of any rights.

These requests must be made in accordance with the prescribed procedures and at the rates provided which is all noted in the Section 10 Guide.

Requesters are therefore referred to the Section 10 Guide which has been compiled by the Information Regulator, which contains information for the purposes of exercising constitutional rights. This Guide is available from the Information Regulator whose details are noted below:

Physical address : JD House
27 Stiemens Street
Johannesburg
2001

Postal address : P.O. Box 31533
Braamfontein
Johannesburg
2017

Email Address : infoereg@justice.gov.za

Website : www.justice.gov.za

4. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT

In terms of Section 52(1) of the Act, a private body may, on a voluntary basis, provide the Minister with information regarding categories of records that are automatically available without a person having to request access in terms of the Act. In terms of Section 52(2), the Minister must, by notice of Gazette, publish such information.

5. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

The company does hold records in term of legislation other than PAIA. The specific records which are available in terms of such legislation are set out therein and these records may, in certain instances, only be accessed by the persons specified in the respective legislation. This legislation is noted below:

- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases 61 of 1997 (COIDA)
- Competition Amendment Act 1 of 2009
- Constitution Sixteenth Amendment Act of 2009
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Electronic Communications Amendment Act 37 of 2007
- Employment Equity Act 55 of 1998

- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001 and FIC Amendment Act
- Financial Sector Charter
- Financial Sector Regulation Act 9 of 2017
- Income Tax Act 58 of 1962
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Environmental Laws Amendment Act 14 of 2009
- National Environmental Management: Waste Act 59 of 2008
- National Payment System Act 78 of 1998
- Occupational Health and Safety Act 85 of 1993
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Second-Hand Goods Act 6 of 2009
- Short-term Insurance Act 53 of 1998
- Skills Development Act 37 of 2008
- Skills Development Levies Act 9 of 1999
- Tax Administration Act 28 of 2011
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value-Added Tax Act 89 of 1991

6. INFORMATION FORMING PART OF RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT

The company has listed the subjects on which it holds records. The records will not be provided to the requested in all instances unless the requested can show that he or she has the right in terms of PAIA to be given access to the requested records.

6.1 Corporate Governance

- Codes of Conduct
- Policies
- Legal Compliance Records

6.2 Administration

- Administration and operational records
- Commercial Contracts
- Correspondence
- Minutes of Executive Meetings
- Risk, Security, and Insurance Records

- Statutory documents
- Statutory returns
- Share certificates and register
- Shareholder records
- Dividend register
- Director's resolution

6.3 Finance

- Accounting Records
- Inventory records
- Tax and levies records
- VAT records
- PAYE records
- Creditors and Debtors records
- Audited Financial Statements including Auditor's report.
- Operational expenditure records
- Salaries and Wages
- Insurance records
- Invoices records

6.4 Human resources

- Employment Contracts
- Information relating to potential employees
- Membership records
- Personnel records
- Staff policies and procedures
- Training and development records
- Employee tax information
- Unemployment Insurance Fund contributions records
- Payroll records
- Health and safety records
- Workplace skills plans
- Codes of Conduct
- Disciplinary code and procedure
- Appeal procedure
- Remuneration policy

6.5 Clients and correspondents

- Clients and correspondent accounts
- Client and correspondent's database
- Client files

6.6 Information Technology

- Infrastructure and systems
- Support and maintenance agreements

7. PROCESSING PERSONAL INFORMATION

As a Motor Dealer Group and keeping the services and products that we offer in mind, we are required to obtain certain personal information from our clients to fulfil a specific function. To adhere to the requirements set out in POPIA, the company has conducted a Personal Information Impact Assessment to ensure that the personal information obtained is used only for the purpose for which it was collected and agreed to with our clients. This information is adequate, not excessive, and relevant.

The company has developed a POPIA Privacy Statement which addresses the processing, storage, retrieval, and safe removal of personal information. You can access this statement on our website (www.eastvaal.co.za).

8. CRITERIA FOR GRANTING ACCESS TO INFORMATION

8.1 Any information, records, copies, documents, or other data forming part of or pertaining to the records referred to in paragraphs 5 and 6 above will only be made available to a requester in response to a request prepared and lodged in the prescribed format and in accordance with the prescribed procedure (see paragraph 9 below).

8.2 Information, records, copies, documents, or other data forming part of or pertaining to the aforesaid records will be made available to a requester in accordance with the provisions of the Act, and subject to the rules and principles entrenched in the Act regarding the protection of the commercial and confidential information of the company and third parties and considering the other grounds for refusal of access as set out in the Act.

8.3 The company may, in terms of sections 62-70 of the Act, legitimately refuse to grant access to the aforesaid records in respect of information falling within certain categories as contemplated in the Act, inter alia in the following circumstances:

- To protect personal information that the firm holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure.
- To protect commercial information that the firm holds about a third party or the firm itself (for example trade secrets: financial, commercial, scientific, or technical information that may harm the commercial or financial interests of the organisation or the third party).
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement.
- If disclosure of the record would endanger the life or physical safety of an individual.
- If disclosure of the record would prejudice or impair the security of property or means of transport.
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme.
- If disclosure of the record would prejudice or impair the protection of the safety of the public.
- If the record is privileged from production in legal proceedings unless the legal privilege has been waived.
- If disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the firm.
- If disclosure of the record would put the firm at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
- If the record is a computer program; and
- If the record contains information about research being carried out or about to be carried out on behalf of a third party or the firm.

9. REQUEST PROCEDURE

- 9.1 The requester must comply with all the procedural requirements contained in the Act in order to submit a request for access to a record.
- 9.2 The requester must complete the prescribed form enclosed here to as Appendix 1 and submit the form as well as payment of the request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraph 2 above.
- 9.3 The prescribed form must be filled in with enough particularity to enable the Information Officer to identify-
- The information and/or record or records requested;
 - The identity of the requester.
 - Which form of access is required if the request is granted.
 - The postal address or fax number of the requester.
- 9.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 9.5 The firm will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 9.6 The requester will be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision he/she must state the particulars so required.
- 9.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 9.8 In an individual is unable to complete the prescribed form because of illiteracy or disability, such as person may make the request orally.
- 9.9 The requester must pay the prescribed fee before any further processing can take place.

10. REQUEST FEES

Section 54 of the Act provides for a private body to require a request fee to be paid by a requester before processing a request. The Minister of Justice has determined, by way of notice in the Gazette in terms of section 54(8) of the Act, the fee that may be charged.

Information in regard to the fees payable is set out in Appendix 2.

11. OTHER INFORMATION (Section 51(1)(f) of the Act)

The Minister of Justice and Constitutional Development has released proposed regulations for comment. This manual will be amended once the proposed regulations has been approved and implemented.

APPENDIX 1

Form C

Request for access to record of private body

(Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

[Regulation 10]

A Particulars of private body

The Head:

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.

Full names and surname:

Identity number:

Postal address:

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

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.***

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 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.

Reason for exemption from payment of fees:

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.

F Form of access to record

Disability:

Form in which record is required: Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) 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.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which

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 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*

(memory stick 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?

A postal fee is payable

G Particulars of right to be exercised or protected

*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.***

1 Indicate which right is to be exercised or protected:

2 Explain why the record requested is required for the exercise or protection of the aforementioned right:

H Notice of decision regarding request for access

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.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ This _____ day of _____ 20__

SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST IS MADE

APPENDIX 2
CHARGE SHEET FOR ACCESS TO INFORMATION
ACT 2/2000 REQUESTS

REQUESTER'S DETAILS

Name

Address

Ref No

PREPARED BY:

Name

Date

Signature

Approved

(Manager)

1. ACCESS FEES FOR REPRODUCTION

- | | |
|--|--------|
| 1.1 For every photocopy of an A4-size page or part thereof | R 1.10 |
| 1.2 For every photocopy of an A4-size page or part thereof held on a computer or
in electronic or machine-readable form | R 0.75 |
| 1.3 For a copy in a computer-readable form on memory stick | R70.00 |
| 1.4 For a copy in a computer-readable form on compact disc | R70.00 |
| 1.5 For a transcription of visual images for an A4-size page or part thereof | R40.00 |
| 1.6 For a copy of visual images | R60.00 |
| 1.7 For a transcription of an audio record for an A4-size page or part thereof | R20.00 |
| 1.8 For a copy of an audio record | R30.00 |

2. ACCESS FEE FOR TIME SPENT

The time reasonably required to search for the record for disclosure andPreparation

30.00/hr or part thereof

3. REQUEST FEE

For a request for access to a record by a person other than a personal Requestor

R50.00

4. DEPOSIT

4.1 One third of the access fee is payable as a deposit by the requester

4.2 Six hours as the hours to be exceeded before a deposit is payable

5. POSTAL FEE

When a copy of a record must be posted to the requestor

R 9.75

6. APPEAL FEES

For lodging an internal appeal by a requester against the refusal of his/her request for access to a record

R50.00

7. VAT

Private bodies registered under the Value Added Tax Act, 1991 (Act No. 89 of 1991) as vendors may add VAT to all the prescribed fees in terms of these regulations.