

DRGEM Africa PTY (LTD)

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF  
ACCESS TO

INFORMATION ACT 2 OF 2000

# Table of Contents

- 1. RIGHT OF ACCESS TO INFORMATION
  - 1.1 Introduction
  - 1.2 Availability of the DRGEM Africa (Pty) Ltd PAIA Manual and entry point for requests
  - 1.3 Who my request access to information
  - 1.4 Contact details for Information Officer Sec 51(1) a
  - 1.5 Confidentiality and Access to Information Policy
  - 1.6 SAHRC guidance to requesters on Sec 51 (1)(b)(i)
- 2. DRGEM AFRICA PTY LTD STRUCTURE
  - 2.1 Scope
  - 2.2 DRGEM Africa (Pty) Ltd Profile and Structure
- 3. CLASSES OF RECORDS
  - 3.1 Automatic Disclosure: Sec 51 (1)(b)(ii) Records automatically available to the Public
  - 3.2 Legislative requirements: Sec 51 (1)(b)(iii) Records available in accordance with other legislation
  - 3.3 Records held by DRGEM Africa (Pty) Ltd: Sec 51 (1)(b)(iv) Records Subjects and Categories
    - 3.3.1 Corporate Affairs and Communications
    - 3.3.2 Corporate Secretariat and Governance
    - 3.3.3 Finance and Taxation
    - 3.3.4 Human Resources
    - 3.3.5 Information Technology
    - 3.3.6 Intellectual Property
    - 3.3.7 Legal
    - 3.3.8 Sales, Marketing and Communication
- 4. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT
  - 4.1 Processing of personal information of data subjects: Sec 51 (1)(c)(i)
  - 4.2 Categories of personal information processed: Sec 51 (1)(c)(ii)
  - 4.3 Nature of personal information processed: Sec 51 (1)(c)(ii)
  - 4.4 Recipients to which information may be supplied: Sec 51 (1)(c)(iii)
  - 4.5 Planned or prospective transborder flow of personal information: Sec 51 (1)(c)(iv)
  - 4.6 Security measures to ensure confidentiality, integrity, and availability of personal information: Sec 51 (1)(c)(v)
  - 4.7 Specific policies relating to the protection of personal information
  - 4.8 From to be used to request access to personal information of data subjects
  - 4.9 The details of the Information Regulator
- 5. ACCESS PROCEDURES AND REQUESTS
  - 5.1 Guidance on prescribed Request for Access Form: Sec 51 (1)(b)(iv)
  - 5.2 Submission of prescribed Request for Access Form
  - 5.3 Payment of prescribed Fees
  - 5.4 Notification
  - 5.5 Records that cannot be found or do not exist
- 6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL
  - 6.1 Grounds for refusal: Chapter 4
  - 6.2 Appeal
- 7. PRESCRIBED FEES: SEC 92
- 8. ANNEXURE A: REQUEST FOR ACCESS FORM - PAIA
- 9. ANNEXURE B: REQUEST FOR ACCESS FORM - POPIA

## 1. RIGHT OF ACCESS TO INFORMATION

### 1.1 Introduction

The 1996 South African Constitution entrenches the fundamental right to access to information by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies.

The Promotion of Access to Information Act 2 of 2000 (“the Act” / “PAIA”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

Operating together, PAIA and the Protection of Personal Information Act, No 4 of 2013 (“POPIA”) balances the need for information, against the need for the protection of personal information.

In accordance with the Act, all private bodies must publish a manual, referred to as an “information manual” or “PAIA manual”, to assist requesters who wish to request access to a record.

## 1.2 Availability of the DRGEM PAIA Manual

This document serves as the DRGEM PAIA Manual (“the Manual”) under the requirements of section 51 of the Act to facilitate access to personal information records held by DRGEM.

A copy of this Manual is available to any person of the public in a PDF (“Portable Document Format”) version on the website of DRGEM at [www.drgemafrika.co.za](http://www.drgemafrika.co.za) or by request from the Information Officer referred to in this Manual.

DRGEM . DRGEM fully supports the principles of the Act and is confident that this Manual will serve as a valuable resource for requesters in exercising their rights.

In summary, the Manual provides information on the following:

- Contact details of the Information Officer.
- Structure and functions of DRGEM.
- Subjects and categories of records that DRGEM holds; and
- Procedure that needs to be followed and criteria that a requester must meet to request access to a record

## 1.3 Who may request access to information

PAIA provides that a requester is only entitled to access a record if the record is

required to exercise or protect a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act differently for a record.

This will influence the amount charged when a request has been lodged.

Requesters may request as follows:

- A personal requester who requests a record about him/herself.
- An agent requester who requests a record on behalf of someone else with that person’s consent and where it is required to protect that person’s legal right.
- A third-party requester who requests a record about someone else with that person’s consent and where it is required for the protection of that person’s legal right; and
- A public body that may request a record if:
  - It fulfils the requirements of procedural compliance.
  - The record is required for the exercise or protection of a right and
  - No grounds for refusal exist.

## 1.4 Contact details for DRGEM Africa (Pty) Ltd Information Officer Sec 51(1) a

The person responsible for the administration of the Act within DRGEM are:

Information Officer: IGuy Moustache

Physical Address: 8 Delamore Road, Hillcrest, Durban

Postal Address: 3629

Tel: +27

Fax: +27

E-mail: [informationofficer@co.za](mailto:informationofficer@co.za)

## 1.5 Confidentiality and Access to Information Policy

DRGEM will protect the confidentiality of information provided to it by third parties, subject to DRGEM obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, DRGEM is obliged to attempt to contact this third party to inform them of the request

This enables the third party to respond by either consenting to the access or providing reasons why the access should be denied. If the third party furnishes reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted.

## 1.6 SAHRC guidance to requesters on Sec 51 (1)(b)(i)

The Information Regulator is required in terms of section 10 of the Act to update and make available the existing guide that the South African Human Rights Commission ("SAHRC") that contains information to assist a person wishing to exercise a right in terms of the Act and the Protection of Personal Information Act 4 of 2013 ("POPI Act") for requesters. It contains information to assist a person wishing to exercise a right regarding the Act.

The SAHRC guide is available on the SAHRC website at [www.sahrc.org.za](http://www.sahrc.org.za).

You may also request any additional information to assist you in requesting the SAHRC. Please direct any queries to:

The South African Human Rights Commission: PAIA Unit

Physical Address:

Forum 3

Braampark Office Park

Braamfontein

Tel: +27 (0) 11 877 3600 (Head Office)

+27 (0) 11 877 3750 (GP Office)

Fax: +27 (0) 11 403 0684

E-mail: [info@sahrc.org.za](mailto:info@sahrc.org.za) Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Postal Address: Private Bag 2700 Houghton, 2041

## 2. DRGEM Africa (Pty) LTD STRUCTURE

### 2.1 Scope

This Manual has been prepared in respect of DRGEM . The scope of this Manual will exclude DRGEM operations outside of the Republic of South Africa.

## 3. CLASSES OF RECORDS

### 3.1 Automatic Disclosure: Sec 51 (1)(b)(ii) Records automatically available to the Public

The following records are automatically available at the registered office of DRGEM Africa (Pty) Ltd upon payment of the prescribed reproduction fee.

- Documentation and information relating to DRGEM Africa (Pty) Ltd, which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008.
- Product and Promotional Brochures
- News and other Marketing Information
- The annual integrated report and any other shareholder communications.

### 3.2 Legislative requirements: Sec 51 (1)(b)(iii) Records available in accordance with other legislation

Records are kept under such other legislation as applicable to the DRGEM Africa (Pty) Ltd, which includes, but is not limited to:

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Civil Proceedings Evidence Act, 1965 (Act 25 of 1965)
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Copyright Act 98 of 1987
- Consumer Protection Act 68 of 2008
- Criminal Procedure Act 51 of 1977

- Customs and Excise Act, 1964
- Deeds Registries Act 57 of 1937
- Debt Collectors Act 114 of 1998
- Electronic Communications and Trans-actions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Finance Act 2 of 2007
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Magistrates Court Act 32 of 1944
- Occupational Health and Safety Act 85 of 1993
- Patents Act 57 of 1987
- Pension Funds Act 24 of 1956
- Protection of Information Act, No. 84 of 1982
- Short Term Insurance Act. 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- South African Revenue Service Act 34 of 1997
- Statistics Act 6 of 1999
- Tax on Retirement Funds Act No 38 of 1996
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although DRGEM Africa (Pty) Ltd has supplied you with a list of applicable legislation to the best of our ability, the above list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester to do so, we shall update the list accordingly on a basis other than that set out in the Act.

### 3.3 Records held by DRGEM Africa (Pty) Ltd Pty Ltd:

Sec 51 (1)(b)(iv) Records Subjects and categories:

#### 3.3.1 Corporate Affairs and Communications

- Media Releases
- Newsletters and Publications

- Corporate Social Investment
- Public Corporate Records

### 3.3.2 Corporate Secretariat and Governance

- Applicable Statutory Documents
- Annual Reports
- Board of Directors and Board Committee Terms of Reference
- Codes of Conduct
- Executive Committee Meeting Minutes
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of Executive Committee Meetings
- Minutes of Shareholders' Meetings
- Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Share Registers
- Strategic plans
- Statutory Returns to Relevant Authorities

### 3.3.3 Finance and Taxation

- Policies and Procedures
- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Purchasing Records
- Sale and Supply Records
- Tax Records and Returns
- Transactional Records

### 3.3.4 Human Resources

- Education and Training Records
- Employee Benefit Records
- Employment Contracts
- Employee Information
- Policies and Procedures
- Group Life
- Leave Records
- Medical Records
- Pension and Retirement Funding Records
- Study assistance scheme/s
- Tax Returns of employees
- UIF Returns

### 3.3.5 Information Technology

- Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

### 3.3.6 Intellectual Property

- Agreements relating to intellectual property
- Copyrights

### 3.3.7 Legal

- Complaints, pleadings, briefs, and other documents pertaining to any actual or pending litigation, arbitration, or investigation
- Material licenses, permits and authorizations

### 3.3.8 Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material
- Marketing Brochures
- Marketing Strategies



- Product Brochures
- Policies and Procedures

## 4. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE POPI ACT

### 4.1 Processing of personal information of data subjects: Sec 51 (1)(c)(i)

DRGEM Africa (Pty) Ltd processes personal information of data subjects for the following purposes:

- Fulfilling its statutory obligations in terms of applicable legislation.
- Verifying information provided to DRGEM Africa (Pty) Ltd
- Obtaining information necessary to provide contractually agreed services to a customer.
- Monitoring, maintaining, and managing contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties.
- Marketing and advertising.
- Resolving and tracking complaints.
- Monitoring and securing the assets, employees, and visitors to the company's premises.
- Historical record keeping, research and recording statistics necessary for fulfilling our business objectives.

### 4.2 Categories of personal information processed: Sec 51 (1)(c)(ii)

DRGEM Africa (Pty) Ltd may process the personal information of the following categories of data subjects. This includes current, past, and prospective data subjects:

- Customer and employees, representatives, agents, contractors, and service providers of such customers.
- Suppliers, service providers to and vendors of DRGEM Africa (Pty) Ltd and employees, representatives, agents, contractors and service providers of such suppliers and service providers.
- Directors and officers of DRGEM Africa (Pty) Ltd.
- Shareholders.
- Job applicants.
- Visitors to any premises of “Company name”.
- Complaints, correspondents, and enquiries; and

### 4.3 Nature of personal information processed: Sec 51 (1)(c)(ii)

The nature of personal information processed in respect of the data subjects listed above may include:

- Name, identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other assignment to the person.
- Biometric information.

- Information relating to the data subject's education or the medical, financial, criminal, or employment history.
- Information relating to the race, gender, marital status, national origin, age, disability, language, and birth of the data subject.
- The personal opinions, views, or preferences of the data subject.
- Confidential correspondence sent by the data subject.
- The views or opinions of another individual about the data subject

#### 4.4 Recipients to which information may be supplied: Sec 51 (1)(c)(iii)

DRGEM Africa (Pty) Ltd may supply personal information to the following recipients:

- Regulatory, statutory and government bodies.
- Suppliers, service providers, vendors, clients, agents, and DRGEM Africa (Pty) Ltd representatives.
- Employees of DRGEM Africa (Pty) Ltd.
- Shareholders and other stakeholders.
- Third-party verification agencies and credit bureaus.
- Collection agencies.
- Banks and other financial institutions.

#### 4.5 Planned or prospective transborder flow of personal information: Sec 51 (1)(c)(iv)

Personal information of data subjects may be transferred across borders due to the hosting of some of DRGEM Africa (Pty) Ltd infrastructure in foreign jurisdictions. Data subjects' personal information may also be transferred transborder to other countries where DRGEM Africa (Pty) Ltd has a physical presence or may be providing services or performing in terms of its contractual obligations.

#### 4.6 Security measures to ensure confidentiality, integrity, and availability of personal information: Sec 51 (1)(c)(v)

DRGEM Africa (Pty) Ltd continuously establishes and maintains appropriate, reasonable technical and organizational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorized or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements outlined in law, in industry practice and generally accepted information security practices and procedures which apply.

#### 4.7 Specific policies relating to the protection of personal information

The following policies can be obtained from DRGEM Africa (Pty) Ltd, about the protection of personal information as contemplated in the Protection of Personal Information

Act no.4 of 2013.:

- Protection of Personal Information Policy
- Personal Information Retention Policy

- Data Breach Policy
- Data Subject Access Request Policy
- Information Security Policy

## 4.8 The form to be used to request access to the personal information of a data subject is:

Form 1 under Annexure B of this manual.

## 4.9 The details of the Information Regulator

Physical address:

JD House

27 Stiemens Street

Braamfontein

Johannesburg

2001

Postal address:

P.O Box 31533

Braamfontein

Johannesburg

2017

Email address:

Complaint's email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).

## 5. ACCESS PROCEDURES AND REQUESTS

This section aims to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by DRGEM Africa (Pty) Ltd.

NB. Requests for access to personal information as contemplated in the Protection for Personal Information Act no. 4 of 2013 is dealt with and prescribed in terms of the company's Data Subject Access Request Policy, which can be obtained from, Tel: +27 x email: [informationofficer@x.co.za](mailto:informationofficer@x.co.za). Annexure B is to be completed and submitted to the company.

It is important to note that an application for access to information can be refused if it does not comply with the Act's procedural requirements. In addition, completing and submitting an access request form does not automatically allow the requester access to the requested record.

An application for access to a record is subject to certain limitations if the requested record falls within a certain category specified in Part 3 Chapter 4 of the Act. If it is reasonably suspected that the requester has

obtained access to DRGEM Africa (Pty) Ltd.'s records by submitting materially false or misleading information, legal proceedings may be instituted against such requester.

## 5.1 Guidance on prescribed Request for Access Form: Sec 51 (1)(b)(iv)

For DRGEM Africa (Pty) Ltd to facilitate access to a record, a requester must complete the prescribed Request to Access a Record Form attached as Annexure A. The prescribed form must be completed in full. Failure to do so will delay the process until all information is provided. DRGEM Africa (Pty) Ltd will not be held liable for delays due to the receipt of incomplete forms.

Due cognizance should be taken of the following instructions when completing the form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met.

Proof of identity is required to authenticate the requesters identify. If the requester acts as an agent requester, the requester shall provide proof of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the requester's identity as provided above.

- Type or print an answer to every question in BLOCK LETTERS.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question, state “nil” in response.
- If there is insufficient space on a printed form to answer a question, additional information may be provided on an additional folio attached.
- When an additional folio is required, precede each answer with the title applicable to that question.

## 5.2 Submission of prescribed Request for Access to a Record Form

The completed Request for Access to a Record Form must be submitted by conventional mail, e-mail, or fax and addressed to the Information Officer.

## 5.3 Payment of prescribed Fees

Payment details can be obtained from the Information Officer and payment can be made via a direct deposit (no credit card payments are accepted). Proof of payment must be supplied.

## 5.4 Notification

DRGEM Africa (Pty) Ltd will, within thirty (30) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which “Company name” Pty Ltd has to decide whether to grant or refuse the request may be extended for a further period of not more than thirty (30) days if the request is for a large volume of information, or the request requires a search for information held at another office of DRGEM Africa (Pty) Ltd and the information cannot be reasonably obtained within the original thirty (30) day period. DRGEM Africa (Pty) Ltd will notify the requester in writing should an extension be sought.

## 5.5 Records that cannot be found or do not exist

If DRGEM Africa (Pty) Ltd has searched for a record and it is believed that it either does not exist or cannot be found, the requester will be notified by an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

## 6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

### 6.1 Grounds for refusal: Chapter 4

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of commercial information of a third party or DRGEM Africa (Pty) Ltd if the record contains:
  - Trade secrets of the third party or DRGEM Africa (Pty) Ltd.
  - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or DRGEM Africa (Pty) Ltd; and Information disclosed in confidence by a third party to DRGEM Africa (Pty) Ltd if the
    - disclosure could put that third party at a disadvantage or in commercial competition.
  - Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement.
- Mandatory protection of individuals' safety and property protection.
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and Mandatory protection of a third party's research information and DRGEM Africa (Pty) Ltd.

### 6.2 Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to the court for appropriate relief.

## 7. PRESCRIBED FEES: SEC 92

A fee structure can be provided upon request from a user to the information officer.

## 8. ANNEXURE A: REQUEST FOR ACCESS FORM - PAIA



**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.

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  |

Reason for exemption from payment of fees:

.....

.....

.....

.....

.....



## F. Form of access to record

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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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 access is requested.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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?  Postage is payable.	YES	NO
--	-----	----

**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  
.....year .....

..... SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST IS MADE