PAIA MANUAL ("the Manual") for Vrystaat Landbou - Free State Agriculture ("the Company")

DD 24 JULY 2024

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

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1. RIGHT OF ACCESS TO INFORMATION

1.1 Introduction

The 1996 South African Constitution, 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, entrenches the fundamental right to access to information.

The Promotion of Access to Information Act 2 of 2000 ("the Act"), 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.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requester complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

1.2 Availability of the Company PAIA Manual and entry point for requests

This document serves as the PAIA Manual ("the Manual") for Vrystaat Landbou - Free State Agriculture ("the Company") in accordance with the requirements of section 51 of the Act to facilitate access to records held by the Company.
A copy of this Manual is available to any person of the public in a PDF ("Portable Document Format") version on the website of the Company at **www.vrystaatlandbou.co.za** or on request from the Information Officer referred to in this Manual.

The Company endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

In summary the Manual provides information on the:

- Contact details of the Information Officer;
- Structure and functions of the Company;
- Subjects and categories of records that are held by the Company; and
- Procedure that needs to be followed and criteria that must be met by a requester to request access to a record

1.3 Who my request access to information

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of 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 in different capacities in making a request for a record.

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

Requesters may make a request as:

- 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 for the protection of 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 who 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 the Company Information Officer

The Chief Executive Officer of the Company has delegated his powers to the Information Officer below in terms of the Act to handle all requests on the Company behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

The Company contact details

Information Officer: **Mr G. Botha**

Physical Address: **4 Nobel Street, Brandwag, Bloemfontein, 9300**

Postal Address: **4 Nobel Street, Brandwag, Bloemfontein, 9300**

Tel: **051 444 4609**

Fax: **None**

E-mail: **gernie@vslandbou.co.za**

1.5 Confidentiality and Access to Information Policy

The Company will protect the confidentiality of information provided to it by third parties, subject to the Company 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, the Company is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

1.6 Guidance to requesters as prepared by the Information Regulator

The Information Regulator, in terms of section 10 of the Act, updated a guide that was compiled by 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").

The guide is available from the office of the Information Regulator or it website at: https://www.justice.gov.za/inforeg .

2. THE COMPANY STRUCTURE

2.1 Scope

This Manual has been prepared in respect of the Company – Vrystaat Landbou - Free State Agriculture.

The scope of this Manual will include the Company operations outside South Africa and will serve to provide a reference regarding the records held by the Company at its Registered Office and various operations.

2.2 The Company Profile and Structure

The Company purpose is to represent commercial farming entities within the agricultural sector and to be a voice for members affiliated to the organisation in the Free State Province.

3. CLASSES OF RECORDS

3.1 Automatic Disclosure: Records automatically available to the Public

The following records are automatically available at the registered office of the Company on payment of the prescribed fee for reproduction.

- Documentation and information relating to the Company which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in 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: Records available in accordance with other legislation

Records are kept in accordance with such other legislation as applicable to the Company, 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
- Non-Profit Organisations Act 71 of 1997
- 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 the Company has supplied you with a list of applicable legislation to the best of our ability it is possible that the above list may be incomplete.

Whenever it comes to our attention that existing or new legislation allows a requester to access on a basis other than that set out in the Act, we shall update the list accordingly.

3.3 **Records held by the Company: 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
- Client Information
- 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**

The Company processes personal information of data subjects for the following purposes:

- Fulfilling its statutory obligations in terms of applicable legislation;
- Verifying information provided to the Company;
- 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 premises of the Company;
- Historical record keeping, research and recording statistics necessary for fulfilling our business objectives.

4.2 **Categories of personal information processed**

The Company 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 “Company name” and employees, representatives, agents, contractors and service providers of such suppliers and service providers;
- Directors and officers of the Company;
- Shareholders;
- Job applicants;
- Visitors to any premises of the Company;
- Complaints, correspondence, and enquiries; and

4.3 **Nature of personal information processed**

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 particular assignment to the person;
- Biometric information;
- Information relating to the education or the medical, financial, criminal or employment history of the data subject;
- 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 of opinions of another individual about the data subject

4.4 **Recipients to which information may be supplied**

The Company may supply personal information to the following recipients:

- Regulatory, statutory and government bodies;
- Suppliers, service providers, vendors, clients, agents and representatives of "Company name";
- Employees of the Company;
- Shareholders and other stakeholders;
- Third party verification agencies and credit bureau;
- Collection agencies;
- Banks and other financial institutions;

4.5 **Planned or prospective trans-border flow of personal information**

Personal information of data subjects may be transferred across borders due to the hosting of some of the Company infrastructure in foreign jurisdictions. Data subjects' personal information may also be transferred trans-border to other countries where the Company 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**

The Company 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 set forth 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 the Company, pertaining to the protection of personal information as contemplated in the Protection of Personal Information Act 4 of 2013:

- Protection of Personal Information Policy
- Personal Information Retention Policy
- Data Breach Policy
- Data Subject Access Request Policy

4.8 **The form to be used to request access to 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:
Complaints email: complaints.IR@justice.gov.za
General enquiries email: inforeg@justice.gov.za.

5. ACCESS PROCEDURES AND REQUESTS

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by the Company.

IMPORTANT. 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 obtain from **Mr G. Botha (Information Officer), Telephone: 051 444 4609, e-mail: gernie@vslandbou.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 in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of 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 as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to the Company's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

5.1 **Guidance on prescribed Request for Access Form**

In order for the Company to facilitate access to a record a requester will need to 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 result in the process being delayed until all information is provided.

The Company will not be held liable for delays due to 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 identity 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 identity of the requester as provided above.

- Type or print in BLOCK LETTERS an answer to every question.
- 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 to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio attached to the form.
- When the use of an additional folio is required, precede each answer thereon 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 either via conventional mail, e-mail or fax and must be 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 either via a direct deposit (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- Request fee: An initial, non-refundable fee is payable on submission. This fee is not applicable to personal requesters, referring to any person seeking access to records that contain their personal information.
- Reproduction fee: This fee is payable with respect to all records that are automatically available.
- Access fee: If the request for access is successful an access fee may be required to reimburse the Company for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- Deposit: A deposit of one third (1/3) of the amount of the applicable access fee, is payable if the Company receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

5.4 **Notification**

The Company 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 the Company 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 the Company and the information cannot be reasonably obtained within the original thirty (30) day period. The Company will notify the requester in writer should an extension be sought.

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

If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of 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**

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 the Company, if the record contains:
- Trade secrets of the third party or the Company;
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or the Company; and Information disclosed in confidence by a third party to the Company if the
- Disclosure could put that third party to a disadvantage or 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 the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of the Company.

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 court for appropriate relief.

7. PRESCRIBED FEES

7.1 **Reproduction Fees**

The applicable fees for reproduction as referred to above are:

	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	 R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc • If provided by requestor • If provided to the requestor	 R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.".

8. ANNEXURE A: REQUEST FOR ACCESS FORM - PAIA

Note:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

To *The information officer

……

……

……

Email ……

Fax ……

Mark with an "**X**"

☐ Request is made in my own name

☐ Request is made on behalf of another person.

PERSONAL INFORMATION

Full names						
Identity number						
Capacity in which request is made *(when made on behalf of another person)*						
Postal Address						
Street Address						
E-mail address						
Contact numbers	Tel (W)		Facsimile		Cell	
Full names of person on whose behalf request is made (*if applicable*)						
Identity number						
Postal Address						
Street Address						
E-mail address						
Contact numbers	Tel (W)		Facsimile		Cell	

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record	

Reference number, if available:	
Any further particulars of record:	

TYPE OF RECORD *(Mark the applicable box with an "X")*	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS *(Mark the applicable box with an "X")*	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	

MANNER OF ACCESS *(Mark the applicable box with an "X")*	
Personal inspection of record at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)*	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Preferred language: *(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)*	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED *If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*	
Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
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. You will be notified of the amount required to be paid as the request fee. 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.	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic Communication *(Please specify)*

Signed at ..... this ..... day of ..... 20 .....

.....

Signature of requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by:	
Date received:	
Access fees:	
Deposit (if any):	

.....

Signature of Information Officer

9. ANNEXURE B: REQUEST FOR ACCESS FORM - POPIA

Vrystaat Landbou - Free State Agriculture

SUBJECT ACCESS REQUEST FORM

Important Information

Vrystaat Landbou - Free State Agriculture, collects, holds, and processes certain personal information about our customers, suppliers, and employees ("data subjects"). As a data subject, you have a legal right, under the Protection of Information Act to find out about our use of your personal information as follows:

- Confirmation that your personal information is being processed by us;
- Access to your personal information;
- How we use your personal information and why;
- Details of any sharing or transfers of your personal information;
- How long we hold your personal information;
- Details of your rights under the Protection of Information Act including, but not limited to, your rights to withdraw your consent to our use of your personal information at any time and/or to object to our processing of it.

Please complete the required information and return it to us by email addressed to:

- **Information Officer:** Mr G. Botha, gernie@vslandbou.co.za, 051 444 4609

  Deputy Information Officer: Mr J van Graan, johann@vslandbou.co.za, 051-444 4609

After receiving your subject access request, we may contact you to request additional supporting information and/or proof of your identity. This helps us to safeguard your privacy and personal information.

We will respond to all data subject access requests within one month of receipt and will aim to provide all required information to you within the same period. If we require further proof of ID, or if your request is unusually complicated, we may require more time and will inform you accordingly.

Vrystaat Landbou - Free State Agriculture

SUBJECT ACCESS REQUEST FORM – FORM 1

Your Details

Title:	
Name(s):	
Surname:	
Address:	
Telephone Number:	
Email Address:	

Information Being Requested

Please provide specific details (along with any relevant dates) of the information being requested and any additional information that may help us to locate your personal information and to confirm your identity.

By completing this form, you are making a subject access request under the Protection of Personal Information Act for personal information collected, processed, and held about you by us that you are entitled to receive.

_____
_____
_____
_____
_____
_____
_____

What outcome do you want pertaining to the information requested above?

Purpose	**Tick if applicable**
Nothing, I just want to know what Personal Information you have of me under your control.	
I want to object against the processing of my Personal Information for the following reasons (provide detailed information / substantiate your request and if necessary attach additional information to this document)::	
I want to request the correction of my Personal Information for the following reasons (provide detailed information / substantiate your request and if necessary attach additional information to this document):	
I want you to delete or destroy my Personal Information for the following reasons (provide detailed information / substantiate your request and if necessary attach additional information to this document)::	

Declaration

By signing below, you confirm that you are the data subject named in this Subject Access Request Form. You warrant that you are the individual named and will fully indemnify Vrystaat Landbou - Free State Agriculture.

For all losses and expenses incurred if you are not. We cannot accept requests in respect of your personal information from anyone else, including members of your family.

Name:	
Signature:	
Date:	