



PROMOTION OF ACCESS TO INFORMATION ACT, 2000

&

THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

**POPI AND PAIA MANUAL FOR MAHINDRA AND MAHINDRA SOUTH
AFRICA (PTY) LTD**

REGISTRATION NUMBER 1996/016456/07

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000 (AS AMENDED) (hereinafter referred to as "PAIA") AND TO ADDRESS AND INCORPORATE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, NO. 4 OF 2013 (AS AMENDED) (hereinafter referred to as "POPI").

INDEX

| | | |
|-----|--|----|
| 1. | INTRODUCTION | 3 |
| 2. | ACCESS TO THE MANUAL..... | 4 |
| 3. | CONTACT PERSON FOR THE COMPANY - INFORMATION OFFICER PARTICULARS (SECTION 51(1)(a) OF PAIA) | 4 |
| 4. | GUIDE ON PAIA (SECTION 51(1)(b) OF PAIA) | 5 |
| 5. | NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT (SECTION 51(1)(c) OF PAIA) | 6 |
| 6. | INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d) OF PAIA)..... | 6 |
| 7. | PROCESSING OF PERSONAL INFORMATION | 7 |
| 8. | CATEGORIES OF DATA SUBJECTS AND THEIR PERSONAL INFORMATION | 7 |
| 9. | SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY IN TERMS OF THE ACT (SECTION 51(1)(e) OF PAIA) | 9 |
| 10. | GENERAL DESCRIPTION OF INFORMATION SECURITY SAFEGUARDS IN TERMS OF POPI | 9 |
| 11. | PROCESS TO APPLY FOR ACCESS TO INFORMATION (SECTION 51(1)(e) OF PAIA OR IN ACCORDANCE WITH POPIA..... | 10 |
| 12. | GROUND(S) FOR REFUSAL OF ACCESS | 10 |
| 13. | REMEDIES WHEN ACCESS HAS BEEN REFUSED..... | 11 |
| 14. | FEES (SECTION 51(1)(e) OF PAIA)..... | 11 |

1. INTRODUCTION

- 1.1. PAIA was enacted to give effect to the constitutional right to access to information as contained in section 32 of the Constitution of the Republic of South Africa, 1996.
- 1.2. The aim of the manual is to assist requestors of information to obtain such information, provided that the requester needs same in terms of any right it needs to uphold, if the procedure to be followed has been followed by the requester and if access is not refused due to any ground contained within PAIA.
- 1.3. POPIA seeks to give effect to the constitutional right to privacy as contained in section 14 of the Constitution of the Republic of South Africa, 1996.
- 1.4. POPIA seeks to safeguard personal information by regulating the manner in which it may be processed by public and private bodies.
- 1.5. POPIA provides that data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information, which are set out within the POPIA.
- 1.6. One of the requirements specified in the PAIA, is that this manual which provides information which includes the types and categories of records held by a private body (this relates to PAIA).
- 1.7. Certain information relating to the processing of personal information relates to POPIA.
- 1.8. The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public on the Mahindra and Mahindra South Africa (Pty) Ltd's ("The Company") website.
- 1.9. Any requestor is advised to contact the Information Officer should he/she require any assistance in respect of the utilisation of this manual and/or the requesting of information / documents from the Company.

2. ACCESS TO THE MANUAL

2.1. Any member of the public may access this manual on the website of the Company and at the Company's address, during normal business hours.

3. CONTACT PERSON FOR THE COMPANY - INFORMATION OFFICER PARTICULARS (SECTION 51(1)(a) OF PAIA)

The responsibility for the administration of, and compliance with the Acts, has been delegated to the Information Officer of the Company. Requests pursuant to the provisions of the Acts should be directed as follows:

| | |
|--------------------------------------|---|
| Name of Body | Mahindra and Mahindra South Africa (Pty) Ltd |
| Appointed Information Officer | Sandip Manohar Kulkarni |
| Appointed Deputy Information Officer | James Alexander Lamberton |
| Physical Address | Southdowns Ridge Office Park Corner John Vorster and Nellmapius Drive Southdowns Centurion Gauteng 0157 |
| Postal Address | PO Box 69079 Highveld Park Centurion Gauteng 0169 |
| Telephone Number | 012 661 3161 |
| Fax Number | 012 661 3179 |
| Email | sandip@mahindra.co.za or james@mahindra.co.za |
| Website Address | https://mahindra.co.za/ |

4. GUIDE ON PAIA (SECTION 51(1)(b) OF PAIA)

- 4.1. A guide has been compiled by the South African Human Rights Commission (“SAHRC”) (In terms of section 10 of PAIA) containing such information as may be required by a person who wishes to exercise any right contemplated in the Act.
- 4.2. The Guide is available the SAHRC website at <https://www.sahrc.org.za/>.
- 4.3. A copy of the guide may be requested from the Information Officer of the Company.
- 4.4. This Manual complies with the requirements of the guide and recognises that the Information Regulator established under POPI will be responsible for regulating compliance with PAIA, POPI and their regulations.
- 4.5. See contact details below:

| PAIA | POPI |
|---|---|
| South African Human Rights Commission, Promotion of Access to Information Act Unit, Research and Documentation Department Postal Address: Private Bag 2700 Houghton Johannesburg 2041 Telephone: +27 11 887 3600 Email: paia@sahrc.org.za | Information Regulator Postal Address: P.O Box 31533 Braamfontein Johannesburg 2017 Physical Address: JD House 27 Stiemens Street Braamfontein Johannesburg 2001 Telephone: 012 406 4818 |

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| | Email: Complaints: complaints.IR@justice.gov.za General enquiries: infoereg@justice.gov.za |
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5. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT (SECTION 51(1)(c) OF PAIA)

At this stage no notice has been published on any record or category of records that are automatically available without a person having to request it in terms of PAIA.

6. INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d) OF PAIA)

The Company keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list): –

| No. | Act | Act Number and year (as amended) |
|-----|---|----------------------------------|
| 1 | The Basic Conditions of Employment Act | No. 75 of 1997 |
| 2 | The Companies Act | No. 71 of 2008 |
| 3 | Compensation for Occupational Injuries and Diseases Act | No. 130 of 1993 |
| 4 | Copyright Act | No. 98 of 1978 |
| 5 | Employment Equity Act | No. 55 of 1998 |
| 6 | Income Tax Act | No. 58 of 1962 |
| 7 | Labour Relations Act | No. 66 of 1995 |
| 9 | Occupation Health and Safety Act | No. 85 of 1993 |
| 10 | Pension Funds Act | No. 24 of 1956 |
| 11 | The Protection of Personal Information Act | No. 4 of 2013 |
| 12 | Skills Development Act | No. 97 of 1998 |
| 13 | Skills Development Levies Act | No. 9 of 1999 |
| 14 | South African Revenue Services Act | No. 34 of 1997 |
| 15 | Unemployment Insurance Act | No. 63 of 2001 |
| 16 | Value Added Tax Act | No. 89 of 1991 |

The above records, in so far as it being of a public nature, are available automatically without a person having to request access thereto in terms of PAIA, as envisaged in Section 52 of PAIA.

7. PROCESSING OF PERSONAL INFORMATION

7.1. The Company uses the Personal Information under its care in the following ways:

- 7.1.1. Rendering service according to customer needs;
- 7.1.2. Staff administration;
- 7.1.3. Keeping of accounts and records;
- 7.1.4. Complying with statutory requirements.

8. CATEGORIES OF DATA SUBJECTS AND THEIR PERSONAL INFORMATION

The Company may possess records relating to its employees, customers, and suppliers:

| Data Subject Type | Personal Information Processed |
|--------------------------|--|
| Employees | <ul style="list-style-type: none"> • Personal records (provided by personnel themselves) - Names, ID Number, Contact Details, Physical and Postal Address, Gender, Marital Status, Race, Age, Education Information, Financial Information, Employment History, Opinions, Well-being. • Records provided by a 3rd party relating to personnel; • Conditions of employment and other personnel-related contractual and quasi-legal records; |

| | |
|----------------------|--|
| | <ul style="list-style-type: none"> • Internal evaluation records and other internal records; • Correspondence relating to personnel; and • Training schedules and materials. |
| Customers | <p>Customer records include:</p> <ul style="list-style-type: none"> • Names, ID Number, Contact Details, Physical and Postal Address, Gender, Marital Status, Race, Age, Financial Information; • Records pertaining to products sold and/or serviced by the Company, including without limitation, online and print publications; • Records provided by a customer to a 3rd party acting for or on behalf of the Company; • Records provided by a 3rd party; and • Records generated by or within the Company relating to its customers, including transactional data. |
| Suppliers | Names, Product Records, Communication, Marketing Material. |
| Private Body Records | <p>These are records which include, but are not limited to, records which pertain to the Company's own affairs including:</p> <ul style="list-style-type: none"> • Financial records; • Operational records; • Databases; |

| | |
|--|---|
| | <ul style="list-style-type: none"> • Information technology systems and documents; • Marketing records; • Internal correspondence; • Product and service records; • Statutory records; and • Internal policies and procedures |
|--|---|

9. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY IN TERMS OF THE ACT (SECTION 51(1)(e) OF PAIA)

9.1. The information / documents listed herein below:

9.1.1. The Company's Records

- 9.1.1.1. The Incorporation Documents of the Company
- 9.1.1.2. Share Registration Documents
- 9.1.1.3. Minutes of meetings of the Directors of the Company.

9.1.2. Financial Records

- 9.1.2.1. Financial Statements
- 9.1.2.2. Tax records
- 9.1.2.3. Asset register
- 9.1.2.4. Banking details.

9.1.3. Human Resources Records

- 9.1.3.1. Employee records
- 9.1.3.2. Employee Contracts
- 9.1.3.3. Internal Policies and Procedures.

10. GENERAL DESCRIPTION OF INFORMATION SECURITY SAFEGUARDS IN TERMS OF POPI

- 10.1. The Company utilises adequate software to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:
 - 10.1.1. Firewalls
 - 10.1.2. Virus protection software and update controls
 - 10.1.3. Logical and Physical access control.

10.2. The Company ensures all physical information held is secured under lock and key.

11. PROCESS TO APPLY FOR ACCESS TO INFORMATION (SECTION 51(1)(e) OF PAIA OR IN ACCORDANCE WITH POPIA.

11.1. A requester must complete the application form and submit same to the Company's Information Officer, at the particulars indicated above.

11.2. The application, also set out as Annexure A to this manual is available [here](#).

11.3. The completed form must be accompanied by proof of payment of the prescribed application fee, as described below.

11.4. Upon receipt of the application form and proof of payment, as aforesaid, the Information Officer will consider the request. If the request is approved, the Information Officer will provide the applicant with a summary of fees payable in respect of the application. Upon receipt of payment the requested information will be supplied.

11.5. In the event of the application being denied, the Information Officer will inform the applicant and provide reasons for the decision.

12. GROUNDINGS FOR REFUSAL OF ACCESS

12.1. All proper requests for access to information are received and considered but may be refused on valid grounds which include:

12.1.1. Privacy,

12.1.2. Privilege,

- 12.1.3. Confidentiality of client records,
- 12.1.4. Trade secrets,
- 12.1.5. Copyright,
- 12.1.6. Protected Information Technology,
- 12.1.7. Unreasonable nature of request,
- 12.1.8. Vexatious or frivolous request.

13. REMEDIES WHEN ACCESS HAS BEEN REFUSED

- 13.1. If access has been in any way refused or not replied to, the internal remedy is to make an appeal to the Management of the Company at the Company's address.
- 13.2. The external remedies are to comply with PAIA or POPIA and the procedures provided for and ultimately, the relevant court.

14. FEES (SECTION 51(1)(e) OF PAIA)

- 14.1. The fees applicable to an application for information shall be as per the prescribed fees of PAIA, as set out in Regulation 11, as per section (7) of PAIA.
- 14.2. An application fee of R50.00 (fifty Rand) is payable in respect of each application for information. Proof of payment of the said fee must accompany the completed application form.
- 14.3. No fees are payable by persons who request information pertaining to their own personal information.