



SPAREX SOUTH AFRICA

MANUAL IN TERMS OF

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION
ACT 2000 (PAIA)

AND

THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(POPIA)

1 Introduction

- 1.1 Sparex (Pty) Ltd (**Sparex South Africa, we, us or our**) specialises in the sale of replacement tractor parts and agricultural equipment. Our aftermarket range of original equipment manufacturer standard tractor parts covers an extensive range of makes & models. Sparex also stocks and supplies agricultural accessories from LED lighting to complete power take-off shafts, as well as machinery and wearing parts.

2 Contact details of the head (information officer) of Sparex (section 51(1)(a)(i))

Information Officer	Raksha Bhugwandeem
Registered Address	59 Marseilles Crescent Briardene Industrial Park Durban North 4051
Postal address	P.O. Box 20962 Durban North 4016
Telephone number	031 573 1240
Fax number	
Email address	Raksha.bhugwandeem@sparex.com
Website	https://za.sparex.com/

3 PAIA Guide of the Information Regulator / South African Human Rights Commission (section 51(1)(b)(i))

- 3.1 PAIA makes provision for access to information and records of a private body if the record is required for the exercise and protection of any rights. If a public body requests access to a record of a private body for the exercise or protection of any rights, other than its rights, the public body must be acting in the public interest.
- 3.2 Requests in terms of PAIA are to be made in accordance with the prescribed procedures, at the fees provided.
- 3.3 Section 10 of PAIA requires that the Information Regulator update and make available the PAIA guide compiled by the South African Human Rights Commission. The guide contains information required by a person wishing to exercise any right, contemplated by PAIA. The Guide is currently available for inspection on the South African Human Rights Commission website at <https://www.sahrc.org.za/index.php/understanding-paia>.
- 3.4 Any enquiries should be directed to:

The Information Regulator (South Africa)
Address: JD House, 27 Stiemens Street Braamfontein Johannesburg
Postal address: P O Box 31533, Braamfontein, Johannesburg
Email: PAIACompliance.IR@justice.gov.za

4 Notice in terms of section 52(2) of PAIA (section 51(1)(b)(ii))

- 4.1 At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.
- 4.2 Note that certain records are freely available on the Sparex website, including, but not limited to, a description of some of the services offered by Sparex, certain policies, and some marketing information.

5 Records available in terms of other legislation (section 51(1)(b)(iii))

- 5.1 Sparex retains records and documents in terms of the following legislation:
 - (1) Basic Conditions of Employment Act, No.75 of 1997
 - (2) Broad Based Black Economic Empowerment Act, 53 of 2003
 - (3) Businesses Act, No 71 of 1991
 - (4) Companies Act, No 71 of 2008
 - (5) Compensation for Occupational Injuries and Health Diseases Act, No130 of 1993
 - (6) Competition Act, 89 of 1998
 - (7) Consumer Protection Act, 2008
 - (8) Copyright Act, No 98 of 1978
 - (9) Customs and Excise Act, 91 of 1964
 - (10) Electronic Communications and Transactions Act, 25 of 2002
 - (11) Employment Equity Act, No 55 of 1998

- (12) Financial Intelligence Centre Act, No 38 of 2001
- (13) Income Tax Act, No 95 of 1967
- (14) Intellectual Property Laws Amendments Act, No 38 of 1997
- (15) Labour Relations Act, No 66 of 1995
- (16) Occupational Health and Safety Act, 85 of 1993
- (17) Pension Funds Act, No 24 of 1956
- (18) Protection of Personal Information Act, 4 of 2013
- (19) Skills Development Act, No 97 of 1988
- (20) Skills Development Levies Act, No 9 of 1999
- (21) South African Revenue Bank Act, No 34 of 1997
- (22) Tax Administration Act, No 28 of 2011
- (23) Trademarks Act, No 194 of 1993
- (24) Unemployment Insurance Act, No 63 of 2001
- (25) Value Added Tax Act, No 89 of 1991

5.2 It is possible that the above list may be incomplete.

6 Subjects and categories of records held by Sparex (section 51(1)(b)(iv))

6.1 Companies Act records

- (1) Records kept in terms of the Companies Act, 1973 and 2008, including: memorandum and articles of association / memorandum of incorporation, records relating to appointment of directors/auditor/secretary/public officer and other officers, share register and other statutory registers, asset register, minute books.

6.2 Financial records

- (1) Annual financial statements, tax returns, accounting records, banking records, documents issued to employees for income tax purposes, records of payments made to SARS, all other statutory records including VAT records, regional services levies, skills development levies and UIF payments.

6.3 Human Resources and Payroll

- (1) Accounting & Payroll Records
- (2) Salaries Records
- (3) Staff Personnel Information
- (4) General Terms of Employment
- (5) Letters of Employment

- (6) Leave Records
 - (7) PAYE Records and Returns
 - (8) Performance Management Records
 - (9) Policies and Procedures
 - (10) Returns to UIF
- 6.4 Income tax records
- (1) VAT
 - (2) UIF
- 6.5 Information Technology
- (1) Infrastructure and Systems
 - (2) Contracts and Agreements
 - (3) Asset Registry & User agreements
 - (4) Information Policies, Standards, Procedures and Guidelines
 - (5) Access Control Records
 - (6) Network & Security Architectures
- 6.6 Intellectual Property
- (1) Documents relating to trademarks and logos, designs and formulae, copyright materials
- 6.7 Marketing and Communication
- (1) Proposal Documents
 - (2) New Business Development
 - (3) Marketing Strategies
 - (4) Communication Strategies
 - (5) Marketing Brochures
 - (6) Client contact details
 - (7) Client Contracts
 - (8) Client Business Information
 - (9) Proposal and Tender Documents
 - (10) Commercial Contracts
- 6.8 Media, marketing and communication

- (1) Media releases
- (2) Newsletters, brochures, and advertising material
- (3) Proposal and tender documents

6.9 Secretarial and governance

- (1) Codes of conduct
- (2) Meetings of minutes
- (3) Legal compliance records
- (4) Policies and procedures
- (5) Strategic plans

6.10 Third party records

6.11 Client related records

The above list is not exhaustive, and may change over time. When this happens, we will update this manual.

7 Procedure for request for access to information (section 51(1)(b)(iv))

- 7.1 The requester must complete Form 2 in terms of Regulation 7 to PAIA, enclosed herewith as Appendix A and submit this form together with a request fee, to the head of the private body.
- 7.2 The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address.
- 7.3 The requester must provide sufficient details to enable Sparex to identify:
 - (1) the record(s) requested;
 - (2) the requester (and if an agent is lodging the request, proof of capacity);
 - (3) the form of access required;
 - (4) the postal address or fax number of the requester in the Republic;
 - (5) if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
 - (6) the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

8 POPIA - Purpose of processing of information (section 51(1((c)(i)))

8.1 Sparex uses personal information under its care in the following ways:

- (1) Rendering services according to contractual agreements;
- (2) Marketing and advertising;
- (3) Administration;
- (4) Staff administration;
- (5) Recruitment;
- (6) Security purposes;
- (7) Keeping accounts and records;
- (8) Compliance with tax laws / fulfilling its statutory obligations in terms of applicable legislation; and
- (9) Historical record keeping / recording statistics necessary to fulfil Sparex's business objectives.

9 POPIA - Description of the categories of data subjects and information or categories of information (section 51(1((c)(ii)))

9.1 Categories of data subjects:

- (1) Suppliers;
- (2) Service providers;
- (3) Clients;
- (4) Directors and officers within Sparex;
- (5) Shareholders;
- (6) Job applicants;
- (7) Existing and former employees (including contractors, agents and temporary employees);
- (8) Visitors to any premises of Sparex.

9.2 Nature of the personal information processed in respect of the above data subjects, includes, in relation to:

- (1) Natural persons: name, gender, medical information, pregnancy, marital status, race, age, date of birth, language, education information, financial information, employment history, identity number, physical and postal addresses, contact details, criminal behaviour, disability, personal opinions, views, views and opinions of another individual about the data subject.
- (2) Juristic persons / entities: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories and financial information.

- (3) Service providers: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories, and financial information.

10 POPIA - Recipients or categories of recipients to whom personal information may be supplied (section 51(1)(c)(iii))

10.1 Sparex may supply personal information to the following recipients:

- (1) Within Sparex;
- (2) Regulatory, statutory and government bodies;
- (3) Service providers;
- (4) Professional advisors;
- (5) Employees of Sparex;
- (6) Shareholders and other stakeholders;
- (7) A potential acquirer of Sparex or any of its divisions as part of a due diligence process; and
- (8) Banks and other financial institutions.

Disclosures will be made subject to applicable law. We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

11 POPIA - Planned trans-border flows of personal information (section 51(1)(c)(iv))

11.1 Sparex intends to transfer personal information, subject to applicable law, to third parties in other countries who provide us with data hosting services on foreign cloud-based servers. We require such third parties to adhere to applicable law in respect of such cross-border transfer of personal information, and to respect the security of your personal information and to treat it in accordance with the law.

11.2 As part of an international group, we may sometimes have to send personal information to other countries for the purposes of fulfilling our contractual obligations or to meet business needs. If this is the case, we require that all third parties undertake to protect your personal information to the same level that we do.

12 POPIA - Data protection (section 51(1)(c)(v))

12.1 General description of information security measures:

- (1) Sparex has established and maintains appropriate, reasonable technical and organisational measures to ensure the integrity of personal information in its care and control, and to ensure that such personal information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements of POPIA.
- (2) Sparex utilises up to date technology to ensure the confidentiality, integrity and availability of personal information, measures used include:
 - a. Firewalls;

- b. Virus protection software and update protocols;
- c. Appropriate access control; and
- d. Secure setup of hardware and software forming the IT infrastructure.

13 Prescribed fees

- 13.1 A requestor is required to pay the prescribed fees before a request will be processed.
- 13.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 13.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 13.4 The fee structure is available in the regulations to PAIA, or the website of The Department Of Justice And Constitutional Development (under regulations) at <https://www.justice.gov.za/paia/paia-faq.htm>

APPENDIX A

REQUEST FOR ACCESS TO RECORD

(Section 53(1) of the Promotion of Access to Information Act, 2000)
(Regulation 7)

Note:

- Proof of identity must be attached by the requester.
- If a request is made on behalf of another person, proof of such authorisation must be attached to this Form

A. Particulars of Responsible Party

For the attention of the: Information Officer

Address: 59 Marseilles Crescent, Briardene Industrial Park, Durban North, 4051

Email: Raksha.bhugwandeem@sparex.com

Tel: 031 573 1240

B. Particulars of person requesting access to the record

Full names and surname: _____

Identity number: _____

Postal address: _____

Street address: _____

Telephone number: _____

Cellular number: _____

Email address: _____

Capacity in which request is made:

Request is made in my own name

Request is made on behalf of another person

Full names of person on whose behalf request is made (if applicable):

C. Particulars of person on whose behalf request is made (data subject)

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

Identity number: _____

Postal address: _____

Street address: _____

Telephone number: _____

Cellular number: _____

Email address: _____

D. 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.

Description of the record or relevant part of the record:

Reference number if available: _____

Any further particulars of the record: _____

E. Type of record

- 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 sounds
- Record is held on a computer or in an electronic, or machine-readable form

F. Manner of access

- 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)
- Email of information (including soundtracks if possible)
- Cloud share/file transfer

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)

G. Particulars of rights to be exercised

Indicate which right is to be exercised: _____

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

H. Fees

A request fee must be paid before the request will be considered. You will be notified of the amount of the access fee to be paid. 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. If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

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
- Facsimile
- Electronic communication (please specify): _____

Signed at _____ this _____ day of _____ 20____.

**SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF
REQUEST IS MADE**