

# MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (“PAIA”)

as amended by the Protection of Personal Information Act, 4 of 2013

(“POPIA”)

OF

**EKHAMANZI SPRINGS PROPRIETARY LIMITED**

(REG. NO.:1997/012139/07)

(“aQuellé”)

## 1. About our business

Ekhamanzi Springs (Pty) Ltd t/a aQuellé is involved in the manufacturing of beverages. If you would like to find out more about us, including our main business activities, our company profile is available at <https://www.aquelle.co.za>.

## 2. Our contact details <sup>[1]</sup>

PAIA requires us to provide you with certain contact details. We have set out our contact details immediately below.

<b>Name of Body</b>	Ekhamanzi Springs Proprietary Limited
<b>Email address</b>	mail@aquelle.co.za
<b>Postal Address</b>	Private Bag 260, Kranskop,3268
<b>Street Address</b>	Silverstream Farm, Kranskop, Kwa-Zulu Natal
<b>Telephone contact number</b>	+27(0)32 492 0500

### 3. Where to get guidance regarding submitting a PAIA request <sup>[2]</sup>

3.1. A Guide has been compiled in order to assist those who are not familiar with PAIA requests. The South African Human Rights Commission (“SAHRC”) contains information to assist you in understanding how to exercise your rights under PAIA (“the Guide”). The Guide is currently available in all the official languages of South Africa and is available for inspection by the public at the offices of the Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg, 2001.

Telephone number: 011 877 3600 or on its website: [www.sahrc.org.za](http://www.sahrc.org.za).

3.2. In terms of the POPIA amendments to PAIA, the Information Regulator of South Africa must update and make available the existing Guide that has been compiled by the SAHRC containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in POPIA and PAIA. The updated Guide will soon be made available for inspection by the public at the offices of the Information Regulator at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

Telephone number: 010 023 5200 or Email address: [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za)

3.3. PAIA prescribes the appointment of the Information Officer for both private and public bodies. The head of a private body is automatically the Information Officer unless that role is authorised to another person. The Information Officer has the responsibility to deal with any requests made in terms of PAIA and is also responsible for ensuring compliance with POPIA. aQuellé has opted to appoint an Information Officer. The contact details of the Information Officer are:

<b>Information Officer</b>	Gladson Songelwa and Dirk Combrink
<b>Physical Address</b>	Silverstream Farm, Kranskop, Kwa-Zulu Natal
<b>Telephone Number</b>	+27(0)32 492 0500
<b>Email address</b>	<a href="mailto:gladsons@aquelle.co.za">gladsons@aquelle.co.za</a> ; <a href="mailto:dirkc@ksb.org.za">dirkc@ksb.org.za</a>

### 4. Information that is automatically available without a PAIA request <sup>[3]</sup>

4.1. PAIA tries to make access to information easier for everyone. It does this by suggesting that entities, such as aQuellé, voluntarily compile categories of documents and information (records) that you may request, without having to go through the formal PAIA request process.<sup>[4]</sup>

4.2. Information on the aQuellé website is automatically available and does not need to be formally requested in terms of the PAIA request process. Our brochures, press releases, publications and marketing material are also automatically available.

## 5. Records kept in terms of the other legislation <sup>[5]</sup>

5.1. We are subject to various laws and regulations, some of which require us to keep certain records. We have set out, below, laws that we may be subject to, and which may require us to keep certain records.

*Basic Conditions of Employment Act 75 of 1997*

*Companies Act 71 of 2008*

*Compensation for Occupational Injuries and Health Diseases Act 130 of 1993*

*Competition Act 89 of 1998*

*Consumer Protection Act 68 of 2008*

*Electronic Communications Act 36 of 2005*

*Employment Equity Act 55 of 1998*

*Financial Intelligence Centre Act 38 of 2002*

*Income Tax Act 95 of 1967*

*Labour Relations Act 66 of 1995*

*Occupational Health & Safety Act 85 of 1993*

*Pension Funds Act 24 of 1956*

*POPIA*

*Skills Development Act 97 of 1998*

*Skills Development Levies Act 9 of 1999*

*Medical Schemes Act 131 of 1998*

5.2. We have used our best endeavours to provide a list of applicable legislation. However, please note that the above list may not be exhaustive. In the event where existing or new legislation allows a requester access on a basis other than as set out in PAIA, we will update the list accordingly. If you believe that a right of access to a record exists in terms of other legislation listed above or any other legislation, you are required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

## 6. A description of subjects we may hold records on (but not necessarily) <sup>[6]</sup>

6.1. PAIA requires us to make access to our records easier. To do so, we have described below, some of the key subjects on which we may hold records, divided into categories:

<b>Subject matter</b>	<b>Category</b>
Corporate documents	Documents of incorporation; Memorandum of Incorporation; Minutes of board of directors meetings and general meetings; Written resolutions; Records relating to the appointment of directors / auditors / company secretary public officer and other officers; Other statutory records.
Financial records and tax records	Annual financial statements; Tax returns; Accounting records; Banking records; Bank statements; Paid cheques; Electronic banking records; Asset register; Rental agreements; Invoices; PAYE records; Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees; VAT records; Skills development levies; UIF; and Workmen's compensation.
Personnel records	Employment contracts; Employment policies and procedures; Employment equity plan; Pension fund records; Internal evaluations and disciplinary records; Salary records; Disciplinary codes;

	<p>Leave records;</p> <p>Training records and manuals;</p> <p>Personal records provided by personnel;</p> <p>Related correspondence.</p>
Health and safety, and sustainability records	<p>Health and safety records</p> <p>Occupation certificates of buildings</p> <p>Fire clearance certificates of buildings</p>
Procurement records	<p>Standard terms and conditions for supply of services and products</p> <p>Contractor, client and supplier agreements lists of suppliers, products, services and distribution</p> <p>Policies and procedures</p> <p>Proposal and tender documents</p>
Operations records	<p>Access control records</p> <p>Service level agreements</p> <p>General correspondence</p> <p>Insurance documentation</p>
Marketing records	<p>Advertising and promotional material</p> <p>Brand information management</p>
Risk audit records	<p>Audit reports</p> <p>Risk management frameworks and plans</p>
Information and Technology records	<p>Computer/mobile device usage policy documentation</p> <p>Disaster recovery plans</p> <p>Hardware asset registers</p>

## 7. [Information on how you can make a PAIA request to us <sup>\[7\]</sup>](#)

7.1. If you would like to make a PAIA request, you may do so on the request Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 as amended by Government Notice R1244 in *Government Gazette* 25411 of 22 September 2003. We have, for your convenience attached the form to this Manual. It is attached as **Annexure 1** (Form C).

7.2. It is important that you address any requests for access to records to the Information Officer at the address, or e-mail address provided above in this Manual. It is important that you provide us with sufficient detail on the request form to enable us to identify you and the record you need from us. You must also indicate in what form you would like to access the records, for example hardcopy printouts or electronic format. Please also let us know whether, in addition to a written response, you would like us to contact you in some other way, for example by telephone or email. If so, please provide us with your additional contact details.

7.3. It is vital that you identify the right that you want to exercise or protect and provide us with an explanation of why the requested record is required for the exercise or protection of that right.

7.4. If you are making a request on behalf of another person, you must submit proof of the capacity and/or authority upon which you make the request. This proof will be subject to the satisfaction of the Information Officer.

7.5. If you do not use the standard form (in **Annexure 1** to this Manual), your request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.

7.6. Please note that you will also be required to pay the prescribed fees. The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is set out in **Annexure 2** to this Manual.

7.7. If you are requesting records that are not related to a personal request, we will first notify you of the prescribed fee (if any) before processing the request any further. You may lodge an internal appeal or an application to Court, against our requirement that you pay a request fee.

7.8. We will then make a decision on the request and notify you in the required form.

7.9. If your request is granted, then a further access fee must be paid for the reproduction and search and preparation of the record, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

7.10. Please note that we will evaluate and consider all requests which we receive in accordance with PAIA. It is important to remember that, even though we have published this Manual and described the categories and subject matter of information or records that we hold, this does not give you any rights to access such information or records, except in terms of PAIA. Records that you may not be entitled to, include those of third parties who are natural persons (i.e. humans), the commercial information of third parties, the safety of individuals or protection of property, those that are privileged from production or publication in terms of legal proceedings, the commercial information of a private body and research information of a third party and a private body.

## 8. [Information related to POPIA](#) <sup>[8]</sup>

### 8.1. **Introduction**

POPIA requires us to provide you with certain information relating to how personal information that we process is, amongst others, used, disclosed and secured. We have set out the required information below.

### 8.2. **Information on request made under POPIA**

8.2.1. POPIA provides that you may, upon proof of identity, request us to confirm, free of charge, whether or not we hold any personal information about you. You may also request the record or description of the personal information about you, including information about the identity of third parties who have or have had access to such information.

8.2.2. Requests for personal information under POPIA must be made in accordance with the provisions of PAIA.<sup>[9]</sup> This process is outlined in paragraph 8 above. We will give you a written estimate of the fee for providing you with your personal information, before providing you with the service. We may also require you to provide us with a deposit for all or part of the fee prior to giving you the requested personal information.<sup>[10]</sup>

8.2.3. You have the right to request the correction, and under certain circumstances, the deletion or destruction of your personal information, in the prescribed form.<sup>[11]</sup> If you wish to request correction, deletion or destruction of personal information, you must submit a request to the Information Officer at the postal or physical address, or electronic mail address set out above on the form attached hereto as **Annexure 3**.

8.2.4. Under certain circumstances, you may also object to the processing of your personal information on reasonable grounds relating to your situation in the prescribed form.<sup>[12]</sup> If you wish to object, you must complete the prescribed form attached as **Annexure 4** and submit it to the Information Officer at the postal or physical address or electronic mail address set out above.<sup>[13]</sup>

## 9.1. Purpose of processing <sup>[14]</sup>

9.1.1. POPIA provides that personal information must be processed for a specified purpose.

9.1.2. The purpose for which information is processed will depend on the type of personal information that we collect and our relationship with you as a data subject. The purpose for which your information is processed is ordinarily disclosed, explicitly or implicitly at the time of collection. Please also refer to aQuellé's Website Privacy Notice for further information, available at the following link: <https://www.aquelle.co.za>

## 9.2. Personal Information that may be processed (but not necessarily) <sup>[15]</sup>

Category of Data Subject	Category of Personal Information
Natural persons	Names; contact details; physical and postal addresses; date of birth; age; ID number; tax related information; nationality; gender; financial information; personal views and opinions; and confidential correspondence.
Juristic persons / entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.

Foreign persons / entities	Names; contact details; physical and postal address, financial information; date of birth; age; passport number; tax related information; nationality; gender; confidential correspondence; personal views and opinions; name of legal entity; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted service providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Intermediary / advisor	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / directors / potential personnel / shareholders / volunteers / employees' family members / temporary staff	Gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children's names, gender, age; physical and postal address; contact details; criminal behaviour and/or criminal records; behavioural notes; well-being; images; biometrics; external commercial interests; medical information.
Website end-users / application end-users	Names, electronic identification data; IP address; log-in data, electronic regional data; cell phone details, addresses, email.

### 9.3. **Categories of recipients for purposes of processing personal information** <sup>[16]</sup>

9.3.1. We may supply personal information to these potential recipients:

- a. Entities within the Ekhamanzi Springs group of companies;
- b. Management;
- c. Employees;
- d. Temporary Staff; and
- e. Sub-contracted Operators

9.3.2. We may disclose personal information we collected to any of our third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions.

9.3.3. We may disclose personal information with any Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities.

9.3.4. We may disclose your personal information, such as images in relation to events, in publications or on websites where the events are captured for promotional purposes. Where events are of a public nature and streamed or shared abroad, your attendance is taken as consent should you appear in any coverage of the event.

9.3.5. We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

### 9.4. **General description of information security measures** <sup>[17]</sup>

aQuellé employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to, or unauthorised destruction of personal information and unlawful access to or processing of personal information. These measures include:

- a. Firewalls;
- b. Virus protection software and update protocols;
- c. Physical access controls; and
- d. Secure setup of hardware and software protecting our information technology infrastructure.

ANNEXURE 1

**FORM C**

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

**A. Particulars of private body**

The Head:

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**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: .....

Telephone number: (.....) .....

Fax number: (.....) .....

E-mail: .....

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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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:

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## ANNEXURE 2

### Fees in Respect of Private Bodies in Terms of PAIA

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) of PAIA is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) of PAIA are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R 1,10;
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75.
  - (c) For a copy in a computer-readable form on:
    - (i) stiffy disc R7,50;
    - (ii) compact disc R70,00.
  - (d) For a transcription of visual images:
    - (i) for an A4-size page or part thereof R40,00;
    - (ii) For a copy of visual images R60,00.
  - (e) For a transcription of an audio record:
    - (i) for an A4-size page or part thereof R20,00;
    - (ii) For a copy of an audio record R30,00.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of PAIA is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) of PAIA are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R1, 10;
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75;
  - (c) For a copy in a computer-readable form on:
    - (i) stiffy disc R7,50;
    - (ii) compact disc R70,00.
  - (d) For a transcription of visual images:

(i) for an A4-size page or part thereof R40,00;

(ii) For a copy of visual images R60,00.

(e) For a transcription of an audio record:

(i) for an A4-size page or part thereof R20,00;

(ii) For a copy of an audio record R30,00.

(f) To search for and prepare the record for disclosure: R30,00 for each hour or part of an hour reasonably required for such search and reparation.

(g) For purposes of section 54(2) of PAIA, the following applies:

(i) six hours as the hours to be exceeded before a deposit is payable; and

(ii) one third of the access fee is payable as a deposit by the requester.

5. The actual postage is payable when a copy of a record must be posted to a requester.

## ANNEXURE 3

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

### Regulations Relating to the Protection of Personal Information, 2018

[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

#### Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname registered name of data subject:	
Unique identifier/Identity Number:	
Residential, postal or business address	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	

B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname registered name of responsible party:	

Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number/ E-mail address:	

<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTRACTED/ DESTROYED</b>

<b>D</b>	<p><b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or</b></p> <p><b>REASONS OR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b></p> <p><i>(Please provide detailed reasons for the request)</i></p>

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

.....

*Signature of data subject/ designated person*

## ANNEXURE 4

### OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

#### Regulations Relating to the Protection of Personal Information, 2018

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal /business address	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	

<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

C	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f)</b> <i>(Please provide detailed reasons for the objection)</i>

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

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*Signature of data subject/ designated person*

## References

<sup>[1]</sup> Section 51(1)(a) of PAIA

<sup>[2]</sup> Section 51(1)(b)(i) of PAIA once amended by section 110 of POPIA.

<sup>[3]</sup> Section 51(1)(b)(ii) of PAIA once amended by section 110 of POPIA.

<sup>[4]</sup> This is set out in section 52(2) of PAIA.

<sup>[5]</sup> Section 51(1)(b)(ii) of PAIA once amended by section 110 of POPIA.

<sup>[6]</sup> Section 51(1)(b)(iv) of PAIA once amended by section 110 of POPIA.

<sup>[7]</sup> Section 51(1)(b)(iv) of PAIA once amended by section 110 of POPIA and section 53 of PAIA.

<sup>[8]</sup> Section 51(1)(c) of PAIA once amended by section 110 of POPIA.

<sup>[9]</sup> Section 25 of POPIA.

<sup>[10]</sup> Section 23(3)(a) and (b) of POPIA.

<sup>[11]</sup> Section 23(2) and 24 of POPIA.

<sup>[12]</sup> Section 11(3)(a) of POPIA.

<sup>[13]</sup> Form 2 of the Regulations Relating to the Protection of Personal Information.

<sup>[14]</sup> Section 51(1)(c)(i) of PAIA once amended by section 110 of POPIA.

<sup>[15]</sup> Section 51(1)(c)(ii) of PAIA once amended by section 110 of POPIA. The information provided under this section refers to broad categories of information. This list is not exhaustive.

<sup>[16]</sup> Section 51(1)(c)(iii) of PAIA once amended by section 110 of POPIA.

<sup>[17]</sup> Section 51(1)(c)(v) of PAIA once amended by section 110 of POPIA.