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# **PAIA AND POPIA MANUAL**

## **OF:**

# **THOS BEGBIE & COMPANY (PTY) LTD**

(Registration number: 2000/012639/07)

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## 1. INTRODUCTION

This Manual Prepared and published in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended) (“PAIA”) and Sections 11 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPIA”).

The reference to any information in addition to that specifically required in terms of Section 51 of PAIA, including personal information under POPIA does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the PAIA. PAIA also recognizes that the right to access to information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.

## 2. THOS BEGBIE & CO (PTY) LTD. – OVERVIEW

Thos Begbie & Co is a privately owned Foundry and Engineering business that manufactures castings and finished components for the pyro metallurgical, steel making, industrial and power generation industries who make up the bulk of their customers, in both the corporate/ industrial market.

Thos Begbie & Co supports the constitutional right of access to information and protection of personal information in accordance with the provisions, principles and limitations of South African law.

## 3. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |             |  |
|-----|-------------|--|
| 2.1 | “MD”        | Managing Director;   |
| 2.2 | “Company”   | Thos Begbie & Company (Pty) Ltd, Registration number:<br>2000/012639/07, situated at Cnr. Dr. Mandela Drive &<br>Hendrina Road, (N11) Middelburg Industrial, Middelburg,<br>1050 |
| 2.3 | “IO“        | Information Officer;   |
| 2.4 | “Minister”  | Minister of Justice and Correctional Services;   |
| 2.5 | “PAIA”      | Promotion of Access to Information Act No. 2 of 2000( as<br>Amended;   |
| 2.6 | “POPIA”     | Protection of Personal Information Act No.4 of 2013;   |
| 2.7 | “Regulator” | Information Regulator;   |
| 2.8 | “Republic”  | Republic of South Africa   |

## 4. PURPOSE OF THIS PAIA AND POPIA MANUAL (“Manual”)

This Manual is useful for the public to-

- 4.1. know and identify the categories of records and personal information held by the Company;

- 4.2. have a sufficient understanding of how to make a request for access to a record of the Company, by providing a description of the subjects on which the Company holds records and the categories of records held on each subject;
- 4.3. know the description of the records of the Company which are available in accordance with any other legislation;
- 4.4. access all the relevant contact details of the IO who will assist the public with the records they intend to access;
- 4.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 4.6. know if the Company will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 4.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 4.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 4.9. know if the Company has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 4.10. know whether the Company has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## **5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE THOS BEGBIE & COMPANY (PTY) LTD**

### **5.1. Information Officer**

Name: Gabriel Sekgwele  
Tel: + (27) (0)13 246 9100  
Email: [info@thosbegbie.com](mailto:info@thosbegbie.com)  
Fax number: + (27) (0)13 246 1165

### **5.2. Electronic email address for any PAIA and/or POPIA requests:**

Email: [info@thosbegbie.com](mailto:info@thosbegbie.com)

### 3.3 Company Head Office

Postal Address: P.O Box 192  
Middleburg  
1050  
Mpumalanga  
South Africa

Physical Address: Cnr Mandela Rd and Hendrina (N11)  
Middleburg Industrial  
Middleburg  
1050

Telephone: + (27) (0)13 246 9100  
Email: info@thosbegbie.com  
Website: www.thosbegbie.com

## 6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

6.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

6.2. The Guide is available in each of the official languages and in braille from the Information Regulator:

Information Regulator  
JD House  
27 Stiemans Street  
Braamfontein  
Johannesburg  
2001

## 7. CATEGORIES OF RECORDS OF THE THOS BEGBIE & COMPANY (PTY) LTD IN TERMS OF PAIA

7.1. Records available in accordance with other legislation, including but not limited to:

- 7.1.1. Administration of Estates Act 66 of 1965
- 7.1.2. Administrative Adjudication of Road Traffic Offences Act 46 of 1998
- 7.1.3. Basic Conditions of Employment Act 75 of 1997
- 7.1.4. Broad-Based Black Economic Empowerment Act 53 of 2003

- 7.1.5. Companies Act 71 of 2008
- 7.1.6. Consumer Protection Act 68 of 2008
- 7.1.7. Compensation for Occupational Injuries and Disease Act 130 of 1993
- 7.1.8. Competition Act 89 of 1998
- 7.1.9. Criminal Procedure Act 51 of 1977
- 7.1.10. Currencies and Exchanges Act 1933
- 7.1.11. Disaster Management Act 57 of 2002
- 7.1.12. Electronic Communications and Transactions Act 25 of 2002
- 7.1.13. Employment Equity Act 55 of 1998
- 7.1.14. Employment Services Act 4 of 2014
- 7.1.15. Financial Advisory and Intermediary Services Act 37 of 2002
- 7.1.16. Financial Intelligence Centre Act 38 of 2001
- 7.1.17. Financial Markets Act 19 of 2012
- 7.1.18. Home Loan and Mortgage Disclosure Act 63 of 2000
- 7.1.19. Income Tax Act 58 of 1962
- 7.1.20. Labour Relations Act 66 of 1995
- 7.1.21. National Credit Act 34 of 2005
- 7.1.22. National Road Traffic Act 93 of 1996
- 7.1.23. Prescription Act 68 of 1969
- 7.1.24. Prevention and Combating of Corrupt Activities Act 12 of 2004
- 7.1.25. Prevention of Organised Crime Act 121 of 1998
- 7.1.26. Promotion of Access to Information Act 2 of 2000
- 7.1.27. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 7.1.28. Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- 7.1.29. Protection of Personal Information Act 4 of 2013
- 7.1.30. Short-term Insurance Act 53 of 1998
- 7.1.31. Skills Development Act 9 of 1999
- 7.1.32. Skills Development Levies Act 9 of 1999
- 7.1.33. Tax Administration Act 28 of 2011
- 7.1.34. Trade Marks Act 194 of 1993
- 7.1.35. Unemployment Insurance Act 63 of 2001
- 7.1.36. Unemployment Insurance Contributions Act 4 of 2002
- 7.1.37. Value Added Tax Act 89 of 1991

**6. DESCRIPTION OF THOS BEGBIE & COMPANY (PTY) LTD AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE THOS BEGBIE & COMPANY (PTY) LTD**

<b>Subjects on which the Company holds records</b>	<b>Categories of records</b>
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	<ul style="list-style-type: none"> <li>- HR policies and procedures</li> <li>- Advertised posts</li> <li>- Employees records</li> </ul>
Legal	<ul style="list-style-type: none"> <li>- Company policies, procedures and guidelines</li> <li>- General Contract Documents</li> <li>- Statutory records, permits and licences (is any)</li> <li>- Legal dispute records</li> <li>- Legal risk and compliance information</li> <li>- Insurance records</li> </ul>
Sales and marketing	<ul style="list-style-type: none"> <li>- Sales and marketing Information and records</li> <li>- Promotional material</li> <li>- Product information and brochures</li> <li>- Media releases</li> <li>- Customer databases and information</li> </ul>
Internal Records	<ul style="list-style-type: none"> <li>- Memorandum and Articles of Association</li> <li>- Financial records</li> <li>- Operational records</li> <li>- Intellectual property</li> <li>- Marketing records</li> <li>- Internal correspondence</li> <li>- Product records Statutory records</li> <li>- Internal policies and procedures</li> </ul>
Other Records	<ul style="list-style-type: none"> <li>- Information relating to the Company's own commercial activities; and</li> <li>- Research carried out on behalf of a client by the Company or commissioned from a third party for a customer;</li> </ul>

Subjects on which the Company holds records	Categories of records
	- Research information belonging to the Company, whether carried out itself or commissioned by a third party

**8. PROCESSING OF PERSONAL INFORMATION**

**8.1 Purpose of Processing Personal Information**

The Company processes personal information for various purposes including but not limited to the following:

- 8.1.1 to help us identify data subjects when they contact the Company
- 8.1.2 to maintain customer and supplier records;
- 8.1.3 recruitment purposes;
- 8.1.4 employment purposes;
- 8.1.5 travel purposes;
- 8.1.6 general administration, financial and tax purposes;
- 8.1.7 legal or contractual purposes;
- 8.1.8 health and safety purposes;
- 8.1.9 monitoring access, secure and manage our premises and facilities;
- 8.1.10 transact with our suppliers and business partners,
- 8.1.11 improve the quality of our products, services and business;
- 8.1.12 detect and prevent corruption, fraud and money laundering;
- 8.1.13 debt recovery;
- 8.1.14 to identify other products and services which might be of interest to customers and to inform them about our products and services.

**8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto**

Categories of Data Subjects	Personal Information that may be processed
Customers and potential customers	name, address, registration numbers or identity numbers, employment status, bank details and any



Categories of Data Subjects	Personal Information that may be processed
	<p>other personal information, contracts, location information, records that a customer has provided to the Company or a third party acting for or on behalf of the Company, contractual information; customer needs assessments; personal records of customers; credit information and other research conducted in respect of customers; any records a third party has provided to the Company about customers; confidential, privileged, contractual and quasi-legal records of customers; customer evaluation records; customer profiling; performance research conducted on behalf of customers or about customers, records generated by or within the Company pertaining to customers, including transactional records.</p>
Technical	<p>technical records generated by, or within the Company pertaining to customers, analysis and research information, assessments and other measurement records generated by the Company during the manufacture process, quality and systems records as part of the Company's systems.</p>
Employees	<p>address, qualifications, gender and race, medical information, employee spousal/partner information, employee pension or provident fund information, employment contracts, employee performance records, payroll records, electronic access records, physical access records, surveillance records, health and safety records, training records, employment history, time and attendance records, any employee records provided to the Company by employees; any records that a third party has provided the Company about any employee</p>
Job applicants	<p>Curriculum vitae and application forms, supporting documents, criminal and background checks</p>

Categories of Data Subjects	Personal Information that may be processed
Visitors	name, address, registration numbers or identity numbers, employment status, bank details and any other personal information, physical access records, electronic access records, surveillance records
Other Parties: including without limitation contractors, suppliers, joint ventures, service providers	names, registration number, vat numbers, address, trade secrets and bank details and personal information of representatives, employee, customer or Company records which are held by another party as opposed to being held by the Company; and records held by the Company pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer

**8.3 The recipients or categories of recipients to whom the personal information may be supplied**

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Names, address, registration numbers or identity numbers, employment status, bank details and any other personal information,	The Company's group of companies, affiliates and subsidiaries in South Africa and other countries, including the Company's business

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
contracts, location information, physical access records, electronic access records, surveillance records of suppliers, customers and employees	partners who provide products and services to the Company

#### 8.4 Planned transborder flows of personal information

- 8.4.1 The Company will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.
- 8.4.2 The Company will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of POPIA.
- 8.4.3 The Company will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards.

#### 8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

- 8.5.1 The Company has implemented reasonable technical and organisational measures for the protection of personal information processed by the Company and its operators (In terms of POPIA, operators are third parties that process personal information on behalf of the Company). The Company will take steps to ensure that operators that process personal information on behalf of the Company apply adequate safeguards as outlined above.
- 8.5.2 The Company continuously implements and monitors technical and organisational security measures to protect the personal information held by the Company, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.

## **9. REQUESTING ACCESS TO INFORMATION**

- 9.1 Requests for access to records held by the Company must be made on the Request for Information Form that is available on the Company's website, to this Manual. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.
- 9.2 Please note that requests need not be accompanied by payment BUT will only be processed upon payment of the prescribed fees.
- 9.3 Requests for access to records must be made to the IO at the address, fax number or electronic mail address provided for below.
- 9.4 The requester must provide sufficient detail on the request form to enable the IO to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 9.5 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 9.6 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the IO.
- 9.7 Kindly note that all requests to the Company will be evaluated and considered in accordance with applicable law. Publication of this manual and describing the categories and subject matter of information held by the Company does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of PAIA).

## **10. FEES FOR ACCESSING INFORMATION IN ACCORDANCE WITH PAIA**

- 10.1 PAIA provides for two types of fees, namely:
  - 10.1.1 A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered. The request fee is not refundable; and
  - 10.1.2 An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the Private Body in obtaining and preparing a record for delivery to the requester.
- 10.2 When the request is received by the IO such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).
- 10.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the IO shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

- 10.4 The IO shall withhold a record until the requester has paid the fees as indicated below.
- 10.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 10.6 If a deposit has been paid in respect of a request for access, which is refused, then the IO concerned must repay the deposit to the requester.
- 10.7 Where an institution has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.
- 10.8 The applicable fees for reproduction are:
- 10.8.1 For every photocopy of an A4-size page or part thereof - Black & White RS.00, Colour R25.00
  - 10.8.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R25.00
  - 10.8.3 For a copy in a computer-readable form on an Optical compact disc RS00.00
  - 10.8.4 A transcription of visual images, for an A4-size page or part thereof R100.00
  - 10.8.5 For a copy of visual images R100.00
  - 10.8.6 A transcription of an audio record, for an A4-size page or part thereof R350.00
  - 10.8.7 For a copy of an audio record R300.00 Request fees:
- 10.9 Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of RS00.00 is payable up-front before the Company will further process the request received.
- 10.10 Access fees:
- 10.10.1 An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the PAIA or an exclusion is determined by the Minister in terms of Section 54 (8).
  - 10.10.2 The applicable access fees which will be payable are:
  - 10.10.3 For every photocopy of an A4-size page or part thereof - Black & White RS.00, Colour R25.00
  - 10.10.4 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R25.00
  - 10.10.5 For a copy in a computer-readable form on an Optical compact disc RS00.00

- 10.10.6 A transcription of visual images, for an A4-size page or part thereof R100.00
- 10.10.7 For a copy of visual images R100.00
- 10.10.8 A transcription of an audio record, for an A4-size page or part thereof R350.00
- 10.10.9 For a copy of an audio record R300.00
- 10.10.10 To search for a record that must be disclosed RS00.00 (- per hour or part of an hour reasonably required for such search.)
- 10.10.11 Where a copy of a record needs to be posted the actual postal fee is payable.

10.11 Deposits:

- 10.11.1 Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

## 11. AVAILABILITY OF THE MANUAL

11.1 A copy of the Manual is available free of charge-

- 11.1.1 on [www.thosbegbie.com](http://www.thosbegbie.com) ,
- 11.1.2 head office of the Thos Begbie & Company (Pty) Ltd for public inspection during normal business hours;
- 11.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 11.1.4 to the Information Regulator upon request.

## 12. UPDATING OF THE MANUAL

The head of the Company will on a regular basis update this manual. at such intervals as may be deemed necessary.

***Issued by***

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***Joubert Groenewald***  
***Managing Director***