



BESTPAK LIMITED

PAIA MANUAL

PAIA Manual

Of

Bestpak Limited

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000
(the “PAIA”) and the Protection of Personal Information Act, No 4 of 2013 (“POPIA”)

1. INTRODUCTION

- 1.1. In terms of Section 51 of Promotion of Access to Information Act, No 2 of 2000 ("PAIA"), all private entities are required to compile a PAIA Manual ("Manual") that provides information on both the types and categories of records held by a private company.
- 1.2. This Manual provides and outlines types of records held by BESTPAK and explains how requestors may submit requests to these records in terms of PAIA. It further allows requestors to access, object to and request a correction of personal information in terms of sections 23 and 24 of POPIA.

2. BESTPAK LIMITED

- 2.1. BESTPAK LIMITED is a sustainable plastic bottle and container manufacturer, a company established in accordance with the law of South Africa with registration number 2023/526179/07, with its registered address at De Oude Poskantoor Corner of Bird and plein Streets, Stellenbosch 7600.

3. PURPOSE OF THE INFORMATION MANUAL

- 3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at encouraging an open democracy where individuals from all walks of life are empowered to engage with the government and participate in decisions which affect their lives.
- 3.2. The right of access to information is a unique right as it enables the realisation of other human rights: this is one of the most important ways in which PAIA can be used. PAIA and POPIA gives effect to everyone's constitutional right of access to information held by private sector or public bodies, that is required for the exercise and or protection of the requesters right

4. GUIDE OF INFORMATION REGULATOR

- 4.1. The Information Regulator("IR") has compiled a Guide containing information on how to exercise any right contemplated in PAIA.

This Guide is available in all official languages of South Africa. Copies of the Guide can be found at BESTPAK, No 7 Hewitt Avenue, Epping Industrial Cape Town,

5. REQUEST FOR INFORMATION

You may submit your request to the Human Resources Department as provided for in clause 6 below.

6. CONTACT DETAILS OF BESTPAK HUMAN RESOURCES DEPARTMENT

6.1. The responsibility for administration of and compliance with POPIA and PAIA, has been delegated by the Chief Executive Officer of BESTPAK to the Human Resources Manager / Head of Finance (Information Officer) of BESTPAK.

6.2. Requests should be directed as follows:

Bestpak Limited

De Oude Poskantoor

Corner of Bird and Plein Streets

Stellenbosch, Cape Town 7600

Telephone No: 083 457 1345

Attention: Human Resources Manager, Elize Steyn

Email: elize.steyn@bestpak.co.za

7. AVAILABILITY OF THIS MANUAL

You can access this Manual on our website (www.bestpak.co.za) or by requesting a copy by e-mail from the Human Resources Manager / Information Officer and it is available for inspection, on reasonable prior notice, at the office of BESTPAK free of charge.

8. THE LATEST NOTICE IN TERMS OF SECTION 52(2) IF ANY.

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

9. BESTPAK COMPANY RECORDS

9.1. BESTPAK retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations and contractually agreements, records that are to be made available in terms of PAIA and/or POPIA shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA.

- 9.2. The request to access must be done in term of the requirements of the PAIA.
- 9.3. Whilst BESTPAK maintains records relating to the following laws, it does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and/or POPIA.
- 9.4. Records are kept in terms of the following legislation:
 - 9.4.1. Auditing Professions Act, No 26 of 2005;
 - 9.4.2. Basic Conditions of Employment Act, No 75 of 1997;
 - 9.4.3. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
 - 9.4.4. Business Act, No 71 of 1991;
 - 9.4.5. Companies Act, No 71 of 2008;
 - 9.4.6. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
 - 9.4.7. Competition Act, No.71 of 2008;
 - 9.4.8. Constitution of the Republic of South Africa 2008;
 - 9.4.9. Copyright Act, No 98 of 1978;
 - 9.4.10. Customs & Excise Act, 91 of 1964;
 - 9.4.11. Debt Collector's Act, No 114 of 1998;
 - 9.4.12. Designs Act, No 195 of 1993;
 - 9.4.13. Electronic Communications Act, No 36 of 2005;
 - 9.4.14. Electronic Communications and Transactions Act, No 25 of 2002;
 - 9.4.15. Employment Equity Act, No 55 of 1998
 - 9.4.16. Financial Intelligence Centre Act, No 38 of 2001;
 - 9.4.17. Income Tax Act, No 58 of 1962;
 - 9.4.18. Intellectual Property Laws Amendment Act, No 38 of 1997;
 - 9.4.19. Labour Relations Act, No 66 of 1995;
 - 9.4.20. Long Term Insurance Act, No 52 of 1998;

- 9.4.21. Occupational Health & Safety Act, No 85 of 1993;
- 9.4.22. National Road Traffic Act, No 93 of 1996;
- 9.4.23. National Environmental Management Act, No 107 of 1998;
- 9.4.24. Patents Act, No 57 of 1978;
- 9.4.25. Pension Funds Act, No 24 of 1956;
- 9.4.26. Prescription Act, No 68 of 1969;
- 9.4.27. Prevention of Organised Crime Act, No 121 of 1998;
- 9.4.28. Promotion of Access to Information Act, No 4 of 2013;
- 9.4.29. Skills Development Levies Act, No 9 of 1999;
- 9.4.30. Short Term Insurance Act, 53 of 1998;
- 9.4.31. Stock Exchanges Control Act, No 1 of 1985;
- 9.4.32. Taxations Laws Amendment Act, No 7 of 2010;
- 9.4.33. Trademarks Act, No 194 of 1993
- 9.4.34. Transfer Duty Act, No 40 of 1949;
- 9.4.35. Unemployment Insurance Act, No 63 of 2001; and
- 9.4.36. Value-added Tax Act, No 89 of 1991.

10. RECORDS AND CATEGORIES OF RECORDS HELD BY BESTPAK

- 10.1. BESTPAK maintains records on the following categories and subject matters however, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and/or POPIA.
- 10.2. A description of the categories of the records held and the types in which this information are classed:

Categories of Information held	Types of information held	Availability
Company Secretarial	Company documents including the memorandum of incorporation registers, minute books, statutory returns powers of attorney and share certificates	Not automatically available
Legal Services	Agreements with customers, suppliers, service providers and other parties	Not automatically available
Moveable and immoveable property	Title deeds, lease agreements; hire agreements, hire-purchase agreements, credit sale agreements and ordinary and conditional sale agreements	Not automatically available
Intellectual property	Trademarks, patents, designs, know-how and licensing agreements	Not automatically available
Insurance	Policies and insurance claim files	Not automatically available
Taxation	Income tax files	Not automatically available
Human Resources	Policies and procedures, employee information, personnel files, employment contracts, forms and applications, training records, workplace and union agreements records and benefit arrangements rules and records	Not automatically available
Finance and accounting	Accounting records, financial statements, reports and returns, banking details and bank statements, debtors/creditors statements and invoices, annual financial statements	Not automatically available

Operations	Permits, licenses, consents, approvals, authorisations, applications and registrations, policies and procedures, reports and supporting documentation, contractor, client and supplier agreements and information, and security documents	Not automatically available
Information technology	System documentation and manuals project, disaster recovery and implementation plans	Not automatically available
Administration	Intranet and correspondence with internal and external parties	Not automatically available

11. PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

BESTPAK takes privacy and the protection of Personal Information seriously and will only process personal information in accordance with POPIA.

11.1. Purpose of Processing

BESTPAK processes Personal Information which includes but is not limited to the following purposes:

Rendering of services to our customers; employee administration; providing or managing any information on products; transacting with our suppliers; maintaining customer records; recruitment purposes; apprenticeship and bursary purposes; travel purposes; general administration, financial and tax purposes; legal purposes; health and safety purposes; visitor access monitoring purposes, managing the premises and facilities; investigating of and preventing fraud; debt recovery and responding to website enquiries

11.2. Types of Personal Information held by BESTPAK

Categories individual and juristic entities	Categories of personal information held	Availability
Employees	ID number, contact details, physical and postal address, date of birth, age, marital status, race, disability information, employment history, criminal/background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information (including medical aid, pension/provident fund information), details related to employee performance, disciplinary procedures, employee disability information, employee pension and provident fund information, employee contracts, employee performance records, payroll records, electronic access records, physical access records, CCTV records, health and safety records, training records, employment history, time and attendance records	Not automatically available

Suppliers/ Customers Service Providers	Entity name, registration number, income tax number, tax information, contact details for representative persons, FICA documentation, BBB-EE certificates, invoices, contractual documentation	Not automatically available
Directors and Shareholders	Name, surname, ID numbers, financial information as required for statutory reporting	Not automatically available
New Job Applicants	Name, surname, address, contact details, email address, telephone number, details of qualifications, skills, experience and employment history, information about your current level of remuneration, including benefit entitlements, whether you have a disability for which BESTPAK needs to make reasonable adjustments during the recruitment process, and information about your entitlement to work in South Africa	Not automatically available
Website Visitors	Name, emails address, company name, job title and telephone number	Not automatically available
Visitors	Physical access records, electronic access records scans and CCTV records	Not automatically available
Children	Name, address and contact details, birth certificate, age, child's medical information	Not automatically available

11.3. Transborder Flows of Personal Information

BESTPAK may from time to time transfer personal information to another country for the purposes of rendering services to employees and customers.

BESTPAK will take the necessary steps to ensure that services providers and third party 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.

11.4. Sharing of Personal Information

BESTPAK may share personal information with:

- 11.4.1. other companies forming part of BESTPAK located outside of South Africa;
- 11.4.2. services providers who perform services on behalf of the BESTPAK; and
- 11.4.3. third party suppliers.

11.5. BESTPAK's security measures to protect personal information

BESTPAK takes the security of your data seriously and therefore reasonable technical and organisational measures have been implemented to protect personal information. BESTPAK has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties. BESTPAK will take steps to ensure that third party providers who process personal information on behalf of BESTPAK apply adequate safeguards as required in terms POPIA.

12. REQUEST FOR INFORMATION PROCEDURE

- 12.1. The requester must comply with all the requirements contained in PAIA in relation to the records requested and must complete the prescribed form obtainable from <https://inforegulator.org.za/paia-forms/> and below.
- 12.2. All the pertinent sections must be completed fully with sufficient information to enable the Human Resources Manager / Information Officer to identify the record/s and identify the requestor. The prescribed period in clause 12.4 will not commence until all the necessary information is received to the satisfaction of the Human Resources Manager / Information Officer.
- 12.3. The requestor must indicate the right to which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

- 12.4. BESTPAK will process the request within 30 (thirty) days, whereafter the requestor will be notified in writing whether access is granted or denied.
- 12.5. The main grounds for BESTPAK to refuse a request for information relate to the:
 - 12.5.1. mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
 - 12.5.2. mandatory protection of the commercial information of a third party, if the record contains:
 - 12.5.2.1. trade secrets of that third party;
 - 12.5.2.2. financial, commercial, scientific or technical information disclosed which could likely cause harm to the financial or commercial interests of that third party; and
 - 12.5.2.3. information disclosed in confidence by a third party to BESTPAK where the disclosed could put that third party at a disadvantage in negotiations or commercial competition.
 - 12.5.3. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - 12.5.4. mandatory protection of the safety of individuals and the protection of property;
 - 12.5.5. mandatory protection of records which would be regarded as privileged in legal proceedings;
 - 12.5.6. the commercial activities of BESTPAK, which may include:
 - 12.5.6.1. trade secrets of BESTPAK;
 - 12.5.6.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of BESTPAK;

- 12.5.6.3. information which, if disclosed could put BESTPAK at a disadvantage in negotiations or commercial competition; and
 - 12.5.6.4. a computer program which is owned by BESTPAK, and which is protected by copyright.
 - 12.5.7. the research information of BESTPAK or a third party, if its disclosure would disclose the identity of BESTPAK, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 12.6. Where the request is made on behalf another person, the requestor must submit proof that the requestor is making the request to the reasonable satisfaction of the Human Resources Manager./ Information Officer.

13. REMEDIES

13.1. Internal remedies

BESTPAK does not have an internal appeal procedure in relation to POPIA and PAIA. As such, the decision made by the BESTPAK Human Resources Manager / Information Officer is final.

13.2. External remedies

A requestor that is dissatisfied with BESTPAK's Information Officer's / Human Resources Manager's decision, may within 30 (thirty) days of notification of the decision, apply to Court with appropriate jurisdiction or relief or contact the IR's office.

Please visit the Information Regulators website <https://inforegulator.org.za/paia-forms/> to view, download and complete the forms below alternatively, you can view, download and complete the forms on the BESTPAK website by clicking on the **“links and downloads”** link at the bottom of the BESTPAK landing page.

Form 02: Request for Access [Regulation 7]

Form 03: Outcome of request and of fees payable [Regulation 8]