

# Nu Health Cafe PAIA Manual

**Nu Health Cafe (Pty) Ltd**

(“Nu”)

## **THE PROMOTION OF ACCESS TO INFORMATION MANUAL**

(“Manual”)

### **1. PREAMBLE**

- 1.1. The Promotion of Access to Information Act, 2000 (“PAIA”) came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.
- 1.2. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual must comply with.
- 1.3. This Manual constitutes Nu PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (“POPIA”), which gives effect to everyone’s Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 1.4. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

### **2. ABOUT NU**

- 2.1. Nu Health Cafe (Pty) Ltd was incorporated in South Africa in 2013.
- 2.2. NÜ Health Café, is a South African health-focused restaurant brand dedicated to serving fresh, nutrient-rich meals that align with modern wellness trends.

### 3. SCOPE OF THE MANUAL

- 3.1. The Manual is applicable to Nu and is available to view at its premises on 4th Floor MontClare Place, Corner Main Road and Campground Road, Claremont, Cape Town, 7708.
- 3.2. This PAIA Manual is compiled not only to ensure that Nu complies with PAIA and POPIA, but is also intended to:
  - 3.2.1. foster a culture of transparency and accountability within Nu by giving effect to the right to information that is required for the exercise or protection of any right; and
  - 3.2.2. actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

### 4. OBJECTIVES OF THIS MANUAL

The objectives of this Manual are:

- 4.1. to provide a list of all records held by Nu;
- 4.2. to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- 4.3. to define the manner and form in which a request for information must be submitted; and
- 4.4. to comply with the additional requirements imposed by POPIA.

### 5. CONTACT DETAILS

<b>Name of Private Body:</b>	Nu Health Cafe (Pty) Ltd
<b>Designated Information Officer:</b>	Managing Director of Nu (CEO)
<b>Email address of Information Officer:</b>	please enquire for the Information Officer's email address at: <a href="mailto:hello@nufood.co.za">hello@nufood.co.za</a>
<b>Postal address:</b>	4 <sup>th</sup> Floor MontClare Place, Corner Main Road and Campground Road, Claremont, Cape Town, 7708
<b>Street address:</b>	4th Floor MontClare Place, Corner Main Road and Campground Road, Claremont, Cape Town, 7708
<b>Phone number:</b>	021 552 0222

### 6. THE INFORMATION AND DEPUTY INFORMATION OFFICER

- 6.1. PAIA and POPIA require the appointment of an Information Officer which in relation to a private body means the head of a private body as contemplated in section 1 of PAIA.
- 6.2. Section 56 of POPIA makes provision for the appointed Information Officer to delegate the associated duties and responsibilities to a duly authorized person. All requests to Nu for information in terms of the Act must be addressed to the Deputy Information Officer.

## Contact details of Deputy Information Officers

<b>Deputy Information Officer:</b>	Head of Finance of Nu
<b>Physical Address:</b>	4 <sup>th</sup> Floor MontClare Place, Corner Main Road and Campground Road, Claremont, Cape Town, 7708
<b>Postal Address:</b>	4th Floor MontClare Place, Corner Main Road and Campground Road, Claremont, Cape Town, 7708
<b>Telephone Number:</b>	021 552 0222

## 7. INFORMATION REGULATORS GUIDE

- 7.1. An official Guide will be, or has been, compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator and the Information Officer free of charge. Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Officer must substantially correspond with Form 1 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Please refer to Annexure C.
- 7.2. Any enquiries regarding the Guide should be directed to:

Postal Address:	JD House 27 Stiemens Street Braamfontein, Johannesburg, 2001
E-mail Address:	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>
Website:	<a href="https://www.justice.gov.za/infoereg/">https://www.justice.gov.za/infoereg/</a>

## 8. ENTRY POINT FOR REQUESTS

- 8.1. PAIA provides that a person may only make a request for information if the information is required for the exercise or protection of a legitimate right.
- 8.2. Information will therefore not be furnished unless a person provides sufficient particulars to enable Nu to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 8.3. The Deputy Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

- 8.4. The Deputy Information Officer will facilitate the liaison with the legal team on all of these requests.
- 8.5. All requests in terms of PAIA and this Manual must be addressed to the Deputy Information Officer.

## 9. AUTOMATICALLY AVAILABLE INFORMATION

- 9.1. Information that is obtainable via the Nu website about Nu is automatically available and need not be formally requested in terms of this Manual.
- 9.2. The following categories of records are automatically available for inspection, purchase or photocopying:
  - 9.2.1. Brochures and menus
  - 9.2.2. press releases
  - 9.2.3. publication; and
  - 9.2.4. various other marketing and promotional material.

## 10. INFORMATION AVAILABLE IN TERMS OF POPIA

### 10.1. Categories of personal information collected by Nu

Nu may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- 10.1.1. information relating to the gender, sex, pregnancy, marital status, national, ethnic or social origin, color, sexual orientation, age, physical or mental health, well- being, disability, religion, conscience, belief, culture, language and birth of the person;
- 10.1.2. information relating to the education or the medical, financial, criminal or employment history of the person;
- 10.1.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 10.1.4. CCTV footage and other information obtained through electronic means such as swipe card records;
- 10.1.5. the personal opinions, views or preferences of the person;
- 10.1.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 10.1.7. The views or opinions of another individual about the person; and
- 10.1.8. the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 10.1.9. the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- 10.1.10. the criminal behavior of a data subject to the extent that such information relates to-
  - 10.1.10.1. the alleged commission by a data subject of any offence; or
  - 10.1.10.2. any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

## 10.2. The purpose of processing personal information

- 10.2.1. In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Nu will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to the Nu's Privacy Policy for further information.
- 10.2.2. In general, personal information is processed for purposes of dealing with customers, complaints, procurement purposes, records management, security, employment and related matters.

## 10.3. A description of the categories of data subjects and of the information or categories of information relating thereto

Nu holds information and records on the following categories of data subjects:

- 10.3.1. Franchisees or customers of Nu;
- 10.3.2. Employees / personnel of Nu;
- 10.3.3. Any third party with whom Nu conducts business;
- 10.3.4. Tenants and independent contractors of Nu;
- 10.3.5. Suppliers and service providers of Nu. (This list of categories of data subjects is non-exhaustive.)

## 10.4. The recipients or categories of recipients to whom the personal information may be supplied

Depending on the nature of the personal information, Nu may supply information or records to the following categories of recipients:

- 10.4.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
- 10.4.2. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- 10.4.3. South African Revenue Services, or another similar authority;
- 10.4.4. Anyone making a successful application for access in terms of PAIA or POPIA; and
- 10.4.5. Subject to the provisions of POPIA and other relevant legislation, Nu may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Nu operates.

## 10.5. Planned transborder flows of personal information

- 10.5.1. If a data subject visits Nu's website from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries.
- 10.5.2. Nu may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.
- 10.5.3. These countries may not have data-protection laws which are similar to those of South Africa

## 10.6. A general description of information security measures to be implemented by Nu.

Nu takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Nu takes appropriate technical and organizational measures designed to ensure that personal data remains confidential and secure against unauthorized or unlawful processing and against accidental loss, destruction or damage.

## 11. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Constitution of South Africa Act 108 of 1996
- Criminal Procedure Act 51 of 1977
- Customs and Excise Act 91 of 1964
- Deeds Registry Act 47 of 1937
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Insolvency Act No. 24 of 1936
- Labor Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Environmental Management Act 107 of 1998
- National Environmental Management: Aird Quality Act no 39 of 2004
- National Environmental Management: Waste Act 59 of 2008
- National Water Act 36 of 1999
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 14 of 1998
- Protected Disclosure Act 26 of 2000
- Promotion of Access of Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stock Exchanges Control Act No 1 of 1985
- Stock Exchanges Control Amendment Act 54 of 1995 (and the rules and listing requirements of the JSE Securities Exchange authorised in terms thereof)
- Tax Administration Act 28 of 2011
- The Value Added Tax Act No.89 of 1991
- Trade Marks Act 194 of 1993
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001 Value Added Tax Act 89 of 1991
- Liquor Act No.59 of 2003

## 12. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

- 12.1. Nu maintains records on the categories and subject matters listed below. 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 honored. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.
- 12.2. Please note further that many of the records held by Nu are those of third parties, such as clients and employees, and Nu takes the protection of third-party confidential information very seriously. For further information on the grounds of refusal of access to a record please see paragraph 13.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of records	Records
<p><b>Internal records</b></p> <p>Some of these categories of records are covered in more detail below. Some of these categories of records are covered in more detail below.</p>	<ul style="list-style-type: none"> <li>• Memoranda and Articles of Association</li> <li>• Financial Records</li> <li>• Operational records</li> <li>• Intellectual property records</li> <li>• Marketing records</li> <li>• Internal correspondence</li> <li>• Service records</li> <li>• Statutory records</li> <li>• Internal policies and procedures</li> <li>• Minutes of meetings</li> </ul>
<p><b>Personnel records</b></p> <p>For the purposes of this section, “<b>personnel</b>” means any person who works for or provides services to or on behalf of Nu and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Nu. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> <li>• Any personal records provided to us by our personnel</li> <li>• Any records a third party has provided to us about any of their personnel</li> <li>• Conditions of employment and other personnel-related contractual and quasi legal records</li> <li>• Employment policies and procedures</li> <li>• Internal evaluation</li> <li>• Other internal records and correspondence.</li> </ul>
<p><b>Franchisee-related records</b></p>	<ul style="list-style-type: none"> <li>• Contracts with the Franchisees and other Franchisee related information.</li> </ul>
<p><b>Other third-party records</b></p> <p>Records are kept with respect to other parties, including without limitation joint ventures and consortia to which Nu is a party, contractors and sub- contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Nu.</p>	<ul style="list-style-type: none"> <li>• Personnel, client, or Nu records which are held by another party as opposed to being held by Nu</li> <li>• Records held by Nu pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.</li> </ul>

<b>Transformation and Stakeholder Development Records</b>	<ul style="list-style-type: none"> <li>• Proposals for funding received</li> <li>• Records concerning organisations receiving support</li> <li>• Schedules of approved projects</li> <li>• Reports, books, publications and general information</li> <li>• Records and contracts of agreements</li> </ul>
<b>Supply Chain Records</b>	<ul style="list-style-type: none"> <li>• Policies and procedures manuals</li> <li>• Purchasing agreements</li> <li>• Material catalogue for stock items</li> <li>• Supply contract Vendor list</li> </ul>
<b>Strategic Planning Records</b>	<ul style="list-style-type: none"> <li>• Operational plans</li> <li>• Strategic plans</li> </ul>
<b>Corporate Affairs Records</b>	<ul style="list-style-type: none"> <li>• Database of current and past institutional investors</li> <li>• Media database</li> <li>• General mailing lists</li> <li>• Promotional material</li> <li>• Company article and newspaper records</li> <li>• Presentations on Nu</li> <li>• Market research on Nu and peers</li> <li>• Company press releases</li> <li>• Media coverage on Nu and peers</li> </ul>
<b>Human Resources Records</b>	<ul style="list-style-type: none"> <li>• Booklets and Codes for employees</li> <li>• Collective agreements</li> <li>• Human Resources Policies</li> <li>• Training records</li> <li>• Employee Benefits Records</li> <li>• Labor relations Records</li> <li>• Employment Equity Records</li> <li>• Employee records relating to: <ul style="list-style-type: none"> <li>➢ Employment Contracts</li> <li>➢ Remuneration and Incentives</li> <li>➢ Performance Management</li> <li>➢ Employee Development</li> <li>➢ Employee relations</li> <li>➢ Human Resource Administration</li> <li>➢ Separations</li> <li>➢ Disciplinary Hearings</li> <li>➢ Managerial</li> <li>➢ Payroll reports/ Wage register</li> <li>➢ Pay slips and IRP5's</li> </ul> </li> </ul>
<b>Treasury Records</b>	<ul style="list-style-type: none"> <li>• Correspondence</li> <li>• Mandates and resolutions</li> <li>• Facility letters</li> <li>• Service contracts</li> </ul>
<b>Business Development Records</b>	<ul style="list-style-type: none"> <li>• Books and publications</li> <li>• Information relating to: <ul style="list-style-type: none"> <li>➢ Competitors</li> <li>➢ Transactions and agreements with third parties</li> </ul> </li> </ul>



<p><b>Finance Records</b></p>	<ul style="list-style-type: none"> <li>• Records for Nu comprise: <ul style="list-style-type: none"> <li>➢ Accounting records</li> <li>➢ Transactional records</li> <li>➢ Vendor invoices</li> <li>➢ Remittance advices</li> <li>➢ Accounts receivable</li> <li>➢ Banking records</li> <li>➢ Management accounts</li> <li>➢ Financial statements</li> <li>➢ External audit reports</li> <li>➢ Annual budgets</li> <li>➢ Fixed Asset registers</li> <li>➢ Benchmarking</li> <li>➢ Accounting policies and procedures</li> <li>➢ Guarantees, undertakings, subordinations, bonds and similar liabilities</li> </ul> </li> <li>• Other records comprise: <ul style="list-style-type: none"> <li>➢ Provident Fund reports</li> <li>➢ Financial correspondence</li> <li>➢ Insurance records</li> <li>➢ Insurance claim records</li> </ul> </li> </ul>
<p><b>Property Records</b></p>	<ul style="list-style-type: none"> <li>• Agreements to which Nu is party to, including asset acquisitions, disposals and confidentiality agreements.</li> <li>• Property leases</li> <li>• Lease Agreements</li> <li>• Hire-purchase Agreements</li> <li>• Credit Sale Agreement</li> </ul>
<p><b>Legal Records</b></p>	<ul style="list-style-type: none"> <li>• Details of external counsel used by the company</li> <li>• Trademarks</li> <li>• Copies of agreements to which group companies are party to</li> <li>• List of current matters</li> <li>• Details of legal proceedings</li> <li>• General legal correspondence</li> </ul>
<p><b>Tax Records</b></p>	<ul style="list-style-type: none"> <li>• Tax returns as filed with the South African Revenue Services (“SARS”)</li> <li>• Correspondence with SARS on various issues – including objections to assessments, rulings obtained etc.</li> <li>• Documentation on tax advice and opinions obtained from external counsel</li> <li>• Tax Clearance Certificates</li> <li>• Employees’ tax matters etc.</li> <li>• VAT Records</li> <li>• PAYE/UJIF/SDL records</li> </ul>
<p><b>Corporate Finance Records</b></p>	<ul style="list-style-type: none"> <li>• Circulars and announcements of past transactions</li> <li>• Group valuation models</li> <li>• Dealings with professional advisors</li> <li>• External valuations</li> <li>•</li> </ul>

<b>Secretarial Records</b>	<ul style="list-style-type: none"> <li>• Records relating to Nu comprising: <ul style="list-style-type: none"> <li>➤ Memoranda of Incorporation</li> <li>➤ Equity structure details</li> <li>➤ Statutory compliance records</li> <li>➤ Manual of records</li> </ul> </li> <li>• Shareholders records comprising: <ul style="list-style-type: none"> <li>➤ Correspondence and queries</li> <li>➤ Notices, circulars and minutes of general meetings</li> <li>➤ Share certificates and transfer forms</li> <li>➤ Dividend declarations</li> <li>➤ Correspondence with investors</li> <li>➤ Shareholders agreements</li> </ul> </li> <li>• Records concerning Directors and Officers comprising: <ul style="list-style-type: none"> <li>➤ Appointments, resignations and fees</li> <li>➤ Board and Committee meetings</li> <li>➤ Group Committees</li> </ul> </li> </ul>
<b>Information and Communication Technology Records</b>	<ul style="list-style-type: none"> <li>• Supply and maintenance contracts</li> <li>• Standards and procedures</li> <li>• Internal reports and correspondence</li> <li>• Software licensing agreements</li> <li>• Audit reports</li> </ul>
<b>Operations Records</b>	<ul style="list-style-type: none"> <li>• Current records concerning: <ul style="list-style-type: none"> <li>➤ Business plans</li> <li>➤ Capital projects</li> <li>➤ Administration and management of the operations</li> <li>➤ Health, safety and environmental</li> <li>➤ Electrical and mechanical engineering records</li> <li>➤ Licenses and permits</li> <li>➤ Other operational reports</li> </ul> </li> </ul>
<b>Other records</b>	<ul style="list-style-type: none"> <li>• Information relating to Nu</li> <li>• Research information belonging to Nu or carried out on behalf of a third party</li> <li>• Designs</li> </ul>

## 13. REQUEST PROCEDURE

### 13.1. Completion of the prescribed form

- 13.1.1. Any request for access to a record in terms of PAIA must substantially correspond with Form 2 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations and should be specific in terms of the record requested. Please refer to Annexure A.
- 13.1.2. POPIA provides that a data subject may, upon proof of identity, request Nu to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 13.1.3. POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Nu must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.
- 13.1.4. A request for access to information which does not comply with the formalities as prescribed by PAIA/POPIA will be returned to you, but you can contact our Information Officer should you require assistance.
- 13.1.5. Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.
- 13.1.6. POPIA provides that a data subject may object, at any time, to the processing of personal information by Nu, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Annexure E and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.
- 13.1.7. A data subject may also request Nu to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Nu is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 13.1.8. A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Annexure F.

### 13.2. Proof of identity

- 13.2.1. Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

### 13.3. Payment of the prescribed fees

- 13.3.1. There are two categories of fees which are payable:
  - 13.3.1.1. The request fee: R140.00
  - 13.3.1.2. The access fee: This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Annexure B.

- 13.3.2. Section 54 of PAIA entitles Nu to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Annexure B of Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Please refer to Annexure B.
- 13.3.3. Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

#### 13.4. Timelines for consideration of a request for access

- 13.4.1. Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.
- 13.4.2. The Information Officer will inform the requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with Form 3 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Please refer to Annexure D.
- 13.4.3. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

#### 13.5. Grounds for refusal of access and protection of information

- 13.5.1. There are various grounds upon which a request for access to a record may be refused. These grounds include:
  - 13.5.1.1. the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
  - 13.5.1.2. the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
  - 13.5.1.3. if disclosure would result in the breach of a duty of confidence owed to a third party;
  - 13.5.1.4. if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
  - 13.5.1.5. if disclosure of the record would prejudice or impair the protection of the safety of the public;
  - 13.5.1.6. if the record was produced during legal proceedings, unless that legal privilege has been waived;
  - 13.5.1.7. the record is a computer program;
  - 13.5.1.8. if the record contains trade secrets, financial or sensitive information or any information that would put Nu (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
  - 13.5.1.9. if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Nu.
- 13.5.2. Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.
- 13.5.3. If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record.

## 14. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

- 14.1. If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.
- 14.2. There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.
- 14.3. Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

## 15. AVAILABILITY OF THIS MANUAL

Copies of this Manual are available for inspection, free of charge, at the offices of Nu at the Street address: 4th Floor MontClare Place, Corner Main Road and Campground Road, Claremont, Cape Town, 7708.

The Manual is also available on the website of Nu at [www.nufood.co.za](http://www.nufood.co.za).

## ANNEXURE A:

## FORM 2

### REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer


(Address)

E-mail address: Fax number: 

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(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)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	



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

FEES	
a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>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.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

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 address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
*Signature of Requester / person on whose behalf request is made*

-----  
**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

\_\_\_\_\_  
*Signature of Information Officer*

## ANNEXURE B:

**PAIA FEES: AS CONTAINED IN ANNEXURE B TO THE NEW PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000), (PAIA): REGULATIONS ON PAGES 18 TO 85 IN REGULATION GAZETTE NO. 11329 DATED 27 AUGUST 2021, VOL. 674, NO. 45057**

1. The PAIA fees that applies are as follows:

<b>REQUEST FEE</b>		
The deputy information officer who handles the request must complete Part A of the SAPS 512(b) Notice of Fee Payable-form and provide it to the requester, informing him or her of the Request Fee payable before the request will be processed any further.		
Item	Description	Amount
1.	The Request Fee payable by a requester	R 100,00
<b>ACCESS/REPRODUCTION FEE</b>		
When access is granted, the deputy information officer who handles the request must complete Part A of the SAPS 512(e) Decision on Request for Access to a Record-form and notify the requester, amongst other, the access fee which is payable.		
Item	Description	Amount
2.	Photocopy of A4-size page or part thereof	R 1,50
4.	Printed copy of A4-size page or part thereof	R 1,50
5.	For a copy in a computer-readable form on:	
	(1) Flash drive (to be provided by the requester)	(1) R 40,00
	(2) Compact disc:	
	(a) If provided BY the requester	(2)(a) R 40,00
	(b) If provided TO the requester	(2)(b) R 60,00
6.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R 24,00
8.	Copy of an audio record on:	
	(1) Flash drive (to be provided by the requester)	(1) R 40,00
	(2) Compact disc:	
	(a) If provided BY the requester	(2)(a) R 40,00
	(b) If provided TO the requester	(2)(b) R 60,00
9.	To search for and prepare the record for the disclosure for each hour or part of an hour, excluding the first hour (i.e. the first hour is free of charge), reasonably required for such search and preparation. To NOT EXCEED a total cost of:	R 100,00  R 300,00
10.	Deposit if search exceeds 6 hours  NOTE: the amount payable as a deposit must not exceed one third of the amount payable, if the request is granted.	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, email or any other electronic transfer	Actual expense, if any.



**PAIA FEES: AS CONTAINED IN ANNEXURE B TO THE NEW PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000), (PAIA): REGULATIONS ON PAGES 18 TO 85 IN REGULATION GAZETTE NO. 11329 DATED 27 AUGUST 2021, VOL. 674, NO. 45057**

## 2. Personal Requester

The definition of a "personal requester" has been deleted in the PAIA and a person who requests access to a record that contains personal information relating to himself or herself is now liable to also pay the R 100,00 Request Fee (this includes this person's authorised representative e.g. this person's attorney, lawyer, insurance company, parents of the minor child or the next of kin, etc.).

## 3. Request for access to section 15 Automatically Available Record

The National Deputy Information Officer: PAIA annually updates the section 15 of PAIA Notice (list) of Automatically Available Records of the Service. The updated notice for 2021 will be published by the Minister of Justice and Correctional Services and the National Deputy Information Officer: PAIA will make the updated published Notice available:

- (a) to the Information Regulator;
- (b) on the website of the Service to replace the current Notice;
- (c) on the Intranet for employees; and
- (d) for inspection at the office of the National Deputy Information Officer.

These records are listed as automatically available without a requester having to request access thereto through the normal PAIA request procedure. The procedure to follow when a request for access to such a record is received at the Service, is still applicable as set out in par 35 of the NI 14 of 2019. A requester may request a copy of such record and must be provided with such copy upon payment of the Access or Reproduction Fee (where applicable). The R 100,00 Request Fee is not payable.

For ease of reference, an example of some of the records that are listed as section 15 Automatically Available Records, are:

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS
<b>DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1)(a)(ii)</b>	
<p><b>ACCIDENT REPORT (NEW OR OLD REPORTS): COPY OR PHOTOCOPY</b></p> <p><i>Note that —</i></p> <ul style="list-style-type: none"> <li>• with the term "copy" is meant where reproduction is done manually;</li> <li>• a copy of a completed accident report will only be furnished to the authorised person;</li> <li>• when a request is received in writing from the Road Accident Fund, provincial hospitals or ambulance services from provincial hospitals, they are regarded as public bodies or institutions who are entitled to immediately receive a copy of</li> </ul>	<p>If the record is still in the possession or under control of the Service, the records may be obtained by the authorised person on request in writing on the prescribed request form or the SAPS 512(n) addressed to the relevant office of the Service.</p> <p><i>Note that —</i></p> <p>The following persons are deemed to be authorised persons:</p> <ol style="list-style-type: none"> <li>(a) an involved party in the accident (e.g. driver, passenger, pedestrian, cyclist, owner of the vehicle, owner of the animal involved in the accident, etc) if</li> </ol>

**PAIA FEES: AS CONTAINED IN ANNEXURE B TO THE NEW PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT NO 2 OF 2000), (PAIA): REGULATIONS ON PAGES 18 TO 85 IN REGULATION GAZETTE NO. 11329 DATED 27 AUGUST 2021, VOL. 674, NO. 45057**

<p>an accident report free of charge.</p>	<p>he or she can prove that he or she is an involved party;</p> <p>(b) any private ambulance service, medical service provider, emergency service or towing service that provided such a service to a party involved in an accident, if such private service can provide written proof that such service was rendered; or</p> <p>(c) a person who is not an involved party or the private ambulance service, medical service provider, emergency service or towing service referred to above, only if he or she has written permission or authority of an involved party (e.g. an attorney who provides the relevant power of attorney to act on behalf of the person).</p>
---	---

**4. Persons who do not pay any fees**

The following persons do not pay the Request Fee or any Access or Reproduction Fees:

- (a) The suspect, victim or complainant who requests a copy of his or her own statement in an open docket;
- (b) A record that must be provided in terms of a *subpoena duces tecum* or summons; and
- (b) A person that is exempted by the Minister of Justice and Correctional Services by proclamation in the Gazette (e.g. a person who is incarcerated or he or she is unemployed or he or she receives an annual income, after permissible deductions which does not exceed R 14 712, 00 or he or she is married and his or her life partner whose annual income, after permissible deductions does not exceed R27 192, 00 per annum, etc.) (see par 14(2)(g) of NI 14 of 2019).

## ANNEXURE C:

## REQUEST FOR A COPY OF THE GUIDE

## FORM 1

[Regulation 2]

I,

Full names:			
In my capacity as (mark with "x"):	Information officer		Other
Name of *public/private body (if applicable)			
Postal Address:			
Street Address:			
E-mail Address:			
Facsimile:			
Contact numbers:	Tel.(B):		Cellular:

hereby request the following copy(ies) of the Guide:

Language (mark with "X")	No of copies	Language (mark with "X")	No of copies
<input type="checkbox"/> Sepedi		<input type="checkbox"/> Sesotho	
<input type="checkbox"/> Setswana		<input type="checkbox"/> siSwati	
<input type="checkbox"/> Tshivenda		<input type="checkbox"/> Xitsonga	
<input type="checkbox"/> Afrikaans		<input type="checkbox"/> English	
<input type="checkbox"/> isiNdebele		<input type="checkbox"/> isiXhosa	
<input type="checkbox"/> isiZulu			

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of requester



# ANNEXURE D:

## FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: \_\_\_\_\_

TO: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your request dated \_\_\_\_\_, refers.

**1. You requested:**

Personal inspection of information 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) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
--	--

OR

**2. You requested:**

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

**3. To be submitted:**

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)	
E-mail 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)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

--

**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

Yes  No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_  
 Name of account holder: \_\_\_\_\_  
 Type of account: \_\_\_\_\_  
 Account number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Reference Nr: \_\_\_\_\_  
 Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
 Information officer

**ANNEXURE E:**

**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, 2017  
[Regulation 2(1)]**

**Note:**

1. *Affidavits or other documentary evidence in support of the objection must 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.*

Reference Number....

A	DETAILS OF DATA SUBJECT	
Name and surname of data subject:		
Residential, postal or business address:		
	Code (    )	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural):		
Residential, postal or business address:		
	Code (    )	
Contact number(s):		
Fax number:		
E-mail address:		



Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION</b> <i>(Please provide detailed reasons for the objection)</i>

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

.....  
*Signature of data subject (applicant)*

# ANNEXURE F:

## 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, 2017 [Regulation 3(2)]

**Note:**

1. Affidavits or other documentary evidence in support of the request must 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.

Reference Number....

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	
Surname:		
Full names:		
Identity number:		
Residential, postal or business address:		
	Code (    )	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party <i>(if the responsible party is a natural person)</i> :		
Residential, postal or business address:		
	Code (    )	
Contact number(s):		
Fax number:		
E-mail address:		

Name of public or private body (if the responsible party is not a natural person):		
Business address:		
		Code (    )
Contact number(s):		
Fax number:		
E-mail address:		
C	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)</b>	

\* Delete whichever is not applicable

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

.....  
Signature of Data subject