

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS

TO INFORMATION ACT 2 OF 2000 AND THE PROTECTION OF PERSONAL INFORMATION

ACT 4 OF 2013

Revision 00 Date: 31ST AUGUST 2022

Mainsu (Pty) Ltd

Comp Reg. No: 2009/014348/07

Directors: H. S. Swart; E. C. Swart

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1 INTRODUCTION

- 1.1 This manual is published pursuant to section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA") which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to, mechanisms and procedures that empower and educate all persons.
- 1.2 PAIA requires organisations to compile a manual as a guide to requesters of information. The Manual also serves to indicate the types of records held Mainsu (Pty) Ltd ("Mainsu") and the availability of such records from Mainsu.
- 1.3 In addition, the manual explains how to access, or object to, or request correction or deletion of, personal information held by Mainsu, in terms of sections 23, 24 and 25 of the Protection of Personal Information Act 4 of 2013 ("POPIA"), and the Regulations Relating to the Protection of Personal Information, 2017 ("POPIA Regulations").
- 1.4 This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to Mainsu in terms of these Acts. However, in terms of section 19 of PAIA, and Regulations 2 and 3 of the POPIA, Mainsu will provide such assistance as is required in completing the necessary forms, by parties applying for access to information or personal information.
- 1.5 Mainsu makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requestor is complete or accurate, or that such information is fit for any purpose. All users of any such information use such information entirely at their own risk, and Mainsu will not be liable for any loss, expense, liability, or claims, howsoever arising, resulting from the use of this manual or of any information provided by Mainsu or from any error therein.

2 **OVERVIEW OF MAINSU**

- 2.1 Mainsu (Pty) Ltd was proudly established in 2009. We are servicing various market sectors, through strategic agency and distribution agreements.
- 2.2 Mainsu's focus is on distribution and supporting of premium brand products in the following and other segments: Agriculture, Automotive, Construction, Mining, Hospitality, Landscaping, Leisure, Recreational, and Residential.

3 INFORMATION OFFICER AND CONTACT DETAILS OF MAINSU

- 3.1 The Managing Director of Mainsu is Mr H.S. Swart who can be contacted on Phone: 0861624678 / f.swart@mainsu.co.za
- 3.2 The contact details for the Head Office of Mainsu are as follows:

Physical Address:

Plot 1, Graham Road,

Zwavelpoort,

Pretoria,

0083

Phone: 0861624678

Email: info@mainsu.co.za

Postal Address:

Postnet suit #201,

Private Bag X 32

Highveld Park,

016

4 GUIDE ON HOW TO USE PAIA

- 4.1 On 1 July 2021, the Information Regulator assumed the functions of the South African Human Rights Commission ("SAHRC") and became responsible for PAIA and POPIA queries.
- 4.2 As part of its functions, the Information Regulator will publish a guide on how to use PAIA and POPIA in the new dispensation. The Information Regulator has not yet published a guide to this effect.
- 4.3 The SAHRC has previously developed a guide with information on how to use PAIA. This guide is available on the SAHRC website at https://www.sahrc.org.za.
- 4.4 Any information or queries related to the guide, or to PAIA or POPIA should be directed to:

INFORMATION REGULATOR

JD House

27 Stiemens Street

Braamfontein

Johannesburg

2001

Telephone number: (012) 406 4818

Fax number: (086) 500 3351

Website: www.justice.gov.za/inforeg

E-mail: inforeg@justice.gov.za

5 NOTICE IN TERMS OF SECTION 51(1)(C)

5.1 At this stage, no notices have been published by the Information Regulator on the categories of records automatically available without a person having to

request access thereto in terms of PAIA.

The records that are located on the Mainsu website are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms all PAIA. The website address is https://mainsu.co.za

6 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(D)

Records are kept in accordance with legislation as is applicable to Mainsu, which include (but may not be limited to) the following legislation:

6.1 Basic Conditions of Employment Act 75 of 1997; 6.2 Companies Act 71 of 2008; 6.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993; 6.4 Competition Act 89 of 1998; 6.5 Consumer Protection Act 68 of 2008; 6.6 Employment Equity Act 55 of 1998; 6.7 Electronic Communications and Transactions Act No 2 of 2000 6.8 Financial Intelligence Centre Act No 38 of 2001 6.9 Income Tax Act No 58 of 1962; 6.10 Labour Relations Act No 66 of 1995; 6.11 Promotion of Access to Information Act No 2 of 2000; 6.12 Protection of Personal Information Act 2013; 6.13 Unemployment Insurance Act No 63 of 2001; and Value-added Tax Act No 89 of 1991. 6.14

7 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)

The following table contains a description of the types of records / subjects on which Mainsu holds and the categories of records held on each subject -

Subject	Description of record						
	Company incorporation documents						
	Share register						
	Memorandum of Incorporation						
Statutory records	Minutes of meetings of the board of						
	directors						
	Records relating to the appointment						
	of directors, auditors, and other						
	officers						
	Pay-as-you-earn (PAYE) records						
	• Documents issued to employees for						
	income tax purposes						
	Records of payments made to South						
Income tax	African Revenue Services on behalf of						
meenie dax	employees						
	All or any statutory compliance						
	Value Added Tax						
	Skills development levies						
	Unemployment Insurance Fund						
	Personnel documents and records						
	Employment contracts						
	Medical aid records						
	Pension Fund records						
Labour relations records	Disciplinary records						
	Salary records						
	• Disciplinary code and / or						
	procedures						
	Leave records						
	Training records						

	Training manuals
	Address lists
	Internal telephone lists
	Receipts and payments
	Bank statements
	Budgets
Finance	Management accounts
, manec	Asset registers
	Orders, quotes and invoices
	Minutes of meetings
	Correspondence
	Contracts
Risk and compliance	Policies and procedures
Nisk and compliance	Risk assessment
	Compliance records

8 PROCESSING OF PERSONAL INFORMATION

8.1 POPIA

- 8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 8.1.2 Mainsu processes personal information in accordance with POPIA. As stated in our Privacy Policy, Mainsu will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. Mainsu processes personal information of both living and juristic persons.

0.2	Purpose for processing of personal information by Mainsu
	As stated in our Privacy Policy, Mainsu processes personal information for a number of reasons including, but not limited to, -
8.2.1	to provide products or services to you, to carry out the transaction you requested and maintain our relationship with you;
8.2.2	to conduct credit checks;
8.2.3	to monitor our website by usage of Google Analytics and Google AdWords;
8.2.4	to confirm and verify your identity or to verify that you are an authorised user for security purposes;
8.2.5	for the detection and prevention of fraud, crime, money laundering or any other malpractice;
8.2.6	to conduct customer satisfaction research, direct marketing and for statistical analysis;
8.2.7	process requests for the collection, updating, access or deletion of your personal information;
8.2.8	for audit and record keeping purposes;
8.2.9	in connection with legal proceedings; and
8.2.10	comply with applicable laws, regulatory requirements or industry codes to which we subscribe or which apply to us

Categories of data subjects Mainsu processes personal information relating to the following categories of data subjects: 8.3.1 shareholders; 8.3.2 beneficiaries; 8.3.3 directors; 8.3.4 employees and job applicants; juristic entities (i.e. service providers, contractors, consultants); 8.3.5 8.3.6 complainants and enquirers; 8.3.7 visitors to premises; 8.3.8 individuals who have an interest in the products and services of Mainsu. 8.4 Types of information processed 8.4.1 As stated in our privacy policy, Mainsu processes the following types of personal information, amongst others, -8.4.1.1 full names;

8.3

8.4.1.2

addresses;

8.4.1.3	contact information such as telephone numbers and email addresses;
8.4.1.4	financial information;
8.4.1.5	transaction history; and
8.4.1.6	your visits to our website.
8.4.2	Please refer to our Privacy Policy for further information.
8.5	Disclosure of your personal information
8.5.1	We may disclose your personal information to third parties who are involved in the delivery of products and services to you such as trusted service providers (sub-contractors).
8.5.2	Where Mainsu discloses your personal information to any third party, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed for. To this end, we have agreements in place with these third parties to ensure this and to ensure an adequate level of security and confidentiality for your personal information.
8.5.3	Mainsu may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights.

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. In this regard, should Mainsu engage in any cross-border transfers of personal information

Trans-border/Cross border flows of personal information

8.6

outside South Africa, Mainsu will ensure either of the following conditions are in place, that -

- 8.6.1 the third party who is the recipient of the information is subject to a law or binding agreement which provides for an adequate level of protection similar to POPIA;
- 8.6.2 the data subject consents to the transfer;
- 8.6.3 the transfer is necessary for the performance of a contract between the data subject and the responsible party or for the implementation of precontractual measures taken in response to the data subject's request;
- 8.6.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party; and
- 8.6.5 the transfer is for the benefit of the data subject and it is not reasonably practicable to obtain the consent of the data subject, provided that such consent would be likely given if it were reasonably practicable.

8.7 General description of information security measures

- 8.7.1 Mainsu takes reasonable and appropriate technical and organisational measures to ensure that personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration disclosure or access. We contractually require that service providers who handle your personal information for us do the same.
- 8.7.2 Mainsu, on a regular basis, reviews the security controls and related to processes to ensure that personal information is secure.

9 HOW TO REQUEST ACCESS TO A RECORD

- 9.1 To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as Annexure A. This request must be sent to the Managing Director at the addresses provided at paragraph 3.2.
- 9.2 For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 1 (objection) or Form 2 (correction or deletion), which are attached to this Manual as Annexure B.
- 9.3 The requestor must provide sufficient detail to enable the Managing Director to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/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.
- 9.4 If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.
- 9.5 PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Managing Director will make a decision whether or not to grant a request for access to information.

10 PAYMENT OF FEES

- 10.1 PAIA provides for two types of fees, namely -
- 10.1.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

- 10.1.2 an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- Subsequent to a request being made, the Managing Director shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 10.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, Mainsu will request 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 Mainsu may withhold a record until the requester has paid the fees as indicated in **Annexure C**.
- 10.5 A requester whose request has been granted must pay the applicable access fee for reproduction, search, 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.
- In terms of POPIA, a data subject has the right to request Mainsu to confirm, free of charge, whether or it holds personal information about the data subject and request from Mainsu the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 10.7 POPIA further provides that where the data subject is required to pay a fee for services provided to them, Mainsu must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

11 APPLICABLE TIME-PERIODS

- 11.1 Mainsu will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 11.2 The 30 day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Mainsu or the records are not located at Mainsu.

12 OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

13 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 13.1 In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds -
- 13.1.1 protection of privacy to a third party who is a natural person;
- 13.1.2 protection of the commercial information of a third party;
- 13.1.3 protection of certain confidential information of a third person;
- 13.1.4 protection of the safety of individuals and the protection of property;
- 13.1.5 protection of records privileged from production and legal proceedings;
- 13.1.6 the commercial information of Mainsu;

- 13.1.7 the protection of research information of a third party.
- Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated (section 70 of PAIA).

14 REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the Managing Director's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

15 **AVAILABILITY OF THE MANUAL**

This manual is available in electronic and hard copies in English. The hard copies are available at the address of Mainsu as contained in paragraph 3.2. The electronic version of this manual is available on the website of Mainsu, www.mainsu.co.za.

16 UPDATING OF THIS MANUAL

This manual will be reviewed and/or updated, if necessary, on a periodic basis but no less than once each year.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Act) [Regulation 10]

A. PARTICULARS OF PRIVATE BODY

The Hea	Гhe Head:					
Compan	mpany Name:					
Compan	Company Registration Number:					
В.	PARTICULARS OF PERSON REQUESTING AC	CCESS TO THE RECORD				
(a)	(a) The particulars of the person who requests accomplying given below.	cess to the record must be				
(b)	The address and/or fax number in the Republic	c to which the information is				
	Proof of the capacity in which the request is m	ade, if applicable, must be				
	attached.					
	names and surname:					
Postal a	stal address:					
Fax num	k number:					
Telepho	lephone number:					
E-mail a	nail address:					
Capacit	pacity in which request is made,					
when made on behalf of another person:						

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if a request for information is made on behalf of another person.
Full names and surname:
dentity number:
Postal address:
Felephone number:
E-mail address:
D. PARTICULARS OF RECORD
(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. If the provided space is inadequate, please continue on a separate folio
and attach it to this form. The requester must sign all the additional folios. Description of record or relevant part of the record:
Reference number, if available:
Any further particulars of record:

E. FEES

(a)	A request for access to a record, other than a record containing personal
	information about yourself, will be processed only after a request fee has
	been paid.

You will be notified of the amount required to be paid as the request fee.

- (b) The fee payable for access to a record depends on the form in which
- (c) access is required and the reasonable time required to search for and prepare a record.

If you qualify for exemption of the payment of any fee, please state the

Reason for exemption from payment of fees:		

F. FORM OF ACCESS TO RECORD

	_					
Disability:	Form	in	which	record	İS	required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly
 - by the form in which access is requested.

1.	If the record is in writte	n o	r printed form:					
	copy of record*		inspection of record					
2.	If record consists of visu	al i	mages					
(this i	includes photographs, slides	s, v	ideo recordings, computer-	gener	rated	images,		
sketcl	hes, etc.):							
	view the images		copy of the images*		tran	scription	n of	
					the	images*		
3.	If record consists of reco	orde	ed words or information w	hich	can b	е		
	reproduced in sound:							
	listen to the		transcription of soundtrac	ck*				
	recorded soundtrack		(written or printed docum	ent)				
4.	If record is held on comp	oute	er or in an electronic or m	achin	e-rea	adable		
	form:							
	printed copy of		printed copy of		cop	y in com	in computer	
	record*		information derived		read	dable form*		
			from the record*		(me	mory		
					disc	()		
'If you	u requested a copy or trans	crip	otion of a record (above), d	o you	J	YES	NO	
wish t	the copy or transcription to	be	posted to you?					
Posta	ge is payable.							
						<u>I</u>	<u>I</u>	
	PARTICULARS OF RIGHT	TΩ	RE EXERCISED OR PROTI	CTF	D			
	provided space is inade					ata folio	and	
		-	-		-		anu	
	it to this form. The reque s	31E		Oriai	10110	·S.		
lı	ndicate which right is to be exerc	ised	or protected:					
_								
_								

2.	Explain why the record requested	Explain why the record requested is required for the exercise or protection of the aforementioned				
	right:					
	-					
Н.	NOTICE OF DECISION R	EGARDING	REQUEST FOR AC	CESS		
	ou will be notified in writing v	whother you	r roquest has been	approved/denied If		
	ou wish to be informed in anot	-	-			
	e necessary particulars to er		-	-		
How	would you prefer to be informed of	the decision	regarding your request for	access to the record?		
Signed	d at	this	day of	20		
Signat	cure of requestor /					
	n on whose behalf request is made					
Name	of requestor /					
persor	n on whose behalf request is made					

ANNEXURE B

FORM 1

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:

Affidavits or other documentary evidence in support of the objection must be attached.
 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

Α	DETAILS OF DATA SUBJECT
	DETAILS OF DATA SUBSECT
Name and surname	
of data subject:	
Residential, postal	
or business	
address:	
Canta at musebas(a)	
Contact number(s):	
FAX number:	
E-mail address:	
В	DETAILS OF RESPONSIBLE PARTY
Name and	
surname of	
responsible party	
(if the responsible party	
is a natural	
person):	
Residential, postal	
or business	
address:	
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:		
business address.		
Contact number(s):		
E-mail address:		
С	REASONS FOR OBJECTION (Please provide detailed reasons for the	objection)
Signed at	on this day of	20
	 pject (applicant)	

ANNEXURE B

FORM 2

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:	
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Affidavits or other documentary evidence in support of the request must be attached.

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number	. .
rk the appropriate box with an "x". quest 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.	

Α	DETAILS OF DATA SUBJECT
Surname:	
Full names:	
Identity number:	
Residential, postal	
or business	
address:	
Contact number(s):	
C mail address.	
E-mail address: B	DETAILS OF RESPONSIBLE PARTY
	DETAILS OF RESPONSIBLE PARTY
Name and	
surname of	
responsible party	
(if the	
responsible party is a natural	
person):	
Residential, postal	
or business	
address:	
Contact number(s):	
E-mail address:	
Name of public or private body	
(if the responsible	
party is not a	
natural person):	
Business address:	
240000 444000	
Contact number(s):	
E-mail address:	
C C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT
C	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)

Delete whichever is not applicable		
igned at	on this day of	20
_		
gnature of Data subject (app	licant)	

ANNEXURE C-FEES

FEES PAYABLE IN RESPECT OF RECORDS REQUESTED FROM MAINSU

FEES IN RESPECT OF PRIVATE BODIES			
Item	Description	Amount	
1	The request fee payable by every requester (max one hour)	R785.00	
2	Photocopy/printed black and white copy of A4-size page	R3.00 per page or part thereof.	
3	Printed copy of A4-size page	R3.00 per page or part thereof.	
4	For a copy in a computer-readable form on a Memory Drive (to be provided by requester)	R75.00	
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.	
6	Copy of visual images		
7	Transcription of an audio record, per A4-size page	R50.00	
8	Copy of an audio record, on a Memory Drive (to be provided by requester)	R75.00	
9	To search for and prepare the record for disclosure for each hour (or part of an hour), excluding the first hour, reasonably required for such search and preparation.	R625.00	
10	Deposit: If search exceeds 6 hours	50% of amount per request as estimated in terms of items 1 to 9.	
11	E-mail or any other electronic transfer.	R50.00 per transfer.	