

TURKSTRA BAKKERY

PAIA MANUAL

Prepared in accordance with Section 51 of the

Promotion of Access to Information Act 2 of 2000

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1.

INTRODUCTION

Turkstra Bakkerij (Pty) Ltd is a South African bakery. This PAIA Manual outlines the types of records and personal information it maintains, as well as the process to submit requests for access to such records in accordance with the Promotion of Access to Information Act 2 of 2000 ("PAIA").

2.

INFORMATION OFFICER: SECTION 51(1)(A)(I)–(II)

Name:	Gerhard Turkstra
Telephone Number:	018 523 0111
Email Address:	turkstrabakery@mweb.co.za
Physical Address:	61 Retief Street Potchefstroom 2531
Postal Address:	61 Retief Street Potchefstroom 2531

3.

GUIDE ON HOW TO USE PAIA AND THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ("SAHRC"): SECTION 51(1)(B)(I)

- 3.1 The SAHRC has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("the Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA. The Guide is available in each of the official languages and in braille.
- 3.2 The Guide can be accessed at the offices of the Information Regulator of the SAHRC, alternatively on the SAHRC's website: <https://info regulator.org.za/>.
- 3.3 The contact details of the Information Regulator of the SAHRC are as follows:
- | | |
|--------------------------|--------------|
| Telephone Number: | 010 023 5200 |
|--------------------------|--------------|

General Email Address: enquiries@infoeregulator.org.za
Complaints Email Address: PAIAComplaints.IR@justice.gov.za
Physical Address: Woodmead North Office Park
54 Maxwell Drive
Woodmead
Johannesburg
2191

4.

CATEGORIES OF RECORDS HELD BY TURKSTRA BAKKERY

This section of the PAIA Manual sets out the categories of records that are held by Turkstra Bakkery. The accessibility of any category of records may be subject to the grounds of refusal set out in PAIA which may be applicable to a request for such records. Therefore, the inclusion of any category should not be taken to mean that records falling within that category will be made available under PAIA. The records include but are not limited to:

4.1 Records available without a person having to request access in terms of PAIA Section 51(1)(b)(ii):

4.1.1 Marketing materials and brochures;

4.1.2 Publicly available information regarding Turkstra Bakkery;

4.1.3 Information published on the Turkstra Bakkery website; and

4.1.4 General policies and public statements.

4.2 Records available in accordance with any other legislation Section 51(1)(b)(iii):

4.2.1 Basic Conditions of Employment Act 75 of 1997;

4.2.2 Broad-Based Black Economic Empowerment Act 53 of 2003;

4.2.3 Companies Act 71 of 2008;

- 4.2.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 4.2.5 Consumer Protection Act 68 of 2008;
- 4.2.6 Electronic Communications and Transactions Act 25 of 2002;
- 4.2.7 Employment Equity Act 55 of 1998;
- 4.2.8 Financial Intelligence Centre Act 38 of 2001;
- 4.2.9 Income Tax Act 58 of 1962;
- 4.2.10 Labour Relations Act 66 of 1995;
- 4.2.11 Occupational Health and Safety Act 85 of 1993;
- 4.2.12 Pension Funds Act 24 of 1956;
- 4.2.13 Prevention and Combating of Corrupt Activities Act 12 of 2004;
- 4.2.14 Promotion of Access to Information Act 2 of 2000;
- 4.2.15 Protection of Personal Information Act 4 of 2013 ("POPIA");
- 4.2.16 Skills Development Act 97 of 1998;
- 4.2.17 Unemployment Insurance Contributions Act 4 of 2002;
- 4.2.18 Unemployment Insurance Act 30 of 1996;
- 4.2.19 Value Added Tax Act 89 of 1991; and
- 4.2.20 Any other applicable legislation relevant to the food manufacturing and retail industry.

**4.3 Subjects and categories of records held by Turkstra Bakkery in terms of PAIA
Section 51(1)(b)(iv):**

4.3.1 Financial records of Turkstra Bakkery:

- 4.3.1.1 Accounting records, books and documents;
- 4.3.1.2 Annual financial statements;
- 4.3.1.3 Details of auditors;
- 4.3.1.4 Auditors' reports in respect of audits conducted;
- 4.3.1.5 Tax returns;
- 4.3.1.6 Bank facilities, account details and banking records;
- 4.3.1.7 Invoices in respect of creditors and debtors;
- 4.3.1.8 Formal books of account and other financial statements; and
- 4.3.1.9 Other financial records.

4.3.2 Company / entity records:

- 4.3.2.1 Company/close corporation/sole trader registration and name documents;
- 4.3.2.2 Share register and statutory registers (where applicable);
- 4.3.2.3 Founding statement, Memorandum of Incorporation or trust deed;
- 4.3.2.4 Minutes of meetings; and
- 4.3.2.5 Resolutions.

4.3.3 Human Resources records:

- 4.3.3.1 List of employees;
- 4.3.3.2 Personnel records of each employee;
- 4.3.3.3 Employment contracts;
- 4.3.3.4 Tax information of employees;
- 4.3.3.5 Training schedules and manuals; and
- 4.3.3.6 Other information relating to employees.

4.3.4 Intellectual Property records:

- 4.3.4.1 Software licences;
- 4.3.4.2 Records regarding domain names of Turkstra Bakkerij; and
- 4.3.4.3 Trademarks, copyrights and designs held by Turkstra Bakkerij.

4.3.5 Client and customer records:

- 4.3.5.1 Correspondence with clients/customers and third parties;
- 4.3.5.2 Documentation in terms of the Financial Intelligence Centre Act 38 of 2001;
- 4.3.5.3 Records in respect of orders and transactions involving clients/customers;
- 4.3.5.4 Documentation and information received from clients/customers and/or third parties;

4.3.5.5 Documentation and information prepared by employees for clients/customers; and

4.3.5.6 Other information relating to, or held on behalf of clients/customers.

4.3.6 Immovable and movable property records:

4.3.6.1 Agreements for lease or purchase of immovable property by Turkstra Bakkery;

4.3.6.2 Agreements for lease or sale of movable property by Turkstra Bakkery; and

4.3.6.3 Insurance records in respect of immovable and movable property.

4.3.7 Information Technology records:

4.3.7.1 Documentation regarding computer systems, computer programmes, software, support and maintenance.

4.3.8 Supplier and operational records:

4.3.8.1 Supplier and procurement agreements;

4.3.8.2 Food safety, health and quality compliance records;

4.3.8.3 Production and inventory records; and

4.3.8.4 Other operational and business records.

4.3.9 Miscellaneous records:

4.3.9.1 Internal correspondence;

- 4.3.9.2 Agreements with suppliers of Turkstra Bakkery;
- 4.3.9.3 Security agreements, guarantees and indemnities; and
- 4.3.9.4 Other relevant agreements.

4.3.10 Website records:

- 4.3.10.1 The website address for Turkstra Bakkery is [\[https://www.turkstrabakkery.co.za/\]](https://www.turkstrabakkery.co.za/);
- 4.3.10.2 Business profile;
- 4.3.10.3 Products and services;
- 4.3.10.4 Marketing materials; and
- 4.3.10.5 Contact details.

5.

THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA: SECTION 51(1)(C)

The Privacy Policy of Turkstra Bakkery is accessible on our website with the following particulars: [\[https://www.turkstrabakkery.co.za/\]](https://www.turkstrabakkery.co.za/). Turkstra Bakkery processes all personal information in compliance with our said Privacy Policy and POPIA. The Privacy Policy contains *inter alia* the purpose of processing personal information, a description of the categories of data subjects and information relating thereto, the recipients to whom the personal information may be supplied, the planned transborder flow of personal information and a general description of the information security measures to be implemented to ensure the confidentiality, integrity and availability of the information to be processed.

6.

THE REQUEST PROCEDURE: SECTION 53

All records will only be made available subject to the provisions of PAIA (whether included in this PAIA Manual or not).

6.1 The person making the request for records must do so using the prescribed form (Form 02 of Annexure A to the Regulation 7 Relating to the Promotion of Access to Information Act, 2021) to make the request. The prescribed form must be submitted to the Information Officer at the physical address, postal address or email address of Turkstra Bakkerij.

6.1.1 The prescribed form is attached hereto as Annexure "A", alternatively, the prescribed form may be accessed at <https://infoeregulator.org.za/paia-forms/>.

6.2 The requester must provide sufficient detail on the request form to enable the Information Officer to:

6.2.1 identify the record requested;

6.2.2 identify the requester;

6.2.3 indicate which form of access is required;

6.2.4 specify a postal address, fax number or email address (within the Republic);
and

6.2.5 identify the right the requester is seeking to exercise or protect and an explanation as to why the requested record is required for the exercise or protection of that right.

6.3 The requester must indicate if he or she wishes to be informed of the decision of the request in any other manner (other than in writing) and state the necessary particulars to be so informed.

- 6.4 If the requester makes a request on behalf of another person, the requester must submit proof of the capacity in which such requester is making the request to the reasonable satisfaction of the Information Officer.

7.

FEES: SECTION 54

- 7.1 The Information Officer must, by notice, require the requester to pay the prescribed fee before further processing the request.
- 7.2 The requester may lodge an application to the court against the tender or payment of the request fee.
- 7.3 The Information Officer will make a decision regarding the request and thereafter notify the requester of such decision in the required form.
- 7.4 If the request is granted, the requester may be required to pay a further prescribed deposit fee for the search, reproduction, preparation and any time spent that exceeds the prescribed hours for the search and preparation of the record for disclosure.

8.

TIMELINES OF THE REQUEST PROCEDURE: SECTIONS 56 AND 57

- 8.1 The Information Officer must process a request within 30 days after the request has been received, unless the request contains circumstances that justify an extension of the 30-day period.
- 8.2 Should an extension of the 30-day period be necessary, the Information Officer will notify the requester with reasons for such extension.
- 8.3 In the event that the Information Officer fails to notify the requester of a decision on a request, such request is deemed to have been refused.

9.

GROUND TO REFUSE ACCESS TO RECORDS: SECTIONS 62–70

The Information Officer may refuse a request for records on *inter alia* the following grounds:

- 9.1 Mandatory protection of the privacy of a third party who is a natural or juristic person, where disclosure would involve the unreasonable disclosure of personal information of such person, including a deceased individual;
- 9.2 Mandatory protection of commercial information of a third party, if the record contains:
 - 9.2.1 trade secrets of a third party;
 - 9.2.2 financial, commercial, scientific, legal or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; and
 - 9.2.3 information supplied in confidence by a third party which disclosure could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or in commercial competition;
- 9.3 Mandatory protection of certain confidential information of a third party where disclosure would constitute an action for breach of a duty of confidence under any agreement;
- 9.4 Mandatory protection of safety of individuals and protection of property;
- 9.5 Mandatory protection of records privileged from production in legal proceedings;
- 9.6 Commercial information of Turkstra Bakkery, which includes but is not limited to:
 - 9.6.1 trade secrets;

- 9.6.2 financial, commercial, scientific, legal or technical information where disclosure would be likely to cause harm to the commercial or financial interest of Turkstra Bakkery;
 - 9.6.3 information which, if disclosed, could reasonably be expected to put Turkstra Bakkery at a disadvantage in contractual or other negotiations, or in commercial competition; and
 - 9.6.4 a computer program which is owned by Turkstra Bakkery and protected in terms of the Copyright Act 98 of 1978.
- 9.7 Mandatory protection of research information of a third party and protection of research information of Turkstra Bakkery, where disclosure would be likely to expose the identity of such third party, Turkstra Bakkery, the researcher or the subject matter of the research to serious disadvantage; and
- 9.8 Mandatory disclosure in public interest.

10.

REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF A REQUEST

- 10.1 Turkstra Bakkery does not have any internal appeal procedures that may be followed in such an event.
- 10.2 The decision of the Information Officer regarding a request is thus final.
- 10.3 Should a requestor be dissatisfied with the decision of the Information Officer, the requestor may exercise any external remedies at their disposal. The external remedies available include *inter alia* approaching the Information Regulator, or alternatively, a court of competent jurisdiction.

11.

AVAILABILITY OF THE MANUAL

This PAIA Manual of Turkstra Bakkery is available for inspection at the offices of Turkstra Bakkery. Alternatively, this PAIA Manual may be accessed on the Turkstra Bakkery website with the following particulars: [\[https://www.turkstrabakkery.co.za/\]](https://www.turkstrabakkery.co.za/).

12.

PRESCRIBED FEES AND FORMS

The prescribed fees under PAIA for requests to private bodies, such as Turkstra Bakkery, are available from the Government Gazette, alternatively, on the website of the Department of Justice and Constitutional Development with the following particulars: www.doj.gov.za.

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 (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<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>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD (Mark the applicable box with an "X")			
Record is in written or printed form			
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
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			

FORM OF ACCESS <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	

MANNER OF ACCESS <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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <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)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
c)	The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
d)	If you qualify for exemption of the payment of any fee, please state the reason for exemption
Reason	

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 (Please specify)

Signed at _____ this _____ day of _____ 20 _____



Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

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

Signature of Information Officer