



Nampak
packaging excellence

NAMPAK LIMITED
PAIA MANUAL





PAIA Manual

Of

Nampak Limited

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



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1. INTRODUCTION

- 1.1. In terms of Section 51 of Promotion of Access to Information Act, No 2 of 2000 (“PAIA”), all private entities are required to compile a PAIA Manual (“Manual”) that provides information on both the types and categories of records held by a private company.
- 1.2. In addition, the Protection of Personal Information Act 4 of 2013 (“POPIA”) amends PAIA in a number of ways. One of the keys ways in which PoPIA changes PAIA relates to the role of the South African Human Rights Commission (“SAHRC”). Under POPIA the function of the SAHRC in terms of PAIA will be transferred to the Information Regulator once fully established, to monitor both POPIA and PAIA, and to handle complaints relating to access to information and the protection of personal information upon commencement of POPIA.
- 1.3. This Manual provides and outlines types of records held by Nampak and explains how requestors may submit requests to these records in terms of PAIA. It further allows requestors to access, object to and request a correction of personal information in terms of sections 23 and 24 of POPIA.

2. NAMPAK LIMITED

2.1. Nampak Limited together with its group of companies and divisions (individually and collectively) hereinafter referred to as (“Nampak”), is Africa's largest diversified packaging manufacturer, a company established in accordance with the laws of South Africa with registration number 1968/008070/06, and is a public company listed on the JSE Securities Exchange South Africa, with its registered address at Nampak House, Hampton Office Park, 20 Georgian Crescent East, Bryanston, 2191.

2.2. This Manual is prepared on behalf of the following companies:

Nampak Limited	Registration number 1968/008070/06
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3. PURPOSE OF THE INFORMATION MANUAL

3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at



encouraging an open democracy where individuals from all walks of life are empowered to engage with the government and participate in decisions which affect their lives.

- 3.2. The right of access to information is a unique right as it enables the realisation of other human rights: this is one of the most important ways in which PAIA can be used. PAIA and POPIA gives effect to everyone's constitutional right of access to information held by private sector or public bodies, that is required for the exercise and or protection of the requesters right.

4. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

- 4.1. The SAHRC has compiled a Guide containing information on how to exercise any right contemplated in PAIA. This Guide is available in all official languages of South Africa. Copies of the Guide can be found at the head office of the SAHRC and all of its provincial offices. In addition, an electronic copy is available on the SAHRC's website (www.sahrc.org.za)

- 4.2. The guide is available for inspection as follows:

The South African Human Rights Commission
PAIA Unit, Private Bag 2700, Houghton, 2041

Telephone No: 011 877 3803

Fax No: 011 403 0628

Website: www.sahrc.org.za

Email: section51.paia@sahrc.org.za

5. REQUEST FOR INFORMATION

You may submit your request together with the proof of payment of fees to the Information Officer as provided for in clause 6 below.

6. CONTACT DETAILS OF THE INFORMATION OFFICER

- 6.1. The responsibility for administration of and compliance with POPIA and PAIA, has been delegated by the Chief Executive Officer of Nampak to the Information Officer of Nampak.

- 6.2. Requests should be directed as follows:



Nampak Products Limited
P O Box 69983, Bryanston, 2021
Nampak House, Hampton Office Park, 20 Georgian Crescent East, Bryanston, 2191
Telephone No: 011 719 6658
Attention: Information Officer
Email: privacy@nampak.com

7. AVAILABILITY OF THIS MANUAL

You can access this Manual on our website (www.nampak.com) or by requesting a copy by e-mail from the Information Officer and it is available for inspection, on reasonable prior notice, at the office of the Nampak free of charge. Copies of this Manual are also available from the SAHRC.

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

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

9. NAMPAK COMPANY RECORDS

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

9.2. Whilst Nampak maintains records relating to the following laws, it does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA and/or POPIA.

9.3. Records are kept in terms of the following legislation:

- 9.3.1. Auditing Professions Act, No 26 of 2005;
- 9.3.2. Basic Conditions of Employment Act, No 75 of 1997;
- 9.3.3. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- 9.3.4. Business Act, No 71 of 1991;
- 9.3.5. Companies Act, No 71 of 2008;



- 9.3.6. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- 9.3.7. Competition Act, No.71 of 2008;
- 9.3.8. Constitution of the Republic of South Africa 2008;
- 9.3.9. Copyright Act, No 98 of 1978;
- 9.3.10. Customs & Excise Act, 91 of 1964;
- 9.3.11. Debt Collector's Act, No 114 of 1998;
- 9.3.12. Designs Act, No 195 of 1993;
- 9.3.13. Electronic Communications Act, No 36 of 2005;
- 9.3.14. Electronic Communications and Transactions Act, No 25 of 2002;
- 9.3.15. Employment Equity Act, No 55 of 1998;
- 9.3.16. Financial Intelligence Centre Act, No 38 of 2001;
- 9.3.17. Income Tax Act, No 58 of 1962;
- 9.3.18. Intellectual Property Laws Amendment Act, No 38 of 1997;
- 9.3.19. Labour Relations Act, No 66 of 1995;
- 9.3.20. Long Term Insurance Act, No 52 of 1998;
- 9.3.21. Occupational Health & Safety Act, No 85 of 1993;
- 9.3.22. National Road Traffic Act, No 93 of 1996;
- 9.3.23. National Environmental Management Act, No 107 of 1998;
- 9.3.24. Patents Act, No 57 of 1978;
- 9.3.25. Pension Funds Act, No 24 of 1956;
- 9.3.26. Prescription Act, No 68 of 1969;
- 9.3.27. Prevention of Organised Crime Act, No 121 of 1998;
- 9.3.28. Promotion of Access to Information Act, No 4 of 2013;
- 9.3.29. Skills Development Levies Act, No 9 of 1999;
- 9.3.30. Short Term Insurance Act, 53 of 1998;
- 9.3.31. Stock Exchanges Control Act, No 1 of 1985;
- 9.3.32. Taxations Laws Amendment Act, No 7 of 2010;
- 9.3.33. Trademarks Act, No 194 of 1993
- 9.3.34. Transfer Duty Act, No 40 of 1949;
- 9.3.35. Unemployment Insurance Act, No 63 of 2001; and
- 9.3.36. Value-added Tax Act, No 89 of 1991.

10. RECORDS AND CATEGORIES OF RECORDS HELD BY NAMPAK

- 10.1. Nampak maintains records on the following categories and subject matters however,



please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA and/or POPIA.

10.2. A description of the categories of the records held and the types in which these information are classed:

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



	documentation, contractor, client and supplier agreements and information, and security documents	
Information technology	System documentation and manuals project, disaster recovery and implementation plans	Not automatically available
Administration	Intranet and correspondence with internal and external parties	Not automatically available

11. **PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA**

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

11.1. **Purpose of Processing**

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

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

11.2. **Types of Personal Information held by Nampak**

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



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

11.3. **Transborder Flows of Personal Information**

Nampak may from time to time transfer personal information to another country for the purposes of rendering services to employees and customers. Nampak will take the necessary steps to ensure that services providers and third party operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

11.4. **Sharing of Personal Information**

Nampak may share personal information with:



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

11.5. **Nampak's security measures to protect personal information**

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

12. REQUEST FOR INFORMATION PROCEDURE

- 12.1. The requester must comply with all the requirements contained in PAIA in relation to the records requested and must complete the prescribed form C below and submit same as well as payment of the fee set out in clause 9 above (if applicable) to the Information Officer as noted in clause 6 above.
- 12.2. All the pertinent sections must be completed fully with sufficient information to enable the Information Officer to identify the record/s and identify the requestor. The prescribed period in clause 12.4 will not commence until all the necessary information is received to the satisfaction of the Information Officer.
- 12.3. The requestor must indicate the right to which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 12.4. Nampak will process the request within 30 (thirty) days, whereafter the requestor will be notified in writing whether access is granted or denied.
- 12.5. The main grounds for Nampak to refuse a request for information relate to the:



- 12.5.1. mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 12.5.2. mandatory protection of the commercial information of a third party, if the record contains:
 - 12.5.2.1. trade secrets of that third party;
 - 12.5.2.2. financial, commercial, scientific or technical information disclosed which could likely cause harm to the financial or commercial interests of that third party; and
 - 12.5.2.3. information disclosed in confidence by a third party to Nampak where the disclosed could put that third party at a disadvantage in negotiations or commercial competition.
- 12.5.3. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 12.5.4. mandatory protection of the safety of individuals and the protection of property;
- 12.5.5. mandatory protection of records which would be regarded as privileged in legal proceedings;
- 12.5.6. the commercial activities of Nampak, which may include:
 - 12.5.6.1. trade secrets of Nampak;
 - 12.5.6.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Nampak;
 - 12.5.6.3. information which, if disclosed could put Nampak at a disadvantage in negotiations or commercial competition; and
 - 12.5.6.4. a computer program which is owned by Nampak, and which is



protected by copyright.

12.5.7. the research information of Nampak or a third party, if its disclosure would disclose the identity of Nampak, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

12.6. Where the request is made on behalf another person, the requestor must submit proof that the requestor is making the request to the reasonable satisfaction of the Information Officer.

13. **FEES**

13.1. The requestor is required to pay the prescribed fees (R50.00) before a request will be processed.

13.2. The requestor must request the banking details of Nampak from the Information Officer and make payment.

Fee for a copy of the manual as contemplated in Regulation 5(c) for every photocopy of an A4-size page or part thereof.	R0-60
Fees for reproduction referred to in Regulation 7(1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	R0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R0-40
(c) For copy in a computer-readable on	
(i) stiffer disk	R5-00
(ii) compact disk	R40-00
(d) For a transcription of visual images	
(i) for an A4-size page or part thereof	R22-00
(ii) for a copy of visual images	R60-00
(e) For a transcription of an audio record	
(i) for an A4-size page or part thereof	R12-00
(ii) for a copy of an audio record	R17-00
Request fee payable by a requester, other than a personal requester, referred to in Regulation 7(2)	R35-00
The access fees payable by a requester referred to in regulation 7(3) are as follows	



(a)	For every photocopy of an A4-size page or part thereof	R0-60
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0-40
(c)	For copy in a computer-readable on	
	(i) stiffer disk	R5-00
	(ii) compact disk	R40-00
(d)	For a transcription of visual images	
	(i) for an A4-size page or part thereof	R22-00
	(ii) for a copy of visual images	R60-00
(e)	For a transcription of an audio record	
	(i) for an A4-size page or part thereof	R12-00
	(ii) for a copy of an audio record	R17-00
(f)	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	R15-00 for each hour
2. For purposes of Section 22(2) of the PAIA, the following applies:		
(a)	Six hours as the hours to be exceeded before a deposit is payable	
(b)	One third of the access fee is payable as a deposit by the requester	

14. **REMEDIES**

14.1. **Internal remedies**

Nampak does not have an internal appeal procedures in relation to POPIA and PAIA. As such, the decision made by the Nampak Information Officer is final.

14.2. **External remedies**

A requestor that is dissatisfied with Nampak's Information Officer's decision, may within 30 (thirty) days of notification of the decision, apply to Court with appropriate jurisdiction for relief or contact the Information Regulator's office once fully established.

Last update: 6 July 2020



PRESCRIBED FORM

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

[Regulation 10]

A. PARTICULARS OF PRIVATE BODY

The Information Officer:

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- (a) The particulars of the person who requests access to the record must be recorded below.*
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity 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:

Identity number:



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.

(b) 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.**

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. 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.

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

Reason for exemption from payment of fees:



F. FORM OF ACCESS TO RECORD

<i>If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.</i>						
Disability:			Form in which record is required:			
<p>Mark the appropriate box with an "X".</p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>						
1. If the record is in written or printed form-						
	Copy of record*		Inspection of record			
2. If record consists of visual images- (this includes photographs, slides, video recordings, computer-generated images, sketches, etc).						
	view the images		copy of the images*		transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound-						
	Listen to the soundtrack (audio cassette)			transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine – readable form-						
	Printed copy of record*		Printed copy of derived from the record*		copy in computer readable form* (stiffy or compact disc)	
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?					YES	NO
A postal fee is payable.						
<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>						
In which language would you prefer the record?						



G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:

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

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20__.

SIGNATURE OF REQUESTER
/ PERSON ON WHOSE BEHALF
REQUEST IS MADE