

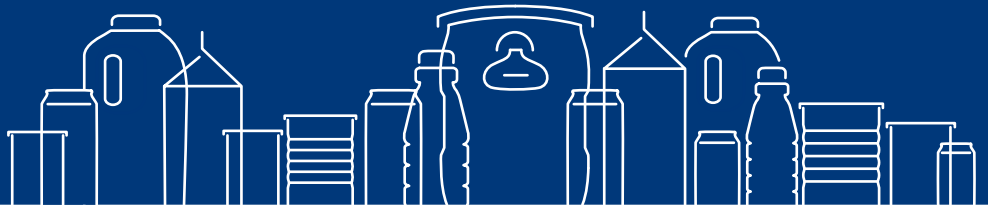


**Nampak**  
packaging excellence

# 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")



## 1. INTRODUCTION

- 1.1. In terms of Section 51 of Promotion of Access to Information Act, No 2 of 2000 (“PAIA”), all private entities are required to compile a PAIA Manual (“Manual”) that provides information on both the types and categories of records held by a private company.
- 1.2. This Manual provides and outlines types of records held by 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 INFORMATION REGULATOR**

4.1. The Information Regulator (“IR”) has compiled a Guide containing information on how to exercise any right contemplated in PAIA. This Guide is available in all official languages of South Africa. Copies of the Guide can be found at the head office of the IR and all of its provincial offices. In addition, an electronic copy is available on the IR’s website (<https://www.justice.gov.za/inforeg>)

4.2. The guide is available for inspection as follows:

The Information Regulator	or P O Box 31533
JD House	Braamfontein
27 Stiemens Street, Johannesburg	Johannesburg 2017
Website: <a href="https://www.justice.gov.za/inforeg">https://www.justice.gov.za/inforeg</a>	
Email: <a href="mailto:inforeg@justice.gov.za">inforeg@justice.gov.za</a> (general enquiries)	
<a href="mailto:Compliants.IR@justice.gov.za">Compliants.IR@justice.gov.za</a> (complaints)	

#### **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: Verusha Jeebodh - Information Officer  
Email: [privacy@nampak.com](mailto:privacy@nampak.com)

#### **7. AVAILABILITY OF THIS MANUAL**

You can access this Manual on our website ([www.nampak.com](http://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 IR.

## **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:



<b>Categories of Information held</b>	<b>Types of information held</b>	<b>Availability</b>
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 immovable property	Title deeds, lease agreements; hire agreements, hire-purchase agreements, credit sale agreements and ordinary and conditional sale agreements	Not automatically available
Intellectual property	Trademarks, patents, designs, know-how and licensing agreements	Not automatically available
Insurance	Policies and insurance claim files	Not automatically available
Taxation	Income tax files	Not automatically available
Human Resources	Policies and procedures, employee information, personnel files, employment contracts, forms and applications, training records, workplace and union agreements records and benefit arrangements rules and records	Not automatically available
Finance and accounting	Accounting records, financial statements, reports and returns, banking details and bank statements, debtors/creditors statements and invoices, annual financial statements	Not automatically available
Operations	Permits, licenses, consents, approvals, authorisations, applications and registrations, policies and procedures, reports and supporting documentation, contractor, client and supplier agreements and information, and security documents	Not automatically available
Information technology	System documentation and manuals project, disaster recovery and implementation plans	Not automatically available
Administration	Intranet and correspondence with internal and external parties	Not automatically available



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

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

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





Suppliers/ Customers Service Providers	Entity name, registration number, income tax number, tax information, contact details for representative persons, FICA documentation, BBB-EE certificates, invoices, contractual documentation	Not automatically available
Directors and Shareholders	Name, surname, ID numbers, financial information as required for statutory reporting	Not automatically available
New Job Applicants	Name, surname, address, contact details, email address, telephone number, details of qualifications, skills, experience and employment history, information about your current level of remuneration, including benefit entitlements, whether 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 below. Once the Information officer has perused the request for information and a decision is made, the requestor will be requested to pay the prescribed fees, if applicable.
- 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 will be required to pay the prescribed fees below (*exact calculation will be provided to the requestor*), where applicable, if access to the information request is approved by the Information Officer.
- 13.2. The requestor must request the banking details of Nampak from the Information Officer and make payment.

<b>Fees for reproduction referred to in Regulation 8 are as follows:</b>	
1. The request fee payable by every requestor	R140.00
2. Photocopy/printed black and white copy of A4-size per page or part thereof	R2.00
3. Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.	R2.00
4. For copy in a computer-readable on	
(i) flash drive (to be provided by the requestor)	R40.00
(ii) compact disk	
• If provided by requestor	R40.00
• If provided to the requestor	R60.00
5. For a transcription of visual images	Service to be outsourced. Will depend on quotation from service providers
6. Copy of visual images	as above
7. For a transcription of an audio record	R40.00
8. Copy of audio record, per A4-size page	R24.00
• Flash drive (to be provided by requestor)	R40.00
• Compact disc	
○ If provided by requestor	R40.00
○ If provided to the requestor	R60.00



<p>9. To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonability required for such search and preparation. To not exceed a total cost of</p>	<p>R145.00  R435.00</p>
<p>10. Deposit: of search exceed 6 hours</p>	<p>One third of amount per request calculated in terms of items 2-8</p>
<p>11. Postage, e-mail or any other electronic transfer</p>	<p>Actual expense, if any</p>

## 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 or relief or contact the IR's office.



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

Form 02: Request for Access [Regulation 7]

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