

Manual

Of

De Jagers Handelsmaatskappy
(Edms) Bpk

(Private Body)

Prepared and compiled on 2022-01-10 in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 (as amended) in respect of De Jagers Handelsmaatskappy (Edms) Bpk.

Registration number: 2020/052734/07

Update: 2022-01-10

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1. INTRODUCTION

De Jagers Handelsmaatskappy (Pty) Limited trading as "De Jagers Uitrusters" is a clothing retailer and offers the latest ranges of ladies and men clothing and fashion brands as well as school uniforms in South Africa.

2. THE ACT

The Promotion of Access to Information Act, No 2 of 2000 ("The Act") was enacted on 3 February 2000, giving effect to the right of access to any information held by Government, as well as any information held by another person who is required for the exercising or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the body to which the request is made is not obliged to release the information, except where The Act expressly provides that the information may or must be released. The Act sets out the requisite procedural issues attached to such request.

3. PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of The Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to "Private Body" in this manual, it will refer to De Jagers Handelsmaatskappy (Edms) Bpk.

This PAIA Manual assist you to-

- 3.1 check the categories of records held by De Jagers Handelsmaatskappy (Edms) Bpk which are available without a person having to submit a formal PAIA request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of De Jagers Handelsmaatskappy (Edms) Bpk, by providing a description of the subjects on which De Jagers Handelsmaatskappy (Edms) Bpk holds records and the categories of records held on each subject;
- 3.3 know the description of the records of De Jagers Handelsmaatskappy (Edms) Bpk which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist you with the records you intend to access;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 know if De Jagers Handelsmaatskappy (Edms) Bpk will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know if De Jagers Handelsmaatskappy (Edms) Bpk has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 know whether De Jagers Handelsmaatskappy (Edms) Bpk has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. CONTACT DETAILS:

Information Officer:

Willem Viljoen Minnie

Postal Address:

78 Riebeeck Street, Worcester, 6850

Physical Address:

78 Riebeeck Street, Worcester, 6850

Telephone No:

023 342 1177

E-mail:

admin@dejagers.co.za

Deputy Information Officer:

Sarika Meiring

Postal Address:

78 Riebeeck Street, Worcester, 6850

Physical Address:

78 Riebeeck Street, Worcester, 6850

Telephone No:

023 342 1177

E-mail:

sarie@dejagers.co.za

GENERAL INFORMATION:

Name of **Private Body:**

De Jagers Handelsmaatskappy (Edms) Bpk

Registration No:

2020/052734/07

Postal Address:
78 Riebeeck Street, Worcester, 6850

Physical Address (or principal place of business):
78 Riebeeck Street, Worcester, 6850

Telephone No:
023 342 1177

E-mail:
admin@dejagers.co.za

Website:
<https://www.dejagersonline.co.za/>

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("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.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of-
 - 5.3.1. the objects of PAIA and POPIA;
 - 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.3.2.1 the Information Officer of every public body, and

- 5.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 5.3.3 the manner and form of a request for-
 - 5.3.3.1 access to a record of a public body contemplated in section 11 of PAIA; and
 - 5.3.3.2 access to a record of a private body contemplated in section 50 of PAIA;
- 5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 5.3.6.1 an internal appeal;
 - 5.3.6.2 a complaint to the Regulator; and
 - 5.3.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7 the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8 the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- 5.3.10 the regulations made in terms of section 92 of PAIA.

- 5.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5 The Guide can also be obtained-
- 5.5.1 upon request to the Information Officer;
- 5.5.2 from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- 5.6 A copy of the Guide is also available in two official languages, for public inspection during normal office hours.

6. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

Pamphlets / Brochures

Marketing and promotional material

www.dejagers.co.za

7. RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the **Private Body** holds in order to facilitate a request in terms of **The Act**.

The information is classified and grouped according to records relating to the following subject and categories: It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

Accounting records

Annual financial statements and working papers

General ledger

Subsidiary ledgers (receivables, payables, etc)

Bank statements, cheque books, cheques

Customer and supplier statements and invoices

Cash books and petty cash books

Fixed asset register

Tax returns and assessments

VAT returns

Insurance records

Investment records

Auditor's reports

Compiler's reports
Inventory records (including stock take)
Systems documentation
Management reviews
Credit agreements
Record of assets
Record of liabilities
Record of loans to related parties
Record of liabilities and obligations
Record of property held
Record of revenue
Record of expenses

Auditors

Working papers
Correspondence

Fixed Property

Title deeds

Health and Safety

Register, record of earnings, time worked, payment and particulars of all employees

Information Technology

Agreements
Capacity and utilisation of current systems
Client database
Disaster recovery processes and procedures
Hardware
Internet
Intranet
Licenses
Systems support, programming and development
LAN Installations
Operating systems
Software packages
Telephone lines, leased lines and data lines
Insurance
Claim records
Details of coverage, limits and insurers
Insurance policies

Intellectual Property

Agreements relating to intellectual property, eg license agreements, secrecy agreements, research and
Development agreements, use agreements, joint venture agreements and joint development agreements
Copyrights

Designs, trademarks, trade names and protected names

Legal, Agreements and Contracts

Acquisition or disposal documentation

Agreements with contractors, suppliers and clients

Agreements with shareholders, officers or directors

Material licenses, permits and authorisations

Contracts, including lease agreements and finance agreements

Sale agreements

Electronic communications - Personal information and the purpose for which the data was collected

Electronic communications - Record of any third party to whom the information was disclosed

Personnel Records

Attendance register

Disciplinary records

Employee evaluation and performance records

Employee information records

Employee loans

Employee remuneration

Employment applications

Employee date of birth

Employment contracts

Expense accounts

Incentive schemes

IRP and IT certificates

Letters of appointment

Leave applications

Maternity leave policy

Name and occupation of each employee

Payroll

Particulars of each employee

Personnel file

Policies and procedures

Recruitment and appointments

Salary and wage registers

Salary slips and wage records

Staff loan schemes

UIF, PAYE and SDL returns

Workmen's Compensation documents

Sales and Marketing

Brochures, newsletters and marketing material

Customers

Products

Sales

Service and product information

Statutory Company Records

Annual Statutory Returns

Certificate of Change of Name

Certificate of Incorporation

Certificate to Commence Business

Dividend register

Index of Members

Memorandum of Incorporation and alterations / amendments

Notice and minutes of shareholders' meetings

Minutes of directors' meetings

Other minute books

Register of Allotments

Register of company secretary and auditors

Register of debenture holders and mortgages

Register of directors and officers

Register of directors' shareholding

Register of past directors

Registration Certificate

Register of beneficial interest holders

Reports presented at Annual General Meeting

General resolutions

Special resolutions

Resolutions

Rules

Shareholders' agreements

Shareholders' register

Securities register / uncertificated securities register

Written communication to holders of securities

Tax

Income tax returns

Provisional tax returns

Tax assessments

Documents relating to where the objection and appeal is lodged

Records relating to taxable gain or assessed capital loss

VAT documents

Vendor's information

Documentary proof substantiating the zero rating of supplies

8. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to De Jagers Handelsmaatskappy (Edms) Bpk, which includes but is not limited to, the following –

Memorandum of Incorporation (Companies Act 71 of 2008)
PAIA Manual (Promotion of Access to Information Act 2 of 2000)

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

9. PROCESSING OF PERSONAL INFORMATION

9.1 Purpose of Processing Personal Information

De Jagers Handelsmaatskappy (Edms) Bpk will only Process a Data Subject's Personal Information for specific, lawful and clear purposes and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.

It will ensure that there is a legal basis for the Processing of any Personal Information.

Further, De Jagers Handelsmaatskappy (Edms) Bpk will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).

De Jagers Handelsmaatskappy (Edms) Bpk will process Personal Information only in ways that are for, or compatible with, the business purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.

De Jagers Handelsmaatskappy (Edms) Bpk will retain Personal Information only for as long as is necessary to accomplish De Jagers Handelsmaatskappy (Edms) Bpk's

legitimate business purposes or for as long as may be permitted or required by applicable law.

De Jagers Handelsmaatskappy (Edms) Bpk uses Personal Information for one or more of the following non-exhaustive purposes –

- For the purposes of providing its services to the Data Subject from time to time;
- Personal Information is processed for the purposes of performing general information technology-related functions for all business functions within De Jagers Handelsmaatskappy (Edms) Bpk;
- For purposes of interacting with you on our website and generally monitoring your use of our website, including for purposes of improving the same;
- Personal Information is processed in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- Personal Information is processed for employment-related purposes such as administering payroll, assessing credit and criminal history, and determining Employment Equity Act No. 55 of 1998 statistics;
- To respond to any correspondence that the Data Subject may send to De Jagers Handelsmaatskappy (Edms) Bpk, including via email, De Jagers Handelsmaatskappy (Edms) Bpk website or by telephone;
- In connection with the execution of payment processing functions, including payment of De Jagers Handelsmaatskappy (Edms) Bpk suppliers' invoices;
- To contact the Data Subject for direct marketing purposes;
- For such other purposes to which the Data Subject may consent from time to time; and
- For such other purposes as authorised in terms of applicable law.

9.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

De Jagers Handelsmaatskappy (Edms) Bpk collects Personal Information directly from the Data Subject and/or from Third Parties, and where De Jagers Handelsmaatskappy (Edms) Bpk obtains Personal Information from Third Parties, De Jagers Handelsmaatskappy (Edms) Bpk will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where De Jagers Handelsmaatskappy (Edms) Bpk is permitted to do so in terms of the applicable laws.

Data Subjects in respect of which Personal Information is Processed include Clients of De Jagers Handelsmaatskappy (Edms) Bpk, employees, contractors, customers, members and service providers.

Examples of Third Parties from whom Personal Information is collected include other De Jagers Handelsmaatskappy (Edms) Bpk Associated Affiliates; our Clients when De Jagers Handelsmaatskappy (Edms) Bpk handles Personal Information on their behalf; regulatory bodies; credit reference agencies (for example, Experian and TransUnion); other companies providing services to De Jagers Handelsmaatskappy (Edms) Bpk (or services providers) and where De Jagers Handelsmaatskappy (Edms) Bpk makes use of publicly available sources of information.

9.3 The recipients or categories of recipients to whom the personal information may be supplied

De Jagers Handelsmaatskappy (Edms) Bpk may share your Personal Information with the De Jagers Handelsmaatskappy (Edms) Bpk Associated Affiliates, third parties engaged by us, or our business partners, to assist us to provide our services and products to you. Such third parties or business partners may include –

- hosting, data storage or archiving service providers and payment processing;

- professional advisors; and
- marketing, research and advertising agencies.

De Jagers Handelsmaatskappy (Edms) Bpk may be required to disclose Personal Information in response to a court order, subpoena, civil discovery request, other legal process, or as otherwise required by law as per statutory authorities and/or the lawful order of any Court or Tribunal. We may disclose Personal Information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of De Jagers Handelsmaatskappy (Edms) Bpk, our Clients, or others.

De Jagers Handelsmaatskappy (Edms) Bpk will comply with POPIA, before transferring Personal Information to a Third-Party who is not a contractor of De Jagers Handelsmaatskappy (Edms) Bpk.

Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, De Jagers Handelsmaatskappy (Edms) Bpk will obtain assurances from the Third-Party that it will process Personal Information in a manner consistent with POPIA. Where De Jagers Handelsmaatskappy (Edms) Bpk learns that a Third-Party contractor is using or disclosing Personal Information in a manner contrary to POPIA, De Jagers Handelsmaatskappy (Edms) Bpk will take reasonable steps to prevent such use or disclosure.

We reserve the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of substantially all our membership interests and/or assets or other corporate change, including to any prospective purchasers.

9.4 Planned transborder flows of personal information

All information is backed up on servers in the Republic of South Africa, no information is transferred outside the borders of South Africa.

9.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The security and confidentiality of Personal Information is important to De Jagers Handelsmaatskappy (Edms) Bpk. We have implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.

We are committed to ensuring that our security measures which protect your Personal Information are continuously reviewed and updated where necessary.

In Processing any Personal Information, De Jagers Handelsmaatskappy (Edms) Bpk shall comply with the following minimum technical and organisational security requirements –

- **Physical Access:** Access to Personal Information is restricted in our offices and only to those Employees who need the Personal Information to perform a specific job / task.
- **Employee Training:** All Employees with access to Personal Information are kept up to date on our security and privacy practices. After a new policy is added, these Employees are notified and/or reminded about the importance we place on privacy, and what they can do to enhance protection for the Personal Information of all Data Subjects.
- **Unique User Identification:** Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of De Jagers Handelsmaatskappy (Edms) Bpk's password and confidentiality policy.
- **Passwords:** De Jagers Handelsmaatskappy (Edms) Bpk shall ensure that there are passwords required for any access to Personal Information in line with its password policy.

10. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Access to records held by the PRIVATE BODY

Records held by the **Private Body** may be accessed by request only once the prerequisites for access have been met.

The requester must fulfil the prerequisites for access in terms of **The Act**, including the payment of a requested access fee.

The requester must comply with all the procedural requirements contained in **The Act** relating to the request for access to a record.

The requester must complete the prescribed Form and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated herein.

The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number or email address of the requester.

The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

The **Private Body** will process the request within 30 days, unless the requester has stated a special reason that would satisfy the Information Officer that circumstances dictate that the above time periods are not complied with.

The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reason for the decision in any other manner, he / she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requesters making the request, to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

11. FEES

When the Information Officer receives the request, such Officer shall by notice require the requester to pay the prescribed request fee (if any), before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the Fees as indicated.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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 requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

12. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for the **Private Body** to refuse a request for information relates to the:

Mandatory protection of the privacy of a third party that is a natural person that would involve the unreasonable disclosure of personal information of that natural person;

Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;
- Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
Mandatory protection of confidential information of the protection of property;
Mandatory protection of records that would be regarded as privileged in legal proceedings;

The commercial activities of the **Private Body**, which may include:

- Trade secrets of the **Private Body**;
- Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of the **Private Body**;
- Information which, if disclosed could put the **Private Body** at a disadvantage in negotiations or commercial competition;
- A computer program, owned by the **Private Body**, and protected by copyright.

The research information of the **Private Body** or a third party, if its disclosure would reveal the identity or the **Private Body**, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

13. DECISION

The **Private Body** will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period within which the **Private Body** has to decide whether to grant or refuse the request, may be extended for further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the **Private Body** and the information cannot reasonably be obtained within the original 30 day period. The **Private Body** will notify the requester in writing should an extension be sought.

AVAILABILITY OF THE MANUAL

The manual of the **Private Body** is available at the premises of the Private body as well as on the website of the **Private Body**.

Signed by: _____

Date: _____