



MANUFACTURERS OF CONVENIENT LIFESTYLE FOODS

## PAIA AND POPIA MANUAL

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

### 1. INTRODUCTION

- 1.1 Comessa Food Services are manufacturers of convenient lifestyle foods for various leading retail stores and food services companies in Southern Africa.
- 1.2 As part of its operations and services, Comessa Food Services holds certain records (information and documents), including personal information. The Promotion of Access to Information Act 2 of 2000 ("PAIA") and the Protection of Personal Information Act 4 of 2013 ("POPIA") provide for certain records and/or information to be accessed where certain circumstances are met and in accordance with certain procedures and at prescribed fees, giving effect to the right of access to information in terms of the Constitution of the Republic of South Africa.

### 2. MANUAL

- 2.1 This Manual has been prepared in compliance with section 51 of PAIA, as well as regulation 4(c) of POPIA, and is designed to:
  - a. provide the necessary information to facilitate access to records in accordance with the provisions of PAIA;
  - b. assist any natural or juristic person requesting access to a record that is under the control of Comessa Food Services with the procedure to be followed, as contemplated in PAIA and/or POPIA;
  - c. provide notification to Data Subjects of the purpose for which Personal Information is processed, and the standards which Comessa Food Services applies in complying with its obligations in terms of POPIA; and
  - d. to inform Data Subjects about how Comessa Food Services Processes their Personal Information by, inter alia, collecting or collating, receiving, recording, storing, updating, distributing, erasing or destroying, disclosing and/or generally using the Data Subject's Personal Information.
- 2.2 It may be amended from time to time, and such amendments will be published in accordance with law.
- 2.3 This is the POPIA and PAIA Manual referred to in the Information and Privacy Policy of Comessa Food Services.
- 2.4 This Manual is available:
  - a. at the offices of Comessa Food Services (at the address in section 3 below);
  - b. at the offices of the Information Officer/Regulator (at the address in section 4 below); and
  - c. on the Comessa Food Services website (see website address in section 3 below)

**3. CONTACT DETAILS**

The responsibility for managing compliance with PAIA and POPIA and the related administration, have been delegated to the Information Officer. Requests for access to records should be directed to the Information Officer, as follows:

- Information Officer: Bilqees Essa
- Address: 2 Lakeshore Road  
Capricorn Business Park  
Muizenberg  
7945
- Telephone Number: +27 21 797 3376
- Fax Number: 086 631 1755
- Email Addresses: info@comessafoods.co.za/bilqees@comessafoods.co.za
- Website: https://comessafoods.co.za/

**4. GUIDE ON HOW TO USE PAIA**

- 4.1 The South African Human Rights Commission (SAHRC) has issued a guide on how to use the Act (as prescribed by section 10 of PAIA) and is available on the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)). This Manual complies with the requirements of the guide (defined below) and recognises that the Information Regulator established under POPIA will be responsible for regulating compliance with PAIA, POPIA and their regulations.
- 4.2 See contact details below:

PAIA	POPIA
South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 Houghton Johannesburg 2041 Telephone: +27 11 887 3600 Email: paia@sahrc.org.za	Information Regulator Physical address: JD House 27 Stiemens Street Braamfontein, Johannesburg 2001  Postal address: P.O Box 31533 Braamfontein Johannesburg 2017  Email: Complaints: complaints.IR@justice.gov.za General enquiries: info@justice.gov.za

**5. RECORDS AND LEGISLATION**

- 5.1 Comessa Food Services keeps the records required in order to comply with all legislation which may be applicable to its business operations from time to time, however, due to the large number of applicable laws, and the diversity of our business, the list below of categories of records and of legislation, are by no means exhaustive.
- 5.2 The following are some of the South African legislation in terms of which records may be held by the company. This is not an exhaustive list and it must be pointed out that these records are not necessarily available to requestors in terms of the Act.

Companies Act, 2008	Basic Conditions of Employment Act, 1997
Compensation for Occupational Injuries and Diseases Act, 1993	Competition Act, 1998
Copyright Act, 1987	Constitution of South Africa Act, 1996
Debt Collectors Act, 1998	Criminal Procedure Act, 1977
Employment Equity Act, 1998	Electronic Communications and Transactions Act, 2002
Income Tax Act, 1962	Labour Relations Act, 1995
Occupational Health and Safety Act, 1993	Insolvency Act, 1936
Unemployment Contributions Act, 2002	Prevention of Organised Crime Act, 1998
Skills Development Act, 1998	Unemployment Insurance Act, 2001
Value-Added Tax Act, 1991	Skills Development Levies Act, 1999

### 5.3 Category of Records

- a. Records relating to clients - These include correspondence, submitted applications and contracts.
- b. Records relating to the incorporation of the company - Memorandum of Incorporation and Members Agreement.
- c. Records relating to employees and ex-employees - These include policies and procedures, details of employment, employee files and remuneration data.
- d. Financial and administrative records and policies relating to the company's activities.
- e. Accounting - Accounts, invoices, reconciliations, investment records credit/debit notes, journals, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs, cash flow statements, audit reports, purchasing records, transactional records.
- f. Financial Information - Financial Statements, Financial and Tax Records (Company & Employees), Asset Register & Insurance information, Banking details.
- g. Information technology – Information technology agreements, including computer software, support and maintenance agreements.
- h. Administration — Minutes of meetings of various committees within the company; General correspondence; Lease agreement; Copies and correspondence relating to various insurance policies; General correspondence; Workpapers; Operating manuals of mechanical and electrical systems; Salary workpapers; Copies of and correspondence with regard to office building lease; Correspondence with OEMs; Voicemail and security systems.
- i. Human Resources — Contracts of employment; Documents relating to remuneration structuring; Job specifications; Format/procedures for advertising positions; Performance evaluations; Personnel files; Policies and Procedures; All employment applications; Forms relating to new staff appointments and leave records; confidentiality undertakings, Various payroll, Workman's Compensation documentation
- j. Legal – agreements, complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation, material licenses, permits and authorizations.
- k. Support services - List of suppliers.

## 6. PROCESS FOR REQUESTS TO INFORMATION

- 6.1 Any requests for access to records of Comessa Food Services are subject to PAIA and, in respect of personal information, POPIA.
- 6.2 In terms of PAIA, a request for access is to be made on the prescribed form accessible at [https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf) with a copy being set out in Annexure A to this Manual. The request is to be made to the Information Officer addressed to the contact details set out above (section 53(1) of PAIA).

- 6.3 The requester must provide sufficient detail on the form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed (section 53(2)(a) and (b) and (c) and (e) of PAIA).
- 6.4 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (section 53(2)(d) of PAIA).
- 6.5 In circumstances where the request for access is being made on behalf of another person, the requestor is obliged to prove the capacity in which the request is being made, with any submissions in support thereof being subject to the satisfaction of Comessa Food Services (section 53(2)(f) of PAIA). Section 71 of the PAIA makes provision for a request for information or records about a third party. In considering such a request, Comessa Food Services will adhere to the provisions of sections 71 to 74 of the Act. The requestor is to note the provisions of Chapter 5 of Part 3 of PAIA in terms of which Comessa Food Services is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of Comessa Food Services by referring the matter to the High Court.
- 6.6 The Information Officer will decide on whether or not to grant the request as soon as is reasonably possible (but in any event within thirty days of the request having been submitted) and notify the requester accordingly.
- 6.7 The Information Officer may decide to extend the period of thirty days for another period of not more than thirty days if -
- a. the request is for a large number of records;
  - b. consultation among divisions or departments; as the case may be, of Comessa Food Services is required;
  - c. the requester consents to such an extension in writing; and
  - d. the parties agree in any other manner to such an extension. Should Comessa Food Services require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 6.8 If the Information Officer fails to respond (or extend the period within which the respond) within thirty days after a request has been received, it will, in terms of PAIA, be deemed to have refused the request (section 58 read together with section 56(1) of PAIA).
- 6.9 Where access is granted - the Information Officer will advise the requester of
- a. the access fee to be paid for the information (in accordance with paragraph 7.1 of this Manual below) prior to Comessa Food Services being able to process the request and grant the access (section 54(1) of PAIA);
  - b. the format in which access will be given; and
  - c. the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted (section 56(2) of PAIA); and access to the record requested will be given as soon as reasonably possible.

## 7. FEES PAYABLE

- 7.1 The following access and reproduction fees apply
- a. The most recent forms and fee structure prescribed under PAIA are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development - <https://www.justice.gov.za/paia/paia.htm> and [https://www.justice.gov.za/forms/form\\_paia.htm](https://www.justice.gov.za/forms/form_paia.htm)
  - b. where the Information Officer is of the opinion that the number of hours required to search, reproduce and/or prepare the information requested will exceed 6 hours, it may require that a deposit be paid, calculated in accordance with PAIA.

## 8. RECORDS NOT FOUND

- 8.1 If a record cannot be found or if the records do not exist, the Information Officer shall notify the requester (providing full details of steps taken to find the record or determine its existence) that it is not possible to give access to the requested record.

8.2 If the record in question should later be found, the requester shall be given access to the record unless access is refused by Comessa Food Services.

## 9. REFUSAL OF ACCESS

- 9.1 Comessa Food Services may refuse to grant access on certain grounds, including the following (Part 3, Chapter 4 of the PAIA):
- a. that the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege;
  - b. to protect the commercial information or the confidential information of a third party or Comessa Food Services;
  - c. that it is necessary to protect the safety of individuals or property;
  - d. that it is necessary to protect the research information of a third party or Comessa Food Services; and
  - e. that granting access would result in the unreasonable disclosure of personal information about a third party.

## 10. REFUSAL PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

10.1 This Manual applies to Personal Information collected by Comessa Food Services in all aspects of the operation of its business. Comessa Food Services will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy, and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.

10.2 Lawful Processing of Personal Information

10.2.1 Human Where Comessa Food Services is the Responsible Party, it will only Process a Data Subject's Personal Information where:

- a. Processing is necessary to carry out the actions for conclusion or performance of a contract to which a Data Subject is party;
- b. Processing complies with an obligation imposed by law on Comessa Food Services;
- c. Processing protects a legitimate interest of the Data Subject;
- d. Processing is necessary for pursuing the legitimate interests of Comessa Food Services or of a third party to whom the information is supplied; and/or
- e. Consent of the Data Subject is obtained.

10.2.2 Where Comessa Food Services is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to Comessa Food Services' Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.

10.2.3 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, Comessa Food Services will ensure that the Personal Information is no longer Processed.

10.3 Notification of the Purpose of the Processing of Personal Information:

10.3.1 Comessa Food Services will Process Personal Information only in ways that are for, or compatible with, the purposes for which the data was collected, or that are subsequently authorised by the relevant natural or juristic person to whom Personal Information relates.

10.3.2 Comessa Food Services will retain Personal Information only for as long as is necessary to accomplish Comessa Food Services' legitimate business purposes, or for as long as may be permitted or required by applicable law.

10.3.3 Comessa Food Services processes the Personal Information it collects for the following, non-exhaustive, purposes:

- a. providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting, and this may include engaging third-party credit vetting agencies;
- b. order management, including billing, credit analysis, shipping, account maintenance, and

internal administration and accounting for all commercial relationships; managing and analysing sales and demand; communications; business operations; Customer relationship management, invoicing, and collecting payment from customers, including engaging third party service providers to recover outstanding amounts;

- c. obtaining products or services from suppliers and service providers, and for purposes of onboarding such suppliers/service providers as approved vendors of Comessa Food Services, including the vetting and verification thereof;
- d. the execution of payment processing functions, including receipt and payment of Comessa Food Services' suppliers'/service providers' invoices;
- e. evaluating and procuring raw materials, other inputs and supplies to enable Comessa Food Services to develop, manufacture, package, and deliver its products to its customers;
- f. allowing access to and use of Comessa Food Services' electronic and/or online systems and tools, including websites, and applications by any Data Subject, as well as monitoring such use;
- g. preventing, discovering and investigating violations of this Manual and other Comessa Food Services policies and procedures, as well as investigating fraud, or other similar matters;
- h. for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.
- i. internal audit (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), and other internal control activities relating to contracts; management with Customers, suppliers, vendors, subcontractors and business partners; compliance; reporting activities to fulfil finance and accounts requirements; risk management and corporate audits and assessments; internal investigations; legal filing and reporting; risk management and corporate audits and assessments;
- j. external audit;
- k. company secretarial, including communications with stakeholders and regulatory bodies. For these purposes, Comessa Food Services will, from time to time, collect information relating to Data Subjects from third parties such as the Companies and Intellectual Property Commission, an agency of the Department of Trade and Industry in South Africa;
- l. any legal and other regulatory type proceedings;
- m. to respond to any correspondence that Comessa Food Services' customers, suppliers, service providers, and other third parties may send to Comessa Food Services, including via email or by telephone;
- n. facilitate access to any of its premises;
- o. in order to address consumer complaints in respect of Comessa Food Services' products and services;
- p. complying with and responding to regulatory requests and investigations;
- q. for such other purposes to which the Data Subject may consent from time to time; and
- r. for such other purposes as authorised in terms of any applicable law.

10.3.4 For any of these purposes Comessa Food Services from time to time engages external service providers and, in so doing, shares Personal Information of the Data Subjects with such third parties.

10.4 Categories of Data Subjects and of the Personal Information relating thereto:

- a. Data Subjects in respect of which Personal Information is Processed include customers, principals, suppliers, service providers, consultants, contractors, employees (and their dependents), job

applicants, suppliers, service providers, consultants, and/or contractors of Comessa Food Services.

- b. Comessa Food Services collects Personal Information directly from the Data Subject and/or in some cases from third parties, and where it collects from Third Parties will ensure that it does so lawfully.

10.5 Recipients or categories of recipients to whom Personal Information may be supplied:

- a. Regulatory, statutory and government bodies;
- b. Employees of the company;
- c. Suppliers, service providers, vendors, agents and representatives of the company; The company's members and other stakeholders;
- d. Third party verification agencies and credit bureau;
- e. Collection agencies;
- f. Banks and other financial institutions.

10.6 Planned Transborder Flows of Personal Information:

Comessa Food Services may transfer Personal Information to other entities in its group outside of .South Africa, as well as to a third party who is in a foreign country in order to administer certain .services, and for storage purposes. In carrying out any cross-border transfers, Comessa Food Services .shall adhere to the provisions of POPIA.

10.7 Information Security Measures:

Comessa Food Services implements and maintains reasonable technical and organisational measures to protect personal information, including by way of the implementation of policies, procedures and controls aimed at preventing any unauthorised access to, loss or destruction of personal information. Comessa Food Services has a wide range of security measures designed to mitigate data security breaches, accidental loss or destruction of, or damage to, personal information. These include the storage of personal information relating to clients and employees locked in fire proof cabinets within the Comessa Food Services offices which are locked over night; where information is stored on our online centralised database, IT systems such as encryption software, password protection software. Restricted access, levels of authority, and separation of duties are in place for dealing with all personal information. Comessa Food Services has and will continue to take steps to ensure that third party providers who process personal information on behalf of Comessa Food Services apply appropriate safeguards in compliance with POPIA.

## **UPDATING OF MANUAL**

The company may update this manual every 12 months or at such intervals as may be necessary.

**Form A**  
**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))**

**A. Particulars of private body**

The information Officer: Ms Bilqees Essa

**B. Particulars of the person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be given below.  
 (b) The address and/or fax number in the Republic to which the information is to be sent must be provided.  
 (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: \_\_\_\_\_

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

Description of record or relevant record: \_\_\_\_\_

Reference number, if available: \_\_\_\_\_

Any further particulars of record: \_\_\_\_\_

**E. Fees**

- (a) A request for access for a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.  
 (b) You will be notified of the amount required to be paid as the request fee.  
 (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 the exemption of the payment of any fee, please state the reason.

Reason for exemption of fees:

\_\_\_\_\_



**F. Form of access to record**

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 below, state your disability and indicate in which form the record is required.

Disability: \_\_\_\_\_  
 Form in which record is required: \_\_\_\_\_

Mark the appropriate box with an X  
**NOTES:**  
 (a) Compliance with your request 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.

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</b>			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	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
Postage is payable.			NO

**G. Particulars of right to be exercised or protected**

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. 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 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.....

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SIGNATURE OF REQUESTER/  
PERSON ON WHOSE BEHALF REQUEST IS MADE