

INCORPORATING POPIA COMPLIANCE

**PROMOTION OF ACCESS TO INFORMATION MANUAL
for
AMALGAMATED AUTOMOBILE DISTRIBUTORS PROPRIETARY LIMITED**

**Prepared in accordance with section 51 of the
Promotion of Access to Information Act 2 of 2000 ("PAIA")**

**This manual applies to Amalgamated Automobile Distributors Proprietary Limited, its South African subsidiaries
and their divisions.
(collectively referred to in this manual as "AAD")**

DATE OF COMPILATION: 06 August 2020

DATE OF REVISION:

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1. **Introduction**

Amalgamated Automobile Distributors Proprietary Limited, is a business involved in:..

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- The Import and Distribution of passenger and light commercial vehicles and parts to a network of dealerships, car rental companies, fleets, and government institutions in South Africa.
- The Retail segment sells vehicles in various segments that include entry level, sports utility vehicles, luxury, light commercial, and heavy-duty vehicles. It also has a number of pre-owned, passenger vehicle, and commercial vehicle dealerships in South Africa.

Amalgamated Automobile Distributors Proprietary Limited was incorporated in 1972 and is based in Meadowdale, South Africa.

This manual has been compiled in accordance with the requirements of PAIA and contains the information specified in section 51(1) of PAIA, which is applicable to private bodies. This information is as follows:

- the contact details of the head of the private body;
- a reference to the "Guide on how to use the Promotion of Access to Information Act 2 of 2000" that the South African Human Rights Commission has compiled in compliance with Section 10 of PAIA;
- the latest notice published by the Minister under section 52(2) of PAIA;
- a description of the records of the private body which are available in terms of any legislation other than PAIA;
- a description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record;
- in compliance with POPIA: the purpose of the processing, a description of the categories of data subjects and of the information or categories of information relating to those data subjects, the recipients or categories of recipients to whom the personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the private body (as the responsible party) to ensure the confidentiality, integrity and availability of the information which is to be processed; and

In this manual, the following words bear the meaning set out below:

"data subject"	means the person to whom personal information relates;
"AAD"	means Amalgamated Automobile Distributors Proprietary Limited and its South African subsidiaries and divisions;

"employee"	means any person who works for or provides services to or on behalf of AAD, and receives or is entitled to receive remuneration;
"Guide"	means the guide published by the SAHRC in terms of section 10 of PAIA, as amended and updated by the Information Regulator from time to time;
"Information Officer"	means the person authorised by the Head of AAD and to whom the duties and responsibilities required of the Information Officer in both PAIA and in POPIA have been delegated.
"Information Regulator"	means the juristic person established under section 39 of POPIA;
"PAIA"	means the Promotion of Access to Information Act 2 of 2000 and any Regulations published thereunder, as amended from time to time;
"personal information"	has the same meaning as set out in section 1 of POPIA;
"POPIA"	means the Protection of Personal Information Act 4 of 2013 and any regulations, guidelines or codes of conduct published thereunder, as amended from time to time;
"requester"	means any person or entity requesting access to a record that is under the control of AAD;
"SAHRC"	means the South African Human Rights Commission;
"special personal information"	has the same meaning as set out in section 1 of POPIA;
"the head of AAD"	means the Chief Executive Officer of AAD;
"the manual"	means this manual which is published in accordance with section 51 of PAIA and "this manual" shall have the same meaning;
"the Minister"	means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

2. Review

The manual will be reviewed and, if necessary, updated on a regular basis in accordance with the requirements of section 51(2) of PAIA. This manual can be accessed on our website (www.cheryauto.co.za), at our principal place of business for public inspection during normal business hours, or by requesting a copy by email from the duly appointed information officer as provided for in paragraph **Error! Reference source not found.** below.

3. Contact details

Amalgamated Automobile Distributors Proprietary Limited is a private body as defined in PAIA and PoPIA and its Head is Mr Thato Magasa, its Chief Executive Officer. Mr Magasa has appointed Mr Trevor Brooks as the AAD Information Officer and delegated to Mr Brooks the duties of Information Officer as contemplated in both PAIA and POPIA. Any person seeking access to a record in the possession or under

control of AAD in terms of Section 53 of PAIA or a data subject requesting access to personal information in terms of Section 23 of POPIA may address the request to the Information Officer.

Physical address:

Information Officer: Mr. Trevor Brooks
5 Herman Road
Meadowdale
Germiston
1401

Postal address:

Information Officer: Mr. Trevor Brooks
PO Box 311
Edenvale
1610

Telephone: (011) 457 0200

Fax: None

Email: trevorbr@motus.co.za

4. **South African Human Rights Commission Guide on how to use PAIA**

The South African Human Rights Commission has compiled a guide which may assist a person who wishes to exercise any rights contemplated in PAIA.

This Guide is available from the Information Regulator. The contact details of the Information Regulator are:

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone number: 010 023 5207
Email: infoereg@justice.gov.za
Website: www.justice.gov.za/infoereg

A request for access to records may be made by natural or a juristic person requiring the records for the exercise or protection of any right. If a public body lodges a request the public body must be acting in the public interest.

Requests in terms of PAIA shall be made in the form, follow the prescribed procedures and against payment of prescribed fees as described in paragraph 10 of this manual.

Requests in terms of POPIA by a data subject for access to personal information shall be made in the form, following the prescribed procedures and against payment of prescribed fees as described in paragraph 8 of this manual.

5. **Records available in terms of any other legislation**

Certain records held by AAD are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- Administrative Adjudication of Road Traffic Offences Act 46 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Bills of Exchange Act 34 of 1964
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of the Republic of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Criminal Procedure Act 51 of 1977
- Currency and Exchanges Act 9 of 1933
- Customs and Exercise Act 91 of 1964
- Electronic Communications and Transactions Act 25 of 2000
- Employment Equity Act 55 of 1998
- Environment Conservation Act 73 of 1989
- Firearms Control Act 60 of 2000
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Environmental Management Act 107 of 1998
- National Environmental Management: Air Quality Act 39 of 2008
- National Road Traffic Act 93 of 1996
- National Water Act 36 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prescription Act 68 of 1969
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- Securities Transfer Tax Act 25 of 2007
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- South African Reserve Bank Act 90 of 1989
- The South African National Roads Agency Limited and National Road Act 7 of 1998
- Tobacco Products Control Act 83 of 1993
- Trade Marks Act 194 of 1993
- Transfer Duty Act 40 of 1949
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

6. **Description of the subjects on which AAD holds records and the categories of records held on each subject**

The following is a list of the subjects on which AAD holds records and the categories into which these records fall. The procedure in terms of which such records may be requested from AAD is set out in paragraph 8 of this manual. The records listed below will not in all instances be provided to a requester who requests them in terms of PAIA. The requester has to show that he or she has the right in terms of PAIA to be given access to the records in question.

CATEGORIES OF RECORDS

DESCRIPTION OF RECORDS HELD

Administration

- Minutes of meetings of directors
- Resolutions of the directors of AAD
- Applicable statutory documents, including but not limited to, certificates of incorporation and certificates to commence business;
- Memorandum of Incorporation
- Statutory returns to relevant authorities

Corporate Governance

- Codes of Conduct
- Minutes of meetings of committees and sub committees
- Executive committee meeting minutes
- Legal compliance records
- Policies

Finance

- Accounting records
- Tax records
- VAT records
- PAYE records
- Debtors' records
- Creditors' records
- Insurance records
- Auditors' reports
- Interim and annual financial statements
- Bank statements and other banking records for business and trust accounts
- Invoices issued in respect of debtors and billing information
- Records regarding AAD's financial commitments
- Statistic SA returns

Operations

- Supplier lists and details of suppliers
- Agreements with suppliers
- Access control records
- Insurance documentation
- Travel documentation
- Vehicle registration documents

Information Technology

- Computer software
- Support and maintenance agreements
- Records regarding computer systems and programs

Miscellaneous

- Internal correspondence
- Policies required in terms of applicable licensing requirements

7. **Categories of records which are available without request**

No notices relating to AAD have been published by the Minister in terms of section 52(2) of PAIA.

Certain records are available without needing to be requested in terms of the request procedures set out in PAIA and detailed in paragraph 6 of this manual. This information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the offices of AAD. Certain information is also available on AAD's website: <http://www.cheryauto.co.za/>.

The records include:

- A detailed description of the business of AAD

- Ensuring regulatory compliance documents
- High quality products and services

8. **The processing of personal information under POPIA**

8.1 The purpose of the processing

AAD processes personal information for various lawful purposes permitted by section 11(1) of POPIA, authorised in Part B of Chapter 3 of POPIA governing the processing of Special Information and in Part C of Chapter 3 of POPIA governing the processing of Children's information This includes, but is not limited to the following:

- to fulfil AAD's responsibilities to customers, employees, suppliers and other natural or juristic persons across our business segments, as set out in paragraph 1 above;
- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests;
- customers' and suppliers' records;
- to respond to customers/suppliers' enquiries and complaints;
- to inform customers of new products and/or services;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to secure and manage access to AAD's premises and facilities;
- to transact with AAD's suppliers and business partners;
- to help AAD improve the quality of its products and/or services;
- to detect, prevent and report theft, fraud, money laundering and other crimes. This may include the processing of special personal information, e.g., alleged criminal behaviour, or the supply of false, misleading or dishonest information;
- to enforce and collect on any agreement when AAD needs to recover debts; and
- to identify products and services which might be of interest to data subjects and to inform them about AAD's products and services

8.2 A description of the categories of data subjects and of the information or categories of information relating to those data subjects

Categories of data subjects	Personal information processed
Customers, potential customers and previous customers	Personal information and special personal information including: name, identity number or passport number, date of birth, citizenship, residence status, telephone number(s), email address(es), income tax numbers, physical and postal addresses, financial information and banking information.

	Customer vehicle information
	Customer contracts, motor plans and warranties
	Customer contact information
AAD's distributor, wholesale and retail franchises	Personal information of employees of the dealer/partner/manager including: name, identity number, contact details,
Suppliers / service providers	Supplier/service provider personal information including supplier contracts and bank details
	Personal information of supplier/service provider representatives including: name, identity number, contact details,
Job applicants	Curriculum vitae and application forms
	Background and criminal record checks
Visitors	Physical access records
	Electronic access records and scans
	Video records

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

AAD may share the personal information of data subjects for any of the purposes outlined above with the following:

- Amalgamated Automobile Distributors Proprietary Limited;
- AAD authorised dealerships, rental companies and motor-related financial services;
- any operators who perform services on behalf of AAD;
- any applicable medical aid funds, pension funds, provident funds, credit bureau, and/or recruitment companies;
- other industry regulators in order to comply with any regulation passed under the relevant legislation, or any legal process.

If AAD is the responsible party for personal information that is to be shared, before the personal information is shared by AAD, AAD will conclude a written contract with the operator requiring that the operator establishes and maintains appropriate technological and organisational measures to protect against unauthorised access or processing of the personal and against loss of, damage to and the unauthorised destruction of personal information.

8.4 Planned transborder flows of personal information

AAD will only transfer personal information across South African borders to foreign countries, if necessary to comply with legislation, the transfer is necessary for the conclusion or performance of a contract of which data subjects may be parties, protects the legitimate interest of the data subject, or is necessary for AAD to pursue its legitimate interests, or that of a third party to which the data is supplied.

Before transferring personal information across a South African border to a foreign country AAD will take steps to ensure that recipients of transborder personal information are bound by laws or agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of POPIA.

If AAD relies on the legitimate interest of a data subject, prior to transferring personal information cross border, it will conduct a legitimate interest assessment.

8.5 Security Safeguards

AAD complies with POPIA in protecting the integrity and confidentiality of personal information. In doing so it has due regard to generally accepted information security practices and procedures.

9. **Data subject access to personal information**

9.1 Request procedure in terms of PAIA

Any individual or interested party (hereafter called requestor) may in terms of Section 50 of PAIA request access to records held by AAD.

To request access to a record of AAD, a requester must complete the form annexed to this manual marked "A."

A requester must provide sufficient detail on the prescribed form to allow AAD to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to AAD. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

The requester must identify the right that he, she or it is seeking to exercise by accessing records held by AAD and must explain why the particular record or records requested is or are required for the exercise or protection of that right.

AAD may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of AAD itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, and that it is necessary to protect the research information of a third party or AAD itself. Access to documents may also be refused based on professional privilege.

AAD is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of AAD's decision in another manner as well, this must be set out in the request and the relevant details included, to allow AAD to inform the requester in the preferred manner.

AAD will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified of the request or the 30-day period is extended as provided for in PAIA. AAD will notify the requester if the 30-day period for processing a request is to be extended.

Where a request is refused, a requester may lodge a complaint in writing with the Information Regulator, or apply to the High Court within 180 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The Court will determine whether the records should be made available or not.

10. **Fees payable**

The South African Human Rights Commission is responsible for administering the constitutional right of access to information. It has published a "Guide on How to Use the Promotion of Access to Information Act 2 of 2000" ("Guide"). This includes the fees payable by requestors to enable access to information. To ensure that the fees payable for a request are current, you are referred to the Guide that you can access at https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf. The information officer, whose contact details are available at 3 of this manual will assist you if required.

11. **Other information as prescribed**

The Minister has not prescribed that any further information must be contained in this manual.

ANNEXURE A

**REQUEST FOR ACCESS TO A RECORD HELD BY
THE AMALGAMATED AUTOMOBILE DISTRIBUTORS PROPRIETARY LIMITED(AAD)
Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
("PAIA")
and
Section 23 of the Protection of Personal Information Act 2013 (Act 4 of 2013)
("PoPIA")**

PARTICULARS OF PRIVATE BODY

Postal address	Physical address	Information Officer contact details	
The Information Officer	The Information Officer	Name	Trevor Brooks
PO Box 311	5 Herman Road		
Edenvale	Meadowdale	Tel No.	011 457 0200
1610	Germiston	eMail	trevorbr@motus.co.za
	1401		

1. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

<ul style="list-style-type: none"> The particulars of the person who requests access to the records must be recorded below. Furnish an address and/or fax number in the Republic of South Africa to which information must be sent. Proof of capacity in which the request is made, if applicable, must be attached. 			
Full names and surname			
Identity number			
Postal address			Fax number
eMail address			
Capacity in which request is made, when made on behalf of another person			
Important:			
If authorised under a resolution or power of attorney, provide the resolution or power of attorney with this request			

2. PARTICULARS OF PERSON ON WHOSE BEHALF A 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	
Telephone number	
eMail address	

3. PARTICULARS OF RECORD

<ul style="list-style-type: none"> Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

Description of record or relevant part of the record	Personal Information?	Reference number, if available
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Any further particulars of record		

4. FEES

<ul style="list-style-type: none"> • A request for access to a record, other details of whether AAD has processes the requesters personal information, will be processed only after the prescribed fee has been paid. • You will be notified of the amount of the prescribed fee. • The prescribed 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 request us to confirm if we hold personal information about you (or the person represented by you) as permitted in section 23(1) of PoPIA we will do so at no charge. • If we are not the responsible party but we hold information about you (or the person represented by you), we will refer you to the responsible party. • If we are the responsible party and you request a description of the personal information held by us, or of third parties who have access to the information, you will be charged the prescribed fee which must be paid before your request is processed. • You will be notified of the amount of the prescribed fee. • If you qualify for exemption of the payment of any fee, please state the reason therefor.
Reason for exemption from payment of fees

5. FORM OF ACCESS TO RECORD

If you are prevented by a disability from reading, reviewing or listening to the record in the form of access provided for hereunder, state your disability and indicate in which form the record is required.	
Disability	Form in which record is required

7. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing addressed to the email address indicated by you, whether your request has been approved or 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

This PAIA Manual is hereby adopted by Amalgamated Automobile Distributors Proprietary Limited on this _____ and has been prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 covering Amalgamated Automobile Distributors Proprietary Limited, its South African subsidiaries and their divisions.

Trevor Brooks – Information Officer