



ACCESS TO INFORMATION MANUAL

Manual prepared in terms of section
51 of the Promotion of Access to
Information Act No. 2 of 2000

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1. INTRODUCTION

- 1.1. This Manual pertains to Darling Cellars (Pty) Ltd, Darling Cellars Holdings (Pty) Ltd and Mamreweg Produsente Co-operative Limited (“**Darling Cellars**”, “**us**”, “**we**”, “**our**”), who is defined as private body for purposes of the Promotion of Access to Information Act No.2 of 2000 (“**PAIA**”).
- 1.2. Darling Cellars is engaged in the production, marketing, sale and distribution of liquors products in the South African and international markets.
- 1.3. This Manual has been prepared in accordance with section 51 of PAIA.
- 1.4. The aim of this Manual is to assist potential Requestors of information to gain access to such information or company records which we are required to provide access to in terms of PAIA.
- 1.5. This Manual may be amended or updated from time to time, with new versions of the Manual being made available on our website at www.darlingcellars.co.za or via request to our Information Officer or Deputy Information Officer, the details of which will appear below.
- 1.6. The provisions of this Manual are subject to mandatory, unalterable provisions of PAIA and must be read in conjunction with PAIA and its regulations, where applicable.

2. INTERPRETATION AND DEFINITIONS

In this Manual:

- 2.1. Clause headings are for convenience and reference purposes only and shall not be used in the interpretation thereof;
- 2.2. Any gender includes all other genders and a natural person includes a juristic person and *vice versa*;
- 2.3. All the annexures (if any) hereto are incorporated herein and shall have the same force and effect as if they were set out in the body of this Manual;
- 2.4. The following words and/or expressions shall, unless the context indicates otherwise, bear the meaning assigned to them below and in the Act:
 - 2.4.1. “**Customer/Client**” means any natural or juristic entity that receives services or products as the case might be from Darling Cellars;
 - 2.4.2. “**Darling Cellars**” means Darling Cellars Holdings (Pty) Ltd, Darling Cellars (Pty) Ltd and Mamreweg Produsente Co-operative Limited and all other companies, close corporations or entities that form part of the Darling Cellars group of entities, including but not limited to its holding companies, subsidiaries and affiliates, irrespective of the nature of the relationship between the members of the group;
 - 2.4.3. “**Data Subject**” means the Person to whom the Personal Information relates;
 - 2.4.4. “**Deputy Information Officer**” means any or all of Darling Cellars designated deputy information officers as registered with the Information Regulator;
 - 2.4.5. “**Employee**” means a permanent, fixed-term or temporary employee of Darling Cellars;
 - 2.4.6. “**Manual**” means this Manual, together with any annexures hereto (if any);
 - 2.4.7. “**Information Officer**” means the person appointed by Darling Cellars, from time to time, who is responsible for the monitoring of compliance, by Darling Cellars, with the

conditions for the lawful Processing of Personal Information; dealing with requests made to Darling Cellars in terms of PAIA; working with the Regulator in relation to investigations conducted in relation to prior authorisation by the Data Subject and ensuring compliance by Darling Cellars with the provisions of PAIA;

- 2.4.8. **“Information Regulator”** means the independent body established in terms of section 39 of POPIA, empowered to monitor and enforce compliance by public and private bodies with the provisions of PAIA and POPIA;
- 2.4.9. **“PAIA”** means the Promotion of Access to Information Act No.2 of 2000;
- 2.4.10. **“Person”** means any person, company, close corporation, trust, partnership or other entity;
- 2.4.11. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 2.4.11.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the Person;
 - 2.4.11.2. information relating to the educational, medical, financial, criminal or employment history of the Person;
 - 2.4.11.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the Person;
 - 2.4.11.4. the biometric information of the Person;
 - 2.4.11.5. the personal opinions, views or preferences of the Person;
 - 2.4.11.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 2.4.11.7. the views or opinions of another individual about the person; and
 - 2.4.11.8. the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the Person;
- 2.4.12. **“POPIA”** means the Protection of Personal Information Act No.4 of 2013, together with any regulations published in terms thereof;
- 2.4.13. **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 2.4.13.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.4.13.2. dissemination by means of transmission, distribution or making available in any other form; or
 - 2.4.13.3. merging, linking, as well as restriction, degradation, erasure or destruction of information.

- 2.4.14. “Requester” means any person or entity requesting access to a record that is under the control of Darling Cellars; and
- 2.4.15. “Records” means any record under the control of Darling Cellars regardless of its form or medium.

3. DARLING CELLARS DETAILS

- 3.1. The details of our organisation and Information Officer are as follows:

NAME	Darling Cellars (Pty) Ltd
WEBSITE	www.darlingcellars.co.za
REGISTRATION NUMBER	1959 / 003874 /07
PHYSICAL ADDRESS	Mamre Weg Station, R315, Darling, 7345
PHONE NUMBER	022 492 2276
INFORMATION OFFICER	Lourens Odendaal Relihan
DEPUTY INFORMATION OFFICER	Riaan de Waal
INFORMATION OFFICER EMAIL	lourens@darlingcellars.co.za
DEPUTY INFORMATION OFFICER EMAIL	rdewaal@darlingcellars.co.za

4. INFORMATION REGULATORS GUIDE

- 4.1. The Information Regulator has compiled a guide which will specifically assist a Requestor to access information and use PAIA, in an easily comprehensible form and manner.
- 4.2. The guide is available in all of the official languages of the Republic of South Africa as well as in braille.
- 4.3. Copies of the guide are available from the Information Regulator but can also be obtained from the Information Officer or the Deputy Information Officer upon written request, during normal working hours.
- 4.4. Any enquiries regarding the guide should be directed the Information Officer or Deputy Information Officer, whose details appear above or alternatively to the Information Regulator at:

Address: JD House
27 Stiemens Street
Braamfontein
Johannesburg

Telephone Number: 010 023 5207

Email: infoereg@justice.gov.za

Website: <https://infoeregulator.org.za/>

5. PURPOSE OF THIS MANUAL

- 5.1. The purpose of this Manual is to:

- 5.1.1. allow members of the public to see the categories of Records held by Darling Cellars without having to submit a formal request to access these categories;
- 5.1.2. provide members of the public with a guideline where and to whom to make a request for Records held by Darling Cellars;
- 5.1.3. provide the contact details of the Information Officer and Deputy Information Officer;
- 5.1.4. understand whether Darling Cellars will process any Personal Information when dealing with requests in terms of PAIA and the purpose for which such Personal Information is processed and whether this is in accordance with the provisions of POPIA.

6. CATEGORIES RECORDS WHICH ARE AUTOMATICALLY AVAILABLE

- 6.1. Darling Cellars makes certain Records available through various mediums to persons without the need to formally request them in terms of this Manual.
- 6.2. Darling Cellars may also have under its control Records that are of a non-confidential nature and which may be accessed without the need of submitting a formal application. However, such Records will only be made available subject to an appointment to view with reasonable notice and will still be subject to the fees applicable as contained in this Manual.
- 6.3. The following are categories of Records which are automatically available for inspection, purchase or photocopying:
 - 6.3.1. brochures;
 - 6.3.2. anything which is published on our website;
 - 6.3.3. anything which is published on our social media accounts;
 - 6.3.4. various marketing and promotional material;

7. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

- 7.1. Information is available in terms of certain provisions of the following legislation as amended from time to time, to the persons or entities specified in such legislation:
 - 7.1.1. Banks Act 94 of 1990
 - 7.1.2. Basic Conditions of Employment Act 75 of 1997
 - 7.1.3. Broad-Based Black Economic Empowerment Act 53 of 2003
 - 7.1.4. Companies Act 71 of 2008
 - 7.1.5. Compensation for Occupational Injuries and Diseases Act 130 of 1993
 - 7.1.6. Competition Act 89 of 1998
 - 7.1.7. Constitution of South Africa Act 108 of 1996
 - 7.1.8. Copyright Act 98 of 1987
 - 7.1.9. Consumer Protection Act 68 of 2008
 - 7.1.10. Customs and Excise Act, 1964
 - 7.1.11. Customs and Excise Amendment Act, 45 of 1995
 - 7.1.12. Deeds Registries Act 57 of 1937
 - 7.1.13. Electronic Communications and Transactions Act 25 of 2002
 - 7.1.14. Employment Equity Act 55 of 1998

- 7.1.15. Firearms Control Act 60 of 2000
- 7.1.16. Income Tax Act 58 of 1962
- 7.1.17. Insolvency Act 24 of 1936
- 7.1.18. Labour Relations Act 66 of 1995
- 7.1.19. Liquor Act 59 of 2003
- 7.1.20. Liquor Products Act 60 of 1989
- 7.1.21. Occupational Health and Safety Act 85 of 1993
- 7.1.22. Pension Funds Act 24 of 1956
- 7.1.23. Skills Development Levies Act 97 of 1999
- 7.1.24. South African Revenue Service Act 34 of 1997
- 7.1.25. Unemployment Insurance Act 63 of 2001
- 7.1.26. Value Added Tax Act 89 of 1991

8. RECORDS HELD BY DARLING CELLARS IN TERMS OF PAIA

- 8.1. This clause serves to categorises Records held by Darling Cellars in terms of PAIA.
- 8.2. Access to these Records is not automatic and may not be granted if the Records are subject to the grounds of refusal as specified in clause 11, or if the correct procedure as set out in this Manual has not been followed.

Category of Records	Types of the Record
<p>Company Records</p>	<ul style="list-style-type: none"> • Access Control Records; • Agreements • Asset Register; • BEE Certificates • Codes of Conduct; • Company Information; • Contracts (concluded with customers and companies); • Corporate Social Investment Records; • Corporate Structure Documents; • Equipment Register; • Financial Records; • Insurance Information; • IT Policies & Procedures; • Legal Compliance Records; • Marketing Records; • Memorandum of Incorporation; • Minutes and Resolutions of Board of Directors Meetings;

	<ul style="list-style-type: none"> • Minutes of Executive Committee / Staff Meetings; • Names of Directors; • Policies; • Service Level Agreements; • Share Register and other Statutory Registers; • Share Certificates; • Shareholder Agreements; • Standard, Supplier, Third-party and Service Level Agreements; • Stock Records; • Vehicle Registration Documents.
Tax Records	<ul style="list-style-type: none"> • PAYE - Pay As You Earn Records; • Documents Issued to Employees for Income Tax Purposes; • Records of Payments Made to SARS on behalf of Employees; • All other Statutory Compliances: • Value Added Tax; • Skills Development Levies; • UIF - Unemployment Insurance Fund & returns; • Workmen's Compensation.
Employee Records	<ul style="list-style-type: none"> • Career Development Records; • Correspondence Relating to Employees; • Criminal Records; • Education Information; • Employment Contracts, • Employment Equity Plan & BEE Records (if applicable); • Financial Information; • Disciplinary Records; • Internal Evaluation Records; • Leave Records; • Marital Status; • Medical Aid Records; • Performance Management Records; • Personal Records Provided by Employees;

	<ul style="list-style-type: none"> • Records Provided by Third-Parties relating to Employees; • Retirement Benefit; • Salary Records.
Client Records	<ul style="list-style-type: none"> • Client documentation in terms of the Financial Intelligence Centre Act No. 38 of 2001 (FICA); • Correspondence with clients; • Correspondence with third parties; • Client company information; • Physical and personal addresses; • Registration certificates;

9. ACCESS TO RECORDS HELD BY DARLING CELLARS

- 9.1. PAIA affords any person the right to access Records held by a private body provided that:
- 9.1.1. the record is required for the exercise or protection of any rights;
 - 9.1.2. that the person complied with the procedural requests set out in PAIA relating to requests for access to that record; and
 - 9.1.3. access to that record is not refused in terms of any ground for refusal contemplated in PAIA and which will be discussed in this Manual.
- 9.2. If a request for access to Records or information is legitimate and in accordance with PAIA, the Requestor must follow the steps set out in this Manual in order to obtain those Records.
- 9.3. For any requests relating to POPIA, Data Subjects are requested to read our Privacy Policy which can be found on our website.

10. REQUEST PROCEDURE

- 10.1. The Requester must use the prescribed Form C to make the request for access to Records, which form can be found on our website and must be made to the Information Officer or Deputy Information Officer at the address or electronic mail address as set out above.
- 10.2. The Requester must ensure that form is accurately completed as this will better enable the Information Officer and Deputy Information to assist with processing the request.
- 10.3. **Fees**
- 10.3.1. PAIA makes provision for three types of fees:
 - 10.3.1.1. Request Fee;
 - 10.3.1.2. Access Fee; and
 - 10.3.1.3. Deposit Fee.
 - 10.3.2. The Request Fee of R50.00 must accompany the prescribed form submitted by the Requester before the Information Officer or Deputy Information will process any request for records. It is important to note that the request fee is non-refundable.

10.3.3. The Access Fee is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out below and are based on what was it allowable in terms of PAIA. The Access Fee will only become payable once a request for Records in the prescribed form has been submitted along with the Request Fee, and the request has been either been approved or denied by the Information Officer or Deputy Information Officer.

10.3.4. The Deposit Fee of not more than one third of the Access Fee will be required if the Information Officer or Deputy Information Officer determines that it would take more than the prescribed hours to process a request. The Information Officer or Deputy Information Officer must then notify the Requester of this and request payment of the Deposit fee. If you paid the deposit and the request is refused, Darling Cellars will refund you the deposit amount.

10.3.4.1. The Access Fee and reproduction costs as prescribed by PAIA are set out as follows:

	Reproduction of Information Fees	Fees to be Charged
1.	For information in an A4-size page photocopy or part thereof	R 1.10
2.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
3.	A copy in computer-readable format on a compact disc	R 70.00
4.	A transcription of visual images, in an A4-size page or part thereof	R 40.00
5.	A copy of visual images	R 60.00
6.	A transcription of an audio record for an A4-size page or part thereof	R 20.00
7.	A copy of an audio record	R 30.00

11. CONSIDERATION OF THE REQUEST

11.1. Darling Cellars will within thirty (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.

11.2. Should Darling Cellars require more than thirty (30) days to consider the request, you will be notified of the extension together with reasons for seeking the extension.

11.3. Grounds for refusal of access to Records

11.3.1. The following are grounds on which Darling Cellars may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for access to Records:

11.3.1.1. Mandatory protection of the privacy of a third party who is a natural person, a deceased person or juristic person where such disclosure of Personal Information would be unreasonable or in conflict with the provisions of POPIA;

11.3.1.2. Mandatory protection of the commercial information of Darling Cellars or a third party, if the Records contain:

11.3.1.2.1. trade secrets of that third party;

11.3.1.2.2. financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interest of that third party; and/or

- 11.3.1.2.3. information disclosed in confidence by a third party to the Company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 11.3.1.3. Mandatory protection of confidential information of third parties which are subject to protection afforded in terms of any agreement;
- 11.3.1.4. Mandatory protection of the safety of individuals and the protection of property;
- 11.3.1.5. Mandatory protection of Records that would be regarded as privileged in legal proceedings; and
- 11.3.1.6. If the request for Records is clearly frivolous or vexatious, or involve an unreasonable diversion of resources
- 11.3.2. Should a request for information relate to a third party, then Darling Cellars will notify such party that their information is sought and will allow that third party to make representations. This may constitute grounds for extending the thirty (30) day period referred to above.

12. REMEDIES AVAILABLE IF ACCESS TO RECORDS IS REFUSED

12.1. Internal Remedies

- 12.1.1. Darling Cellars does not have an internal appeal or review process with respect to decisions by the Information Officer or Deputy Information Officer.
- 12.1.2. Once a decision has been taken by the Information Officer or Deputy Information Officer, that decision is final.

12.2. External Remedies

- 12.2.1. Should your request for access to Records be denied by Darling Cellars and you wish to challenge that decision, then you may:
 - 12.2.1.1. apply to a court which has the appropriate jurisdiction; or
 - 12.2.1.2. lodge a formal complaint with the Information Regulator.

13. PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

13.1. Purpose for which Darling Cellars processes Personal Information

- 13.1.1. Personal Information collected by Darling Cellars is processed with a specific lawful purpose and in accordance with the provisions of POPIA.
- 13.1.2. Darling Cellars collects Personal Information relating to Data Subjects and will use that Personal Information in the course of its business operations in order to provide better access to its products and services.
- 13.1.3. Darling Cellars will not process Data Subject's Personal Information for a secondary or ulterior purpose for which it was collected and will not keep such Personal Information for longer than it is required.

13.2. Categories of Data Subjects and their Personal Information

13.2.1. Darling Cellars may process Personal Information relating to the following categories of Data Subjects, although the list is not exhaustive, in the ordinary course of its business functions:

- 13.2.1.1. Employees of Darling Cellars;
- 13.2.1.2. Clients of Darling Cellars; and
- 13.2.1.3. Contracted Service Providers or any Third Party service provider.

13.2.2. Darling Cellars may collect all types of Personal Information relating to Data Subjects, but only insofar as it accords with the lawful purpose for which it was collected.

13.2.3. Darling Cellars will collect and processes Personal Information such as:

- 13.2.3.1. the Data Subject's name, identity number or registration number (where applicable), Data Subject's employees or its directors' Personal Information, contact information etc; and
- 13.2.3.2. Personal Information that Darling Cellars collects when it monitors other websites and may include the Data Subject's public Personal Information, for example when Darling Cellars monitors digital conversations on public platforms to understand what people are saying about it or Darling Cellars' industry in general. Darling Cellars may combine information that it has about a Data Subject from various sources.

13.3. Categories of Recipients of Personal Information

13.3.1. Darling Cellars may share Personal Information of a Data Subject with the following third parties and/or Operators:

- 13.3.1.1. The entities in the Darling Cellars group and including but not limited to any holding company/ies or subsidiary/ies as defined in the Companies Act, Act 71 of 2008 or affiliates, irrespective of the legal nature of how the entities comprise the group;
- 13.3.1.2. Darling Cellars directors, officials, Employees, agents, Operators and suppliers, including those who provide it with technology services such as data analytics, hosting and technical support;
- 13.3.1.3. Darling Cellars' professional advisors, auditors and business partners;
- 13.3.1.4. regulators, governments and law enforcement authorities; and
- 13.3.1.5. other third parties in connection with re-organising all or any part of Darling Cellars' business.

13.4. Planned Transborder flows of Personal Information

13.4.1. Personal Information of a Data Subject may be processed by Darling Cellars and/or Darling Cellars' Operators outside of the Republic of South Africa. The Data Subject acknowledges that Personal Information laws in the countries to which the Personal Information of a Data Subject is transferred, may not always be equivalent to, or as protective as, the laws in the Republic of South Africa and agrees and consents to its Personal Information being transferred as such.

13.4.2. Darling Cellars will implement appropriate and reasonable measures to ensure that the Personal Information of a Data Subject remains protected and secure when it is transferred outside of the Republic of South Africa, in accordance with applicable

Personal Information protection and privacy laws. These measures include data transfer agreements implementing standard data protection clauses.

13.5. Security measures in place for processed Personal Information

- 13.5.1. Darling Cellars uses a variety of security measures and technologies to help protect Personal information of a Data Subject from unauthorised access, use, disclosure, alteration or destruction in line with applicable Personal Information protection and privacy laws. For example, when Darling Cellars shares the Personal Information of a Data Subject with external suppliers, it shall put in place a written agreement which commits the suppliers to keep the Data Subject's Personal Information confidential and to put in place appropriate security measures to keep it secure.
- 13.5.2. The transmission to Darling Cellars of information via the internet or a mobile phone network connection may not be completely secure and any transmission in this manner, is at the Data Subject's risk.
- 13.5.3. Despite the security measures that Darling Cellars has in place to protect Personal Information of a Data Subject (firewalls, password access control, SFTP transfers and encryption methods), the Data Subject acknowledges that it may be accessed by an unauthorised third party, e.g. as a result of an illegal activity, and indemnifies Darling Cellars against any damages or loss suffered as a result of such activity.

14. AMENDMENTS AND AVAILABILITY OF THIS MANUAL

14.1. Darling Cellars may amend this Manual from time to time for any of the following reasons:

- 14.1.1. to comply with changes to any legal or regulatory requirements.
- 14.1.2. to ensure that this Privacy Policy is clearer;
- 14.1.3. to rectify any mistake that may be discovered from time to time; and/or
- 14.1.4. for any other reason which Darling Cellars, in its sole discretion, may deem reasonable or necessary.

14.2. This Manual is available at offices of Darling Cellars and on its website.
