

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS  
TO INFORMATION ACT, NO 2 OF 2000, AS AMENDED

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**1 INTRODUCTION**

- 1.1 The 1996 South African Constitution entrenches a right of privacy and a right of access to information.
- 1.2 The Promotion of Access to Information Act, 2 of 2000 ("PAIA"), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for applicants to exercise their constitutional right of access to information.
- 1.3 The Protection of Personal Information Act, 4 of 2013 ("POPIA"), which comes into effect on 1 July 2021, establishes a legal obligation for AVI to protect personal information processed by it and for data subjects to have access to their own personal information held by AVI. POPIA amends certain provisions of PAIA to balance the need for access to information against the need to ensure the protection of personal information. POPIA also establishes the Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA.
- 1.4 PAIA and POPIA establish a statutory right of access to information to any record held by the State or a private body if:
- 1.4.1 That record is required for the exercise or protection of any of his or her legal rights;
  - 1.4.2 The applicant complies with all the procedural requirements;
  - 1.4.3 Access is not refused in terms of any ground referred to in PAIA or POPIA.
- 1.5 Applicants who experience difficulty using this manual should contact the AVI Company Secretary, whose details are set out in 3.4 below.
- 1.6 The following words will bear the following meanings in this manual:-
- 1.5.1 "PAIA" the Promotion of Access to Information Act, No 2 of 2000, as amended, and all regulations published pursuant thereto;
  - 1.5.2 "AVI" AVI Limited, registration number 1944/017201/06, and its subsidiary companies set out in clause 7.3 hereof;
  - 1.5.3 "manual" this manual together with all annexures hereto as amended and made available from time to time;
  - 1.5.4 "POPIA" the Protection of Personal Information Act, No 4 of 2013, as amended, and all regulations published pursuant thereto; and
  - 1.5.5 "SAHRC" the South African Human Rights Commission.

**2 SCOPE AND OBJECTIVE OF MANUAL**

- 2.1 This manual has been prepared by AVI, and applies to all subsidiaries of AVI.
- 2.2 This manual is published in accordance with the requirements of section 51 of PAIA and section 17 of POPIA to facilitate access to records held by AVI in terms of PAIA.

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- 2.3 Specifically the manual provides information on:-
- 2.2.1 The contact details of the Company Secretary, who will deal with requests.
  - 2.2.2 The structure and functions of AVI.
  - 2.2.3 Records and information that are available without formal request.
  - 2.2.4 Records that are available in terms of any other legislation.
  - 2.2.5 Records and information that should be formally requested in terms of PAIA.
  - 2.2.6 The procedure that needs to be followed to obtain access to records.

### 3 AVAILABILITY OF THE MANUAL

- 3.1 This manual is available in both printed and Portable Document Format (PDF) versions.
- 3.2 A printed version of the manual is available against payment of the prescribed fees as set out in 13 below.
- 3.3 The Chief Executive Officer of AVI has delegated his powers in terms of PAIA to the Company Secretary, who will handle all requests in terms of PAIA on his behalf.
- 3.4 All requests in terms of PAIA must be addressed to:-

#### The Company Secretary

Physical Address: 2 Harries Road, Illovo, Johannesburg, 2196

Postal Address: P.O Box 1897, Saxonwold, 2132

Tel: (011) 502 1300

Fax: (011) 502 1301

E-mail: [info@avi.co.za](mailto:info@avi.co.za)

For attention: The Company Secretary

### 4 CONFIDENTIALITY

- 4.1 AVI protects the confidentiality of information provided to it by third parties, subject to AVI's obligations to disclose information in terms of any applicable law or a Court order requiring disclosure of such information.
- 4.2 Records requested for purposes of criminal or civil proceedings, so requested after the commencement of such proceedings, and the production of or access to such records, does not fall within the ambit of PAIA or POPIA.

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## 5 CATEGORIES OF APPLICANTS

- 5.1 An applicant may only request information in terms of PAIA if the information is required for the protection of a right and as such only requests for access where the applicant furnishes sufficient particulars as to the right sought to be protected will be considered.
- 5.2 An applicant can request access to information in different capacities, namely:-
- 5.2.1 A person who requests information about him / herself.
- 5.2.2 A person requesting information on behalf of someone else.
- 5.2.3 A public body, requesting information in the public interest.
- 5.3 The category of applicant will determine the fees payable in terms of 13 below.

## 6 GUIDE IN TERMS OF SECTION 10 OF PAIA

- 6.1 A Guide on how to access and benefit from PAIA has been compiled by the SAHRC in terms of Section 10 of PAIA.
- 6.2 Any queries can be directed to the Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg; or P O Box 2700, Houghton, 2014; telephone 011 877 3750; fax 011 403 0668; e-mail [paia@sahrc.org.za](mailto:paia@sahrc.org.za) or [info@sahrc.org.za](mailto:info@sahrc.org.za); and on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

## 7 ORGANISATIONAL STRUCTURE

- 7.1 The AVI Group of Companies is a South African based group focusing on the non-durable branded consumer goods industry. Its key competencies are the marketing, processing, manufacturing and distribution of food, cosmetics, shoes and clothing. It is listed on the JSE Securities Exchange South Africa in the Non-Cyclical Consumer Goods sector and Food Producers and Processors sub-sector.

### 7.2 Company facts

- |       |                                      |                                      |
|-------|--------------------------------------|--------------------------------------|
| 7.2.1 | Exchanges:                           | JSE                                  |
| 7.2.2 | Code:                                | AVI                                  |
| 7.2.3 | Sector:                              | Non-Cyclical Consumer Goods          |
| 7.2.4 | Sub-sector:                          | Food Producers and Processors        |
| 7.2.5 | Nature of business:                  | Branded Consumer Goods               |
| 7.2.6 | Listed shares in issue:              | Ordinary 5 cents shares              |
| 7.2.7 | Permanent employees at 30 June 2023: | Local – 8 252<br>International – 274 |

## AVI LIMITED

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7.2.8	Telephone number:	+27 (0)11 502 1300
7.2.9	Telefax number:	+27 (0)11 502 1301
7.2.10	E-mail address:	<a href="mailto:Info@avi.co.za">Info@avi.co.za</a>
7.2.11	Website:	<a href="http://www.avi.co.za">www.avi.co.za</a>
7.2.12	Postal address:	P O Box 1897, Saxonwold, 2132
7.2.13	Physical address:	2 Harries Road, Illovo, Sandton, Johannesburg

### 7.3 Principal Subsidiaries of AVI

Name	% Ownership	Registration Number
National Brands Limited	100%	1948/029389/06
Irvin & Johnson Holding Company (Pty) Ltd	75%	2004/013127/07
Indigo Brands (Pty) Ltd	100%	2003/009934/07
A&D Spitz (Pty) Ltd	100%	1999/025520/07
Hampton Sportswear (Pty) Ltd	100%	2006/016483/07
Green Cross Manufacturers (Pty) Ltd	100%	1994/008549/07

## 8 CORPORATE GOVERNANCE

- 8.1 AVI is committed to the principles of fairness, accountability, responsibility and transparency in its dealings with all stakeholders.
- 8.2 AVI complies with the Code of Corporate Practices and Conduct laid out in King IV. Compliance is monitored by the AVI Audit Committee on an on-going basis.
- 8.3 AVI also complies with the additional requirements for corporate governance set out in the JSE Securities Exchange South Africa Listings Requirements.

## 9 RECORDS AND INFORMATION THAT ARE AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF PAIA

- 9.1 AVI routinely makes information available to the public on its functions and activities. This information will continue to be available without having to make a formal request in terms of PAIA.
- 9.2 General and specific information that may be of interest to investors, applicants for employment,

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etc. is available on AVI's website at [www.avi.co.za](http://www.avi.co.za).

**10 RECORDS THAT MAY BE REQUESTED IN TERMS OF PAIA AND/OR POPIA**

**10.1 Companies Act Records**

10.1.1 Incorporation documents.

10.1.2 Memorandum of Incorporation

10.1.3 Minutes of Board of Directors meetings.

10.1.4 Records relating to the appointment of directors/auditor/secretary/public officer and other officers.

10.1.5 Share register and other statutory registers.

**10.2 Financial Records**

10.2.1 Annual Financial Statements.

10.2.2 Tax Returns.

10.2.3 Accounting Records.

10.2.4 Banking records/bank statements/paid cheques/ electronic banking records.

10.2.5 Asset register.

10.2.6 Rental agreements.

10.2.7 Invoices.

**10.3 Income Tax Records**

10.3.1 PAYE records.

10.3.2 Documents issued to employees for income tax purposes.

10.3.3 Records of payments made to SARS on behalf of employees.

10.3.4 Statutory records in respect of:-

10.2.4.1 VAT.

10.2.4.2 Regional Services Levies.

10.2.4.3 Skills Development Levies.

10.2.4.4 UIF.

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10.2.4.5 Workmen's Compensation.

**10.3 Personnel Documents and Records**

10.3.1 Employment contracts.

10.3.2 Employment Equity Plan.

10.3.3 Medical aid records.

10.3.4 Pension fund records.

10.3.5 Disciplinary records.

10.3.6 Salary records.

10.3.7 SETA records.

10.3.8 Disciplinary codes.

10.3.9 Leave records.

10.3.10 Training records.

10.3.11 Training manuals.

**11 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

11.1 This list, although detailed, may not be exhaustive. It will be periodically updated.

11.1.1 Administration of Estates Act, 66 of 1965.

11.1.2 Arbitration Act, 42 of 1965.

11.1.3 Basic Conditions of Employment Act, 75 of 1997.

11.1.4 Companies Act, 61 of 1973.

11.1.5 Compensation for Occupational Injuries and Diseases, Act 130 of 1993.

11.1.6 Copyright Act, 98 of 1978.

11.1.7 Consumer Affairs (Unfair Consumer Practices) Act, 71 of 1988.

11.1.8 Criminal Procedures Act, 51 of 1977.

11.1.9 Currency and Exchanges Act, 9 of 1933.

11.1.10 Debt Collectors Act, 114 of 1998.

11.1.11 Electronic Communications and Transactions Act, 25 of 2002.

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- 11.1.12 Employment Equity Act, 55 of 1998.
- 11.1.13 Firearms Control Act, 60 of 2000.
- 11.1.14 Income Tax Act, 58 of 1962.
- 11.1.15 Insider Trading Act, 135 of 1998.
- 11.1.16 Insolvency Act, 24 of 1936.
- 11.1.17 Intellectual Property Laws Amendment Act, 38 of 1997.
- 11.1.18 Interception and Monitoring Prohibition Act, 127 of 1992.
- 11.1.19 Labour Relations Act, 66 of 1995.
- 11.1.20 Magistrates Court Act, 32 of 1944.
- 11.1.21 Medical Schemes Act, 131 of 1998.
- 11.1.22 Occupational Health and Safety Act, 85 of 1993.
- 11.1.23 Pension Funds Act, 24 of 1956.
- 11.1.24 Prevention of Organised Crime Act, 121 of 1998.
- 11.1.25 Protection of Personal Information Act, 4 of 2013;
- 11.1.26 S A Reserve Bank Act, 90 of 1989.
- 11.1.27 Skills Development Act, 97 of 1998.
- 11.1.28 Skills Development Levies Act, 9 of 1999.
- 11.1.29 Supreme Court Act, 59 of 1959.
- 11.1.30 Trade Marks Act, 194 of 1993.
- 11.1.31 Unemployment Insurance Act, 63 of 2001.
- 11.1.32 Value Added Tax Act, 89 of 1991.

## 12 PROCEDURE

- 12.1 In order to facilitate access to a record, applicants need to complete the prescribed access form, a copy of which can be downloaded from the Information Regulator at <https://inforegulator.org.za/training/wp/paia-forms/>. The form must be completed in full. Failure to do so will result in the process being delayed until such additional information is provided.
- 12.2 Proof of identity is required to authenticate the request and the applicant. Therefore in addition to the access form, applicants are required to supply a certified copy of the applicant's identification



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document or any other means of identification acceptable to the Company Secretary.

- 12.3 If the applicant is acting as an agent on behalf of a third party, the applicant must provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the applicant by such person and proof of the identity of the applicant. The Company Secretary will not process any such request until he/she is satisfied that these requirements have been met.

**13 PRESCRIBED FEES IN TERMS OF THE REGULATIONS REGARDING THE PROMOTION OF ACCESS TO INFORMATION**

- 13.1 Please take note that a request will not be considered until the prescribed fees have been paid as set out below. Value-Added Tax will be added to all prescribed fees.
- 13.2 Personal applicants seeking access to their personal information are not required to pay a request fee.
- 13.3 Once the Company Secretary has made a decision regarding the request, the applicant will be notified and advised of the reproduction, access and search fees payable.
- 13.4 The fee for a copy of this manual is R1.50 for every photocopy of an A4 page or part thereof, or every printed A4 page or part thereof.
- 13.5 The request fee payable by applicants other than personal applicants is R50.00.
- 13.6 The reproduction fees payable (**excluding VAT which must be added to all prescribed fees**) are as follows:

13.6.1	Every photocopy of an A4 page or part thereof	R1.50
13.6.2	Every printed page of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R1.00
13.6.3	For a copy in a computer readable form: Compact Disc or Flash Drive	R100.00
13.6.4	A transcription of visual images, for an A4 page or part thereof	R50.00
13.6.5	Copy of visual images	R75.00
13.6.6	A transcription of an audio record, for an A4 page or part thereof	R25.00
13.6.7	Copy of an audio record	R50.00

- 13.7 The access fees payable are as follows:

13.7.1	Every photocopy of an A4 page or part thereof	R1.50
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13.7.2	Every printed page of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R1.00
13.7.3	For a copy in a computer readable form: Compact Disc	R100.00
13.7.4	A transcription of visual images, for an A4 page or part thereof	R50.00
13.7.5	Copy of visual images	R75.00
13.7.6	A transcription of an audio record, for an A4 page or part thereof	R25.00
13.7.7	Copy of an audio record	R50.00

13.8 To search and prepare the record for disclosure, R150.00 for each hour or part of an hour reasonably required for such search and preparation.

13.9 If, in the opinion of the Company Secretary, the search and preparation of the record will require more than six (6) hours, the applicant will be required to pay a deposit of one-third of the access fee.

13.10 Where a copy of the record needs to be posted or sent by courier, the actual postal or courier fee is also payable.

#### 14 GRANTING OR REFUSAL OF REQUESTS

14.1 All requests that meet the requirements as set out in this manual will be processed by the Company Secretary within the time limits set out in PAIA.

14.2 In terms of PAIA requests may be refused on the following grounds:-

14.2.1 Mandatory protection of privacy of a third party who is a natural person;

14.2.2 Mandatory protection of the personal information of data subjects in terms of POPIA;

14.2.3 Mandatory protection of commercial information of a third party;

14.2.4 Mandatory protection of certain confidential information of a third party;

14.2.5 Mandatory protection of records privileged from production in legal proceedings;

14.2.6 Commercial information of the private body; and

14.2.7 Mandatory protection of research information of a third party and of the private body.

14.3 Applicants will be informed within thirty (30) calendar days of the decision. In terms of PAIA this period may be extended for a further thirty (30) calendar days should more time be required to search for and prepare the record. In this event applicants will be notified accordingly.

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**15 APPEAL**

- 15.1 There is no right of appeal against a decision of the Company Secretary and the only recourse available to an applicant or third party who is aggrieved by a decision of the Company Secretary is by way of a complaint to the Information Regulator in terms of Section 77A of PAIA or an application to a court for appropriate relief in terms of Section 78 of PAIA.

**16 SUMMARY OF POPIA REQUIREMENTS**

- 16.1 In terms of POPIA personal information must be processed for a specific purpose only. This purpose is the purpose for which the information is initially provided.
- 16.2 POPIA provides that data subjects, i.e. the person to whom the personal information relates, may request AVI to confirm that it holds personal information about the data subject and, if so, may request access to such information.
- 16.3 POPIA provides that data subjects may object to the processing of personal information by AVI on reasonable grounds relating to their particular situation, unless legislation allows for such processing.
- 16.4 Requests by data subjects must be made in terms of this PAIA Manual.

**17 REVIEW**

This Manual will be reviewed by AVI Legal as and when appropriate and necessary.

**18 LINKS**

The Human Rights Commission	<a href="http://www.sahrc.org.za/paia.htm">http://www.sahrc.org.za/paia.htm</a>
Department of Justice and Constitutional Development	<a href="http://www.doj.gov.za">www.doj.gov.za</a>
Government Communication and Information System	<a href="http://www.gcis.gov.za">www.gcis.gov.za</a>
Information Regulator	<a href="http://www.justice.gov.za/inforeg">www.justice.gov.za/inforeg</a>
AVI website	<a href="http://www.avi.co.za">www.avi.co.za</a>