

DOLPHIN BAY CHEMICALS PROPRIETARY LIMITED
(Registration Number: 2003/031169/07)

MANUAL

**PUBLISHED 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 Dolphin Bay Chemicals Proprietary Limited (Registration Number: 2003/031169/07) (“**Dolphin Bay**” or “**the Company**”) conducts its business as a major role player in the manufacture of chemicals used as wood preservatives. Dolphin Bay is a private company, registered as such in accordance with the laws of the Republic of South Africa.
- 1.2 The Promotion of Access to Information Act, No. 2 of 2000 (“**PAIA**”) aims to give effect to the constitutional right of access to information, which information is held by any private or public body and is required for the exercise or protection of any rights. PAIA furthermore stipulates the procedures to be followed in order to request access to personal information held by or on behalf of private or public bodies, as such term is defined in the Protection of Personal Information Act, No. 4 of 2013 (“**POPI**”), and the grounds upon which access to such personal information may be granted or denied.
- 1.3 Please note that the South African Human Rights Commission has published a guide on how to use PAIA, which guide and further information regarding PAIA can be found at <https://www.sahrc.org.za/index.php/understanding-paia>. The guide and the South African Human Rights Commissions’ website contains relevant information which will assist any person who wishes to exercise any right contemplated in PAIA. Any enquiries regarding this guide should be directed directly to the South African Human Rights Commission at (011) 877 3645 or tsebulela@sahrc.org.za.
- 1.4 This manual, published in accordance with section 51 of PAIA, contains the processes and procedures to be followed in relation to request for access to records held by the Company (“**this Manual**”). This Manual should be read together with the relevant provisions of PAIA and POPI.
- 1.5 References in this Manual to terms as defined in PAIA and/or POPI shall bear the meanings ascribed thereto in such Acts.
- 1.6 This Manual is published on the Company’s website, www.dolphinbay.co.za, or a copy can be requested from popi@dolphinbay.co.za.

2. CONTACT DETAILS OF THE COMPANY

2.1 The contact details of the Company are as follows:

Dolphin Bay Chemicals (Pty) Ltd	
Physical Address	Dolphin Bay Voorbaai Crescent Bayview Industria Mossel Bay 6500
Telephone	+27 (0) 44 695 1575
Fax	+27 (0) 44 695 0777
Email	info@dolphinbay.co.za
Website	www.dolphinbay.co.za

2.2 The contact details of the Information Officer of the Company are as follows:

Information Officer	
Name	Bertus Coetzee
Physical Address	Voorbaai Cres, Bayview Industria, Mossel Bay, 6500
Telephone	044 6951575
Email	popi@dolphinbay.co.za

3. RECORDS HELD BY THE COMPANY

3.1 This section contains a brief, high level summary of the records held by the Company, which records are grouped into their various categories for convenience purposes only. Access to the records may be refused on the grounds as contained in clause 5 below.

3.2 If you are unsure as to what records are held by the Company, kindly contact the Information Officer of the Company in this regard.

3.3 Employee records:

- 3.3.1 Records of the personal information of the employees (including permanent employees and casual staff) of the Company, as collected from such employees and other third parties.
- 3.3.2 Conditions of employment, employment agreement and other legal records.
- 3.3.3 Internal evaluations, records of training and skills development and other internal records.
- 3.3.4 Correspondence between employees and the Company, as well as correspondence between the Company and third parties relating to the employees.
- 3.3.5 Information relating to employees' employment history, leave and medical records, financial history, pension funds and trade union memberships.
- 3.4 Customer related records:
 - 3.4.1 Information relating to customers' identity, contact details, financial details and other personal information provided by customers and by other third parties on behalf of customers.
 - 3.4.2 Correspondence between the Company and its customers, as well as correspondence between the Company and third parties relating to its customers.
 - 3.4.3 The agreements concluded between the Company and its customers, which agreements contain confidential information relating to the customers' financial records, commercial information and which contains personal information regarding the directors and employees of such customers.
 - 3.4.4 Internal records created by the Company pertaining to its customers.
- 3.5 Company records:
 - 3.5.1 Financial, treasury and auditing records of the Company.
 - 3.5.2 Records regarding the Company's products, processes, marketing, databases, information technology and operations.

- 3.5.3 Statutory records of the Company, including its constitutional documents, securities registries, registration documents etc.
- 3.5.4 Internal correspondence.
- 3.5.5 Records held by the directors and public officers of the Company.
- 3.6 Third party records:
 - 3.6.1 Records held by third parties on behalf of the Company, including its service providers, operators and independent contractors.
 - 3.6.2 Records held by the Company relating to third parties, including its service providers, contractors and its subsidiaries/holding companies.

4. POPI COMPLIANCE

- 4.1 The Company processes personal information in the conduct of its business activities, specifically as it relates to agreements concluded with its customers, suppliers, service providers, employees etc.
- 4.2 Personal information is only disclosed, by the Company to third parties, in line with the provisions of POPI (such as disclosures with the consent of the relevant “data subject”, in order to comply with an agreement between the “data subject” and the Company and/or where it is in the best interest of the “data subject”) and as necessary or required in the conduct of the business activities of the Company. Aforementioned includes the necessary disclosure of personal information to the employees of the Company (in relation to the performance of their duties) and to the service providers of the Company (in respect of the services provided to the Company).
- 4.3 The Company does not in its ordinary course of business transfer personal information to parties situated outside of South Africa. Any cross-border flow of personal information will be done strictly in accordance with the provisions of POPI (such as with the consent of the “data subject” to whom such personal information relates), as well as any other applicable laws.

4.4 The Company implements the necessary security safeguards to ensure the confidentiality and integrity of all personal information, as prescribed by POPI. This includes the use of secure storage facilities, password protected computers and encrypted storage. In order to ensure adequate protection of confidential and personal information we do not set out our full privacy and security measures in this Manual. Please however feel free to contact us if you require further details on how we protect confidential and personal information in our possession.

5. GROUNDS FOR REFUSAL OF ACCESS

5.1 The main grounds upon which access to the records held by Company may be refused, includes, but is not limited to, the following (subject to the provisions of Chapter 4 of PAIA):

5.1.1 if such access would result in an unreasonable disclosure of the personal information of a third party (including deceased persons);

5.1.2 if the record contains a third party's:

5.1.2.1 trade secrets;

5.1.2.2 financial, scientific, commercial or technical information;

5.1.2.3 information which was supplied in confidence;

5.1.3 if such access would constitute a breach of a duty of confidence owed to a third party;

5.1.4 if such access could reasonably be expected to endanger the life or physical safety of an individual, or could likely prejudice or impair the security of a building/structure/system, a property, means of transport, the safety of the public etc.;

5.1.5 if such record is privileged from production in legal proceedings, unless the person entitled to such privilege has waived the privilege;

5.1.6 if such record contains the Company's:

5.1.6.1 trade secrets;

- 5.1.6.2 financial, scientific, commercial or technical information;
- 5.1.6.3 information which if disclosed would put it in a disadvantage in respect of contractual or other negotiations;
- 5.1.6.4 computer programs;
- 5.1.7 if such record relates to research information of the Company or a third party, which if disclosed will disclose the third party, the person carrying on the research or the research subject matter, to a serious disadvantage.

6. REMEDIES AVAILABLE

- 6.1 Should a request for access to the records of the Company be denied, a requester who is dissatisfied with such denial, can within 30 (thirty) days from such request being denied approach a relevant court for appropriate relief.
- 6.2 The Company does not have internal appeal remedies to be followed should a requester be dissatisfied with a refusal to access the records of the Company.

7. REQUESTS

- 7.1 A requester wishing to gain access to the records of the Company, must:
 - 7.1.1 comply with all procedural requirements as stipulated in this Manual, PAIA and/or POPI;
 - 7.1.2 complete the relevant form prescribed by the Department of Justice and Constitutional Development, found at https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf and forward same to the Company's Information Officer at the contact details contained in clause 2 above;
 - 7.1.3 the abovementioned form must be filled in with the requisite information and details to allow the processing of such request and must enable the Company to identify:
 - 7.1.3.1 the record to which access is requested;

- 7.1.3.2 the form of access to the record which is requested, including which form is required in the case of any disabilities;
- 7.1.3.3 the identity of the requester, specifically where the request is made on behalf of another person; and
- 7.1.3.4 the right to be exercised/protected and the reasons why access to the record is required to exercise/protect such right;
- 7.1.4 make payment of any relevant fees, as communicated by the Company to the requester and as made provision for in section 54 of PAIA.
- 7.2 The Company shall process the request for access within 30 (thirty) days from receipt thereof, except if one of the circumstances as contemplated in section 57(1) of PAIA applies, in which instances the processing of the request can be extended by a further 30 (thirty) days.
- 7.3 Once the request has been processed, the Company shall inform the requester whether his/her/its request for access to the records of the Company has been granted or denied. If such request is denied, the notice of such denial shall contain the reasons/grounds upon which such request is denied and shall confirm that the requester may lodge an application with the relevant court to appeal such decision.
- 7.4 Should any request be made on behalf of another person, the relevant sections of the request form must be completed and proof of the capacity in which such request is made on behalf of such person must be provided.

8. PRESCRIBED FEES

- 8.1 A requester may be required to pay a request fee, as communicated to him/her/it by the Information Officer upon receipt of the request, before such request can be processed.
- 8.2 A further access fee may be payable, calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs in relation to providing the requester with access to the requisite records. The Information Officer shall communicate any access fees payable to the requester.

- 8.3 Personal requesters are exempt from paying the prescribed fees – i.e. persons who request information about themselves.
- 8.4 If the search for the record in respect of which a request for access has been made by the requester, has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the PAIA Regulations for this purpose, the Information Officer will notify the requester to pay a deposit (being not more than one third of the access fee) of the access fee which would be payable if the request is granted.
- 8.5 If a deposit has been paid in respect of the access fee in relation to a request, and such request is denied, the Company shall repay such deposit to the requester.
- 8.6 A requester may lodge an application with the relevant court against the payment of the prescribed fees.
- 8.7 Access to records may be withheld until the relevant fees have been paid by the requester.

9. FURTHER INFORMATION

- 9.1 Should any further information be required in relation to this Manual or access to the records of the Company, please contact the Company and/or the Information Officer at the contact details contained in clause 2 above.
- 9.2 The Company reserves the right to vary, change, amend and/or replace this Manual from time-to-time, if the law or its business practices require such change and shall publish such updated manual on its website and make same available at its physical address and/or on request therefor from the Information Officer at the contact details contained in clause 2 above.