

PAIA MANUAL

Department: Risk Management
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OCEAN BASKET HOLDINGS (PROPRIETARY) LIMITED AND IT'S SUBSIDIARIES ("OCEAN BAKSET")

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

INTRODUCTION:

9 March 2001, new legislation was enacted called the Promotion of Access to Information Act of 2000 (herein after referred to as "PAIA"). The purpose of this legislation is to address Section 32 of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the PAIA is the compilation of a manual by 32 August 2003 that provides information on both the types and categories of records held by the public or private body. In terms of the PAIA, a private body includes any former or existing juristic person. Therefore, Ocean Basket is regarded as a "private body" and both the manual and the requirements regarding access must be in compliance with the provisions of PAIA relevant to private bodies.

In addition, the Protection of Personal Information Act of 2013 ("POPIA") amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information.

This document serves as Ocean Basket's manual in terms of PAIA and POPIA, to provide a reference as to the records held and the process that needs to be followed to request access to such records. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

COMPANY OVERVIEW

Ocean Basket Holdings (Proprietary) Limited and Its Subsidiaries (hereinafter referred to as "Ocean Basket" or "the Group") was incorporated in South Africa in 1995.

Ocean Basket and Its Subsidiaries participate in the business of operating and licensing others to operate a chain of Mediterranean Seafood franchised restaurants and corporate owned restaurants using the name "Ocean Basket".

SCOPE OF MANUAL

This manual will exclude Ocean Basket's operations outside of South Africa and will serve to provide as a reference regarding the records held by Ocean Basket at the support centre, corporate restaurants, and other divisions within the Group.

ADMINISTRATION OF THE ACT**Section 51(1) (a)**

The Chief Executive Officer (CEO) of Ocean Basket has duly authorised the contact person below to follow all the requirements of PAIA and POPIA are administered in a fair, objective, and unbiased manner:

Contact Person :	Alicia Singh-Pillay
Postal Address :	Private Bag X184, Halfway House, Midrand, 1685
Physical Address:	1 st Floor Building 13, Thornhill Office Park, 94 Bekker Road, Vorna Valley Ext 60, Midrand, 1685
Phone Number :	+ 27 11 655 1300
Email Address :	alicia@oceanbasket.com

GUIDE FOR REQUESTS TO USE THE ACT**Section 51(1) (b)**

A Guide is readily available by The Information Regulator (in terms of POPIA) and contains information to assist a person wishing to use their right of access to information in terms of PAIA and POPIA. Any enquiries regarding the Guide should be directed to:

Contact Person :	The Information Regulator (South Africa)
Physical Address :	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal Address :	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Phone Number :	N/A
Email Address :	inforeg@justice.gov.za
Complaints Address :	Compliants.IR@justice.gov.za
Website :	https://www.justice.gov.za/inforeg/

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**Section 51(1) (c)**

The following categories of records are automatically available for inspection, purchase or photocopying:

- menus
- press releases
- publications; and
- various other marketing and promotional material

RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**Section 51(1) (d)**

The below records are available in accordance with the following legislation, however, the records may not be a true representation of the records of the laws and legislation which Ocean Basket complies with:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 71 of 2008
- Competition Act No. 89 of 1998
- Customs and Excise Act No. 91 of 1964
- Electronic Communications and Transactions Act No. 2 of 2000
- Employment Equity Act No. 55 of 1998
- Financial Markets Control Act No. 19 of 2012
- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1995
- National Environmental Management Act No. 107 of 1998
- National Environmental Management: Air Quality Act No. 39 of 2004
- National Environmental Management: Waste Act No. 36 of 1947
- National Payment Systems Act No. 78 of 1998
- Protection of Personal Information Act No. 4 of 2013
- The Compensation For Occupational Injuries and Diseases Act No. 130 of 1993
- The Hazardous Substances Act No. 15 of 1973
- The Insolvency Act No. 24 of 1936
- The Medical Schemes Act No. 131 of 1998
- The Mutual Banks Act No. 124 of 1993
- The National Health Act No. 61 of 2003
- The Occupational Health and Safety Act No. 85 of 1993
- The Prescription Act No. 68 of 1969
- The Value Added Tax Act No. 89 of 1991
- Unemployment Insurance Act No. 63 of 2001
- Animal Diseases Act No. 35 of 1983
- Animal Protection Act No. 71 of 1962
- Agricultural Products Standards Act No. 119 of 1990
- Foodstuffs, Cosmetics and Disinfectant Act No. 54 of 1972
- Waste Act No. 59 of 2008
- Regulations Governing the Maximum Limits for Veterinary Medicine and Stock Remedy Residues that may be Present in Foodstuffs (R1809)
- Regulations Governing General Hygiene Requirements for Food Premises and Transport of Food (R962)
- Codex Alimentarius General Principles of Food Hygiene (CAC / RCP 1 – 1969)
- National Standard for Drinking Water (SANS 241 – 1 and SANS 241 – 2)
- Liquor Act No. 59 of 2003

RECORD SUBJECTS AND CATEGORIES

Section 51 (1) (e)

General

- General correspondence
- Administration records
- Statutory records
- Contracts and Agreements
- Insurance Records
- Operational licences, permits, authorisations or certificates

Finance

- Accounting records
- Investments records
- Management reports
- Transactional reports
- VAT records
- PAYE records
- Tax records
- Consolidation records

Audit

- Risk Management records
- Audit Practice records
- Audit Reports and Supporting working papers

Marketing

- Press releases and statements
- Media records
- Brochures / Menu

Company Secretary

- Share registration records
- Statutory records

People Practice (Human Resources)

- Employee records
- People Practice policies and procedures
- External training records
- Employee benefit records
- Labour relations records
- Statutory records
- Employment equity records
- Employment contracts

Legal

- General legal correspondence
- Patent records
- Property records
- Litigation records
- Dispute records
- Trademarks

Information Technology

- IT Contracts
- IT Agreements
- IT operational records
- Asset records
- IT policy records

Development – Store Builds

- Store build and revamp costs
- Drawings and design records
- Restaurant occupational certificates

OB Academy / Learning and Development

- Training material
- Training records
- Upskill programmes
- Training agreements

ACCESS REQUESTS PROCEDURE

Section 51(1) (e)

It is important to note that an application for access to information can be refused if the application does not comply with the procedural requirements of PAIA.

In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record, especially if records cannot be found, or any other permissible grounds for refusal as provided for in PAIA.

If it is suspected that a requestor has obtained access to Ocean Basket records through the submission of materially false or misleading information, legal proceedings may be instituted against such requestor.

Completion Of Access Request Form

The Access Request Form on Page 11 should be completed in order for Ocean Basket to respond to requests in a timely manner:

Please complete the form per the below instructions:

- Complete the form on Page 11
- Type or print in BLOCK LETTERS
- Please provide sufficient details on the form to ensure the record can be identified, indicate the form access required, and identify the right which the requestor is seeking to exercise or protect and explain as to why the requested record is required for the exercise or protection of that right.
- If the request is made on behalf of a person, the requestor must submit proof of capacity or identity in which the requester is making the request to the satisfaction of the contact person indicated in section 51(1)(a).
- If a question does not apply, please state "N/A".
- If there is nothing to disclose to a particular question, please state "N/A" in response to that question.
- If there is sufficient space on a printed form in which to answer a question, additional information may be provided on an additional page.
- When the use of an additional page is required, precede each answer thereon with the title applicable to that question.

Submission Of Access Request Form

The completed Access Request Form set out on Page 11 must be submitted either via post or email and must be addressed to the contact person indicated in section 51(1)(a).

An initial non-refundable R57.00 (fifty seven Rand) request fee is payable on submission of the request and before processing of such request and information must be provided in order for Ocean Basket to process the invoice.

This fee is not applicable to individuals seeking access to records which contain their personal information.

Payment Of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made via EFT and proof of payment must be supplied.

If the request for access is successful an access fee will be required for the search, reproduction and / or preparation of the record(s) and will be calculated based on the Prescribed Fees as set out on Page 16. The access fee must be paid prior to access being given to the requested record.

NOTIFICATION

Requests will be evaluated, and the requestor notified within 30 (thirty) days of receipt of the completed Access Request Form.

Notification of Extension Period (if required)

The requestors may be notified whether an extension period is required for the processing of the requests including:

- The required extension period which will not exceed an additional 30 (thirty) days
- Reasons for the extension as permitted by PAIA; and
- Notice that the requestor may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

The requestor may be notified whether a deposit is required. A deposit will be required on certain factors such as volume and / or format of the information requested and the time required for search and preparation of the record(s).

The notice will state:

- The amount of the deposit payable
- Request for personal information to create the invoice (if applicable)
- The requestor may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

In the event the access is refused for the requested record(s), the full deposit will be refunded to the requester and a request for personal information such as the bank account details will be required (if applicable).

Decision On Request

If no extension period or deposit is required, the requestors will be notified within 30 (thirty) days of the decision on their requests.

If the request for access to a record is successful, the requestor will be notified of the followings:

- The amount of the access fee payable upon gaining access to the record (if any).
- An indication of the form in which the access will be granted.
- Notice that the requestor may lodge an application with a court against the payment of the access fee and the procedure including the period for lodging the application.

If the request for access to a record is not successful, the requestor will be notified of the following:

- Reason(s) for the refusal.
- That the requestor may lodge an application with a court against the payment of the access fee and the procedure including the period for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, Ocean Basket is obliged to attempt to contact this third party to inform them of the request. This allows the third party the opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event, the third party provides reasons for the support or denies access, our designated contact person will consider these reasons in determining whether access should be granted or not.

Grounds For Refusal

Ocean Basket may legitimately refuse to grant access to a requested record that falls within a certain category, which include:

- Protecting personal information which Ocean Basket holds about a third person (a natural person), including a deceased person, from unreasonable disclosure.
- Protecting commercial information which Ocean Basket holds about a third party or on Ocean Basket (for example, trade secrets, financial, commercial, scientific, or technical information that may harm the commercial or financial interests of Ocean Basket and/ or the third party)
- If the disclosure of the record would result in a breach of duty or confidence owed to a third party in terms of an agreement

- If the disclosure of the record would prejudice or impair the security of property or means of transport.

- If the disclosure of the record would endanger the life or physical safety of an individual
- If the disclosure of the record would prejudice or impair the protection of the safety of the public
- If the disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme
- If the disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interest of Ocean Basket
- If the disclosure of the record is privileged from production in legal proceedings unless the legal privilege has been waived.
- If the disclosure of the record is a computer programme
- If the disclosure of the record would place Ocean Basket at a disadvantage in contractual or other negotiations or prejudice it in commercial competition
- If the disclosure of the record contains information about research being carried out or about to be carried out on the behalf of a third party or Ocean Basket.

Records which cannot be found or do not exist

Ocean Basket will endeavour to do their best to search for the requested records, however, if Ocean Basket has searched for a record and it is believed the record does not exist or cannot be located, the requester will be notified by way of an affidavit or affirmation which will include the steps taken to locate the record.

ACCESS REQUEST FORM

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

	Regulation 10
Office Use Only	
Received by:	

Reference Number:

1. PARTICULARS OF BODY

Requests can be submitted by post or email and should be addressed to the relevant contact persons as indicated below:

Ocean Basket Holdings (Pty) Ltd

Contact Person: Alicia Singh-Pillay
Postal Address: Private Bag X184, Halfway House, Midrand, 1685
Physical Address: 1st Floor Building 13, Thornhill Office Park, 94 Bekker Road,
Vorna Valley Ext 60, Midrand 1685
Phone Number: +27 11 655 1300
Email Address: alicia@oceanbasket.com

2A. PARTICULARS OF REQUESTOR (IF NATURAL PERSON)

- (a) Particulars of the person who requests access to the record must be recorded below.
- (b) Furnish a postal address and / or email address in the Republic of South Africa which information must be sent to.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full name and surname: _____

Identity number: _____

Postal address: _____

Postal code: _____

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Contact number: _____

Email address: _____

Capacity in which the request is made, when made on behalf of another person:

2B. PARTICULARS OF REQUESTOR (IF A LEGAL ENTITY)

- (a) Particulars of the entity which requests for access to the record must be recorded below.
- (b) Furnish a postal address and / or email address in the Republic of South Africa to which information must be sent to.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of Entity: _____

Registration number: _____

Postal address: _____

Postal code: _____

Contact number: _____

Email Address: _____

3. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must only be completed if a request for information is made on behalf of another person.

Full name and surname: _____

Identity number: _____

4. PARTICULARS OF RECORDS

- (a) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located.
- (b) If the provided space is not enough, please continue on a separate page and attach to this form. Please ensure you sign the additional pages.

Description of record or relevant part of the record: _____

Reference number if known: _____

Further particulars of record: _____

5. FEES

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** has been paid.
- (b) 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 the record.
- (c) The requester will be notified of the amount require to be paid as the access fee.
- (d) If you qualify for an exemption pf the payment of any fee, please state the reason.

Reason for exemption of payment of fees: _____

6A. FORMS OF ACCESS TO RECORD

Form in which required is required – Mark the appropriate box with an X.

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused under certain circumstances. In such a case, you will be informed whether 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.

1. If the record is in written or printed form:

Copy of record* Inspection of record

2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images

Copy of the images*

Transcription of the images*

3. If the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack (audio cassette)

Transcription of soundtrack* (written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:

Printed copy of record*

Printed copy of information derived from the record*

Copy in computer readable form* (USB)

*If you requested a copy or transcription of a record (above), do you wish the record be posted to you? **Postage is payable:** Yes No

6B. IN THE EVENT OF DISABILITY

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in points 1 to 4 above, state your disability and indicate in the form in which the record is required:

Disability: _____

Form in which record is required: _____

7. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is not enough, please continue a separate page and attached to this form. Please ensure you sign the additional pages.

Indicate the right to be exercised or protected: _____

Explain why the record requested is required for the exercise or protection of the aforementioned right: _____

8. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to meet with your request.

How would you prefer to be informed of the decision regarding your request for access to the record? _____

9. SIGNATURE

Signed _____ this _____ day of _____ 20____

Signature of Requestor / Person on Whose Behalf the Request is Made

Requestor must:

1. Complete all necessary spaces.
2. Sign the Access Request Form.
3. Sign all additional pages and attach to the form.

Request to forward the below:

1. To the contact person indicated under Section 1 of this form.
2. R57.00 (non-refundable request fee) if not a personal request.
3. Any additional pages completed.

PRESCRIBED FEES

(Section 54 (7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

Regulation 11 (3)

1. ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- | | |
|---|--------|
| ➤ For every photocopy of an A4 size page or part thereof. | R1.25 |
| ➤ For every printed A4 size page or part thereof held on a computer or an electronic or machine readable form. | R0.85 |
| ➤ For a copy in a computer –readable form on a USB | |
| ➤ For transcription of visual images, for an A4 size page or part thereof. | R45.60 |
| ➤ For a copy of visual images. | R68.40 |
| ➤ For a transcription of an audio record, for an A4 size page or part thereof. | R22.80 |
| ➤ For a copy of an audio record. | R34.20 |
| ➤ To search for and prepare the record for disclosure – for each hour or part thereof reasonably required for such search and preparation | R34.20 |

(a) Six hours as the hours to be exceeded before a deposit is payable.

(b) One third of the access fee is payable as a deposit by the requestor.

(c) The actual postage fee including courier services if applicable is payable when a copy of a record must be posted or couriered to a requestor.

Additional Prescribed Information

Section 51(1)(f)

The Minister of Justice has prescribed no additional information.

Annexure A

Ocean Basket Holdings (Proprietary) Limited and Its subsidiaries:

Name	Registration Number
Ocean Basket Holdings (Pty) Ltd	1997 / 017799 / 07
Ocean Basket Franchise Company (Pty) Ltd	1997 / 017819 / 07
Ocean Basket Cyprus SA (Pty) Ltd	2005 / 038851 / 07