

THE HERBERT EVANS GROUP (Pty) Ltd. NPC MANUAL in terms of Section 51 of The Promotion of Access to Information Act 2/2000 (the “ACT”)

1. INSTRUCTION

The Herbert Evans Group of companies offers specialist fine art supply shops, a number of premium paints and painting hardware retailers offering a range of products for domestic and commercial customers and our Libra paints factory that produces and supplies industrial and decorative paints. This manual outlines the implementation of PAIA (and aspects of POPIA) at Herbert Evans Group (Pty) Ltd, NPC (HEG), and lists the primary records held by the company which can be accessed in accordance with the provisions of law. It further sets out how people can access information in terms of POPI.

2. COMPANY CONTACT DETAILS

Herbert Evans Group Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with Requests for information on the HEG’s behalf, and to ensure compliance with the PAIA statute.

2.1. Designated/duly authorised persons:

Mr. H.O. Eksteen (CEO)

2.2. Contact Details:

Postal Address: PO Box 10111, Johannesburg, 2000

Street Address: 150 Rosettenville Road, Springfield ext 4, Johannesburg, 2190

Telephone Number: 011 210 4000

Email: popi@herbertevans.co.za

3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown, Johannesburg, Gauteng and at www.sahrc.org.za

For further information please contact the SAHRC:

E-mail: PAIA@sahrc.org.za

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

[Click here to view or download the guide.](#)

4. THE ACT

4.1. The PAIA statute grants a requester access to records of a private body, if the record is required for the exercise or protection of appropriate legal rights. If a public body lodges a request, the public body must be acting in the public interest.

4.2. Requests in terms hereof shall be made in accordance with the prescribed procedures, and where applicable at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.

4.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

5. RECORDS AUTOMATICALLY AVAILABLE

5.1. The following Records are automatically available without a person having to request access in terms of the Act:

5.1.1. The web page <https://www.herbertevans.co.za> is accessible to anyone who has access to the Internet. The HEG's website hosts the following categories of information:

- Products and Services
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5.1.2. Product and promotional brochures/pamphlets

5.1.3. News and marketing information

5.1.4. Corporate communications

5.1.5. Other literature intended for public viewing.

5.1.6. 5.1.6 The Privacy centre/portal that provides guidelines to requesters and data subjects on the processes to be followed in addressing rights in respect of the protection of personal information as well as access to information held by the organisation.

6. APPLICABLE LEGISLATION

LEGISLATION

Companies Act No 71 of 2008

Value-Added Tax Act No 89 of 1991

Income Tax Act No 58 of 1962

King IV Code

Short-term Insurance Act 53 of 1998

Competition Act No 89 of 1998

IFRS and various other codes and legislation (auditing)

Regulations for the Retention and Preservation of Company Records, 1983

Promotion of Access to Information Act No 2 of 2000

Protection of Personal Information Act No 4 of 2013

Financial Sector Regulation Act 2017

National Credit Act 34 of 2005

Customs and Excise Act 91 of 1964

Trademarks Act No 194 of 1993

Electronic Communications & Transactions Act 25 of 2002

Electronic Communications Act 36 of 2002

National Road Traffic Act 1996

Financial Advisory and Intermediary Act 2002

Administration of Road Traffic Offences Act No 46 of 1998 (AARTO)

Prescribed Rate of Interest Act No 55 of 1975

Business Names Act 27 of 1960

Local Government Municipal Property Rates Act 6 of 2004

Copyright Act 98 of 1978

Financial Intelligence Centre Act 38 of 2001

Public Holidays Act 36 of 1994

Land Survey Act 8 of 1997

Deeds Registries Act 47 of 1937

Copyright Act 98 of 1978

National Environmental Management Act 107 – 1998

Prescription Act 68 of 1969

S A National Roads Agency Act 7 of 1998

Arbitration Act, 1965 (Act 42 of 1965)

Broad Based Black Economic Empowerment Act 53 of 2003

Consumer Protection Act 68 of 2008

Employment Equity Act No 55 of 1998

Labour Relations Act No 66 of 1995

Constitution of South Africa Act No 108 of 1996

BBBEE Codes of Good Practice

Basic Conditions of Employment Act No 75 of 1997

Promotion of Equality and Prevention of Unfair Discriminations Act 4 of 2000

Human Rights Commission Act, 1994 (Act 54 of 1994)

South African Human Rights Commission Act, 2013 (Act 40 of 2013)

Skills Development Levy Act No 9 of 1999

Skills Development Act No 97 of 1998

Unemployment Insurance Act No 63 of 2001

Unemployment Insurance Contributions Act 4 of 2002

Occupational Health and Safety Act No 85 of 1993

Compensation for Occupational Injuries and Diseases Act 130 of 1993

Prevention and Combating of Corrupt Activities Act 12 of 2004

Regulation of Interception of Communications and Provision of Communication Related and Information Act 70 of 2002

Hazardous Substances Act 15 of 1973 (ERS)

Consumer Affairs (Unfair Business Practices) Amendment Act No 21 of 2001.

Protected Disclosures Act No 26 of 2000

National Environment Management Act 107 of 1998

National Environmental Management Waste Act 59 of 2008

7. SCHEDULE OF RECORDS

General information about The Herbert Evans Group can be accessed via the internet on www.herbertevans.co.za which is available to all persons who have access to the internet.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

RECORDS	SUBJECT
Compliance	BBBEE compliance Internal auditing and risk Legislative compliance Regulatory reports Policies and procedures Membership with industry bodies
Corporate Governance	Annual reports Board and Sub-Committee Administration Company Directorships Company Registrations Strategic Management
Financial	Audit management Financial Statements Budgets Creditors control Debtors control Insurance Management accounts Financial and Tax Records Asset Register
Marketing	Marketing and promotions Market research and surveys Product Brochures Sales Records Marketing strategies Customer Database Brand licencing Agreements Social Media activity
Public Affairs	Media statements Research and Development projects Affiliations Donations/funding received
Operations	Vendor/supplier Database Call Records Membership of industry bodies and associations

Human Resources	Employee database Disciplinary action Job profiles Performance management Staff benefits and incentives Training and skills development SETA/other accreditation
IT	Information systems Network security Software licences Technology assets Disaster Recovery
Procurement	Contracts/Agreements Compliance documentation of service providers Procurement proposals and tenders Service provider records Service Level Agreements
Property Management	Building management Preventative and reactive maintenance Safety Audits Surveillance records

8. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

The HEG processes personal information:

- To support engagement with the media
- To support engagement with service providers
- To support engagement with members, customers and the general public
- To support engagement with industry bodies
- To support recruitment and management of staff
- To support relationships with statutory and other authorities
- To support sales and marketing activities

9. DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

The following data subjects, and personal information processed, have been identified by the organisation:

- Employees: record of employee life cycle
- Members
- Corporate Customers
- General public: tracking general enquiries and web site visits
- Industry bodies: membership records
- International Affiliates
- Media: records of media interactions
- Service providers: record of service provider life cycle
- Statutory and other authorities: contact details

10. PLANNED RECIPIENTS OF PERSONAL INFORMATION

- Employee Provident / Pension Fund
- Employee Benefits providers (Wellness, tax assist etc.)
- Trade union
- Medical Schemes
- Recruitment Agencies
- Telecommunication providers
- Financial institutions
- Industry bodies
- Service providers
- Statutory authorities
- Media

11. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

- Flows to operators (service providers)
- Flows through the use of social media.

12. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Physical security measures
- Access controls
- Home and mobile measures
- Internal security measures
- Cyber security measures
- Anti-spam measures
- Anti-virus measures
- Firewalls
- Password control
- Training in information security and other POPO requirements
- Selective training of key staff
- Policies for information security
- Comprehensive coverage of all IT-related issues
- Audits of information security
- Provisions around security in all provider contracts/agreements

13. FORM OF REQUEST

13.1. The requester must complete Form C and submit this form together with a request fee, to the person delegated to deal with requests (for “the Information Officer”).

13.2. The form must be submitted using any of the methods noted: Postal Address PO Box 10111, Johannesburg, 2000, Tel. No 011 210 4000, E-mail address of the delegated Information Officer popi@herbertevans.co.za.

13.3. The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester:

- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body.
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees.
- After the Information Officer has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

13.4. The HEG has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

14. AVAILABILITY OF THE MANUAL

14.1. This manual is available for inspection at the Head Offices of the HEG, free of charge or from the SAHRC.

Signature omitted for security reasons, signed copy available on request.

Information Officer of the HEG: H.O. Eksteen.

Signed copy available on request.

Date: 1 June 2021

Next revision date of this document: 1 June 2022

15. FEES IN RESPECT OF PRIVATE BODIES

15.1. The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

15.1.1. Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

- The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
- The fees for reproduction referred to in regulation 11(1) are as follows:

(a) For every photocopy of an A4-size page or part thereof R1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0, 75

(c) For a copy in a computer-readable form on USB R 70,00

(d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00,

(ii) For a copy of visual images R 60,00

(e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00;

(ii) For a copy of an audio record R 30,00

15.1.2. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.

15.1.3. The access fees payable by a requester referred to in Regulation 11(3) are as follows:

a) For every photocopy of an A4-size page or part thereof R 1,10;

b) 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;

c) For a copy in a computer-readable form on USB R 70,00

d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00;

(ii) For a copy of visual images R 60,00

e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00;

(ii) For a copy of an audio record R 30,00

f) To search for and prepare the record for disclosure, R 30,00; for each hour or part of an hour reasonably required for such search and preparation.

15.1.4. For purposes of section 54(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable
- One third of the access fee is payable as a deposit by the requester.

15.1.5. The actual postage is payable when a copy of a record must be posted to a requester.

Note: This manual is based on "EXAMPLE OF A MANUAL FOR A PRIVATE BODY" issued by the South African Human Rights Commission, amended to meet the needs of JHC, with further additions to enhance its usefulness and comply with the Protection of Personal Information Act, No. 4 of 2013