



MANUAL

required in terms of PAIA and POPIA

This manual is issued in accordance with Section 51 of the Promotion of Access to Information Act, 2 of 2000 (the “**Act**”) and to address requirements of the Protection of Personal Information Act, 4 of 2013 (“**POPIA**”)

applicable to private body

SGS TECHNICAL SERVICES (PTY) LTD
with company registration number 2014/202150/07

AND

ITS SUBSIDIARIES

(hereinafter “**SGS**”)

The Act gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.

Section 51 of the Act, requires that the head of a private body must compile an information manual. Section 17 of the POPIA, requires that a responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Act.

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative-, regulatory and justifiable requirements limitations and grounds for refusal.

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1. Introduction

SGS is the world's leading inspection, verification, testing and certification company. With more than 89,000 employees, the SGS Group of Companies operates a network of more than 2,600 offices and laboratories across six continents.



Our business includes amongst others, inspection, verification, testing, engineering projects, consultancy and training services and all related activities (whether directly or indirectly related)

We further provide specialized business solutions that improve quality, productivity, and reduce risk to help our customers navigate an increasingly regulated world. SGS is recognized as the global benchmark for quality and integrity.

Our core services are divided into four categories:

- **Inspection:** our comprehensive range of world-leading inspection and verification services, such as checking the condition and weight of traded goods at shipment, help you to control quantity and quality, and meet all relevant regulatory requirements across different regions and markets;
- **Testing:** our global network of testing facilities, staffed by knowledgeable and experienced personnel, enable you to reduce risks, shorten time to market and test the quality, safety and performance of your products against relevant health, safety and regulatory standards;
- **Certification:** we enable you to demonstrate that your products, processes, systems or services are compliant with either national or international standards and regulations or customer defined standards, through certification; and
- **Verification:** we ensure that products and services comply with global standards and local regulations. Combining global coverage with local knowledge, unrivalled experience and expertise in virtually every industry, SGS covers the entire supply chain from raw materials to final consumption



2. Company details

Directors: Mr. Gerald van Aswegen (Managing Director)
Mr. Stephen Andrew Rossiter
Mr. Fabrice Jean Pierre Egloff

Postal Address: P O Box 90
Gallo Manor
Sandton
Gauteng
2052

Address of registered office: Huawei Office Park
Building 1
128 Western Service Road
Woodmead
Gauteng
2191

Telephone number: +27(0)11 800 1000

Facsimile number: +27(0)11 800 1020

Website: www.sgs.com

- **Information Officer (Section 51(1)(b))**

The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, *inter alia*, assess request for access to information. POPIA provides that an Information Officer of, or in relation to, a private body means the head of a private body as contemplated in section 1 of the Act.

The duties and responsibilities of the Information Officer under POPIA include (i) the encouragement of compliance by SGS, with the conditions for the lawful processing of personal information, (ii) dealing with requests made to SGS pursuant to POPIA, (iii) working with the Registrar in relation to investigations conducted pursuant to Chapter 6 of POPIA in relation to SGS and (iv) otherwise ensuring compliance by SGS with the provisions of POPIA.

Contact details of SGS's Information Officer (Section 51(1)(a)):

Name and Surname: Mr. Gerald van Aswegen (Managing Director)

Postal Address: P O Box 90
Gallo Manor
Sandton
Gauteng
2052

Address: Huawei Office Park



Building 1
128 Western Service Road
Woodmead
Gauteng
2191

Telephone number: +27(0)11 800 1000

Facsimile number: +27(0)11 800 1020

Electronic mail address: Gerald.vanaswegen@sgs.com

All request for information in terms of the Act must be addressed to the Information Officer.

- **Deputy Information Officers**

A body may designate (i) such a number of persons as Deputy Information Officers as is necessary to perform the duties and responsibilities of the Information Officers under POPIA and (ii) any power or duty conferred or imposed on an Information Officer by POPIA to a Deputy Information Officer of that body.

In order to render SGS as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the POPIA, SGS designated the following persons as Deputy Information Officers:

Deputy Information Officers: Mr. Renier van der Westhuizen (Legal Counsel)
Mr. Jean Vicky Thomas (Finance Manager)
Mr. Tshepo Mashaba (OI Manager)
Mr. Oscar le Roux (HR Manager)
Mr. Cobus Boshoff (IT Manager)
Mr. Cobus Burger (Business Unit Manager)
Mr. Johan Eksteen (Business Unit Manager)
Miss. Donna Crockart (Business Unit Manager)
Me. Dharmarai Naicker (Business Unit Manager)
Mr. Nico Engelbrecht (Business Unit Manager)
Mr. Johan O'Connell (Business Unit Manager)

Contact details of SGS's Deputy Information Officers:

Postal Address: P O Box 90
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Mr. Oscar le Roux (HR Manager)
Oscar.leroux@sgs.com
Mr. Cobus Boshoff (IT Manager)
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Mr. Cobus Burger (Business Unit Manager)
Cobus.burger@sgs.com
Mr. Johan Eksteen (Business Unit Manager)
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Me. Dharmarai Naicker (Business Unit Manager)
Dharmarai.naicker@sgs.com
Mr. Nico Engelbrecht (Business Unit Manager)
Nico.engelbrecht@sgs.com
Mr. Johan O'Connell (Business Unit Manager)
Johan.oconnell@sgs.com

3. Guide by the South African Human Rights Commission (Section 51(1)(b))

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

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

Requesters are referred to the guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (“SAHRC”), 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(0)11 877 3600

Fax Number: +27(0)11 403 0625

Website: www.sahrc.org.za



4. Description of the subjects on which the body holds records and the categories of records held on each subject held by SGS (Section 51(1)(e))

Table 1 below details the categories of information that SGS holds. The accessibility of these records is subject legislative-, regulatory and justifiable requirements and limitations. Amongst others, records deemed confidential on the part of a third party, will be subject to consent from the third party concerned. A request to access must be done in accordance with the legislative prescriptions.

The information is classified and grouped according to records relating to the following subjects and categories.

Table 1:

Subject	Category
Company Records	All trust deeds; Documents of Incorporation; Index of names of Directors; Memorandum of Incorporation; Minutes of meetings of the Board of Directors; Minutes of meetings of Shareholders; Proxy forms; Register of debenture-holders; Register of directors' shareholdings; Share certificates; Share Register and other statutory registers and/or records and/or documents; Special resolutions/Resolutions passed at General and Class meetings; Records relating to the appointment of: Auditors; Directors; Prescribed Officer. Public Officer; and Secretary
Financial Records	Accounting Records; Annual Financial Reports; Annual Financial Statements Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation; Invoices; Policies and procedures; Rental Agreements; and Tax Returns
Income Tax Records	PAYE Records; Documents issued to employees for income tax purposes;



	<p>Records of payments made to SARS on behalf of employees; All other statutory compliances: VAT Regional Services Levies Skills Development Levies UIF Workmen's Compensation</p>
Personnel Documents And Records	<p>Address Lists; Disciplinary Code and Records; Employee benefits arrangements rules and records; Employment Contracts; Employment Equity Plan Forms and Applications; Grievance Procedures; Leave Records; Medical Aid Records; Payroll reports/ Wage register; Pension Fund Records; Safety, Health and Environmental records; Salary Records; SETA records Standard letters and notices Training Manuals; Training Records; Workplace and Union agreements and records.</p>
Procurement Department	<p>Standard Terms and Conditions for supply of services and products; Contractor, client and supplier agreements; Lists of suppliers, products, services and distribution; and Policies and Procedures.</p>
Business Development Department	<p>Customer details Credit application information Information and records provided by a third party Advertising and promotional material</p>
Risk Management and Audit	<p>Audit reports; Risk management frameworks; and Risk management plans.</p>
Safety, Health and Environment	<p>Complete Safety, Health and Environment Risk Assessment Environmental Managements Plans Inquiries, inspections, examinations by environmental authorities</p>
IT Department	<p>Computer / mobile device usage policy documentation; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing; and System documentation and manuals.</p>
Corporate Social Responsibility (CSR)	<p>CSR schedule of projects/record of organisations that receive funding;</p>



	Reports, books, publications and general information related to CSR spend; Records and contracts of agreement with funded organisations.
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5. Records available without a request to access in terms of the Act (Section 51(1)(c))

Records in the public domain may be accessed without the need to submit a formal application.

6. Description of the Records of the Body Which are Available in Accordance with any other Legislation (Section 51(1) (d))

Where applicable to its respective business units, SGS also retains records and documents in terms of the legislation detailed in Table 2 below. The accessibility of these records is subject legislative-, regulatory and justifiable requirements and limitations. Amongst others, records deemed confidential on the part of a third party, will be subject to consent from the third party concerned. A request to access must be done in accordance with the legislative prescriptions.

Table 2:

Description
Auditing Professions Act, No 26 of 2005; Basic Conditions of Employment Act, No 75 of 1997; Broad- Based Black Economic Empowerment Act, No 75 of 1997; Business Act, No 71 of 1991; Companies Act, No 71 of 2008; Compensation for Occupational Injuries & Diseases Act, 130 of 1993; Competition Act, No.71 of 2008; Constitution of the Republic of South Africa 2008; Copyright Act, No 98 of 1978; Customs & Excise Act, 91 of 1964; Electronic Communications Act, No 36 of 2005; Electronic Communications and Transactions Act, No 25 of 2002; Employment Equity Act, No 55 of 1998; Financial Intelligence Centre Act, No 38 of 2001; Identification Act, No. 68 of 1997; Income Tax Act, No 58 of 1962; Intellectual Property Laws Amendment Act, No 38 of 1997; Labour Relations Act, No 66 of 1995; Long Term Insurance Act, No 52 of 1998; Occupational Health & Safety Act, No 85 of 1993; Pension Funds Act, No 24 of 1956; Prescription Act, No 68 of 1969; Prevention of Organized Crime Act, No 121 of 1998; Promotion of Access to Information Act, No 2 of 2000; Protection of Personal Information Act, No. 4 of 2013; Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002



Revenue laws Second Amendment Act. No 61 of 2008; Skills Development Levies Act No. 9 of 1999; Short-term Insurance Act No. 53 of 1998; Trust Property Control Act 57 of 1988 Unemployment Insurance Contributions Act 4 of 2002; Unemployment Insurance Act No. 30 of 1966; Value Added Tax Act 89 of 1991.
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SGS shall update Table 2 whenever it becomes aware of existing or new legislation that allows a requester access to records if not already detailed in Table 2. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to inform the Information Officer accordingly to allow the Information Officer the opportunity of considering the request in light thereof.

7. Detail to Facilitate a Request for Access to a Record of Adept Advisory (Section 51(1) (e))

In order for SGS to facilitate any request to access any record, without limiting the legislative-, regulatory and justifiable requirements and limitations, the Requester must:

- (i) use the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za;
- (ii) address the request to the Information Officer, including by way of electronic mail;
- (iii) deliver the request in the form and manner described by the South African Human Rights Commission;
- (iv) provide sufficient details to enable SGS to identify:
 - (a) The records requested;
 - (b) The identity of the Requester;
 - (c) The form of access required;
 - (d) The contact details of the Requester, including its postal address and fax number in the Republic;
 - (e) If the Requester wishes to be informed of the decision in any manner and particulars thereof;
 - (f) The right which the Requester is seeking to exercise or protect with an explanation of the reason the record is requested to exercise or protect the right.
- (v) pay the prescribed fee and provide proof thereof;
- (vi) comply with all the procedural requirements contained in the Act relating to the request for access to a record;
- (vii) if a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).

8. Prescribed Fees (Section 51(1) (f))

A Requester is required to pay the fees as prescribed by the Act. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).

The Requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.



The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

9. Grounds to refuse Access to Records (Section 51(1) (f))

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

Without limiting the legislative-, regulatory and justifiable grounds for refusal, SGS reserves its rights to refuse a request for information based on amongst others, the following grounds:

- (i) mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- (ii) mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- (iii) mandatory protection of the commercial information of a third party (section 64) if the record contains:
 - (a) trade secrets of the third party;
 - (b) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - (c) information disclosed in confidence by a third party to SGS, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- (iv) mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- (v) mandatory protection of the safety of individuals and the protection of property (section 66);
- (vi) mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- (vii) The commercial activities (section 68) of a private body, including SGS, which may include:
 - (a) trade secrets;
 - (b) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests;
 - (c) information which, if disclosed could put the private body at a disadvantage in negotiations or commercial competition;
 - (d) a computer program which is owned by the private body, and which is protected by copyright;
 - (e) the research information (section 69) of the private body, if its disclosure would disclose the identity of Adept Advisory, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- (viii) Requests for information that are in the Information Officer's reasonable opinion frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

The decision made by the Information Officer shall be final.