

The Acorn Agri & Food Group and its Subsidiaries

MANUAL

**Published in terms of Section 51 of the
Promotion of Access to Information Act 2
of 2000**

(Applicable provisions of the Protection of Personal Information Act 4 of 2013 are included in this Manual)

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1. Preamble

The Promotion of Access to Information Act 2 of 2000 (“the Act”) came into operation on 23 November 2001. The Act was put in place to actively promote a society in which the people of South Africa have effective access to information, which enables them to fully exercise and protect their rights.

This Manual has been prepared in terms of section 51 of PAIA and regulation 4(1)(c) of the Regulations relating to the Protection of Personal Information, 2018 of POPIA, for the Acorn Agri and Food Group (“Acorn”). The intention is to ensure that Acorn complies with PAIA and POPIA and also instils the principles of other relevant privacy legislation of South Africa by fostering the culture of transparency and accountability and giving effect to the right to information.

2. Contact Details of Acorn

Any requestor is advised to contact the Information Officer should he/she require any assistance in respect of the utilisation of this Manual and/or the requesting of documents/information from Acorn.

Company details: Acorn Agri and Food Limited Registration number: 1998/001018/06 Address: Unit 2C The Beachhead, 10 Niblick Way, Somerset West, Western Cape, South Africa	
Group CEO: Andre Uys Physical Address: Unit 2C The Beachhead, 10 Niblick Way, Somerset West Postal Address: PO Box 3360, Somerset West, 7129 Tel: (021) 852 2887 E-mail: andre@acorn.co.za	Information Officer: Annmarie Steyn Physical Address: 11 Donkin Street, Caledon, 7230 Postal Address: PO Box 50, Caledon, 7230 Tel: (028) 214 3800 E-mail: annmarie@acorn.co.za

3. Introduction

Acorn Agri & Foods Limited (“AAF” Ltd) was established in 2018 through the merger between Overberg Agri Limited and Acorn Agri (Pty) Ltd and is a leading South African, vertically integrated agriculture and food group. Acorn consist of agricultural inputs and services, fresh fruit, food processing, health foods and strategic investments.

The list of subsidiaries covered in this manual is available in Annexure 1.

The Promotion of Access to Information Act 2 of 2000 (“PAIA” or “the Act”) fosters a corporate culture of transparency and accountability, within the context of the protection of personal information. Acorn is a “private body”, as described in PAIA.

PAIA provides that a person, other than a government department or agency, may only request information in terms of the Act, if the information is required for the exercise or protection of a right. Information will therefore not be furnished unless a person clearly provides sufficient particulars on the request form to enable Acorn's Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or to protect as well as an explanation of why the requested information is required for the exercise or protection of that right.

In addition to this, such information may only be provided if:

- the person requesting the information complied with the procedural requirements of Acorn relating to such requests for information; and
- there is no ground on which to refuse access to such information.

3.1 Objectives of Manual

With the above provisions in mind, Acorn compiled this Promotion of Access to Information and Protection of Personal Information Manual ("Manual") to assist potential requestors as to the procedure to be followed when requesting access to information/documents from Acorn as contemplated in terms of PAIA, as well as to set out the protection that Acorn provide to any personal information that the company keeps in terms of both PAIA and the Protection of Personal Information Act 4 of 2013 ("POPIA").

This Manual provides an outline of the type of records and the personal information that Acorn holds and explains how to submit requests for access to these records in terms of PAIA. In addition, it explains how to access, or object to, personal information held by Acorn, or request correction or de-identification of the personal information, in terms of paragraphs 23 and 24 of POPIA.

3.2 Availability of the Acorn PAIA manual

This Manual is published on Acorn's website at www.acornagri.com or alternatively, a copy can be requested from the Information Officer (see contact details in section 1.4).

This Manual may be amended from time to time and the final/latest version of the Manual will be made public.

3.3 Who may Request Access to Information

In terms of section 1 of PAIA, a "requester", in relation to a private body, means:

- any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- a person acting on behalf of the person contemplated in subparagraph (i).

The above means that a requester may act on behalf of a person in making a request for a record.

In terms of section 53(2)(d) of PAIA, a request for access must at least require the requestor concerned to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

In essence, PAIA provides that a requestor will be entitled to access to a record if the record is required for the exercise or protection of a right.

Requests can be made:

- as a personal request;
- as an agent of a requester on behalf of someone else; and
- as a third-party seeking information.

3.4 SAHRC Guidance to Requesters on how to Use the Act

The South African Human Rights Commission (“SAHRC”) published guidelines in terms of section 10 of the Act that will facilitate ease of use of the Act for requesters.

The guide to the Act can be obtained below:

Postal Address:

South African Human Rights Commission Promotion of Access to Information Act Unit
Private Bag 2700
Houghton
Johannesburg
2041

Physical Address

33 Hoofd Street
Forum 3
2nd Floor
Braampark Office Park
Braamfontein, Gauteng

Queries can be directed to:

Telephone number: 27 (0) 11 877 3600

Fax number: (011) 403 0625

Website: www.sahrc.org.za

E-mail : PAIA@sahrc.org.za

4. Classes of records

4.1 Records automatically available to the Public - Section 51 (1) (c)

Please note that no description of category of records have been submitted to the Minister in terms of section 52(1) of the Act for publication.

In general terms, the following records are available on payment of the prescribed fee as set out in clause 7.4 of this Manual for reproduction:

- Product and promotional brochures;
- Marketing information;
- Newsletters;
- Booklets;
- Pamphlets and brochures;
- Posters;
- Reports;
- Other literature intended for public viewing; and
- Documents and information relating to Acorn which is held by the Companies and Intellectual Properties Commission in accordance with the provisions of the Companies Act 71 of 2008;

Some of the information is freely available on Acorn’s website at www.acornagri.com.

4.2 Records available in accordance with other legislation - Section 51 (1) (d)

Where applicable to its operation, Acorn also retains records and documents in terms of legislation listed below for the relevant periods as provided in the applicable legislation. Please note that the records referred to on the listed legislation below are not exhaustive and as such, each request for access to record will be treated uniquely with consideration of applicable legislation, procedure and policy.

Records kept in accordance with such other legislation as applicable to Acorn which includes, but is not limited to:

Employee-Employer Relationship	Basic Conditions of Employment Act 75 of 1997
	Compensation of Occupational Injuries and Diseases Act 13 of 1993
	Employment Equity Act 55 of 1998
	Labour Relations Act 66 of 1995
	Occupational Health and Safety Act 85 of 1993
	Unemployment Insurance Act 30 of 1966
	Skills Development Act 97 of 1998
	Pension Funds Act 24 of 1956
	Mine Health and Safety Act 29 of 1996
Revenue/ Income	Value Added Tax Act 89 of 2001
	Income Tax Act 58 of 1962
	Skills Development Levies Act 9 of 1999

	Taxation Laws Amendment Acts
General	National Credit Act 34 of 2005
	Broad-Based Black Empowerment Act 46 of 2003
	Companies Act 71 of 2008
	Constitution of the Republic of South Africa Act 108 of 1996
	Copyright Act 98 of 1978
	Competition Act 89 of 1998
	Electronic Communications and Transaction Act 25 of 2002
	Consumer Protection Act 68 of 2008
	Financial Intelligence Centre Act 31 of 2001

4.3 Records held by Acorn/ Categories of Information

This clause serves as a reference to the records that Acorn holds. The information is classified and grouped according to records relating to the following subjects and categories.¹

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter:

Statutory Company Information

- Records of Incorporation;
- Certificates to Commence Business;
- Copies of forms lodged with the Companies and Intellectual Properties Commission;
- Minutes of Meetings;
- Resolutions;
- Company Register; and
- Share Register

RETIREMENT FUND RECORDS

- Fund Rules;
- Fund Account Records;
- Minutes of Meetings of Pension Fund Trustees;
- Actuarial Valuation Report;

¹ Section 51(1)(e) of PAIA

- Contribution Reports; and
- Annual Accounts

FIXED PROPERTY

- Title Deeds;
- Leases;
- Building Plans; and
- Mortgage Bonds or other encumbrances to fixed property

OPERATIONAL AND TRANSACTIONAL RECORDS

- Products ;
- Markets;
- Customers;
- Brochures, Newsletters and Advertising Material;
- Sales;
- Policies and Procedures; and
- Domestic and Export orders

LEGAL RECORDS

- Documentation pertaining to Litigation or Arbitration;
- Agreements; and
- Licenses and Permits

INSURANCE RECORDS

- Claims;
- Insurance Policies; and
- Correspondence

MARKETING, SUPPLIERS AND PRODUCTS

- Marketing and Advertising Records;
- Brochures and other Promotional Information;
- Supplier details, including Terms and Conditions ; and
- Product Orders and - Specifications

CUSTOMER RECORDS AND CREDIT SERVICES

- Application Forms;
- Customer details, including Payments;

- Transaction Records;
- Statutory Records;
- Records provided by a Third Party; and
- Correspondence

INFORMATION TECHNOLOGY

- Business and Data Information;
- Domain Name Registrations; and
- IT Technology Capabilities

INTELLECTUAL PROPERTY

- Trademarks, Trade Names, Designs and Protected Names; and
- Agreements and Patents pertaining to Intellectual Property

HUMAN RESOURCES AND FINANCIAL DIVISION

- Employee Records ;
- Employment Contracts;
- Employee Policies, Procedures and Guidelines;
- Employee Disability Records;
- Recruitment Records ;
- Audited Financial Statements;
- Tax records (Company & Employees);
- Management Accounts; and
- Asset Register

4.4 Other Information

Acorn may possess information and records pertaining to other parties, including and without limitation: suppliers, holding- and subsidiary companies, joint venture companies and service providers.

All Acorn clients and employees are allowed to access their own information without having to go through this formal information request process provided that the information is not to be used in any legal action.

The process only applies to information that exist at the time of the request and it does not require the Acorn to create a record which does not exist.

5. Processing of personal information

Acorn will only process Personal Information in accordance with the current South African privacy legislation such as POPIA. Accordingly, the relevant privacy conditions and requirements relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any Personal Information processed by Acorn.

This applies to personal information relating to employees and third parties, as well as information received from third parties.

6. Access procedure and access

6.1 Guidance on Completion of Prescribed Access Form

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in paragraph 7.4 below. You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested.

To facilitate the processing of your request, kindly:

- Use the prescribed Access Request Form and its annexures (Annexure B) below.
- Type or print in block letters.
- If a question is not applicable, answer as “N/A”.
- Proof of identity is required to identify the requester.
- Provide sufficient details to enable an efficient processing of your request e.g. dates, ID or reference numbers.
- Provide sufficient details of the record requested.
- Address the prescribed form to the contact person in section 2.
- If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof should be indicated.

6.2 Submission of Prescribed Access Form

The completed Access Request Form and its annexures, if applicable, must be submitted via registered mail or email and must be addressed to the Information Officer (details in section 2).

6.3 Applicable time periods

Acorn will inform the requester within 30 (thirty) days after receipt of the request of its decision whether or not to grant the request. The 30 (thirty)-day period may be extended by a further period of not more than 30 (thirty) days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Acorn or the records are not located at Acorn, or consultations with another private body is required.

7. Refusal of Access to Records

7.1 Grounds for refusal

The Information Officer is obliged to refuse access to a record if:

- the disclosure would be an unreasonable disclosure of Personal Information about a Third Party, including a deceased individual;²
- the request for access will be refused if the record contains trade secrets, financial, commercial, scientific or technical information of the body or a Third Party that is likely to harm Acorn or Third Party;³
- information supplied in confidence by a third party;⁴
- if disclosure would constitute an action for breach of the duty of confidence owed to a Third Party in terms of an agreement;⁵
- disclosure could reasonably be expected to endanger the life or physical safety of the individual;
- disclosure would involve the unreasonable disclosure of Personal Information of that natural person's privacy (Section 63(1));
- violates the protection and safety of individuals and protection of property (Section 66);
- it is for the protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
- the disclosure of research information of Acorn or a Third Party on behalf of Acorn would expose the Third Party, Acorn, the researcher or the subject matter of the research to serious disadvantage; and
- the Information Officer is of the opinion that processing requests will be unreasonably time consuming and lead to waste of resources. In addition, the Information Officer may refuse access to a record if the request is seen to be made by a requester to unnecessarily annoy or provoke.

The requester must pay the Prescribed Fees (if applicable) before any further processing can take place.

7.2 Remedies available when Acorn refuses a request for information

The requester may appeal to the Chairperson of the relevant board of directors regarding a decision by the authorised person(s). The requestor is also entitled to apply to a court with appropriate jurisdiction, or the Information Regulator for relief.

The appeal to the Chairperson of the relevant board of directors must be lodged in writing within 30 (thirty) days of being informed of the outcome by the Information Officer. Reasons for the appeal must be clearly noted.

The Chairperson will inform the requester within 30 (thirty) days of his/her decision in writing.

² See section 63 of POPIA

³ Section 68 of PAIA Act

⁴ Section 64 of PAIA

⁵ Section 65 of PAIA Act

7.3 External remedies

Subject to the provisions of PAIA, a requester that is dissatisfied with the refusal to disclose information, may within 180 (one hundred and eighty) days of notification of the decision, apply to a Court or to the Information Regulator for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 180 (one hundred and eighty) days of notification of the decision, apply to the Information Regulator or to a Court with appropriate jurisdiction, for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

Notice of Appeal, Form B, in terms of Section 75 of PAIA [Regulation 8], can be found on the website of the Information Regulator www.justice.gov.za/infoereg.

7.4 Payment of Prescribed Fees

Prescribed Fees as published under Annexure A: Part III of the Regulations Regarding the Promotion of Access to Information are as follows:

	Reproduction	Fee (Rand)
1	Photocopy of an A4-size page or part thereof (This applies to Records as well as a copy of this Manual)	R1.10 per page
2	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75 per page
3	A copy of, in a computer readable form on a memory stick	R70.00
4	Transcription of visual images on an A4-size page or part thereof	R40.00 per page
5	Copy of visual images	R60.00
6	Transcription of an audio record on an A4-size page or part thereof	R20.00
7	Copy of an audio record	R30.00

8. Revision history

Approved date	Approved by and resolution reference	Revision no	Description of change
12/03/2020	Group Social and Ethics Committee	1	Initial creation

9. Useful Terms

Access Fee	This is the fee paid by the requester to the public or private body from which you are seeking the information, to cover the costs of finding and copying the records you require.
Information Officer	For purposes of this Manual, the Information Officer (sometimes referred to as IO) is the person authorised to handle PAIA and POPIA requests on behalf of Acorn.
Personal Information	<p>For purposes of this Manual, Personal Information shall be Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—</p> <ul style="list-style-type: none"> • information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; • information relating to the education or the medical, financial, criminal or employment history of the person; • any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; • the biometric information of the person; • the personal opinions, views or preferences of the person, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual; • correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; • the views or opinions of another individual about the person; • the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about a person who has been dead for more than 20 (twenty) years.
Personal Requester	means a requester seeking access to a record containing personal information about the requester.
Record	Any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from Acorn refers to a record that is in Acorn's possession regardless of whether Acorn created the record.
Requester	The natural or juristic person requesting access to information. A requester also refers to the person making a request on behalf of somebody else.
Third Party	Any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

Annexure 1

- Overberg Agri Bedrywe (Pty) Ltd
- Overberg Wealth and Risk Management (Pty) Ltd
- Bontebok Lime Works (Pty) Ltd
- Overberg Meat (Pty) Ltd
- Boltfast (Pty) Ltd
- The Health Food Group (Pty) Ltd
- Health Food Services (Pty) Ltd
- Moov Holdings (Pty) Ltd
- ACG Fruit (Pty) Ltd
- Moov Fuel (Pty) Ltd
- Montagu Dried Fruit and Nuts (Pty) Ltd
- Grassroots Group Holdings (Pty) Ltd
- AAF Invest (Pty) Ltd
- AAF Services (Pty) Ltd
- Agventures (Pty) Ltd

Access Request Form

Request for Access to a Record

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

Particulars of the Requestor

Surname	
Full Names	
Identity Number	
Postal Address	
Contact Details	
Fax Number	
E-mail Address	

*If the request is made on behalf of another person, the requester is obliged to identify him/her and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

Particulars of person on whose behalf request is made

Surname	
Full Names	
Identity Number	

Particulars of record

Description of records	
1.	
2.	
3.	

Description of records	
4.	
5.	

Fees

The following applies to requests (other than personal requests as referred to in regulation 11(2):

- The request fee payable by a requester, other than a personal requester, is R50.00.
- A fee will be payable for access to a record and it shall depend on the form in which access is required and the reasonable time required to search for and prepare a record.
- Deposit that has been paid in respect of a request for access which is refused, will be repaid to the requester.
- A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation for any time reasonably required in excess of the prescribed hours to search for and prepare (including making any arrangements contemplated in section 29(2)(a) and (b)(i) and (ii)(aa)) the record for disclosure.
- Records may be withheld until the fees have been paid.
- Fees are payable in cash or by electronic payment. Please that prior arrangement must be made for electronic payments. Contact the Information Officer on

*If the requester qualifies for an exemption in payment of fees, he/she must complete the section below

Reason for exemption from payment of fees

Form of access to record

*If access is granted to a record, state your disability and indicate which form the record is required

Section 60 of the Act:

<p>If access is granted to a record of a private body, the head of that body must, as soon as reasonably possible after notification in terms of section 56, but subject to section 57, give access in-</p> <p>(a) such form as the requester reasonably requires; or</p> <p>(b) if no specific form of access is required by the requester, such form as the head reasonably determines.</p>	
<p>Do you have any disability?</p>	
<p>Form in which record is required</p>	

*Mark the appropriate box to indicate the form of record you require

1. Record in written or printed form	
Do you want to inspect the records?	Do you need a copy of record?
2. Record consists of visual images	
View images	Copy of images
3. Record consists of recordings or sound	
Listen to the recording	Transcription of recording
4. Record held on computer or electronic readable form	
Print out of record	Copy in computer readable form

Please note the following:

- Form of access depends on the availability of the record.
- Access may be denied in certain circumstances depending the form available. The requester will be informed of the decision and access can be granted in a different form which is available.
- A postal fee is payable if the requester wishes a copy or transcription of the record to be posted.

Right to be Exercised or Protected

*In terms of section 53(2)(d) of the Act, a request for access must at least require the requester concerned to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

Which right is to be exercised or protected?

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Explain why the requested record is required for the exercising or protection of the abovementioned right?

Notice of Decision Regarding Request for Access

Please note that the requester will be notified in writing of the outcome of their request. If the requester prefers another method of notification, kindly complete the section below with sufficient details and specify the manner and the necessary particulars below to enable compliance with the request:

Signed at _____ this ____ day of _____ 20__.

Print Name

Signature