



PHILIP MORRIS  
INTERNATIONAL

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**PAIA MANUAL FOR**

**PHILIP MORRIS SOUTH AFRICA HOLDINGS PROPRIETARY LIMITED (REG: 1999/011499/07)**

**AND**

**PHILIP MORRIS PROPRIETARY LIMITED (REG: 2003/026586/07)**

**AND**

**LEONARD DINGLER PROPRIETARY LIMITED (REG: 1998/018017/07)**

**PREPARED IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED)**

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## A. INTRODUCTION

1. Philip Morris South Africa Holdings Proprietary Limited (“**PMSAH**”), Philip Morris South Africa Proprietary Limited (“**PMSA**”) and Leonard Dingler Proprietary Limited (“**LD**”) are private companies and members of the Philip Morris International Inc. (“**PMI**”) group. PMSA and LD are in the business (viewed on a consolidated basis) of importing, exporting, manufacturing, distributing, purchasing and/or selling of tobacco and other nicotine-containing products (including accessories). PMSAH is a non-trading entity whose purpose is the holding of shares in PMSA and LD.
2. PMSA, LD and PMASH are collectively hereinafter referred to as the “**Entities**”.
3. The Entities each comprise a “*private body*” as defined in Promotion of Access to Information Act No. 2 of 2000 (“**PAIA**”), and this manual therefore contains the information specified in section 51(1) of PAIA relating to private bodies. This information is as follows:
  - 3.1. Detail regarding the private body and the contact details of the head of the private body;
  - 3.2. A description of the guide referred to in section 10 of PAIA;
  - 3.3. The most recent notice(s) published by the Minister of Justice and Constitutional Development under various and/or any relevant provisions of PAIA;
  - 3.4. A description of the records of the private body that are available in terms of any legislation other than PAIA;
  - 3.5. A description of the subjects on which the private body holds records and the categories of records held on each subject in enough detail to facilitate a request for access to a record; and
  - 3.6. Other information as prescribed by regulation.
4. This Manual will be updated on a regular basis in accordance with section 51(2) of PAIA requirements.

## B. DEFINITIONS

5. For purposes of this Manual:
  - 5.1. “**Client**” means a natural or juristic person who or which receives services from either of the Entities;
  - 5.2. “**Employee**” means any person who works for or provides services to or on behalf of either of the Entities, and receives or is entitled to receive remuneration in respect thereof;
  - 5.3. “**Information Regulator**” or “**Regulator**” means the Information Regulator of South Africa that was established in terms of POPIA and which, as at the date hereof, has its website hosted at the following address: <https://inforegulator.org.za/>;
  - 5.4. “**Manual**” means this PAIA manual, which has been published in accordance with section 51 of PAIA;
  - 5.5. “**Minister**” means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Correctional Services;
  - 5.6. “**PAIA**” means the Promotion of Access to Information Act No. 2 of 2000 (as amended from time-to-time and including any regulations promulgated thereunder / in terms thereof);

- 5.7. **“PAIA Guide”** means the guide published by the SAHRC in terms of section 10 of PAIA;
- 5.8. **“POPIA”** means the Protection of Personal Information Act No. 4 of 2013 (as amended from time-to-time and including any regulations promulgated thereunder / in terms thereof);
- 5.9. **“PMI”** means Philip Morris International Incorporated;
- 5.10. **“Regulations”** means the Regulations relating to the Promotion of Access to Information, 2021 (Government Gazette No. 45057, GNR.757 of 27 August 2021);
- 5.11. **“Requester”** means any person or entity requesting access to a record that is under the control of either of the Entities;
- 5.12. **“SAHRC”** means the South African Human Rights Commission; and
- 5.13. **“South Africa”** means the Republic of South Africa.

### **C. AIM OF THIS PAIA MANUAL**

6. PAIA was promulgated in March 2001 and is intended to actively promote a society in which the people of South Africa have effective access to information, thereby enabling them to meaningfully exercise and protect their rights.
7. This Manual has been compiled in accordance with PAIA’s requirements and serves to enable the public to:
  - 7.1. Check the categories of records held by the Entities that are available without a person having to submit a formal PAIA request;
  - 7.2. Have a sufficient understanding of how to make a request for access to a record of the Entities, by providing a description of the subjects on which the Entities hold records and the categories of records held on each subject;
  - 7.3. Understand the description of the records of the Entities that may be available in accordance with any other legislation;
  - 7.4. Be informed of all relevant contact details of the Information Officer of the Entities who will assist the public with any requests for access to records held by the Entities;
  - 7.5. Be educated about the Guide on how to use PAIA, as updated by the Regulator and how to obtain access to it; and
  - 7.6. Understand:
    - 7.6.1. If the Entities will process personal information, the purpose of processing of personal information, and the description of the categories of data subjects and of the information or categories of information relating thereto;
    - 7.6.2. The description of the categories of data subjects and of the information or categories of information relating thereto;
    - 7.6.3. The recipients or categories of recipients to whom personal information may be supplied;

7.6.4. If either of the Entities has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

7.6.5. Whether the Entities have appropriate security measures to ensure the confidentiality, integrity and availability of any personal information which is to be processed.

8. This Manual has been compiled in accordance with the requirements of PAIA and to facilitate requests for access to records of the Entities, as provided for in PAIA.

#### D. ENTITIES' DETAILS AND CONTACT DETAILS

9. The details of the Entities are as follows:

Names:	Philip Morris South Africa Proprietary Limited	Leonard Dingler Proprietary Limited	Philip Morris South Africa Holdings Proprietary Limited
Registration numbers:	2003/026586/07	1998/018017/07	1999/011499/07
National / Head office Registered address:	No. 3 Bridgeway Road, Bridgeways Precinct, Century City, 7441, Cape Town, South Africa		
National / Head office Postal address:	PO Box 284, Century City, 7446, Cape Town, South Africa		
National / Head office Phone number:	+27 (0)21 527 4840		
Website address:	<a href="https://www.pmi.com/markets/south-africa/en">https://www.pmi.com/markets/south-africa/en</a>		
Directors:	Mr Branislav Bibic; Mrs Buena Barnes; Mr Devraj Doss		
Head of the Entities:	Mr Branislav Bibic (Area VP Sub-Saharan Africa)		

10. All requests for access to information and/or correspondence in connection with this Manual must be addressed to the Entities' designated Information Officer in accordance with the following:

Information Officer Name:	Mr Branislav Bibic
Email address:	<a href="mailto:branislav.bibic@pmi.com">branislav.bibic@pmi.com</a> (and with <a href="mailto:annette.vanniekerk@pmi.com">annette.vanniekerk@pmi.com</a> in copy / CC)
Telephone number:	+27 (21) 527 4905
Registered and Postal Address:	As above.

#### E. SECTION 10 GUIDE ON HOW TO USE PAIA

11. With effect from 1 July 2021, enforcement of PAIA falls under the jurisdiction of the Information Regulator established in terms of POPIA.

12. The Regulator has, in terms of section 10(1) of PAIA, updated and made available a revised PAIA Guide on how to use PAIA in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and/or POPIA.

13. The PAIA Guide is available in a variety of the official languages of South Africa (including braille) and can be requested from the Information Regulator/accessed using the following details (correct as at the date hereof:

Name: Information Regulator of South Africa  
Office address: JD House, 27 Stiemens Street, Braamfontein, 2001,  
Johannesburg, South Africa  
Postal address: P.O Box 31533, Braamfontein, 2017, Johannesburg, South Africa  
Telephone number: +27 (0)10 023 5200  
Website address: <https://inforegulator.org.za/>  
Current PAIA Guide address: <https://inforegulator.org.za/paia-guidelines/>  
Email address(es): [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za) (enquiries)  
[PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za) (complaints)

14. A copy of the PAIA Guide can also be: (i) requested from the Entities or viewed during ordinary business hours at the Entities' premises (address indicated in the table to paragraph 9 above) by completing and submitting a Form 1, as contemplated in regulation 3 of the Regulations (see <https://inforegulator.org.za/paia-forms/>); and/or (ii) downloaded from the website of the Entities indicated in the table to paragraph 9 above.

#### **F. CATEGORIES OF RECORDS AVAILABLE WITHOUT FORMAL ACCESS REQUEST**

15. There are certain categories of records held by the Entities (such as, for example, public statements and communications and general information pertaining to the Entities/relating to the products sold by the Entities) that might be accessed without requiring a person to make a formal access request and without submitting a prescribed Form in the manner contemplated in section I below.
16. Such records are generally accessible: (i) on or available for download from the website of the Entities indicated in the table to paragraph 9 above; or (ii) by way of a telephonic, email or letter request, and typically relate to our products and the services that the Entities provide to clients.
17. For completeness, notwithstanding the heading of this section or any of the content therein, requests or endeavours to access records of the Entities pursuant to the process contemplated in 16(ii) above may, as and where appropriate: (i) be refused (in whole or in part) in the event that any of the grounds for refusal provided for in terms of PAIA (see paragraph 32 below ) and/or any other law is applicable; or (ii) be directed to be dealt with by way of a formal access request under PAIA (see section I below).

#### **G. CATEGORIES OF RECORDS HELD IN TERMS OF OTHER LEGISLATION / GENERAL PRACTICE**

18. Certain records held by the Entities are required to be kept and made available in terms of various pieces of legislation/laws other than PAIA. The specific records that may be available in terms of such legislation are set out in each of the respective pieces of legislation, and such records may only be accessed in certain instances and by the person(s) specified in said respective piece of legislation.
19. We set out below a non-exhaustive list of legislation in terms of which the Entities *may potentially* be required to keep records or where records *may potentially* be kept on behalf of the Entities.
20. While we have made every effort to identify all pertinent and/or potentially pertinent legislation which may require record-keeping by or on behalf of the Entities please: (i) note that we cannot guarantee that all such legislation has been included in the list below; and (ii) be advised that some of the legislation identified below may not apply to the Entities (alternatively may apply to all or any of the Entities). Should you be aware of any

specific legislation that has been omitted and which should be included (or legislation that has been listed but which should be removed), please contact the Information Officer of the Entities using the contact details set out in the table to paragraph 10 above.

- Basic Conditions of Employment Act No. 57 of 1997;
- Broad-Based Black Economic Empowerment Act No. 53 of 2003;
- Companies Act No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- Constitution of the Republic of South Africa;
- Consumer Protection Act No. 68 of 2008;
- Copyright Act No. 98 of 1978;
- Currencies and Exchanges Act No. 9 of 1993;
- Debt Collectors Act No. 114 of 1998;
- Electronic Communications and Transactions Act No. 25 of 2002;
- Employment Equity Act No. 55 of 1998;
- Financial Intelligence Centre Act No. 38 of 2001;
- Income Tax Act No. 58 of 1962;
- Labour Relations Act No. 66 of 1995;
- Occupational Health and Safety Act No. 85 of 1993;
- Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2002;
- Prevention of Organised Crime Act No. 121 of 1998;
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004;
- Promotion of Access to Information Act No. 2 of 2000 (PAIA);
- Protected Disclosures Act No. 26 of 2000;
- Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004;
- Protection of Personal Information Act No. 4 of 2013;
- South African Revenue Services Act No. 34 of 1997;
- Skills Development Act No. 97 of 1998 and Skills Development Levy Act No. 9 of 1999;
- Tobacco Products Control Act No. 83 of 1993;
- Trade Marks Act No. 194 of 1993;
- Unemployment Insurance Act No. 30 of 1966 and Unemployment Insurance Contributions Act No. 4 of 2002; and
- Value Added Tax Act No. 89 of 1991.

## **H. ACCESS TO RECORDS**

21. To the best of our knowledge, no ministerial notice has been published in terms of section 52(2) of PAIA.

22. For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Entities hold records and the categories into which they fall. This information is not exhaustive and may be amended from time-to-time.

23. As indicated above, certain records are available without having to be requested in terms of the request procedures set out in PAIA (see section F above). For all other requests in terms of / pursuant to section 52 of PAIA, the process set out in section I below must be followed.
24. Subject to all relevant provisions of PAIA, unless the records being sought are available on the Entities' website (or are due to be requested by telephone, post or email), information may be inspected, collected, purchased or copied at the offices of the Entities, however an appointment to view the records during regular business will have to be made with the Information Officer and subject to their availability. It is furthermore important to note the various fees that may apply to a PAIA request are explained in section J below.
25. The records listed below, which need to be requested in terms of PAIA and/or POPIA, may be requested from the Entities in terms of the procedure set out in section I below. Importantly, such records may not in all instances be provided to a requester (the records held by the Entities under the various subjects listed below are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the potential applicability of the grounds of refusal (to grant access) set out in PAIA that may be applicable and required to be enforced by the Entities). Please note further that, as the list below has been compiled for the Entities on a consolidated basis, some of the examples of records may, in some instances, only be applicable to / be available for request from one of PMSA or LD or PMSAH (i.e. depending on the type of record in question and the specific circumstances / operations / record keeping requirements of the entity in question).
26. With the above providing context, a non-exhaustive list of categories and types of records that may be requested from the Entities in terms of PAIA and/or POPIA (to the extent applicable) are as follows:

Company records	<ul style="list-style-type: none"> <li>• Incorporation documents (e.g. Memorandum of Incorporation)</li> <li>• Minutes of meetings of and resolutions by the Board of Directors</li> <li>• Records relating to the appointment of directors, auditors, public officers, company secretary and other officers</li> <li>• Share registers and other similar statutory registers</li> <li>• Records of meetings held by committees / subcommittees</li> <li>• Organisational structure</li> </ul>
Financial and tax records	<ul style="list-style-type: none"> <li>• Accounting records and tax returns</li> <li>• Annual financial statements</li> <li>• Banking records and bank statements</li> <li>• Asset registers</li> <li>• Records relating to PAYE and other statutorily required deductions (e.g. Skills Development Levies and Unemployment Insurance Fund)</li> <li>• Records of payments made to SARS on behalf of employees</li> <li>• VAT payments to SARS</li> <li>• Purchase orders and invoices</li> <li>• Auditors' details and external auditor reports</li> </ul>
Employee-related documents and records	<ul style="list-style-type: none"> <li>• Personnel guidelines, policies and procedures</li> <li>• Employment contracts and salary and benefits records</li> <li>• Employment equity plans and records</li> </ul>



	<ul style="list-style-type: none"> <li>• Disciplinary and grievance records (and performance management records)</li> <li>• Records of leave taken by personnel</li> <li>• Training records (including training manuals and registers)</li> <li>• Workmen’s compensation claims</li> <li>• Labour relations records and statutory human resources records</li> <li>• Retirement fund and medical aid records</li> <li>• Correspondences with or about employees</li> <li>• Records relating to occupational injuries and diseases</li> <li>• Employee declarations in terms of the Employment Equity Act</li> <li>• Various other employee records</li> </ul>
Records relating to operations	<ul style="list-style-type: none"> <li>• Guidelines, policies and procedures</li> <li>• Vendor / supplier records</li> <li>• Operational reviews</li> <li>• Marketing campaigns and marketing information</li> <li>• Contracts and lease agreements that have been concluded</li> <li>• Customer information, records and reports</li> <li>• Intellectual property records</li> <li>• General communications</li> <li>• General business correspondence (internal and external)</li> <li>• Records provided by or available through third parties</li> <li>• Insurance records</li> <li>• Tender and bid documentation</li> <li>• Details relating to trade and trade partner programmes</li> <li>• Licences and general conditions for conducting business</li> <li>• Product records</li> </ul>
Information technology	<ul style="list-style-type: none"> <li>• Computer software;</li> <li>• Support and maintenance agreements;</li> <li>• Licensing agreements;</li> <li>• Records regarding computer systems and programs</li> </ul>

27. Detail in relation to the processing of ‘personal information’ (POPIA):

27.1. For the purposes of facilitating a request for “*personal information*” (as defined in POPIA), the information below includes details on:

27.1.1. The purpose of the processing of personal information by the Entities;

27.1.2. A description of the categories of data subjects and of the information or categories of information relating to data subjects typically held by the Entities;

27.1.3. The recipients or categories of recipients to whom personal information may typically be supplied, planned transborder flows of personal information; and

- 27.1.4. A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Entities to ensure the confidentiality, integrity and availability of personal information that is processed.
- 27.2. Please note that the information below has been provided for the Entities on a consolidated basis and, as such, may apply to all of PMSA and LD and PMSAH or to only one (or two) out of PMSA and LD and PMSAH, depending on the topic in question.
- 27.3. In terms of POPIA and section 50(3) of PAIA, a requester to whom certain personal information relates may request the Entities to confirm, free of charge, whether or not it holds personal information about that particular requester.
- 27.4. A requester may make a request that the Entities provide the record or a description of the personal information about the requester held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable. A requester also has the right, in terms of POPIA, to request the correction or deletion of such information.
- 27.5. Categories of data subjects and categories of personal information relating thereto that may be processed by the Entities are set out below:

Data Subjects	Broad categories of information (non-exhaustive)
Candidates	<p>Information needed to interview and assess candidates e.g. information provided in job applications/forms/surveys and relating to interests and career aspirations, information about visits to our offices/events, information required to offer a job/contract and onboard the candidate, information relating to the recruitment process, information gathered for business analytics and statistical information.</p> <p>See <a href="https://www.pmiprivacy.com/global/en/candidate/">https://www.pmiprivacy.com/global/en/candidate/</a> for more detail.</p>
Consumers / customers	<p>Information necessary to provide products and/or services e.g. information to verify age (adult), information about orders and product status (for warranty purposes), information provided in surveys or forms, information about visits to outlets/stores/events, information about preferences and interests, information provided in correspondence with us, information about your experiences with our products/services.</p> <p>See <a href="https://www.pmiprivacy.com/global/en/consumer/">https://www.pmiprivacy.com/global/en/consumer/</a> for more detail.</p>
Traders	<p>Information necessary to sell our products and/or services e.g. information to manage relationship with trader and advise as to new products/services, information necessary to facilitate warranty services, information relating to your engagement with consumers who purchase our products or ourselves, information about your visits to our offices or participation in trade programmes and the like, information you provide in correspondence with us.</p> <p>See <a href="https://www.pmiprivacy.com/global/en/traders/">https://www.pmiprivacy.com/global/en/traders/</a> <a href="https://www.pmiprivacy.com/global/en/consumer/">https://www.pmiprivacy.com/global/en/consumer/</a> for more detail.</p>
Business partners / service providers	<p>Information necessary to procure goods and/or services relating to our business e.g. information to manage relationship with you, information necessary to negotiate and purchase goods/services, information necessary to sell and/or provide support for our products/services, information about your visits to our offices, information about your identity and the identity (and age and profile) of your employees, information you may submit to us and/or provide us in correspondences.</p>

Data Subjects	Broad categories of information (non-exhaustive)
	See <a href="https://www.pmiprivacy.com/global/en/business-partner/">https://www.pmiprivacy.com/global/en/business-partner/</a> for more detail.
General enquirer / visitor to Entities' premises	Information about your visits to our premises/outlets/events, information necessary to provide e-mail alerts, information necessary to verify your identity and age, information you submit to us and/or provide us in correspondences. See <a href="https://www.pmiprivacy.com/global/en/general-enquirer/">https://www.pmiprivacy.com/global/en/general-enquirer/</a> for more detail.
Participant in market research studies	Information necessary in order to conduct market research e.g. regarding age of participant (adult age verification), information relating to purchases of our products/services, information relating to their use of various specific products (confirm nicotine/tobacco user), information relating to their interests and preferences and views on products/topics. See <a href="https://www.pmiprivacy.com/global/en/marketresearch/">https://www.pmiprivacy.com/global/en/marketresearch/</a> for more detail.
Employees	Typical information relating to human resources / related functions

27.1. The purposes of / for processing the abovementioned personal information are as follows:

Data Subject Category	Broad description of 'purposes' of processing
Candidates	To verify prior employment history and do background screening checks, to verify identity and suitability for employment, for record-keeping and administration purposes, to monitor recruitment process, to make offers for employment and onboard individuals. See <a href="https://www.pmiprivacy.com/global/en/candidate/">https://www.pmiprivacy.com/global/en/candidate/</a> for more detail.
Consumers / customers	To comply with legislative obligations (e.g. age verification), to sell products, to provide after-sales services, to engage in correspondence with and/or send customer-support communications to consumers, to solicit feedback to improve our products / processes, to manage relationship with consumers. See <a href="https://www.pmiprivacy.com/global/en/consumer/">https://www.pmiprivacy.com/global/en/consumer/</a> for more detail.
Traders	To comply with legislative obligations (e.g. age verification and KYC requirements), for legal compliance (e.g. for purposes of obtaining legal advice), to sell products, to provide after-sales services and support to traders, to allow them to participate in trade programmes and to otherwise manage / maintain our relationship with traders . See <a href="https://www.pmiprivacy.com/global/en/traders/">https://www.pmiprivacy.com/global/en/traders/</a> <a href="https://www.pmiprivacy.com/global/en/consumer/">https://www.pmiprivacy.com/global/en/consumer/</a> for more detail.
Business partners / service providers	To comply with legislative obligations (e.g. age verification and KYC requirements), for legal compliance (e.g. for purposes of obtaining legal advice), to enable us to purchase goods and/or services from third parties, to inform partners of relevant updates and market research and surveys and the like relating to our products, to otherwise manage and maintain our relationship with our business partners / service providers. See <a href="https://www.pmiprivacy.com/global/en/business-partner/">https://www.pmiprivacy.com/global/en/business-partner/</a> for more detail.
General enquirer / visitor to Entities' premises	To verify identity for purposes of maintaining security at our premises, for general business administration, to enable access and the use of touch-points and/or systems, to send e-mail alerts, for business analytics and the improvement of our premises/products et al. See <a href="https://www.pmiprivacy.com/global/en/general-enquirer/">https://www.pmiprivacy.com/global/en/general-enquirer/</a> for more detail.
Participant in market research studies	To verify identity and compliance with legislative obligations (e.g. age verification), to understand interests and likes/dislikes and perceptions, to understand usage history (of our products and other competing or related products), to perform business analytics to improve

Data Subject Category	Broad description of 'purposes' of processing
	our products/services, to comply with legal obligations, to develop strategies in respect of our products/services. See <a href="https://www.pmiprivacy.com/global/en/marketresearch/">https://www.pmiprivacy.com/global/en/marketresearch/</a> for more detail.
Employees	Typical purposes relating to human resources / employment of individuals (e.g. manage our employment relationship, ensure compliance with legal obligations relating to employment).

27.2. The likely recipients or categories of recipients to whom personal information may be supplied are as follows:

Category of Personal Information	Likely recipients or categories of recipients to whom personal information may be supplied
Candidates	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you (e.g. such as recruitment agencies, background screening, online assessment providers and vendors that support PMI's endeavours to improve the candidate experience); and other third parties where required or permitted by law (such as regulatory authorities / government departments and professional advisors). See <a href="https://www.pmiprivacy.com/global/en/candidate/">https://www.pmiprivacy.com/global/en/candidate/</a> for more detail.
Consumers / customers	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you; and other third parties where required or permitted by law (such as regulatory authorities / government departments and professional advisors). See <a href="https://www.pmiprivacy.com/global/en/consumer/">https://www.pmiprivacy.com/global/en/consumer/</a> for more detail.
Traders	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you (e.g. such as professional advisers, payment service providers, delivery providers, auditors and information services providers); and other third parties where required or permitted by law (such as regulatory authorities / government departments and professional advisors). See <a href="https://www.pmiprivacy.com/global/en/traders/">https://www.pmiprivacy.com/global/en/traders/</a> <a href="https://www.pmiprivacy.com/global/en/consumer/">https://www.pmiprivacy.com/global/en/consumer/</a> for more detail.
Business partners / service providers	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you (e.g. professional advisers, payment service providers, delivery providers, auditors and information services providers); and other third parties where required or permitted by law (such as regulatory authorities / government departments and professional advisors). See <a href="https://www.pmiprivacy.com/global/en/business-partner/">https://www.pmiprivacy.com/global/en/business-partner/</a> for more detail.
General enquirer / visitor to Entities' premises	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you; and other third parties where required or permitted by law (such as regulatory authorities / government departments and professional advisors). See <a href="https://www.pmiprivacy.com/global/en/general-enquirer/">https://www.pmiprivacy.com/global/en/general-enquirer/</a> for more detail.
Participant in market research studies	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you; and other third parties where required or permitted by law (such as regulatory authorities / government departments and professional advisors). See <a href="https://www.pmiprivacy.com/global/en/marketresearch/">https://www.pmiprivacy.com/global/en/marketresearch/</a> for more detail.
Employees	PMI affiliates; third parties who provide us (or PMI affiliates) with products or services relating to our engagements with you; and other third parties where required or permitted by law (such

Category of Personal Information	Likely recipients or categories of recipients to whom personal information may be supplied
	as regulatory authorities / government departments and professional advisors).

27.1. Planned or potential transborder flows of personal information:

No / none	Yes (and if yes, to where / which jurisdiction(s))
	<p>In order to enable the Entities to conduct its business (as part of a geographically dispersed multinational group) and as/where necessary to sell goods to and/or assist in rendering services to customers, transborder flows of personal information may take place to:</p> <ul style="list-style-type: none"> <li>• Various other PMI group affiliates located in various jurisdictions around the world; and</li> <li>• To service providers (or subsequently by service providers to their affiliates or subcontractors) located in various jurisdictions around the world.</li> </ul> <p>Any such transborder flows of personal information:</p> <ul style="list-style-type: none"> <li>• Between PMI group affiliates occur pursuant to an intergroup data transfer agreement signed by PMI group affiliates that meets the stringent requirements of the European General Data Protection Regulation as well as the provisions of POPIA; and</li> <li>• To service providers (or subsequently by service providers to their affiliates or subcontractors) located outside of South Africa occur pursuant to agreements in which such service provider is contractually bound to uphold (and is contractually bound to ensure that any subcontractors or data processors are similarly bound to uphold) all relevant data privacy/protection laws.</li> </ul>

27.2. A high-level and non-exhaustive description of the information security measures that are in place to ensure confidentiality, integrity and availability of personal information is as follows:

Technical measures	Organisational measures
Vulnerability management, scanning and monitoring of systems, penetration testing, risk management policies and tools, data encryption, software patches, and/or updates, User access and rights management via IMDL and SIGA, SSO and MFA implemented, physical access using cards or strong passwords, appropriate disposal of assets, anti-virus and anti-malware systems	IT / information security policies, disaster recovery and back up testing and processes, PenTests, completing cyber security questionnaires (assessments) and vendor assessments before establishing relationships with third parties, contractual requirements and obligations to bind third parties to best-practice information security requirements, utilisation of risk registries, conducting of cyber security awareness trainings, IT control review and audits, conducting of data privacy assessments in relation to processing of information, applications lifecycle framework/policies

## I. PROCEDURE FOR REQUESTING ACCESS TO RECORDS IN TERMS OF THE ACT

28. A request for access to a record(s) held by the Entities that does not fall within the categories identified in section F above must be done formally and in writing by way of conventional mail (post) or e-mail.

29. Such request must: (i) be made to the Information Officer of the Entities at the address and/or using the contact details set out in the table to paragraph 10 above; (ii) be made in the prescribed format using the Form 2

'Request for Access to Record' stipulated in regulation 7 of the Regulations (the "**Request for Access Form 2**"); and (iii) must be accompanied by any relevant and/or necessary prescribed fees (see section J below for more detail in this regard). Requesters who are illiterate or disabled shall be permitted to make their requests orally / by way of telephone (the Entities will complete the Request for Access Form 2 on your behalf and provide you with a copy thereof).

30. A copy of the Request for Access Form 2 can be made available from our offices upon request, but has also been included in Annexure A hereto for your ease of reference.
31. For the purposes of Request for Access Form 2, requesters must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records. Namely, requesters must provide enough detail on the Request for Access Form 2 to enable the Information Officer of the Entities to identify the record and the identity of the requester, as well as, amongst other things, regarding the right sought to be exercised and/or protected pursuant to the PAIA request. If a request is made on behalf of another person or entity, the requester must also submit details and proof of the capacity in which the requester is making the request and their authority to act on behalf of the other person or entity, which must be reasonably satisfactory to the Information Officer. In addition, the requester is also required to indicate which form of access to the relevant records is required and from which of the Entities (i.e. PMSA or LD or PMSAH), and to provide her/his/its contact details in South Africa. In all cases the Request for Access Form 2 must be completed **CLEARLY** and **COMPLETELY** in block letters; if there is insufficient space in any block/area of the Request for Access Form 2 in which to answer a question, the additional information must be provided on a separate page that is clearly marked and referenced to the applicable question/point on the Request for Access Form 2.
32. Please note that the successful completion and submission of a Request for Access Form 2 (access request) does not necessarily and/or automatically allow the requester access to the record(s) requested. Please also note that an application for access to information can be refused in the event that it does not comply with the procedural requirements of PAIA and that either of the Entities may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include that:
  - 32.1. Access would result in the unreasonable disclosure of personal information about a third party (natural person);
  - 32.2. It is necessary to protect the commercial information of a third party;
  - 32.3. It is necessary to protect the confidential information of a third party;
  - 32.4. It is necessary to protect the safety of individuals or property;
  - 32.5. The record constitutes information that is privileged from production in legal proceedings; and/or
  - 32.6. It is necessary to protect commercial information of/relating to the Entities.
33. The Entities are required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of the decision of the relevant of the Entities (i.e. PMSA or LD or PMSAH) in another manner as well, this must be set out in the request and the relevant details in respect thereof must be included in order to allow the Entities to inform the requester in the preferred manner.
34. The Entities will make a decision in relation to a request for records within 30 days of receiving it, unless: (i) a further period of up to 30 days as per section 57 of PAIA is required (for large access requests); or (ii) the

request is such that the “*Third Party Notification and Intervention*” process contemplated in Chapter 5 of PAIA applies (in which case the Entities will notify the requester accordingly).

35. If access to a record/information is granted, our response will include:

35.1. An indication of any fees that must be paid in order to gain access to and/or be provided the record(s), to the extent applicable;

35.2. An indication of the form in which the access will be granted; and

35.3. A notice that you may lodge a complaint with the Information Regulator against the access fee to be paid or form of the access, including guidance on the procedure for lodging either of these.

36. If access to a record/information is denied, our response will include:

36.1. Adequate reasons for the refusal;

36.2. A notice that you may lodge a complaint with the Information Regulator against the refusal within 180 (one hundred and eighty) days of receiving the refusal decision. For further detail on the procedure for lodging such an application, please refer to Chapter 1A of Part 4 of PAIA; and

36.3. If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Entities’ possession but cannot be found, or it does not exist, then the Information Officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.

37. Assuming that your request for access is granted (which, for the avoidance of doubt, requires compliance with paragraphs 28 through 31 above and assuming that no grounds for refusal as contemplated in paragraph 32 above exist) and you have paid the requisite access request fee (including any other requisite and/or applicable fees), you will be provided access to the requested record(s) as soon as is reasonably possible in the circumstances.

38. Kindly be advised that as “*private bodies*”, the Entities do not have internal appeal procedures in relation to PAIA requests. As such, any decision in respect of either of the Entities made by the Information Officer is final, and requesters will have to exercise any other remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

## **J. FEES PAYABLE**

39. In accordance with section 54 of PAIA, any person (including but not limited to natural persons and juristic entities, as well as those acting on behalf of another) making a request for access to a record of a private body shall be required to pay a “*prescribed request fee*” and various other prescribed and/or statutorily allowable fees for the making of copies and/or various attendances ancillary thereto.

40. The request fee must be paid at the time a request is made or as/when the Information Officer of the Entities (or their representative/assign) may notify the requester of the request fee that must be paid before the request is processed any further. Please note that there are various additional fees which may be levied in connection with a successful PAIA request, such as photocopying/reproduction fees, as well as fees in connection with the searching for and preparation of a record(s) that have been requested (and where the searching for and

preparation of a requested record(s) is likely to take longer than 6 (six) hours a deposit may also be required in connection therewith).

41. The fees in respect of PAIA requests relating to "*private bodies*" (such as the Entities) that are currently payable are, as at the date hereof, those set out in the Regulations (specifically, Annexure B of the Regulations). These fees have been replicated in Annexure B hereto.
42. Kindly be advised that requesters may apply to the Information Regulator (or, in certain cases, the courts) to be exempted from the requirement to pay request fees and/or deposits. In cases where a deposit has been paid by a requester and access to the record(s) requested is subsequently refused, the deposit will be repaid to such requester.
43. For completeness, as per regulation 2(3) of the Regulations, those who request a copy of the PAIA Guide from the Information Regulator or who seek to inspect a copy of the PAIA Guide at the office of the Information Regulator shall not be required to pay a fee. As per regulation 3(3) of the Regulations, the foregoing shall similarly apply in respect of requests made to the Entities.

#### **K. OTHER INFORMATION AS MAY BE PRESCRIBED**

44. The Regulations published in terms of PAIA (under Government Gazette No. 45057, GNR.757 of 27 August 2021), set out, among other things, various additional processes and obligations in respect of PAIA requests, as well as fees that may be charged by private bodies for the reproduction of records. To the best of our knowledge, no new and/or more recent Regulations have been published as at the date hereof.

#### **L. AVAILABILITY OF THIS MANUAL**

45. A copy of this Manual is available:
  - 45.1. On the Entities' website, as indicated in the table to paragraph 9 above;
  - 45.2. At the offices of the Entities (details in respect of which are set out in the table to paragraph 9 above) for inspection during normal business hours by any member of the public upon request; and
  - 45.3. To the Information Regulator, upon request.
46. Please be advised that fees for copies of the Manual (or part(s) thereof) may be charged as permitted by PAIA and in accordance with the rates set out in Annexure B of the Regulations (or as may be contemplated in any other relevant Regulation promulgated under PAIA, as the case may be).

#### **M. ACKNOWLEDGMENTS**

47. This Manual has been based on and adapted from the 'PAIA Manual Template for a Private Body' made available by the Information Regulator on its website, as well as preceding versions of the Entities' own PAIA Manuals.



**ANNEXURE A - FORM 2:  
REQUEST FOR ACCESS PRIVATE BODY RECORDS (PAIA REG §7)**

# FORM 2

## REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer


(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<p><i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

**FORM OF ACCESS**  
*(Mark the applicable box with an "X")*

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

**MANNER OF ACCESS**  
*(Mark the applicable box with an "X")*

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	

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

<b>FEEES</b>	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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 a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

-----  
**FOR OFFICIAL USE**

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_  
**Signature of Information Officer**

## ANNEXURE B:

### FEES PAYABLE FOR PAIA REQUESTS AND ATTENDANCES ANCILLARY THERETO

As at the date hereof, the Regulations (i.e. the Regulations relating to the Promotion of Access to Information, 2021 (Government Gazette No. 45057, GNR.757 of 27 August 2021)) provide the following fees in respect of PAIA requests relating to “*private bodies*” (such as the Entities):

<b>Fees in Respect of Private Bodies</b>		
<b>Item</b>	<b>Description</b>	<b>Amount</b>
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(iii) Flash drive (to be provided by requestor)	R40.00
	(iv) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(v) Flash drive (to be provided by requestor)	R40.00
	(vi) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed a total cost of	R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.”.