

**Registration Number 2000/011040/07**



**ALCONCP (PROPRIETARY) LIMITED MANUAL**

**in terms of**

**The Promotion of Access to Information Act 2 of 2000**

**And**

**The Protection of Personal Information Act 4 of 2013**

**Reviewed and updated: June 2021**

**This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.**

## Table of Contents

1. INTRODUCTION .....	2
2. DEFINITIONS .....	3
3. NATURE OF BUSINESS .....	5
4. COMPANY DETAILS.....	5
5. APPLICABLE LEGISLATION.....	6
6. ACCESS TO RECORDS AND AVAILABILITY .....	7
7. REQUESTS FOR INFORMATION.....	8
8. GROUNDS FOR REFUSAL .....	10
9. PROTECTION OF PERSONAL INFORMATION PROCESSED BY THE COMPANY .....	11
10. PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA.....	11
11. AVAILABILITY OF MANUAL .....	13

## 1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (the “Act”) (PAIA) gives third parties the right to approach private bodies to request information held by them, which is required in the exercise and/or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

On request, the private body is obliged to release such information unless the Act expressly states that the records containing such information may or may not be released.

This manual informs requestors on:

- For PAIA – the procedure to be followed when requesting access to information and how the request will be facilitated and
- For the Promotion of Access to Information Act, 2013 (POPIA) – the purpose for which personal information may be processed and a description of categories of Data subjects.

Requesters are referred to the Guide compiled by the South African Human Rights Commission, which contains information for the purposes of exercising Constitutional Rights. The contact details of the Commission are:

<b>Postal Address</b>	Private Bag 2700, Houghton, 2041
<b>Telephone Number</b>	+27-11- 877 3803
<b>Fax Number</b>	+27-11- 403 0625
<b>Website</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
<b>E-mail</b>	<a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>

Details of the Information Regulators is as follows:

<b>Information Regulator</b>	Adv Pansy Tlakula
<b>Physical address</b>	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
<b>Postal address</b>	P.O Box 31533, Braamfontein, Johannesburg, 2017
<b>Website</b>	<a href="http://www.justice.gov.za">www.justice.gov.za</a>
<b>E-mail</b>	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>

## 2. DEFINITIONS

<b><i>Data subject</i></b>	means the person to whom personal information relates
<b><i>Personal information</i></b>	<p>means information relating to an identifiable natural person, including, but not limited to—</p> <p>(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;</p> <p>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</p> <p>(c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;</p> <p>(d) the biometric information of the person;</p> <p>(e) the personal opinions, views or preferences of the person;</p> <p>(f) 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;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(h) 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,</p> <p>but excludes information about an individual who has been dead for more than 20 years</p>
<b><i>Private body</i></b>	<p>means—</p> <p>(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;</p> <p>(b) a partnership which carries or has carried on any trade, business or profession; or</p> <p>(c) any former or existing juristic person, but excludes a public body;</p>

<p><b><i>Processing</i></b></p>	<p>means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—</p> <p>(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</p> <p>(b) dissemination by means of transmission, distribution or making available in any other form; or</p> <p>(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;</p>
<p><b><i>Record</i></b></p>	<p>means any recorded information—</p> <p>(a) regardless of form or medium;</p> <p>(b) in the possession or under the control of that public or private body, respectively; and</p> <p>(c) whether or not it was created by that public or private body, respectively;</p>
<p><b><i>Requester</i></b></p>	<p>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</p>
<p><b><i>Request for access</i></b></p>	<p>means a request for access to a record of a private body in terms of section 50 of PAIA</p>

### 3. NATURE OF BUSINESS

AlcoNCP (Proprietary) Limited's principal business is that of manufacturing and distribution of Ethanol, Dried Distillers Grains Solubles and related products.

### 4. COMPANY DETAILS

<b>Registered name of business</b>	NCP Alcohols (Pty) Ltd
<b>Physical Address</b>	121 Sea Cow Lake Road, Durban, 4001
<b>Postal Address</b>	PO Box 2204, Durban, 4000
<b>Telephone Number</b>	031 560 1111
<b>Fax Number</b>	031 579 1541
<b>Website</b>	<a href="http://www.alconcp.co.za">www.alconcp.co.za</a>
<b>Email Address</b>	<a href="mailto:info@alconcp.com">info@alconcp.com</a>

Persons designated/duly authorised persons:

<b>Directors</b>	Charles Albert Peer De Nieuwburgh
	Peter William Bayliss Starling
	Thomas Jean Francois Viatour
	Olivier Jules Claude van Rompaey
	Bruno Georges Carels
	Daniel Henri Jozef Mattys
	Xavier Zeno Paul-Henri Van Den Avenne
<b>Head of company</b>	Peter William Bayliss Starling
<b>Information Officer</b>	Lorraine Mudaly
<b>Telephone Number</b>	031 560 1222
<b>Email Address</b>	<a href="mailto:info@alconcp.com">info@alconcp.com</a>

## 5. APPLICABLE LEGISLATION

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 25 of 2002	Electronic Communications and Transactions Act
10	No 2 of 2000	Promotion of Access of Information Act
11	No 30 of 1996	Unemployment Insurance Act
12	No.4 of 2013	Protection of Personal Information Act (POPIA)

**6. ACCESS TO RECORDS AND AVAILABILITY**

<b>Records</b>	<b>Subject</b>
Statutory Company Information	Certificate of incorporation Memorandum and Articles of Association Minutes Register of members Register of directors shareholding
Financial	Financial Statements Financial and Tax Records (Company & Employees) Asset Register Management Accounts Books of Accounts Delivery notes, invoices, receipts, statements etc.
Fixed Property	Title Deeds and Leases
Taxation	Copies of income tax returns
Insurance	Insurance policies Claim records Details of insurance coverage, limits and insurers
Information Technology	Hardware Operating Systems Telephone exchange equipment Telephone lines, leased lines and data lines LAN installations Software packages
Legal	Material licenses, permits and authorizations
Statutory Employee Records	Employee contracts Remuneration paid to employees Wage and salary register Attendance register Records of foreign employees Expense accounts Determinations made in terms of the Wages Act Industrial training records Records of Strikes, lockouts or protest action Arbitration awards Maternity policy

The records listed above are held and/or processed by the company for the purposes of PAIA and POPIA. Access to such records may not be granted if they subject to “grounds of refusal”, described in section 8 below.

## **7. REQUESTS FOR INFORMATION**

Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requesters:

### **Personal Requester**

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the Company.

### **Other Requester**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by the Company.

### **Request Procedure**

1. A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in **Form c** and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address stated herein. The prescribed form must be accurately completed to enable the information officer to identify:
  - The record or records requested;
  - The identity of the requester;
  - What form of access is required; and
  - The postal address or fax number of the requester.
  
2. A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

3. The Company will process a request within 30 (thirty) days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this time period not be complied with.
4. The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

### **Decision**

The Company will, within 30 (thirty) days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. If more than 30 days is required, suitable arrangements will be negotiated with the requester. Based on the magnitude of the request, the time required to process the request may be extended for a further period of not more than 30 (thirty) days. The Information Officer will notify the requester in writing should an extension be necessary.

Please be advised that information will be disclosed at the company's discretion for protection of the privacy of the company as well as the protection of third parties.

### **Fees**

The Act provides for two types of fees:

A request fee, (which will be a standard fee) and an access fee, which must be calculated by taking into account costs for copies of the requested information, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the information officer of the Company, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request. Payment to be made as follows:

#### **First National Bank**

**Branch** : RMB Corporate Banking  
**Type of account** : Cheque/Current Account  
**Branch code** : 250655  
**Account number** : 62778086928

If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours (six) prescribed in

the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

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

The information officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for copies of the requested information and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

The company does not have internal appeal procedures. The decision made by the Information Officer is final.

A requester may apply to a court for relief, in accordance with sections 53 (c) and 78 of PAIA, within 180 days, should request for access to information be refused.

#### **Records not found**

If the company is unable to produce the requested information due to unforeseen circumstances, the Information Officer will submit an affidavit to the requester indicating the reasons.

## **8. GROUND FOR REFUSAL**

Subject to the exceptions contained in Chapter 4 of PAIA, the following are grounds on which the company may refuse a request for access to information. Mandatory protection of:

- the privacy of a third party who is a natural person, including a deceased person, where such disclosure of personal information would be unreasonable.
- the commercial information of a third party, if the records contain trade secrets of that third party; financial, commercial, scientific or technical information where disclosure is likely to cause harm to the financial or commercial interests of that party; information disclosed in confidence by a third party to the company where the disclosure could place the third party at a disadvantage in terms of contracts, negotiations or commercial competition.
- Confidential information of third parties if it is protected in terms of any agreement.
- Safety of individuals and company property
- Records that would be regarded as privileged in legal proceedings.

- Commercial information of the company which may include trade secrets, financial/commercial, scientific, or technical information where disclosure could likely cause harm to the financial or commercial interests of the company.
- Information which, if disclosed, could put the company at a disadvantage in contractual or other negotiations or prejudice the company in terms of commercial competition.
- Company owned computer programs which are protected by copyright and other intellectual property laws
- Research information of the company or third party, if such disclosure would place the research or the researcher at a serious disadvantage

Note: Superficial requests for information, that involve an unreasonable diversion of resources will not be processed.

## **9. PROTECTION OF PERSONAL INFORMATION PROCESSED BY THE COMPANY**

The company processes personal information relating to both individual and juristic persons in order to carry out its business and organisational functions. The information is processed in accordance with the Company's External Privacy policy as published on the Company's website, [www.alconcp.co.za](http://www.alconcp.co.za)

Data subjects may, within reasonable grounds, object to the processing of their personal information.

Data subjects may also request for the correction or deletion of their personal information.

The above requests can be made to the Information Regulator using forms 1 and 2 respectively.

## **10. PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA**

### **Purpose of Processing**

The Company uses Personal Information under its care in the following ways:

- Rendering services according to contractual agreements;
- Administration;
- Staff administration;
- Keeping accounts and records;
- Compliance with tax laws / fulfilling its statutory obligations in terms of applicable legislation; and
- Historical record keeping / recording statistics necessary to fulfil the Company's business objectives.

### **Categories of data subjects**

- Suppliers;

- Service providers;
- Customers;
- Directors and officers of the Company;
- Shareholders;
- Job applicants;
- Existing and former employees (including contractors, agents and temporary employees);
- Visitors to any premises of the Company.

Nature of the personal information processed in respect of the above data subjects, includes, in relation to:

- Natural persons: name, gender, medical information, pregnancy, marital status, race, age, date of birth, language, education information, financial information, employment history, identity number, physical and postal addresses, contact details, criminal behaviour, disability, personal opinions, views, views and opinions of another individual about the data subject.
- Juristic persons / entities: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories and financial information.
- Service providers: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories, and financial information.

The Company may supply personal information to the following recipients:

- Other companies within the Company's group;
- Regulatory, statutory and government bodies;
- Service providers;
- Professional advisors;
- Employees of the Company;
- Shareholders and other stakeholders;
- Third party verification agencies and credit bureau;
- A potential acquirer of the Company as part of a due diligence process; and
- Banks and other financial institutions.

We do transfer limited amounts of personal information outside South Africa, particularly in relation to export sales. However, any transfer will be subject to the necessary legal measures for safeguarding the information.

#### **General description of information security measures**

The Company has established and maintains appropriate, reasonable technical and organisational measures to ensure the integrity of personal information in its care and control, and to ensure that such personal information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements of POPIA.

The Company utilises up to date technology to ensure the confidentiality, integrity and availability of personal information, measures used include:

- Firewalls;
- Virus protection software and update protocols;
- Appropriate access control;
- Secure setup of hardware and software forming the IT infrastructure

## **11. AVAILABILITY OF MANUAL**

This manual will be made available:

- on AlcoNCP's website;
- at AlcoNCP's principal place of business, for public inspection during normal business hours;
- to any person upon request and upon payment of a reasonable amount; and
- to the Information Regulator, upon request.



REPUBLIC OF SOUTH AFRICA

**FORM C**  
**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
**(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))**  
**[Regulation 10]**

**A. Particulars of private body**

The Head:

[Large empty light blue rectangular area for providing details of the private body's head]

**B. Particulars of person requesting access to the record**

(a) The particulars of the person who requests access to the record must be given below.  
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.  
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: [Text box]  
Identity number: [Grid of 13 boxes]  
Postal address: [Text box]  
Telephone number: ( [Text box] ) [Text box] Fax number: ( [Text box] ) [Text box]  
E-mail address: [Text box]  
Capacity in which request is made, when made on behalf of another person: [Text box]

**C. Particulars of person on whose behalf request is made**

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

Full names and surname: [Text box]  
Identity number: [Grid of 13 boxes]

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

**D. Particulars of record**

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....

.....

.....

.....

2. Reference number, if available:

.....

.....

.....

3. Any further particulars of record:

.....

.....

.....

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

.....

.....

.....

**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: <input style="width: 90%;" type="text"/>	Form in which record is required: <input style="width: 90%;" type="text"/>
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
--	------------------------------	-----------------------------

**G. Particulars of right to be exercised or protected**

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

1. Indicate which right is to be exercised or protected:

---

---

---

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

---

---

---

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

H. Notice of decision regarding request for access

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

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

.....

Signed at ..... this day ..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

**FORM 1**  
**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF**  
**SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.**  
**4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
**[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>


Signed at ..... this ..... day of ..... 20.....

.....  
*Signature of data subject/designated person*

**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR  
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF  
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.  
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 3]**

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

**Request for:**

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
Name(s) and surname / registered name of data subject:	
Unique Identifier/ Identity Number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	