

BASF Holdings South Africa (Pty) Limited

BASF South Africa (Pty) Ltd

BASF Construction Chemicals South Africa (Pty) Ltd

BASF Coating Service (Pty) Ltd

BASF Agricultural Specialties (Pty) Ltd

(collectively or individually referred to as “the BASF SA Entities”)

MANUAL

This manual has been prepared in terms of Section 51 of

**The Promotion of Access to Information Act 2 of 2000 and updated in terms of the Protection
of Personal Information Act 4 of 2013**

1 November 2018

1. COMPANY DETAILS

Service Entity

- 1.1. BASF Holdings South Africa (Propriety) Limited (“BASF Holdings”) represents the service function for the BASF Group in South Africa and Sub-Saharan Africa.
- 1.2. All other entities within the South Africa and Sub-Saharan region are sales entities, engaged in the sale and/or supply of BASF products.
- 1.3. BASF Holdings delivers functional services to its various BASF group companies in South Africa and Sub-Saharan Africa. It provides services by standardizing and optimizing systems and processes using state-of-the-art technologies allowing business units to focus on operational and strategic activities. Departments under the umbrella of BASF Holdings, include:
 - 1.3.1. Finance
 - 1.3.2. Human Resources
 - 1.3.3. Marketing & Corporate Communications
 - 1.3.4. Information Systems Management
 - 1.3.5. Market research and Development
 - 1.3.6. Legal, Tax & Insurance
 - 1.3.7. Environmental Health and Safety
 - 1.3.8. Logistics and Supply Chain
 - 1.3.9. Procurement; and
 - 1.3.10. Facility Management.

Sales Entities

- 1.4. Information and contact details about other South African and Sub-Saharan entities within the BASF group is available at <https://www.basf.com/za/en/company/about-us/Companies-and-Locations.html>.

2. Company address and contact details for the purposes of this manual:

BASF Holdings

- 2.1.1. Address: Attention: Legal 852 Sixteenth Road, Midrand, P O Box 2801, Halfway House 1685, South Africa

2.1.2. Telephone: +27 (0) 11 203 2400

2.1.3. Telefax: +27 (0) 11 086 686 4115

2.1.4. E-mail : AfricalO@basf.com

2.1.5. Website: <https://www.basf.com/za/en.html>

3. THE PROMOTION OF ACCESS TO INFORMATION ACT 2000

3.1. The Promotion of Access to Information Act 2000 (“PAIA”) gives effect to the section 32 Constitutional right of access to information held by the State and any information that is held by another person that is required for the exercise of protection of any rights and to provide for matters connected therewith. Where a request is made in terms of PAIA, the body to which the request is made is obliged to give access to the requested information, except where PAIA expressly provides that the information may or must not be released. It is important to note that PAIA recognises certain limitations to the right of access to information including, but not exclusively, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

4. THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

4.1. The Protection of Personal Information Act 4 of 2013 (“POPI”) promotes the protection of personal information processed by public and private bodies, inducing certain conditions so as to establish minimum requirements for the processing of personal information. POPI amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPI and in terms of PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.

5. INFORMATION MANUAL

5.1. One of the main requirements specified in PAIA is the compilation of an information manual that provides information on both the types and categories of records held by a private body. This document serves as the BASF SA Entities’ information manual.

- 5.2. This manual is compiled in accordance with PAIA and the Schedule to POPI. It is intended to give a description of the records held by and on behalf of the BASF SA Entities; to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information, with a view of enabling requesters to obtain records which they are entitled to in a quick, easy and accessible manner.
- 4.3. This manual is available for public inspection:
- 5.2.1. At the physical address of BASF Holdings, free of charge; and
 - 5.2.2. On the BASF = website, free of charge; and
 - 5.2.3. On request by any person (along with payment of a prescribed fee).

The manual is available from the designated Information Officer, whose details appear below.

6. INFORMATION OFFICER DETAILS

Requests pursuant to the provisions of PAIA and/or POPI should be directed to the Information Officer as follows:

Name:	Stormme Gibson
Postal Address:	P O Box 2801, Halfway House 1685, South Africa
Street Address:	852 Sixteenth Road, Midrand, Johannesburg, South Africa.
Telephone:	+27 11 203 2442
Email:	AfricalInfoOfficer@basf.com

7. INFORMATION REGULATOR'S GUIDE

- 7.1. An official guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPI. This guide is made available by the Information Regulator (established in terms of POPI). Copies of the updated guide are available from Information Regulator in the manner prescribed. The Information Regulator's contact details are set out below.

The Information Regulator

Contact Details: Tel: 012 406 4818

Fax: 086 500 3351

Email: infoereg@justice.gov.za

Website: <http://www.justice.gov.za/infoereg/>.

8. **AUTOMATICALLY AVAILABLE INFORMATION**

The BASF SA Entities may, on a voluntary basis, make available a description of categories of records that are automatically available without a person having to request access in terms of PAIA. These records may include product and safety information.

The only fee for access to these records may be a prescribed fee for reproduction.

9. **RECORDS WHICH MAY BE HELD IN ACCORDANCE WITH OTHER LEGISLATION**

- 8.1. Labour Relations Act 66 of 1995.
- 8.2. Employment Equity Act 55 of 1998.
- 8.3. Basic Conditions of Employment Act 75 of 1997.
- 8.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993.
- 8.5. Companies Act 71 of 2008.
- 8.6. Value Added Tax Act 89 of 1991.
- 8.7. Income Tax Act 58 of 1962.
- 8.8. Occupational Health and Safety Act 85 of 1993.

The above is not an exhaustive list of statutes that may require the BASF SA Entities to keep records.

10. **SUBJECT CATEGORIES OF RECORDS**

Generally, the BASF SA Entities have the following information available:

Category of Record	Description of Record
Financial Records	Annual Financial Statements
	Accounting Records
	Banking Records

	Bank Statements
	Electronic banking records
	Asset Register
	Rental Agreements
	Invoices
	Tax returns
	VAT records
	PAYE records
Product Customer Information	Product Brochures
Environment, Health and Safety Records	Material Safety Data Sheets
	Environment Health Safety and Quality Policy
	Drug and Alcohol Policy
	Reproductive Health Policy
	Environmental Surveys
	Occupational Hygiene Surveys
	Effluent Analysis
	Waste disposal certificates
Companies Act Records	Documents of Incorporation
	Memorandum of Incorporation
	Minutes of Board of Director's Meeting
	Minutes of Director's Meeting
	Records relating to the appointment of directors, auditors, company secretary, public officer and other officers

Personnel Documents and Records

Share register

Other statutory registers

Employment contracts

Medical aid records

Provident fund records

Disciplinary records

Salary records

Disciplinary code

Code of conduct

Leave records

Training records

Workman's compensation records

Employee specific court orders

Documents issued to employees for income tax purposes

Records of payments made to SARS on behalf of employees

All other statutory compliance, such as:

- VAT
- Skills Development Levies
- UIF
- Workmen's Compensation

11. POPI REQUIREMENTS PERTAINING TO THE PROCESSING OF INFORMATION

11.1. Insofar as POPI is concerned, the following criteria should be addressed when collecting information:

11.1.1. The purpose of the processing –

Data must be processed for a specified purpose. The purpose for which data are processed by the BASF SA Entities will depend on the nature of the data and the data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data are collected. The BASF SA Entities collect:

11.1.1.1. Employee data – for the purposes of remuneration, benefits, leave and other business administration details.

11.1.1.2. Client data – for the integral part of its commercial services. This list of processing purposes is not exhaustive but includes Confirming, verifying and updating client details as well as processing information for audit and record-keeping processes.

11.1.1.3. Third party data – for business administration purposes which may include details in connection with legal proceedings.

11.1.1.4. Other party data – data may be processed to effect payment to contractors and suppliers.

11.1.2. A description of the categories of information relating thereto –

The BASF SA Entities hold information and records on the following category of data subject:

11.1.2.1. Employees / personnel of BASF SA Entities;

11.1.2.2. Clients of BASF SA Entities;

11.1.2.3. Any third party with whom the BASF SA Entities conduct their business services;

11.1.2.4. Contractors of the BASF SA Entities;

11.1.2.5. Suppliers of the BASF SA Entities;

11.1.2.6. Service providers of the BASF SA Entities.

This list of categories of data subjects is non-exhaustive.

11.1.3. The categories of recipients to whom the information is supplied –

Depending on the nature of the data, the BASF SA Entities may supply information or records to the following categories of recipients:

11.1.3.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;

11.1.3.2. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act 89 of 1998);

11.1.3.3. South African Revenue Services, or another similar authority;

11.1.3.4. Anyone making a successful application for access in terms of PAIA;

11.1.3.5. Subject to the provisions of POPI and the National Credit Act 34 of 2005, the BASF SA Entities may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which the BASF SA Entities operate.

11.1.4. Planned trans-border flows of information –

The BASF SA Entities may transfer data trans-border, including for storage requirements. These countries may not have adequate data protection laws.

11.1.5. Security measures implemented to ensure the confidentiality and privacy of the information which is to be processed may include–

11.1.5.1. encryptions;

11.1.5.2. password protections;

11.1.5.3. limited or restricted access;

11.1.5.4. firewalls; and/or

11.1.5.5. locked safety cabinets.

12. **GROUNDS FOR REFUSAL OF ACCESS**

Any of the BASF SA Entities may refuse a request for information on the following basis:

- 12.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- 12.2. Mandatory protection of the commercial information of a third party, if the record contains:
 - 12.2.1. Trade secrets of that third party;
 - 12.2.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - 12.2.3. Information disclosed in confidence by a third party to a BASF SA Entity, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 12.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- 12.4. Mandatory protection of the safety of individuals and the protection of property.
- 12.5. Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 12.6. The commercial activities of BASF SA Entities, which may include:
 - 12.6.1. Trade secrets of BASF SA Entities;
 - 12.6.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of BASF SA Entities; and
 - 12.6.3. Information which, if disclosed, could put BASF SA Entities at a disadvantage in negotiations or commercial competition.

13. HOW TO MAKE A REQUEST

- 13.1. To facilitate a timely response to requests for access, all requesters should complete the Access Request Form attached hereto as Annexure A. The Access Request Form must be completed with enough particularity to enable the Information Officer to identify:
- 13.1.1. The record(s) requested;
 - 13.1.2. The identity number of the requester;
 - 13.1.3. The form of access required if the request is granted;
 - 13.1.4. The postal address or fax number of the requester.
 - 13.1.5. The requester must also state that he or she requires the information to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 13.2. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 13.3. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 13.4. The requester will 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, then he must expressly request this.

14. NOTIFICATION REQUIREMENTS

If personal information is collected, BASF Holding's Information Officer must take reasonably practicable steps to ensure that the data subject is aware of:

- 14.1. The information being collected and where the information is not collected from the data subject, the source from which it is collected.
- 14.2. The name and address of the responsible party.
- 14.3. The purpose for which the information is being collected.

- 14.4. Whether or not the supply of the information by that data subject is voluntary or mandatory.
- 14.5. The consequences of failure to provide the information.
- 14.6. Any particular law authorising or requiring the collection of the information.
- 14.7. The fact that, where applicable, the responsible party intends to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisation.
- 14.8. Any further information such as the—
 - 14.8.1. recipient or category of recipients of the information;
 - 14.8.2. nature or category of the information;
 - 14.8.3. existence of the right of access to and the right to rectify the information collected;
 - 14.8.4. existence of the right to object to the processing of personal information; and the
 - 14.8.5. right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator.
- 14.9. The steps mentioned above must be taken if the personal information is collected directly from the data subject, before the information is collected, unless the data subject is already aware of the information referred to in that subsection; or in any other case, before the information is collected or as soon as reasonably practicable after it has been collected.

15. **THIRD PARTY NOTIFICATION**

The Information Officer of BASF SA Entities considering a request for access to a record that might be a record contemplated must take all reasonable steps to inform a third party to whom or which the record relates of the request. The third party must be informed as soon as

reasonably possible, but in any event within 21 days after that request is received and by the fastest means reasonably possible.

15.1. When informing a third-party BASF SA Entities must—

- 15.1.1. state that he or she is considering a request for access to a record that might be a record contemplated in section 63(1), 64(1), 65 or 69(1) of PAIA and describe the content of the record;
- 15.1.2. furnish the name of the requester;
- 15.1.3. describe the provisions of section 63(1), 64(1), 65 or 69(1), as the case may be;
- 15.1.4. in any case where the head believes that the provisions of section 70 might apply, describe those provisions, specify which of the circumstances referred to in section 70(a) in the opinion of the head might apply and state the reasons why he or she is of the opinion that section 70 might apply; and
- 15.1.5. state that the third party may, within 21 days after the third party is informed—
 - 15.1.5.1. make written or oral representations to the head why the request for access should be refused; or
 - 15.1.5.2. give written consent for the disclosure of the record to the requester.

16. **PRESCRIBED FEES**

The following fees are (or may be) payable:

- 16.1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4- size page or part thereof.
- 16.2. The fees for reproduction referred to in the PAIA Regulations are as follows:
 - 16.2.1. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
 - 16.2.2. The fees payable for reproduction or by a requester referred to in the Regulations are as follows:

(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)	For a copy in a computer-readable form on-	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

16.3. For purposes of section 54 (2) of PAIA, the following applies:

16.3.1. Six hours as the hours to be exceeded before a deposit is payable;

16.3.2. one third of the access fee is payable as a deposit by the requester; and

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

17. **REMEDIES AVAILABLE IN RESPECT OF AN ACT BY ANY OF THE BASF SA ENTITIES OR AS A RESULT OF ANY OF THE BASF SA ENTITIES' S' FAILURE TO ACT**

17.1. Internal Remedies

A requester aggrieved by the decision of any of the BASF SA Entities should contact the Information Officer (see paragraph 6 above) and//or Legal Department of the BASF SA Entities at:

AfricaInfoOfficer@basf.com

17.2. External remedies:

A requester aggrieved by aggrieved by a decision of the head of a private body—

17.2.1.1. to refuse a request for access; or

17.2.1.2. relating to fees, a form of request, or the extension of a time dealing with a request

may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82 of PAIA.

Annexure A

J752



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
bodyw**

The Head:

1 B. Particulars of person requesting access to the record

- | |
|--|
| <p>(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.</p> |
|--|

Full names and surname:

.....

Identity number:

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Postal address:

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Telephone number:

(.....) Fax number: (.....)

E-mail address:

.....

Capacity in which request is made, when made on behalf of another person:

2 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:

.....

Identity number:

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3 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:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- | | |
|--|---|
| <ul style="list-style-type: none"> (a) (b) (c) (d) | <p>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.</p> <p>You will be notified of the amount required to be paid as the request fee.</p> <p>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.</p> <p>If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|--|---|

Reason for exemption from payment of fees:

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4 **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:	Form in which record is required:
Mark the appropriate box with an X .	
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.	

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

YES

NO

Postage is payable.

5 **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:

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.....
.....

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

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.....
.....

6 **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..... ofyear

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