



***PAIA MANUAL OF
CLOVER PROPRIETARY
LIMITED***

***REGISTRATION NUMBER
2018/610365/07***

MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE “ACT) FOR CLOVER PROPRIETARY LIMITED (COMPANY REGISTRATION NUMBER 2018/610365/07) AND THE FOLLOWING SUBSIDIARIES (ALL OF WHICH HEREINAFTER REFERRED TO AS “CLOVER”):

- CLOVER S.A. PROPRIETARY LIMITED;
- CLOVER FONTERRA INGREDIENTS PROPRIETARY LIMITED;
- CLOVER WATERS PROPRIETARY LIMITED;
- THE REAL BEVERAGES COMPANY PROPRIETARY LIMITED;
- CLOVER PRIDE PROPRIETARY LIMITED; AND
- CLOVER GOOD HOPE PROPRIETARY LIMITED.

1 INTRODUCTION AND BACKGROUND TO PAIA AND THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

- 1.1 The objective of Promotion of Access to Information Act, 2 of 2000 (“the Act”) gives effect to Section 37(1)(a) & (b) of the Constitution of the Republic of South Africa, Act 108 of 1996 (“the Constitution”), which provides for the right of access to information held by public and private bodies when such information is requested for the exercise or protection of any rights.
- 1.2 The objective of Protection of Personal Information Act 4 of 2013 (“POPIA”) is to promote the protection of personal information processed by public and private bodies and to introduce certain conditions so as to establish minimum requirements for the processing of personal information.
- 1.3 The Act, inter alia, sets out the requisite procedural and their requirements in relation to a request for information, the requirements to be met, in addition to grounds for refusal of the request.
- 1.4 The Act recognises that the right to any information may be limited to the extent that such limitations as set out in Section 9(b) of the Act are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.
- 1.5 The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.
- 1.6 Please refer to the External Privacy Notice on the CLOVER website should you have any queries or requests regarding requests or queries in respect of your Personal Information in terms of POPIA.
- 1.7 The background of CLOVER is available on its website – www.clover.co.za.

2 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(A)

Name of Private Body: Clover Proprietary Limited

Physical Address: Clover Park, 200 Constantia Drive, Constantia Kloof, Roodepoort, 1709

Postal Address: PO Box 6161, Weltevreden Park, 1715

Website Address: www.clover.co.za

Head of Private Body: **Mr JH Vorster**

Telephone Number: (011) 471 1400

Facsimile Number: (011) 471 1504

Electronic Mail: johann.vorster@clover.co.za

Authorised Person: **Mr S Velthuysen**

Telephone Number: (011) 471 1467

Facsimile Number: (011) 471 1504

Electronic Mail steven.velthuysen@clover.co.za

3 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(B)(I)

- 3.1 A guide on how to use the Act as contemplated in **Section 10** (“the guide”) has been compiled by the South African Human Rights Commission (“the SAHRC”). It contains information which would be reasonably required by any person wishing to exercise any right set out in the Act. The guide is available in all the official languages.
- 3.2 The guide is available for inspection at the offices of the SAHRC at: Braampark, Forum 3 33 Hoofd Street Braamfontein Telephone number: 011 877 3600 Website: www.sahrc.org.za.

4 RECORDS HELD BY CLOVER AND AVAILABLE AS CONTEMPLATED IN SECTION 51(1)(e) OF THE ACT

- 4.1 For ease of reference, below is an indication of the subjects of information that CLOVER holds:
- 4.1.1 Company Secretarial Records
 - 4.1.2 Financial Statements and Financial Records
 - 4.1.3 Income Tax Records
 - 4.1.4 Group Legal and Compliance Records
 - 4.1.5 Human Resources Records, Training Records and Personnel Information
 - 4.1.6 ICT (i.e., Information, Communication and Technology) Records
 - 4.1.7 Environmental Management Records
 - 4.1.8 Health and Safety Records
 - 4.1.9 Production Records
 - 4.1.10 Research and Development Records
 - 4.1.11 Food Safety and Quality Control Records
 - 4.1.12 Sales Records.

5 PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60)

- 5.1 The requester must comply fully with all the procedural requirements as set out in the Act and this Manual, relating to the request for access to a record. Failure to do so will result in the request being refused.
- 5.2 The requester must complete **Form C** (which can be accessed on the website of the SAHRC under the link www.sahrc.co.za) and submit same to the Authorised Person together with payment of the request fee (if applicable) and a deposit (if applicable) to the Authorised Person at the postal or physical address, facsimile number or electronic mail address under section 2 above.
- 5.3 The prescribed form must be completed with enough particularity so as to at least enable the Authorised Person to identify:
 - 4.3.1 The records requested;
 - 4.3.2 The identity of the requester;
 - 4.3.3 Which form of access to the records is required, should the request be granted; and
 - 4.3.4 The postal address or facsimile number or email address of the requester.
- 5.4 The requester must identify the nature of the right for which purposes access to the records is required. If the right is not clearly defined, the Authorised Person may refuse access to the record requested.
- 5.5 The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner. If so, he/she/it must state the manner with full particularity.
- 5.6 If the request is made on behalf of another person, then in such event, the requester must submit proof of the capacity in terms of which the requester is making the request to the reasonable satisfaction of the Authorised Person.
- 5.7 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit the request orally to the Authorised Person.
- 5.8 The requester must pay the prescribed fee (if applicable) before any further processing can take place. The prescribed fee for requests to private bodies is available on the website of the SAHRC under the link sahrc.org.za
- 5.9 CIL will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 5.10 The 30-day period may be extended with a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of CLOVER, or the records are not located at the building of CLOVER, or consultations amongst divisions

within CLOVER or another private body or third party are required.

- 5.11 Should the request be granted, the written notice must state the access fee (if any) to be paid upon access, the form in which access will be given and that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.
- 5.12 Should the request be refused, the written notice must state adequate reasons for the refusal, including the provisions of the Act relied upon and the rights of the requester.

6 GROUND FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT)

- 5.1 Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for CLOVER to refuse a request for information as contemplated by the Act relates to:
 - 5.1.1 Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
 - 5.1.2 Protection of commercial information of a third party as defined by the Act, if the record contains:
 - 5.1.2.1 trade secrets of that third party;
 - 5.1.2.2 financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
 - 5.1.2.3 information disclosed in confidence to CLOVER by a third party, the disclosure of which could put that third party at a disadvantage in a contractual or other negotiations or would prejudice that third party in commercial competition.
 - 5.1.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement;
 - 5.1.4 Protection of safety of individuals and protection of property;
 - 5.1.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege; and
 - 5.1.6 Protection of commercial activities of CLOVER, which may include:
 - 5.1.6.1 trade secrets of CLOVER;

- 5.1.6.2 financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of CLOVER;
- 5.1.6.3 information which, if disclosed, could put CLOVER at a disadvantage in negotiations or commercial competition;
- 5.1.6.4 a computer programme owned by CLOVER, and which is protected by copyright; and
- 5.1.6.5 the research information of CLOVER or of a third party on behalf of CLOVER if the disclosure would expose the third party, CLOVER, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

7 REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT)

- 7.1 CLOVER does not have internal appeal procedures and as such, the decision made by the Authorised Person is therefore final.
- 7.2 Therefore, should the requester be dissatisfied with the Authorised Person's decision to refuse access, the requester may either:
 - 6.2.1 within 180 days of the decision submit a complaint to the Information Regulator; or
 - 6.2.2 within 180 days of the decision of CLOVER or the Information Regulator approach a competent Court on application.
 - 6.2.3 Should a third party be dissatisfied with the Authorised Person's decision to grant a request for information relating to that third party, it (the third party) may, either:
 - 6.2.3.1 within 180 days of the decision of CLOVER submit a complaint to the Information Regulator; or
 - 6.2.3.2 within 180 days of the decision of CLOVER or the Information Regulator approach a competent Court on application.

8 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(C)

- 7.1 In certain circumstances and as a normal part of the business of CLOVER, CLOVER may collect and process clients' Personal Information as defined in the Protection of Personal Information Act, 4 of 2013 ("POPI"). The type of information will depend on the need for which it is collected and will be processed for that specific purpose only. Whenever possible, CLOVER will inform the client what information it requires and the reasons therefor. Examples of personal information CLOVER collects includes but is not limited

to:

- 7.1.1 A client's identity number, name, surname, address, marital status; and/or
 - 7.1.2 Description of a client's, residence, business and assets; and/or
 - 7.1.3 Financial information and banking details; and/or
 - 7.1.4 Any other contact information required by CLOVER.
- 7.2 A more comprehensive list of personal information CLOVER collects from clients are set out hereunder.
- 7.2.1 A client's Personal Information will only be used for the purpose for which it was collected and agreed to by the client. This may include:
 - 7.2.2 Providing services to clients and to carry out the transactions requested; and/or
 - 7.2.3 Conducting credit reference searches and/or verification; and/or
 - 7.2.4 Confirming, verifying and updating client details; and/or
 - 7.2.5 Detection and prevention of fraud, crime, money laundering or other malpractice; and/or
 - 7.2.6 For audit and record keeping purposes; and/or
 - 7.2.7 In connection with legal proceedings; and/or
 - 7.2.8 Providing communications in respect of Clover and regulatory matters that may affect clients; and/or
 - 7.2.9 In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

9 DISCLOSURE OF PERSONAL INFORMATION

- 9.1 CLOVER may disclose clients' Personal Information to any of its subsidiaries, joint venture companies and/or approved third party service providers whose services or products clients elect to use. CLOVER has agreements in place to ensure that all parties concerned comply with confidentiality and privacy conditions.
- 9.2 CLOVER may also disclose clients' information where it has a duty or a right to disclose in terms of applicable legislation, the law in general or where it may be necessary to protect its rights.

10 SAFEGUARDING CLIENTS' INFORMATION

- 10.1 It is a requirement of POPI to adequately protect the Personal Information

CLOVER holds and to avoid unauthorised access and use of clients' Personal Information. CLOVER will continuously review its security controls and processes to ensure that the client's Personal Information is secure. The following procedures are in place in order to protect the client's Personal Information:

- 9.1.1 The Authorised Person is responsible for the compliance with the lawful processing of Personal Information;
- 9.1.2 All employees (including new) are requested to acknowledge the provisions of POPI and receive training in respect of POPI from time to time;
- 9.1.3 All hard copies of documents are stored on site at the offices of CLOVER in a fireproof safe;
- 9.1.4 In addition, all documents are stored electronically for backup purposes with passwords to ensure that only authorised employees may gain access to Personal Information; and
- 9.1.5 Only a select few employees have access to Personal Information. If not so authorised, access is automatically denied.

11 CATEGORIES OF DATA SUBJECTS AND THEIR PERSONAL INFORMATION

- 11.1 CLOVER may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

ENTITY TYPE	PERSONAL INFORMATION PROCESSED
As to clients who are Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
As to clients who are Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
As to clients who are Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence
As to Intermediaries / Advisors	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
As to Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

As to Employees / Directors

Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;

12 CATEGORIES OF RECIPIENTS FOR PROCESSING THE PERSONAL INFORMATION

12.1 CLOVER may supply the Personal Information to service providers who render the following services to CLOVER:

12.1.1 Capturing and organising of data;

12.1.2 Storing of data;

12.1.3 Sending of emails and other correspondence to clients;

12.1.4 Conducting due diligence checks; or

12.1.5 Administration of the Collective Investment Schemes.

13 DISCLAIMER

13.1 The Manual does not purport to be exhaustive of or to comprehensively deal with every aspect and procedure provided for in the Act.

13.2 A requester is hereby advised to familiarise him/her/itself/themselves with the provisions of the Act, before lodging any request with CLOVER.