


Distell – Access to Information Manual (PAIA Manual)	
Date we compiled this manual:	20 May 2021
Date we last revised it:	26 March 2022

1. Access to Information Manual

We respect your right of access to information. This manual will help you (the requester of information) to exercise that right and help you know how you may get access to our records. The Promotion to Access of Information Act 2 of 2000 as amended from time to time (known as **PAIA**¹) requires us to draft and make this manual available to you, in order for you to:

- 1.1. Know what types of information we have.
- 1.2. Know how to request access to it.

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

2. Introduction

- 2.1. We are Distell Group Holdings Limited (Distell). We primarily conduct business as a producer and marketer of wines, spirits, ciders and other ready-to-drink (RTD) alcoholic and non-alcoholic beverages. For further information on who we are and what we do, refer to our website: www.distell.co.za
- 2.2. PAIA² requires the information officer of a private body to compile a manual that contains information on the records it holds. A 'private body' means a natural person, company or other type of juristic entity that carries on any trade, business or profession and includes a political party. We are a private body.

This manual exists to tell you what information we have and help you get access to it.

3. Our details

Our organisation's and information officer's details are as follows:

Organisation name	Distell Group Holdings Limited
Website	www.distell.co.za
Registration number	2016/394974/06

¹ To read PAIA go to <https://accesstoinformation.co.za/>

² Section 51(1) of PAIA

Postal address	PO Box 184, Stellenbosch, 7599
Physical address	Aan-de-Wagen Road, Stellenbosch, 7600
Phone number	021 809 7000
Default information officer	Richard Rushton
Information officer	Sorita Botha
Information officer email	privacy@distell.co.za
Information officer phone number	021 809 7000

These are all our details, but please rather contact us by email whenever possible.

4. Further guidance from the Information Regulator

For further guidance, contact the Information Regulator. They have compiled a [PAIA guide](#)³ in each official language of South Africa on how to exercise your rights under PAIA.

Visit their website	www.inforegulator.org.za
Postal address	PO Box 3153, Braamfontein, Johannesburg, 2017
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone number	010 023 5200
Ask a general enquiry by email	enquiries@inforegulator.org.za
Lodge a complaint by email	PAIAComplaints@inforegulator.org.za

For further guidance on how you can get access to information, please visit the Information Regulator [website](#)⁴.

5. Records which we make automatically available

We make some records automatically available⁵ to you without you needing to request access to them.

Type of record	How you can access it
Memorandum of incorporation (MOI)	BizPortal ⁶

³ https://www.justice.gov.za/inforeg/docs/misc/PAIA-Guide-English_20210905.pdf

⁴ <https://inforegulator.org.za/>

⁵ Section 52 of PAIA

⁶ <https://www.bizportal.gov.za/>

Directors' names	BizPortal
Documents of incorporation	BizPortal
Banking details	Request by email
Brochures	Request by email
External newsletters and circulars	Subscribing or on our website
Information on our website	Visit our website

6. Records we hold to function

We hold the following subjects and categories of records in electronic or physical format, which we **do not** make automatically available. You may request access to them:

6.1. Establishment records

Our records related to the establishment, registration, incorporation, or administration of our organisation. Some of them may be available from BizPortal⁷, via BizProfile, a search tool for all companies registered on the Companies and Intellectual Property Commission (CIPC).

- 6.1.1. Minutes of board or director meetings
- 6.1.2. Written resolutions
- 6.1.3. Records relating to appointment of directors, auditor, secretary, public officer, or other officers
- 6.1.4. Share register and other statutory registers
- 6.1.5. Other statutory records

Company records include our memorandum of incorporation and directors' names.

6.2. Business records

Documents that have economic value to the business.

- 6.2.1. Operational records
- 6.2.2. Databases
- 6.2.3. Published works
- 6.2.4. Internal correspondence

⁷ <https://www.bizportal.gov.za/>

- 6.2.5. Product records
- 6.2.6. List of suppliers, products, services and distributors

6.3. **Financial records**

Our records related to our finances.

- 6.3.1. Management reports
- 6.3.2. Financial statements
- 6.3.3. Tax returns
- 6.3.4. Other documents relating to tax
- 6.3.5. Accounting records
- 6.3.6. Auditor reports
- 6.3.7. Banking details
- 6.3.8. Banking records
- 6.3.9. Bank statements
- 6.3.10. Electronic banking records
- 6.3.11. Paid cheques
- 6.3.12. Asset register
- 6.3.13. Invoices
- 6.3.14. Financial agreements

Financial records include our financial statements and banking details.

6.4. **Insurance records**

Our records related to our insurable assets.

- 6.4.1. Insurance policies we hold
- 6.4.2. Records of insurance claims
- 6.4.3. Register of all immovable property owned by the company
- 6.4.4. Incident list / Records of insurance claims

6.5. **Income tax records**

Our records related to our income tax obligations.

- 6.5.1. PAYE Records
- 6.5.2. Corporate tax records
- 6.5.3. Customs tax
- 6.5.4. Documents issued to employees for income tax purposes
- 6.5.5. Records of payments made to SARS on behalf of employees
- 6.5.6. VAT records
- 6.5.7. Regional Services Levies
- 6.5.8. Skills Development Levies
- 6.5.9. UIF
- 6.5.10. Workmen's Compensation

6.6. **Personnel records**

Our records about anyone who works for us, provides services to us, or provides services on our behalf and who we remunerate. This includes our employees, contractors, and other personnel.

- 6.6.1. List of employees
- 6.6.2. Employee personal information
- 6.6.3. Employee employment contracts
- 6.6.4. Employment applications and appointment letters
- 6.6.5. Employment policies and procedures
- 6.6.6. Personnel services agreements
- 6.6.7. Employment Equity Plan
- 6.6.8. Health and safety records
- 6.6.9. Medical aid records
- 6.6.10. Pension and provident fund records
- 6.6.11. Salaries or wages of employees
- 6.6.12. Leave records
- 6.6.13. Internal evaluations and performance records
- 6.6.14. Disciplinary codes

- 6.6.15. Disciplinary records
- 6.6.16. SITA records
- 6.6.17. Training records
- 6.6.18. Operating manuals
- 6.6.19. Occupational Health and Safety records
- 6.6.20. Personal records provided by personnel
- 6.6.21. Other statutory records
- 6.6.22. Related correspondence

Personnel records include records about our employees and contractors.

6.7. **Policies and directives**

Both internal and external documents.

- 6.7.1. Internal: relating to employees and the organisation
- 6.7.2. External: relating to customers and other third parties
- 6.7.3. Information technology systems and documents

6.8. **Agreements or contracts**

Both the documents themselves and all related documents.

- 6.8.1. Standard agreements
- 6.8.2. Contracts concluded with customers
- 6.8.3. NDAs
- 6.8.4. Letters of intent, MOUs
- 6.8.5. Third party contracts
- 6.8.6. Office management contracts
- 6.8.7. Bond agreements
- 6.8.8. Distribution agreements
- 6.8.9. Finance agreements
- 6.8.10. Rental agreements
- 6.8.11. Supplier or service contracts

6.9. **Regulatory documents**

Any documents we need to comply with any laws.

- 6.9.1. Permits
- 6.9.2. Licences
- 6.9.3. Certificates
- 6.9.4. Authorities

6.10. **Published information**

Any document that we prepare and produce.

- 6.10.1. Internal newsletters and circulars
- 6.10.2. Information on the company published by third parties

6.11. **Customer information**

Any information about anyone that we provide goods or services to, including our customers, leads, or prospects.

- 6.11.1. Customer details
- 6.11.2. Contact details of individuals within customers
- 6.11.3. Communications with customers
- 6.11.4. Sales records
- 6.11.5. Transactional information
- 6.11.6. Marketing records

6.12. **Reference materials**

Any sources of information that we contribute to.

- 6.12.1. Books
- 6.12.2. Newsletters and journals articles
- 6.12.3. Magazines
- 6.12.4. Newspaper articles

7. **Records we hold to comply with the law**

We hold records that all organisations are required by law to hold. We also hold records that the law specifically requires organisations like ours to retain, amongst others:

- 7.1. Basic Conditions of Employment Act 75 of 1997
- 7.2. Broad-based Black Economic Empowerment Act 53 of 2003
- 7.3. Companies Act 71 of 2008
- 7.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 7.5. Customs and Excise Act 91 of 1964
- 7.6. Customs Duty Act 30 of 2014
- 7.7. Disaster Management Act 57 of 2002
- 7.8. Employment Equity Act 55 of 1998
- 7.9. Income Tax Act 58 of 1962
- 7.10. Labour Relations Act 66 of 1995
- 7.11. Liquor Act 59 of 2003;
- 7.12. Occupational Health and Safety Act 85 of 1993
- 7.13. Prevention and Combating of Corrupt Activities Act 12 of 2004
- 7.14. Value-Added Tax Act 89 of 1991

8. **How you can request access**

- 8.1. We have appointed our information officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please complete [Form 2](#)⁸.
- 8.2. Please submit the completed form (together with the relevant request fee we explain below) to our information officer's email address or our physical address. Please ensure that the completed form:
 - 8.2.1. has enough information for the information officer to identify you, the requested records, and the form of access you require,
 - 8.2.2. specifies your email address or postal address,
 - 8.2.3. describes the right that you seek to exercise or protect,
 - 8.2.4. explains why you need the requested record to exercise or protect that right,
 - 8.2.5. provides any other way you would like to be informed of our decision other than in writing, and

⁸https://www.dffe.gov.za/sites/default/files/docs/forms/form.paia.popi2021april_publicbodyrecord.reg07.pdf

8.2.6. provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

8.3. If you do not use the standard form, we may:

8.3.1. reject the request due to lack of procedural compliance,

8.3.2. refuse it if you do not provide sufficient information, or

8.3.3. delay it.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

9. **How we will give you access**

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

10. **How much it will cost you**

10.1. **Request fees**

When submitting your request, you must pay us a request fee as the law prescribes. You must pay us the prescribed fees before we give you access. You will receive a notice from our information officer upon your request⁹, setting out the application procedure¹⁰.

10.2. **Access fees**

10.2.1. If we grant the request, the law prescribes that you will have to pay us a further access fee for the time it takes us to handle your request, or if the time has exceeded the prescribed hours to search and prepare the record for disclosure. Our information officer will notify you if you need to pay a deposit for the access fee. The deposit may be up to one third of the prescribed access fee¹¹. The access fee will provide for:

10.2.1.1. the costs of making the record, or transcribing the record,

10.2.1.2. a postal fee (if applicable), and

10.2.1.3. the reasonable time we need to search for the record and prepare the record for you¹².

⁹ Section 54(1) of PAIA

¹⁰ Section 54(3)(c) of PAIA

¹¹ Section 54(2) of PAIA

¹² Section 54(7) of PAIA

10.2.2. If you paid the deposit and we refused your request, we will refund you the deposit amount. Until you have paid the fees, we may withhold the record you requested.

11. **Grounds for us to refuse access**

11.1. We may have to refuse you access to certain records in terms of PAIA to protect:

11.1.1. someone else's privacy¹³,

11.1.2. another company's commercial information¹⁴,

11.1.3. someone else's confidential information¹⁵,

11.1.4. research information¹⁶,

11.1.5. the safety of individuals and property¹⁷, or

11.1.6. records privileged from production in legal proceedings¹⁸.

11.2. Some of these grounds are explained in further detail below.

11.3. **Protection of someone else's privacy (a natural person)**

11.3.1. We may refuse to give you access to a record if access would unreasonably disclose a natural person's personal information, including a deceased person.

11.3.2. We will not refuse access in certain circumstances:

11.3.2.1. The person who the information pertains to, has given consent.

11.3.2.2. The information is publicly available.

11.3.2.3. The information belongs to a class of information, and the private body notified the individual upfront that the specific class of information might be made public.

11.3.2.4. The record is physical or mental health information or information about someone's well-being who is:

11.3.2.4.1. under the requester's (your) care and below 18 years, or

11.3.2.4.2. incapable of understanding the nature of the request and giving access would be in the individual's best interests.

11.3.2.5. The information is about a deceased person and:

¹³ Section 63 of PAIA

¹⁴ Section 64 of PAIA

¹⁵ Section 65 of PAIA

¹⁶ Section 68 of PAIA

¹⁷ Section 66 of PAIA

¹⁸ Section 67 of PAIA

- 11.3.2.5.1. you are the next of kin, or
- 11.3.2.5.2. the request is made with the written consent of the individual's next of kin.
- 11.3.2.6. The information is about a person who is, or was an executive at your organisation, and the information relates to their position or functions, for example:
 - 11.3.2.6.1. that the person was an official at our organisation,
 - 11.3.2.6.2. the title, work address, work phone number and other similar details,
 - 11.3.2.6.3. the classification, salary scale or remuneration and responsibilities of the position or services, and
 - 11.3.2.6.4. the name of the person on a record prepared by them while employed.

11.4. **Protection of another organisation's commercial information**

We may refuse to give you access to a record if the record contains another organisation's:

- 11.4.1. trade secrets,
- 11.4.2. financial, commercial, scientific, or technical information and the disclosure could cause harm to the financial or commercial interests of that company,
- 11.4.3. information and the disclosure could put that company at a disadvantage in negotiations or commercial competition, or
- 11.4.4. information on a computer programme owned by us, protected by copyright.

11.5. **Protection of the safety of individuals and property**

We may refuse access if it could reasonably be expected to endanger someone's life or physical safety. We may refuse access to a record if disclosing it would be likely to prejudice or impair the security of:

- 11.5.1. a building, structure, or system, including a computer or communication system,
- 11.5.2. a means of transport,
- 11.5.3. any other property,
- 11.5.4. methods, systems, plans or procedures for the protection of someone in a witness protection scheme,
- 11.5.5. the public, or a part of the public, or
- 11.5.6. the property contemplated above.

11.6. Protection of research information

We may refuse you access to a record that contains research done by us or someone else, if disclosing it would disclose our identity, the researcher's or the subject matter of the research and would place the research at a serious disadvantage.

11.7. Our decision on giving you access

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receiving your request. If we cannot find the record you asked for or it does not exist, we will notify you by way of affidavit that it is not possible to give access to that record.

We may have to refuse you access to a record to protect others.

12. Remedies available if we refuse to give you access

If we deny your request for access, you may:

12.1. apply to a court¹⁹ with appropriate jurisdiction, or

12.2. [complain](#)²⁰ to the Information Regulator,

for the necessary relief within 180 calendar days of us notifying you of our decision.

13. How we process and protect personal information

We process the personal information of various categories of people for various purposes as reflected in our [Privacy Policy](#).

13.1. Categories of people

We process the personal information of the following categories of people:

13.1.1. customers or organisations,

13.1.2. prospects or leads,

13.1.3. employees,

13.1.4. recruiters and medical practitioners providing services related to employees,

13.1.5. contractors, vendors, or suppliers,

13.1.6. debtors and creditors,

13.1.7. distributor, and

13.1.8. directors and shareholders.

¹⁹ Section 78 of PAIA

²⁰ PAIAComplaints@inforegulator.org.za

13.2. **Purposes**

We process the personal information to:

- 13.2.1. provide our goods or supply our services,
- 13.2.2. better understand our data subjects' needs when doing so,
- 13.2.3. keep our data subject records up to date,
- 13.2.4. manage employees in general,
- 13.2.5. manage supplier contracts in general,
- 13.2.6. manage distribution relationships in general,
- 13.2.7. manage customers in general,
- 13.2.8. manage customer credit in general,
- 13.2.9. market to customers in various countries,
- 13.2.10. enforce debts,
- 13.2.11. market goods and services to prospects,
- 13.2.12. process customer requests or complaints, and
- 13.2.13. process personal information of employees for forensic purposes.

13.3. **Categories of personal information**

We process many different categories of personal information, including:

- 13.3.1. contact details, such as phone numbers, physical and postal addresses, and email addresses,
- 13.3.2. personal details, such as names and ages,
- 13.3.3. demographic details, such as races and age groups,
- 13.3.4. health information,
- 13.3.5. biometric information,
- 13.3.6. account numbers,
- 13.3.7. background information,
- 13.3.8. contract information,
- 13.3.9. credit information,
- 13.3.10. market intelligence information, and

13.3.11. debt and debtor information.

13.4. **Third-party disclosures**

We give the following people personal information that we process in the ordinary course of business to fulfil our obligations to our customers or clients.

13.4.1. Contractors, vendors, or suppliers.

13.4.2. Agents, distributors, or other redistributors.

13.4.3. Operators, other responsible parties, or co-responsible parties.

13.4.4. Third party vendors (such as software developers) to help us maintain our services.

13.5. **Cross-border transfers**

We send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's that provide an adequate level of protection, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

13.6. **Security**

We secure data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration, and destruction. We also take reasonable steps to keep personal information accurate, current, complete, confidential, and reliable for its intended use.

We do our best to keep all data in our possession secure and up to date.

14. **Availability of this Manual**

This manual is available in English in electronic format on our website and in physical format at the reception of our company offices.

15. **Updates to this Manual**

We will update this manual whenever we make material changes to it.