

Distell – Access to Information Manual



We respect your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA).

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.

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1. Dates

- Date compiled: April 2007
- Date revised: June 2021

2. Introduction

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. This is our 'Access to Information Manual', which applies to us and all our subsidiaries. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

3. Our subsidiaries

Our list of subsidiaries to which this Manual also applies are:

- Capevin Holdings Limited 1997/020857/06
- Cape Wine Legends Proprietary Limited 1968/006336/07
- Castle Wine & EK Green Limited 1963/002271/06
- Castle Wine and Brandy Company Proprietary Limited 1911/003975/06
- Cave de Pongracz Limited 1968/011616/06
- Cayman Island Distillers Proprietary Limited 1944/018295/07
- Cellar Cask Vineyards Proprietary Limited 1970/010804/06
- Count Pushkin Imperial Vodka Proprietary Limited 1943/016296/06
- Devon Road Properties Proprietary Limited 1970/007789/07
- Die Bergkelder Proprietary Limited 1964/003028/06
- Distell Beverages (RF) Limited 2005/005830/07
- Distell Group Limited 1988/005808/06
- Distell Limited 1963/001333/06
- Distell Security SPV (RF) Proprietary Limited 2013/222407/07)
- Drostdy Wines Proprietary Limited 1941/014680/06
- Durbanville Hills Wines Proprietary Limited 1998/008781/07
- Eikevat Proprietary Limited 1992/003315/07
- EK Green and Company Proprietary Limited 1901/000338/06
- Evergrace Farm Proprietary Limited 1988/005271/07
- Expo Liquor Proprietary Limited 1980/006111/06
- Glasscor Proprietary Limited 1981/001594/07
- Henry C Collison & Sons Proprietary Limited 1899/000255/06
- Henry Tayler & Ries Limited 1932/004004/06
- Imported Premium Vodka Company Proprietary Limited 2016/296999/07
- J Sedgwick & Company Proprietary Limited 1912/001266/06
- John Wilson Brandy and Spirit Company Proprietary Limited 1959/002008/06
- Kaapsche Wijn en Brandewijn Maatschappij Proprietary Limited 1921/002256/06
- Kalahari Distillers Proprietary Limited 1987/005831/06
- Klipdrift Brandewyn Maatskappy Proprietary Limited 1970/010799/07
- Libertas Vineyards and Estates Proprietary Limited 1999/002722/07

- Lomond Development Company Limited 1998/004069/06
- Lusan Premium Wines Proprietary Limited 1968/000324/07
- Mirma Products Development Company 1998/021006/08
- Mirma Products Proprietary Limited 1997/022459/07
- Monis of Paarl Proprietary Limited 1942/015612/06
- Nederburg Wine Farms Limited 1964/006409/06
- Nederburg Wines Proprietary Limited 1950/039255/07
- Olof Bergh Solera Brandewijn Maatschappij Proprietary Limited 1964/007905/06
- Oude Meester Kelders Proprietary Limited 1970/002140/06
- Paarl Wine & Brandy Company Proprietary Limited 1897/000171/06
- Paarl Woolwashery Proprietary Limited 1944/017633/06
- Papkuilsfontein Vineyards Proprietary Limited 1998/000782/07
- Poison City Brewing Proprietary Limited 2015/120683/07
- Remgro-Capevin Investments Proprietary Limited 1965/005620/07
- Rethink Wellness Proprietary Limited 2019/395631/07
- Ricardo Dominion Rum Company Proprietary Limited 1942/015328/06
- Richelieu et Cie (Exporters) Proprietary Limited 1943/016153/06
- Sedgwick Tayler Holdings Limited 1945/019577/06
- SFW Financing Company Limited 1935/006602/06
- SFW Holdings Limited 1964/006408/06
- Solamoyo Processing Company Proprietary Limited 1995/010875/07
- South African Distilleries and Wines (SA) Limited 1958/000725/06
- South African Wine Cellars Proprietary Limited 1984/000254/06
- Southern Liqueur Company Proprietary Limited 1954/000483/06
- Stellenbosch Farmers' Winery Group Proprietary Limited 1921/002134/06
- Stellenbosch Farmers' Winery Limited 1972/012398/06
- Stellenbosch Wine & Brandy Company Proprietary Limited 1932/003822/06
- The Everyday Wine Company Proprietary Limited 1964/002583/07
- The Van Ryn Wine and Spirit Company Proprietary Limited 1911/000122/06
- Tonnellerie Radoux (SA) Proprietary Limited 1963/005460/07
- Vinaqua Proprietary Limited 2019/403276/07
- Vincor Proprietary Limited 1945/019058/06
- Western Province Wineries Proprietary Limited 1970/014756/06
- Woodmill Cider Company Proprietary Limited 1945/019609/06

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

4. Our details

Our details are as follows:

- **Company name:** Distell Group Holdings Limited
- **Registration number:** 2016/394974/06
- **Postal address:** PO Box 184, Stellenbosch, 7599
- **Physical address:** Aan-de-Wagen Road, Stellenbosch, 7600
- **Phone number:** 021 809 7000
- **Fax number:** 021 886 4611
- **Company general contact email:** info@distell.co.za
- **Information officer name:** S Botha
- **Information officer email:** privacy@distell.co.za

- **Website:** www.distell.co.za

These are all our details, but please rather contact us by email at privacy@distell.co.za whenever possible.

Further guidance

If you would like further guidance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission (SAHRC) to find out more information about PAIA. They have a guide in each official language of South Africa on how to exercise any right under PAIA. The guide is available [here](https://www.sahrc.org.za/home/21/files/SAHRC%20PAIA%20Section%2010%20Guide%202020%20FINAL%20WEB.pdf):

<https://www.sahrc.org.za/home/21/files/SAHRC%20PAIA%20Section%2010%20Guide%202020%20FINAL%20WEB.pdf>. In terms of the Section 110 of the Protection of Personal Information Act 4 of 2013 the functions of the Human Rights Commission have been transferred to the Information Regulator. Their contact details are as follows:

- **Phone number:** 010 023 5200
- **Postal address:** P.O Box 3153, Braamfontein, Johannesburg, 2017
- **Physical address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- **Website:** www.sahrc.org.za
- **General e-mail:** inforeg@justice.gov.za
- **Complaints email:** complaints.IR@justice.gov.za

For further guidance on how you can get access to information, please contact the SAHRC by visiting their website at www.sahrc.org.za.

5. Records we hold

We hold the following subjects and categories of records:

- Company records;
- Business records;
- Finance records;
- Insurance records;
- Personnel records;
- Policies and directives;
- Agreements or contracts;
- Regulatory documents;
- Published information;
- Customer information; and
- Reference materials.

We hold various subjects and categories of records in electronic or physical form that are available automatically or in other ways.

Company records

Company records are all our records related to the incorporation and administration of our company. Some of them are available from the Companies and Intellectual Property Commission (CIPC).

Memorandum of incorporation	Automatically available from CIPC
Directors' names	Automatically available from CIPC

Documents of incorporation	Automatically available from CIPC
Minutes of board of directors' meetings	Not automatically available
Written resolutions	Not automatically available
Records relating to appointment of directors, auditor, secretary, public officer, or other officers	Not automatically available
Share register and other statutory registers	Not automatically available
Other statutory records	Not automatically available

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

Business records

Business records include any documents that have economic value to the business.

Operational records	Not automatically available
Databases	Not automatically available
Published works	Not automatically available
Internal correspondence	Not automatically available
Product records	Not automatically available

Financial records

Financial records are all our records related to our finances.

Management reports	Not automatically available
Financial statements	Available in terms of the Companies Act (NDA required)
Tax returns	Not automatically available
Other documents relating to taxation of the company	Not automatically available
Accounting records	Not automatically available
Auditor reports	Not automatically available
Banking records	Not automatically available
Banking details	Automatically available on request
Bank statements	Not automatically available
Electronic banking records	Not automatically available
Paid cheques	Not automatically available
Asset register	Not automatically available
Rental agreements	Not automatically available
Invoices	Not automatically available
Financial agreements	Not automatically available

Financial records include our financial statements and banking details.

Insurance records

Insurance records are all our records related to our insurable assets.

Insurance policies held by the company	Not automatically available
Register of all immovable property owned by the company	Not automatically available
Incident list / Records of insurance claims	Not automatically available

Income tax records

Income tax records are all our records related to our income tax obligations.

PAYE Records	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Records of payments made to SARS on behalf of employees	Not automatically available
VAT records	Not automatically available
Corporate tax records	Not automatically available
Customs tax	Not automatically available
Regional Services Levies	Not automatically available
Skills Development Levies	Not automatically available
UIF	Not automatically available
Workmen's Compensation	Not automatically available

Personnel records

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors and other personnel.

List of employees	Not automatically available
Employee personal information	Not automatically available
Employee employment contracts	Not automatically available
Personnel services agreements	Not automatically available
Employment policies and procedures	Not automatically available
Employment applications and appointment letters	Not automatically available
Employment Equity plan	Not automatically available
Medical aid records	Not automatically available
Pension and provident fund records	Not automatically available
Salaries of employees	Not automatically available
Leave records	Not automatically available
Internal evaluations and other performance records	Not automatically available
Disciplinary records	Not automatically available
Disciplinary codes	Not automatically available
SITA records	Not automatically available
Training records	Not automatically available
Operating manuals	Not automatically available
OHAS (Occupational Health and Safety) records	Not automatically available
Personal records provided by personnel	Not automatically available

Other statutory records	Not automatically available
Related correspondence	Not automatically available

Personnel records include records about our employees and contractors.

Policies and directives

Policies and directives include both internal and external documents.

Internal relating to employees and the company	Not automatically available
Code of conduct	Automatically available
Anti-bribery policy	Automatically available
Anti-corruption policy	Automatically available
Other external relating to clients and other third parties	Not automatically available
Information technology systems and documents	Not automatically available

Agreements or contracts

Agreements or contracts include the documents themselves and all related documents.

Standard Agreements	Not automatically available
Contracts concluded with customers	Not automatically available
NDA's	Not automatically available
Letters of Intent, MOUs	Not automatically available
Third party contracts (such as JV agreements, Wholesale or VAR Agreements, etc.)	Not automatically available
Office management contracts	Not automatically available
Bond agreements	Not automatically available
Rental agreements	Not automatically available
Supplier or service contracts	Not automatically available

Regulatory documents

Regulatory documents include any documents required to comply with any laws.

Permits	Not automatically available
Licences	Not automatically available
Certificates	Not automatically available
Authorities	Not automatically available

Published information

Published information includes any document that we prepare and produce.

Brochures	Automatically available on request
External newsletters and circulars	Automatically available
Internal newsletters and circulars	Not automatically available
Information on the company published by third parties	Not automatically available

Information available on the website	Automatically available
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Customer information

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

Customer details	Not automatically available
Contact details of individuals within customers	Not automatically available
Communications with customers	Not automatically available
Sales records	Not automatically available
Transactional information	Not automatically available
Marketing records	Not automatically available

Reference materials

Reference materials include any sources of information that we contribute to.

Books	Not automatically available
Newsletters and journals articles	Not automatically available
Magazines	Not automatically available
Newspaper articles	Not automatically available

6. Information we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad Based Black Economic Empowerment Act 53 of 2003;
- Companies Act 61 of 1973;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Competition Act 89 of 1998;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act 58 of 1962;
- Income Tax Act 95 of 1967;
- Intellectual Property Laws Amendment Act, No 38 of 1997;
- Intellectual Property Laws Amendment Act, No 28 of 2013;
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- Occupational Health & Safety Act 85 of 1993;
- Prescription Act 18 of 1943;
- Prevention & Combating of Corrupt Activities Act 12 of 2004;
- Prevention of Organised Crime Act 121 of 1998;
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;

- Protected Disclosures Act 26 of 2000;
- Promotion of Access to Information Act, No 2 of 2000;
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004;
- Protection of Personal Information Act 4 of 2013;
- Pension Funds Act 24 of 1956;
- South African Reserve Bank Act 90 of 1989;
- Skills Development Act 9 of 1999;
- Skills Development Levies Act 9 of 1999;
- Stamp Duties Act 77 of 1968;
- Trade Marks Act 194 of 1993;
- Unemployment Insurance Contributions Act 4 of 2002;
- Unemployment Insurance Act 63 of 2001;
- Usury Act 73 of 1968; and
- Value Added Tax Act 89 of 1991.

7. How to request access

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA. To request access to a record, please complete Form C which is available from the Information Regulator website at:

https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

Please submit the completed form to our information officer together with the relevant request fee (details here: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>) at our information officer's email address, our physical address in terms of our details provided above. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and which form of access you require;
- specifies your email address, postal address, or fax number;
- describes the right that you seek to exercise or protect;
- explains why you need the requested record to exercise or protect that right;
- provides any other way you would like to be informed of our decision other than in writing; and
- provides proof of the capacity in which you are making the request if you making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form:

- we may reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- 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.

8. Grounds for refusal

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

- someone else's privacy;
- another company's commercial information;
- someone else's confidential information;
- the safety of individuals and property;

- records privileged from production in legal proceedings; or
- research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

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

9. How we will give you access

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then 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

You must pay us a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out in the Fee Schedule which is available here: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>. You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

11. How we process and protect personal information

We process the personal information of various categories of people for various purposes as set out in this clause.

Categories of people

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

- customers or clients;
- prospects or leads;
- employees;
- recruiters and medical practitioners providing services related to employees;
- contractors, vendors, or suppliers;
- debtors and creditors;
- dealers; and
- directors and shareholders.

Purposes

We process the personal information to:

- provide our goods or supply our services;
- better understand our data subjects needs when doing so;
- keep our data subject records up-to-date;
- manage employees in general;
- manage supplier contracts in general;
- manage dealer relationships in general;
- manage customers in general;

- manage customer credit in general;
- market to customers in various countries;
- enforce debts;
- market goods and services to customers;
- run promotional competitions for businesses;
- process customer requests or complaints; and
- process personal information of employees for forensic purposes.

Categories of personal information

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- demographic details, such as races and age groups;
- health information;
- biometric information;
- account numbers;
- background information;
- contract information;
- credit information;
- market intelligence information;
- learner information; and
- debt and debtor information.

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:

- contractors, vendors, or suppliers;
- agents, distributors, or other resellers;
- operators, other responsible parties, or co-responsible parties; and
- third party vendors (such as software developers) to help us maintain our services.

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, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

Security

We secure our 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, and reliable for its intended use.

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

12. Remedies

If your request for access is denied, you may:

- apply to a court with appropriate jurisdiction, or

- lodge a complaint with the Information Regulator, for the necessary relief.

13. Availability of this Manual

This manual is available in English and will be available on our website, and at our company offices. The manual is also electronically available on our website at:

<https://www.distell.co.za/pdf/Distell%20PAIA%20Manual%202015.pdf>

14. Updates to this Manual

This manual will be updated whenever we make material changes to the current information.