

# **LEWIS GROUP LIMITED**

## **Promotion of Access to Information Manual**

*In terms of Section 51, Promotion of Access to Information Act  
Act 2 of 2000*

Incorporating additional requirements of

*The Protection of Personal Information Act, (No 4 of  
2013)*

This manual applies to Lewis Group Limited, its subsidiaries and their divisions (hereinafter collectively referred to as "Lewis Group").

**UPDATED:      NOVEMBER 2022**

**LEWIS GROUP LIMITED**

**Registration Number: 2004/009817/06**

This manual is prepared in terms of section 51 of the Promotion of Access to Information Act No.2 of 2000 ("the Act"). The Act gives effect to any information in records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the requisite procedural issues attached to such request, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

1. **INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(a) OF THE ACT**

**Contact Details**

**Organisation**

Lewis Group Ltd

**Status**

Private Body

**The Head**

Mr Johan Enslin

**Postal address**

P.O. Box 43

Woodstock

7915

The Deputy Information Officers

Ms Marisha Gibbons

The Company Secretary

Mr Ryan Lepart

GM: Legal

**Physical address**

Universal House

53A Victoria Road

Woodstock

7925

**Telephone number**

(021) 460 4400

**Fax number**

(021) 460 4662

**E-mail address**

info@lewisgroup.co.za

**Web page**

www.lewisgroup.co.za

2. **INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(b) OF THE ACT**

**Guide of The South African Human Rights Commission**

The Human Rights Commission has compiled a guide in terms of section 10 of the Act. The guide contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The guide is available from the South African Human Rights Commission. Please direct any queries to:

**Human Rights Commission**

29 Princess of Wales Terrace

Cnr York and St. Andrews Street

Parktown

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

**3. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

**4. INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(d) OF THE ACT**

Records are kept in accordance with, *inter alia*, the following legislation:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

**5. INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(e) OF THE ACT**

This clause serves as a reference to the records that Lewis Group holds. It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

**Classification of Records**

<b>Category</b>	<b>Records</b>
<b>Companies Act records</b>	<ul style="list-style-type: none"><li>• Documents of incorporation</li><li>• Memorandum of Incorporation</li><li>• Minutes of Board of Director Meetings</li><li>• Records relating to the appointment of directors/auditor/secretary/public officer and other officers</li><li>• Share Register and other statutory registers</li></ul>

<b>Financial Records</b>	<ul style="list-style-type: none"> <li>• Annual Financial Statements</li> <li>• Tax Returns</li> <li>• Accounting Records</li> <li>• Banking Records, bank statements, paid cheques, electronic banking records</li> <li>• Asset Register</li> <li>• Rental Agreements</li> <li>• Invoices</li> </ul>
<b>Income Tax Records</b>	<ul style="list-style-type: none"> <li>• PAYE Records</li> <li>• Documents issued to employees for income tax purposes</li> <li>• Records of payments made to SARS on behalf of employees</li> <li>• All other statutory compliances: <ul style="list-style-type: none"> <li>- VAT</li> <li>- Regional Services Levies</li> <li>- Skills Development Levies</li> <li>- UIF</li> <li>- Workmen's Compensation</li> </ul> </li> </ul>
<b>Personnel Documents and Records</b>	<ul style="list-style-type: none"> <li>• Employment Contracts</li> <li>• Employment Equity Plan (if applicable)</li> <li>• Medical Aid records</li> <li>• Pension Fund records</li> <li>• Disciplinary records</li> <li>• Salary records</li> <li>• SETA records</li> <li>• Disciplinary records</li> <li>• Leave records</li> <li>• Training records</li> <li>• Training Manuals</li> </ul>

<p><b>Customer Related Information</b> A “customer” refers to any natural or juristic person that receives services from Lewis Group.</p>	<ul style="list-style-type: none"> <li>• Records provided by a customer to a third party acting for and on behalf of Lewis Group</li> <li>• Records provided by a third party</li> <li>• Records generated by or within Lewis Group relating to its customers, including transactional records.</li> </ul>
<p><b>Private Body Records</b></p>	<ul style="list-style-type: none"> <li>• Financial Records</li> <li>• Operational Records</li> <li>• Marketing Records</li> <li>• Product Records</li> <li>• Statutory Records</li> <li>• Databases</li> <li>• Information Technology</li> <li>• Statutory Records</li> <li>• Internal Policies</li> <li>• Securities and Equities</li> </ul>
<p><b>Other Records</b></p>	<ul style="list-style-type: none"> <li>• Personnel, Customer and Private Body Information held by another party, other than Lewis Group</li> <li>• Records held by Lewis Group pertaining to third parties</li> </ul>

## **DETAIL ON HOW TO MAKE REQUEST FOR ACCESS**

- The requester must complete Form C and submit this form together with a request fee, to the Information Officer of Lewis Group.
- The form must be submitted to the Information Officer of Lewis Group at his/her address, fax number, or electronic mail address.
- The form must:
  - Indicate which form of access is required;
  - Specify a postal address or fax number of the requester in the Republic;
  - Identify the record/s the requester is seeking to exercise or protect, and provide an explanation of why the records is required for the exercise or protection of that right;
  - If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner; and
  - If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer of Lewis Group.

## **GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS**

- The main grounds for Lewis Group to refuse a request for information relates to the –
  - 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;
  - Mandatory protection of the commercial information of a third party, if the record contains:
    - Trade secrets of that third party;
    - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
    - Information disclosed in confidence by a third party to the Lewis Group, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
  - Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
  - Mandatory protection of the safety of individuals and the protection of property;
  - Mandatory protection of records which would be regarded as privilege in legal proceedings;
    - The commercial activities of Lewis Group, which may include –
      - Trade secrets of Lewis Group;

- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Lewis Group;
- Information which, if disclosed could put Lewis Group at a disadvantage in negotiations or commercial competition; and
- Proprietary information held on any software programme used by Lewis Group for purposes of carrying on its business.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **FEES**

- The Act provides for two types of fees, namely:
  - A request fee, which will be a standard fee; and
  - An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- When the request is received by the Information Officer of Lewis Group, such 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.
- If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer of Lewis Group 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.
- The Information Officer shall withhold a record until the requester has paid the fees as indicated in Annexure "B".
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction 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 concerned must repay the deposit to the requester.

## **DECISION**

- The Information Officer will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- The Information Officer may extend the period of 30 days, for a further period of 30 days, if he/she has given notice to the requester of the extension.

## **REQUEST FOR ACCESS TO INFORMATION ABOUT THIRD PARTIES**

- If you request access to a record that contains personal information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.
- In the event that the third party furnishes reasons for the support or denial of access, our designated Deputy Information Officer(s) will consider these reasons, in conjunction with the application of the POPI ACT, in determining whether access should be granted.
- You may appeal against a refusal of access by our Deputy Information Officer(s). Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.

## **PROTECTION OF PERSONAL INFORMATION**

- In granting access to personal information, Lewis Group ensures the integrity and safekeeping of such information in our possession or under our control and takes the necessary steps to safeguard against and prevent information from being lost, damaged, or unlawfully accessed.
- Lewis Group has measures in place to define the purpose for which personal information is gathered and processed and that such personal information is collected for a specific lawful purpose. Lewis Group further ensures that in processing personal information, it does so in a reasonable manner that does not infringe the privacy of a data subject (as defined in the POPI Act).
- In processing personal information of data subjects, Lewis Group ensures that it obtains the data subject's prior consent and that information retained from data subjects are complete, accurate and not misleading.
- In compliance with the POPI Act Lewis Group has appointed Marisha Gibbons and Ryan Lepart as the Deputy Information Officers for POPI purposes as detailed in Annexure C.

## **AVAILABILITY OF THE MANUAL**

This manual is made available in terms of Regulation Number R187 of 15 February 2002 read together with the POPI Act. A copy of the manual will be available for inspection at: Our head office (refer to the address provided above); and The South African Human Rights Commission. The manual will also be available on the website [www.lewisgroup.co.za](http://www.lewisgroup.co.za).

## **DISCLAIMER**

The manual does not allege to be exhaustive or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise him/her/itself with the provisions of the Act, before lodging any request with Lewis Group.

FORM C

**PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER**

**REQUEST FOR ACCESS TO RECORDS 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 a private body**

The Head : \_\_\_\_\_

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

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

<b>Full names and surname:</b>
<b>Identity number:</b>
<b>Postal address:</b>
<b>Fax number:</b>
<b>Telephone number:</b>
<b>E-mail address:</b>

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

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

<i>This section must be completed ONLY if a request for information is made on behalf of another Person.</i>
--

<b>Full names and surname:</b>
<b>Identity number:</b>

**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. <b><i>The requester must sign all the additional folios.</i></b> |

<b>1. Description of record or relevant part of the record:</b>
<b>2. Reference number, if available:</b>

<b>3. Any further particulars of record:</b>

**E. Fees**

- |   |
|---|
| <p>a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after <b>a request fee</b> has been paid.</p> <p>b) You will be notified of the amount required to be paid as the request fee.</p> <p>c) The <b>fee payable for access</b> 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>d) 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:**

**F. Form of access to record**

<p>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 hereunder, state your disability and indicate in which form the record is required.</p>	
<b>Disability:</b>	<b>Form in which record is required</b>
_____	_____
<p>Mark the appropriate box with an <b>X</b> NOTES:</p> <p>a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>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.</p> <p>c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>			
	Copy of record*		inspection of record
<b>2. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):			
	view of the images		copy of the images*
			transcription of the images
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette).		Transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	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? <b>Postage is payable.</b>	YES	NO
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**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.**

<b>1. Indicate which right is to be exercised or protected:</b>
<b>2. Explain why the record requested is required for the exercise or protection of the abovementioned right:</b>

**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.*

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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

## **Annexure B: FEE SCHEDULE**

1. **The fee for a copy of the manual as contemplated in regulation 9(2)(c) is RI,10 for every photocopy of an A4-Size page or part thereof.**
  
2. **The fees for reproduction referred to in regulation 11(1) are as follows:** **R**
  - (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
  
3. **The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50, 00.**
  
4. **The access fees payable by a requester referred to in regulation 11(3) are as follows:** **R**
  1.
    - (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.
- 2. For purposes of section 54(2) of the Act, the following applies:
  - (a) Six hours as the hours to exceeded before a deposit is payable; and
  - (b) one third of the access fee is payable as a deposit by the requester.
- 3. The actual postage is payable when a copy of a record must be posted to a requester.

## **ANNEXURE C**

### **DEPUTY POPI COMPLIANCE OFFICER**

#### **CERTIFICATE OF APPOINTMENT**

I Johan Enslin as CEO of Lewis Stores Proprietary Limited confirm that I have appointed Marisha Octavia Gibbons and Ryan Lepar to act as the Deputy POPI Compliance Officers.

The purpose of this appointment is to give effect to the right to privacy in terms of the Constitution and the purpose and application of the Protection of Personal Information Act, No 4 of 2013 “the Act”.

Specifically, to implement and maintain the provisions of the Act including but not limited to the following:

- To give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party.
- To regulate the manner in which personal information may be processed by establishing conditions, in harmony with international standards that prescribe the minimum threshold requirements for the lawful processing of personal information.
- To provide persons with rights and remedies to protect their personal information from processing that is not in accordance with the Act.

The Act regulates how anyone who processes personal information must handle, keep and secure that information. If an individual or a company processes personal information relating to a person, that individual or company must comply with the Act. Failure to comply with the Act may lead to the imposition of certain penalties under the Act.

Punishable offences in terms of the Act, the following offences are, if committed, punishable with either a fine (not exceeding R10 million), or imprisonment (for a period not exceeding 10 years), or both:

- Obstruction of a Regulator
- Failure to comply with enforcement or information notices
- Offences by witnesses – giving false evidence before the Regulator
- Unlawful acts by a responsible party in connection with information usage
- Unlawful acts by third parties in connection with information usage
- Any person who sells/offers to sell information obtained illegally
- Failure to notify the Regulator that processing is subject to prior authorisation
- Breach of confidentiality
- Obstruction of the execution of a warrant