



CHICKENLAND (PTY) LTD

**PROMOTION OF ACCESS TO INFORMATION
ACT MANUAL**

December 2015

Version 1

A copy of the manual will be available for inspection at Nando's Central Kitchen Offices and is available on the company website at www.nandos.co.za

INTRODUCTION

On 9 March 2001, new legislation was enacted called the Promotion of Access to Information Act of 2000 (herein after referred to as “the Act”). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual by 15 August 2002 that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person. Therefore, Chickenland (Pty) Ltd is regarded as a “private body” and both the manual and the requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies.

This document serves as the Chickenland (Pty) Ltd manual in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

COMPANY OVERVIEW

Chickenland (Pty) Ltd (hereinafter referred to as “Nando’s” or “the Group”) was incorporated in South Africa in 1987.

Nando’s and its affiliated companies in the Nando’s group are engaged in the business of operating and licensing others to operate a chain of flame-grilled peri-peri chicken outlets operating under the name “Nando’s”, as well as manufacturing and selling a proprietary range of Nando’s branded products including sauces, salad dressings, marinades, perinaise, snack foods, confectionary and related products all of which are manufactured and/or prepared using various manufacturing procedures, recipes, formulations, Nando’s pre-mixes, bases and related items and equipment proprietary to Nando’s.

SCOPE OF THE MANUAL

The scope of this manual will exclude Nando’s operations outside South Africa and will serve to provide a reference regarding the records held by Nando’s at its Central Kitchen Office and various divisions.

ADMINISTRATION OF THE ACT

The Chief Executive Officer (CEO) of Nando’s has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Contact person: Mrs L Gropp-Els

Postal address: P.O. Box 53618, Troyeville, 2139

Physical address: 10A Victoria Road, Lorentzville, Johannesburg, 2001
Phone number: +27 (11) 216 3300
Fax number: +27 (11) 216 3302
Email: liza@nandos.com

Section 51(1)(b)

GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This Guide will be available from the South African Human Rights Commission, by no later than 31 December 2015. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag X2700, Houghton, 2041

Phone: +27 (11) 877 3600

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

Section 51(1)(c)

AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

The following categories of records are automatically available for inspection, purchase or photocopying.

NONE

Section 51(1)(d)

RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Records are available in accordance with the following legislation:

- The Occupational Health and Safety Act No. 85 of 1993;
- The Hazardous Substances Act No. 15 of 1973;
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Companies Act No. 61 of 1973;
- National Payment Systems Act No. 78 of 1998;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Customs and Excise Act No. 91 of 1964;
- Labour Relations Act No. 66 of 1995;
- Unemployment Insurance Act No. 30 of 1966;

- Financial Markets Control Act No. 55 1989;
- The Mutual Banks Act No. 124 of 1993;
- The Medical Schemes Act No. 131 of 1998;
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- The Atmospheric Pollution Prevention Act No. 45 of 1965;
- The Prescription Act No. 68 of 1969;
- The Second Hand Goods Act No. 23 of 1955;
- The Insolvency Act No. 24 of 1936;
- The Health Act No. 63 of 1977;
- The Road Transportation Act No. 74 of 1977;
- The Professional Engineers Act No. 81 of 1968;
- Competition Act No. 89 of 1998;
- Meat Safety Act No 40. of 2000;
- Fertilizers, Farm Feeds, Agricultural Remedies and Stock Act No. 36 of 1947;
- Animal Diseases Act No.35 of 1983;
- Animal Protection Act No. 71 of 1962;
- Agricultural Products Standards Act No. 119 of 1990;
- Foodstuffs, Cosmetics and Disinfectant Act No. 54 of 1972;
- Waste Act No. 59 of 2008;
- Regulations Regarding Control Over the Sale of Poultry Meat (R946 and R988)
- Regulations Governing the Maximum Limits for Veterinary Medicine and Stock Remedy Residues that may be Present in Foodstuffs (R1809)
- Regulations Governing General Hygiene Requirements for Food Premises and Transport of Food (R962)
- Codex Alimentarius General Principles of Food Hygiene (CAC/RCP 1-1969)
- National Standard for Drinking Water (SANS 241-1 and SANS 241-2)
- Liquor Act No.59 of 2003

RECORD SUBJECTS AND CATEGORIES – NANDO'S CENTRAL KITCHEN OFFICE

General

- General Correspondence
- Statutory Records
- Administration Records
- Technical Records
- Technical Publications

Section 51(1)(e)

- Contracts and Agreements
- Insurance Records
- SHE (Safety, Health and Environment) Records
- Capital Expenditure Records

Finance

- Accounting Records
- Investment Records
- Management Reports
- Transactional Records
- VAT Records
- PAYE Records
- Tax Records
- Consolidation Records

Audit

- Risk Management Records
- Audit Practice Records
- Audit Reports and Supporting Working Papers

Company Secretary

- Share Registration Records
- Statutory Records

Corporate Communications

- News Releases/Statements
- Media Cuttings
- Brochures

Human Resource (HR)

- Employee Records
- HR Policies and Procedures
- External Training Records
- Employee Benefit Records
- Labour Relations Records
- Statutory Records
- Employment Equity Records

- Employment Contracts

Legal

- General Legal Correspondence
- Patent Records
- Property Records
- Trademarks
- Litigation and Dispute Records

Information Technology (IT)

- IT Contracts and Agreements
- IT Operational Records
- Asset Records
- Policy Records

Section 51(1)(e)

RECORD SUBJECTS AND CATEGORIES – NANDO'S

Areas

Area Records are kept at the Nando's Central Kitchen Office:

- Contracts and Agreements
- General Correspondence
- Insurance Records
- Statutory Records
- Area Accounting Records
- Divisional Tax Records
- Capital Expenditure Records
- Purchasing Records
- Sale Records
- Supply Records
- General Transport and Vehicle Records
- Employee Records
- Employment Contracts
- Internal Training Records
- Labour Relations Records
- Property Records
- Maps
- Technical Records
- Drawing and Design Records

ACCESS REQUEST PROCEDURE

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by the Nando's Group.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note:

If it is reasonably suspected that the requester has obtained access to Nando's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Completion of Access Request Form

In order for Nando's to respond to requests in a timely manner, the [Access Request Form](#) should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

- The [Access Request Form](#) must be completed in the English language.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Submission of Access Request Form

The completed [Access Request Form](#) must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in Section 51(1)(a).

An initial, **non-refundable R57.00 request fee** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Payment of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Note:

If the request for access is successful an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the [Prescribed Fees](#). The access fee must be paid prior to access being given to the requested record.

Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests including:

- The required extension period, which will not exceed an additional 30 day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- The amount of the deposit payable (if applicable); and
- That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Please note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is **successful** the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);
- An indication of the form in which the access will be granted;
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful** the requester will be notified of the following:

- Adequate reasons for the refusal (refer to [Third Party Information](#) and [Grounds for Refusal](#) below); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

Third Party Information

If access is requested to a record that contains information about a third party, Nando's is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

Grounds for Refusal

Nando's may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Nando's may refuse access include:

- Protecting personal information that Nando's holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that Nando's holds about a third party or Nando's (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Nando's;
- Disclosure of the record would put Nando's at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or Nando's.

Records that cannot be found or do not exist

If Nando's has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

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

2b PARTICULARS OF REQUESTER (if a Legal Entity)

- (a) Particulars of the entity that requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of entity: _____

Registration number: _____

Postal address: _____

Postal code: _____

Phone number: ()

Fax number: ()

3 PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must ONLY be completed if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number:

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4 PARTICULARS OF RECORD

- (a) Provide full particulars of the record to which access is requested, including the reference number if it 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.**

Description of record or relevant part of the record: _____

Reference number, if available: _____

Page 3 of 5

Any further particulars of record: _____

5 FEES

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** has been paid.
- (b) 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 the record.
- (c) You will be notified of the amount required to be paid as the **access fee**.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

6a FORM OF ACCESS TO RECORD

Form in which record is required

Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether 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 the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack
(audio cassette)

Transcription of soundtrack* (written or printed
Document)

Page 4 of 5

4. If the record is held on computer or in an electronic or machine-readable form:
(this includes photographs, slides, video recordings, computer-generated images,
sketches, etc.)

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? **Postage is payable.**

Yes	No
-----	----

6b In the event of disability

*If you are prevented by a disability from reading, viewing or listening to the record in the form
of access provided for in 1 to 4 above, state your disability and indicate in the form in which
the record is required.*

Disability: _____

Form in which record is required: _____

7 PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the space provided is inadequate, please continue on a separate folio and attach it to this
form. **The requester must sign all additional folios.***

1. Indicate the right to be exercised or protected: _____

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

8 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? _____

Page 5 of 5

9

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

YOU MUST:

1. Complete all necessary spaces.
2. Sign the access request form.
3. Sign additional folios completed.

SEND WITH THIS APPLICATION:

1. R57.00 (if not personal requester) request fee.
2. Any additional folios completed.

Prescribed Fees

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

1 PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- | | |
|--|---------|
| (a) For every photocopy of an A4-size page or part thereof | R 1.25 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form | R 0.85 |
| (c) For a copy in a computer-readable form on | |
| (i) stiffy disc | R 8.55 |
| (ii) compact disc | R79.80 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | R 45.60 |
| (ii) For a copy of visual images | R 68.40 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | R 22.80 |
| (ii) For a copy of an audio record | R 34.20 |
| (f) To search for and prepare the record for disclosure - R34,20 for each hour or part thereof reasonably required for such search and preparation | |

(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

2 PLEASE NOTE THAT ALL PRICES FOR THE ITEMS LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

3 PLEASE NOTE THAT THE PRICE FOR THE ITEM LISTED BELOW IS INCLUSIVE OF VALUE-ADDED TAX (VAT)

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

Section 51(1)(f)

ADDITIONAL PRESCRIBED INFORMATION

The Minister of Justice has prescribed no additional information.