



CHICKENLAND (PTY) LTD

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

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

1. INTRODUCTION

- 1.1. The Promotion of Access to Information Act of 2000 ("**PAIA**") was enacted on 9 March 2001. The purpose of PAIA is to address Section 32 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.
- 1.2. One of the main requirements specified in PAIA is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of PAIA, 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 PAIA relevant to private bodies.
- 1.3. In addition, the Protection of Personal Information Act of 2013 ("**POPIA**") amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information.
- 1.4. This document serves as the Chickenland (Pty) Ltd manual in terms of PAIA and POPIA, to provide a reference as to the records held and the process that needs to be followed to request access to such records. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

2. COMPANY OVERVIEW

- 2.1. Chickenland (Pty) Ltd (hereinafter referred to as "Nando's" or "the Group") was incorporated in South Africa in 1987.
- 2.2. 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.

3. SCOPE OF THE MANUAL

3.1. 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 that is located in South Africa and various divisions.

4. CONTACT DETAILS

Designated Information Officer:	Mr Mike Cathie
Email address of Information Officer:	mikec@nandos.com
Postal address:	P.O. Box 53618, Troyeville, 2139
Street address:	10A Victoria Road, Lorentzville, Johannesburg, 2094
Phone number:	+27 (11) 216 3300
Designated Deputy Information Officer:	Mr Daniel Harmse
Email address of Information Officer:	danielh@nandos.com
Postal address:	P.O. Box 53618, Troyeville, 2139
Street address:	10A Victoria Road, Lorentzville, Johannesburg, 2094
Phone number:	+27 (11) 216 3300

Information Regulator

Email address	PAIAComplaints@inforegulator.org.za enquiries@inforegulator.org.za
Street address:	Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg
Phone number:	+27 (0)10 023 5200
Website:	https://inforegulator.org.za/

5. OBJECTIVES OF THE PAIA MANUAL

The objectives of this manual are:

- 5.1. to provide a list of all records held by Chickenland;
- 5.2. to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- 5.3. to define the manner and form in which a request for information must be submitted; and
- 5.4. to comply with the additional requirements imposed by POPIA.

6. SECTION 51(1)(b) - GUIDE FOR REQUESTS ON HOW TO USE THE ACT

- 6.1. An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator and the Information Officer free of charge.
- 6.2. Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Officer must substantially correspond with Form 1 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations.

- 6.3. Please refer to the Request for a Copy of the Guide Form on the Information Regulator's website via the following: InfoRegSA-PAIA-Form01-Reg3.pdf (inforegulator.org.za).

7. ENTRY POINT FOR REQUESTS

- 7.1. PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.
- 7.2. Information will therefore not be furnished unless a person provides sufficient particulars to enable Chickenland to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 7.3. The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 7.4. The Information Officer will facilitate the liaison with the internal legal team on all of these requests.
- 7.5. All requests in terms of PAIA and this manual must be addressed to the Information Officer using the details in paragraph 4 above.

8. SECTION 51(1)(b) - AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

- 8.1. The following categories of records are automatically available for inspection, purchase or photocopying:
- 8.1.1. brochures
 - 8.1.2. press releases
 - 8.1.3. publication; and
 - 8.1.4. various other marketing and promotional materials.

9. **SECTION 51(1)(b) - RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**

9.1. Records are available in accordance with the following legislation:

- 9.1.1. Basic Conditions of Employment Act No. 75 of 1997: Employee details; labour relations reports; information regarding dismissals; employee next of kin or emergency contact details; conflict-of-interest declarations; education information; health and safety records; pension and provident fund records; leave records; internal evaluations and performance records; disciplinary records; training records; background checks
- 9.1.2. Companies Act No. 71 of 2008: MOI; minutes of meetings; other records and correspondence
- 9.1.3. Competition Act No. 89 of 1998: Competition compliance records; franchise and distribution agreements
- 9.1.4. Customs and Excise Act No. 91 of 1964: Import/export records; customs declarations; excise duty records
- 9.1.5. Electronic Communications and Transactions Act No. 2 of 2000: Website terms and conditions; electronic transaction records
- 9.1.6. Employment Equity Act No. 55 of 1998: Employment equity plans and targets
- 9.1.7. Fertilizers, Farm Feeds, Agricultural Remedies and Stock Act No. 36 of 1947: Feed and remedies compliance records; stock remedy registers
- 9.1.8. Financial Markets Control Act No. 19 of 2012: Financial market compliance records
- 9.1.9. Income Tax Act No. 95 of 1967: IRP5; monthly IRP5 file; UIF files; PAYE information; SDL information; VAT records; ledgers; cash books; journals; bank statements; deposit slips; invoices; other books of accounts; electronic representations of information
- 9.1.10. Labour Relations Act No. 66 of 1995: Disciplinary records, including outcomes; labour relations reports; arbitration awards; records of strike action and protests

- 9.1.11. Meat Safety Act No 40. of 2000: Meat inspection and hygiene records; abattoir compliance records; import/export permits for meat products
- 9.1.12. National Environmental Management Act No. 107 of 1998: Environmental impact assessment reports
- 9.1.13. National Environmental Management: Air Quality Act No. 39 of 2004: Environmental impact assessment reports
- 9.1.14. National Environmental Management: Waste Act No. 36 of 1947: Environmental impact assessment reports; waste management records
- 9.1.15. National Payment Systems Act No. 78 of 1998: Payment processing records; transaction records
- 9.1.16. Protection of Personal Information Act No. 4 of 2013: Document Retention Policy; Internal and External Privacy Policy; Subject Access Request Policy; Information Security Policy
- 9.1.17. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993: Record of the earnings and other prescribed particulars of all employees
- 9.1.18. Hazardous Substances Act No. 15 of 1973: Information relating to Nando's operations; compliance records
- 9.1.19. Insolvency Act No. 24 of 1936: Contracts with clients and third parties; details of transactions; engagement letters; minutes of meetings; records of correspondence
- 9.1.20. Medical Schemes Act No. 131 of 1998: Medical aid details
- 9.1.21. Mutual Banks Act No. 124 of 1993: Banking compliance records
- 9.1.22. National Health Act No. 61 of 2003: Health compliance records; certificates of acceptability
- 9.1.23. Occupational Health and Safety Act No. 85 of 1993: OHS reports including: learning history report; OHS agreement; OHS appointment letters; incident reports; personal information for workmen's compensation; personal information of visitors to our premises; CCTV footage
- 9.1.24. Prescription Act No. 68 of 1969: Records relating to the prescription of debts and claims

- 9.1.25. Professional Engineers Act No. 81 of 1968: Engineering compliance records; professional certification records
- 9.1.26. Road Transportation Act No. 74 of 1977: Vehicle registration records; transportation permits; delivery fleet records
- 9.1.27. Second-Hand Goods Act No. 6 of 2009: Second-hand goods transaction records; dealer registration records
- 9.1.28. Value-Added Tax Act No. 89 of 1991: Invoices; tax invoices; credit notes; debit notes; bank statements; deposit slips; stock lists
- 9.1.29. Unemployment Insurance Act No. 63 of 2001: Unemployment Insurance Fund (UIF) files; PAYE information
- 9.1.30. Animal Diseases Act No.35 of 1983: Disease control and quarantine records; veterinary inspection records
- 9.1.31. Animal Protection Act No. 71 of 1962: Animal welfare compliance records
- 9.1.32. Agricultural Products Standards Act No. 119 of 1990: Product quality and grading records; compliance certificates
- 9.1.33. Foodstuffs, Cosmetics and Disinfectant Act No. 54 of 1972: Food safety compliance records; product labelling records; inspection reports
- 9.1.34. Waste Act No. 59 of 2008: Waste management records; waste disposal permits
- 9.1.35. Regulations Regarding Control Over the Sale of Poultry Meat (R946 and R988): Poultry meat sales and control records; compliance certificates
- 9.1.36. Regulations Governing the Maximum Limits for Veterinary Medicine and Stock Remedy Residues that may be Present in Foodstuffs (R1809): Residue testing records; compliance records
- 9.1.37. Regulations Governing General Hygiene Requirements for Food Premises and Transport of Food (R962): Hygiene inspection records; food premises compliance records; transport hygiene records
- 9.1.38. Codex Alimentarius General Principles of Food Hygiene (CAC/RCP 1-1969): Food hygiene management records; HACCP plans and records

9.1.39. National Standard for Drinking Water (SANS 241-1 and SANS 241-2):
Water quality testing records

9.1.40. Liquor Act No.59 of 2003: Liquor license records; compliance records

10. **SECTION 51(1)(b) - RECORD SUBJECTS AND CATEGORIES – NANDO’S CENTRAL KITCHEN OFFICE**

10.1. Nando's keeps records in the categories and on the subject matters listed below. Listing these categories or subject matters in this Manual does not guarantee that a request for access will be granted. Each request will be assessed individually in accordance with PAIA's provisions.

Category of records	Records
<p>Internal records</p> <p>The records listed pertain to Nando's' own affairs</p>	<ul style="list-style-type: none"> • Memoranda and articles of association • Financial records • Operational records • Intellectual property • Marketing records • Internal correspondence • Service records • Statutory records • Internal policies and procedures • Minutes of meetings
<p>Personnel records</p> <p>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Nando's and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Nando's. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> • Any personal records provided to us by our personnel • Any records a third party has provided to us about any of their personnel • Conditions of employment and other personnel-related contractual and quasi legal records • Employment policies and procedures • Internal evaluation and disciplinary records • Other internal records and correspondence • Medical scheme reports • Pension scheme reports

Category of records	Records
Customer-related records	<ul style="list-style-type: none"> • Contracts with the customer and between the customer and other persons
Investee/Portfolio company-related records	<ul style="list-style-type: none"> • Documents processed during the assessment and review of prospective investment opportunities • Contracts with investees/portfolio companies and between such entities and other persons
<p>Other third party records</p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Nando's is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Nando's.</p>	<ul style="list-style-type: none"> • Personnel, customers, or Nando's records which are held by another party as opposed to being held by Nando's • Records held by Nando's pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers
Other records	<ul style="list-style-type: none"> • Information relating to Nando's • Research information belonging to Nando's or carried out on behalf of a third party
Transformation and Stakeholder Development Records	<ul style="list-style-type: none"> • Proposals for funding received • Records concerning organisations receiving support • Schedules of approved projects • Reports, books, publications and general information • Records and contracts of agreements
Supply Chain Records	<ul style="list-style-type: none"> • Policies and procedures manuals • Purchasing agreements

Category of records	Records
	<ul style="list-style-type: none"> • Material catalogue for stock items • Supply contract Vendor list
Corporate Affairs Records	<ul style="list-style-type: none"> • Database of current and past institutional investors • Database of analysts • Media database • General mailing lists • Promotional material • Company article and newspaper records • Presentations on Nando's • Market research on Nando's and peers • Company press releases • Media coverage on Nando's and peers
Treasury Records	<ul style="list-style-type: none"> • Correspondence • Mandates and resolutions • Service contracts • Facility letters • Transitional records
Finance Records	<ul style="list-style-type: none"> • Records for Nando's comprise: • Vendor invoices • Remittance advices • Accounts receivable • Banking records • Management and monthly accounts, quarterly and annual financial statements • External audit reports and records • Annual budgets • Accounting policies and procedures • Guarantees, undertakings, subordinations, bonds and similar liabilities
Legal Records	<ul style="list-style-type: none"> • Details of external counsel used by the company (locally and abroad) • Offshore company data sheets

Category of records	Records
	<ul style="list-style-type: none"> • Copies of agreements to which group companies are party to • List of current matters • Details of legal proceedings • General legal correspondence
Tax Records	<ul style="list-style-type: none"> • Tax returns as filed with the South African Revenue Services (SARS) • Correspondence with SARS on various issues – including objections to assessments, rulings obtained etc • Documentation on tax advice and opinions obtained from external counsel

10.2. Many records held by Nando's involve third parties, such as business partners and employees. Nando's is committed to protecting third-party confidential information.

11. INFORMATION AVAILABLE IN TERMS OF POPIA

11.1. In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Nando's will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

11.2. Categories of personal information collected by Nando's

Nando's collects the following information:

11.2.1. **contact and identification details:** full names, identity or passport number, home and business address, telephone numbers, and email addresses;

11.2.2. **employee related information:** full names, identity and contact information, employment information, performance and disciplinary records, payroll details, leave and attendance data, health and safety information, training and development records, emergency contact and beneficiary details;

11.2.3. **account and transaction information:** Details relating to a data subject's Nando's account, including username, password, and purchase history;

- 11.2.4. **financial and payment information:** Bank account numbers, credit or debit card details, and other billing information;
- 11.2.5. **customer service and communications:** records of communications with Nando's, including queries, complaints, feedback, and correspondence with customer service teams. This may also include recordings of calls or transcripts of online chats for evidentiary and support purposes;
- 11.2.6. **marketing and communications:** records of communication preferences, feedback, complaints, survey responses, and any other information a data subject may provide when engaging with Nando's in person or online;
- 11.2.7. **job application details:** Curriculum vitae, qualifications, work history, references, and any other information submitted as part of a job application (for example, criminal background checks required for certain roles).
- 11.2.8. **website usage and technical data:** Information collected through cookies, IP addresses, browser type, operating system, and browsing history on our website (for example, when visiting our official homepage to learn about lodge availability), postings or messages on any blogs, forums, platforms, wikis or social media applications and services that we provide (including with third parties); IP address, browser type and language, your access times and other related online identifiers;
- 11.2.9. **special personal information:** health information, race information, religious information, trade union membership, photographs and videos, and biometric information; and
- 11.2.10. **other information:** Any other information you provide to Nando's in the course of using its services, including information submitted as part of competitions, or when requesting additional service; details of how you like to interact with us, and other similar information relevant to our relationship.

11.3. **The purpose of processing personal information**

Nando's processes personal information for the following purposes:

11.3.1. **Customers:**

- 11.3.1.1. to inform and provide goods and services to our customers;

- 11.3.1.2. to process and accept payments and refunds on goods and services;
- 11.3.1.3. administration of our loyalty programme;
- 11.3.1.4. to issue gift cards on customer requests;
- 11.3.1.5. to communicate and manage our relationship with our customers;
- 11.3.1.6. to respond to enquiries and complaints from customers and to analyse complaints and suggestions from customers for services delivery and provisions of goods;
- 11.3.1.7. to protect and enforce rights and remedies in terms of legislation and governing law;
- 11.3.1.8. to manage customer's accounts, including account creation, authentication, and security and to monitor the use of the website and mobile application to improve services;
- 11.3.1.9. to provide newsletters and other marketing materials to customers;
- 11.3.1.10. to personalise your experience on Nando's platforms, including recommending products based on your preferences and purchase history; and
- 11.3.1.11. to analyse usage patterns, customer demographics, and market trends for business planning, service improvement, and reporting.

11.3.2. **Franchisees:**

- 11.3.2.1. to licence a business partner as a franchisee;
- 11.3.2.2. to fulfil our obligations and provide guidance to business partners and franchisee; and
- 11.3.2.3. to provide support to a franchisee.

11.3.3. **Service providers and suppliers:**

- 11.3.3.1. to obtain quotes and services proposal for the delivery of services or provisions of goods;
- 11.3.3.2. to liaise with the suppliers on the services to be rendered in terms of the agreement with the service provider or supplier;
- 11.3.3.3. to manage payments, conduct invoicing, and process refunds or credits (for example, reconciling supplier invoices or issuing reimbursements to a customer); and
- 11.3.3.4. to conduct due diligence checks relating to any services we procure from our suppliers.

11.3.4. **Applicants for employment:**

- 11.3.4.1. to determine whether the application is suitable for the position applied;
- 11.3.4.2. for conducting credit and criminal checks; and
- 11.3.4.3. to contact previous employers to obtain references concerning the job seekers employment history and performance.

11.3.5. **Employees:**

- 11.3.5.1. to maintain the employer and employee relationship;
- 11.3.5.2. to comply with obligations imposed on the employer in terms of the South African conditions of employment legislation framework;
- 11.3.5.3. administration of employee benefits;
- 11.3.5.4. administration and submission of statutory submission and payments such as tax, UIF etc;
- 11.3.5.5. to pay employees' salaries; and
- 11.3.5.6. to resolve labour disputes.

11.3.6. **General:**

- 11.3.6.1. to maintain our internal records of customers, franchisees, suppliers, and employee interactions for audits, compliance and operational purposes;
- 11.3.6.2. to detect and prevent fraud, crime and money laundering and other forms of malpractice;
- 11.3.6.3. to administer, maintain and ensure the security of our information systems, applications and websites;
- 11.3.6.4. to protect and enforce rights and remedies in terms of legislation and governing law;
- 11.3.6.5. for research, analytical and statistical purposes;
- 11.3.6.6. for debt collection purposes and recovering unpaid monies; and
- 11.3.6.7. to comply with legal obligations and the relevant laws and regulations, including those under South African data protection laws and other applicable regulations.

11.4. **A description of the categories of data subjects and of the information or categories of information relating thereto**

Nando's holds information and records on the following categories of data subjects:

- 11.4.1. actual and former employees/personnel of Nando's;
- 11.4.2. prospective, existing or former customer (including representatives and/or personnel);
- 11.4.3. prospective, existing or former supplier of services to us (including representatives and/or personnel);
- 11.4.4. an applicant for any job opportunities with us;
- 11.4.5. a counterparty in contractual discussions with us, or an existing or former counterparty in a contractual relationship with us (including representatives and/or personnel);

- 11.4.6. a visitor on our website; or
- 11.4.7. any other data subjects whose personal information is processed by or on behalf of Nando's.

11.5. The recipients or categories of recipients to whom the personal information may be supplied

The recipients or categories of recipients to whom the information may be supplied include:

- 11.5.1. directors and employees;
- 11.5.2. external service providers such as accountants, auditors, payroll companies, recruitment agencies,
- 11.5.3. third parties such as attorneys and banks;
- 11.5.4. statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
- 11.5.5. any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules
- 11.5.6. South African Revenue Services, CIPC or another similar authority; or
- 11.5.7. anyone making a successful application for access in terms of PAIA or POPIA.

11.6. Planned transborder flows of personal information

- 11.6.1. If a data subject visits Nando's website from a country other than South Africa, the various communications may result in the transfer of information across international boundaries.
- 11.6.2. Nando's may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.
- 11.6.3. These countries may not have data-protection laws which are similar to those of South Africa.

11.7. A general description of information security measures to be implemented by Nando's

11.7.1. Nando's takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Nando's takes appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

11.7.2. Nando's has implemented the following data security measures:

11.7.2.1. defined and documented information security policies, procedures, and standards;

11.7.2.2. firewalls in place to control inbound and outbound traffic;

11.7.2.3. regular data backups to safeguard against data loss;

11.7.2.4. data loss prevention technologies and policies;

11.7.2.5. enforced careful access controls to limit who can access confidential data on devices and systems;

11.7.2.6. sensitive data is encrypted to prevent unauthorised access;

11.7.2.7. robust monitoring, auditing, and reporting capabilities to detect and respond to security incidents;

11.7.2.8. utilisation of anti-virus and anti-malware solutions to prevent malicious attacks

11.7.2.9. periodic assessments (vulnerability, penetration test, cyber etc.)

11.7.2.10. physical safeguards to protect hardcopies of information;

11.7.2.11. VPN to create secure, encrypted connection between remote users and Nando's network; and

11.7.2.12. security awareness program to ensure that employees remain vigilant and informed about security risks and best practices.

12. SECTION 51(1)(e) - ACCESS REQUEST PROCEDURE

- 12.1. The purpose of this section is to provide requestors with sufficient guidelines and procedures to facilitate a request for access to a record held by the Nando's Group.
- 12.2. 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 PAIA. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record, especially if records cannot be found, or any other permissible grounds for refusal as provided for in PAIA.
- 12.3. If it is reasonably suspected that the requestor has obtained access to Nando's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requestor.

12.4. Completion of Access Request Form

12.4.1. In order for Nando's to respond to requests in a timely manner, the Access Request Form (the form can be accessed via the following link: [InfoRegSA-PAIA-Form02-Reg7.pdf \(info regulator.org.za\)](https://info regulator.org.za/PAIA-Form02-Reg7.pdf)),t should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

- 12.4.1.1. the Access Request Form.
- 12.4.1.2. type or print in BLOCK LETTERS an answer to every question.
- 12.4.1.3. the requester should provide sufficient detail on the request form so that the record can be identified, indicate the form of access required, identify the right that they are seeking to exercise or protect and an explanation as to why the requested record is required for the exercise or protection of that right.
- 12.4.1.4. If the request is made on behalf of a person, the requester must submit proof of capacity or identity in which the requester is making the request to the satisfaction of the contact person indicated in section 51(1)(a).
- 12.4.1.5. If a question does not apply, state "N/A" in response to that question.

12.4.1.6. If there is nothing to disclose in reply to a particular question state “nil” in response to that question.

12.4.1.7. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional page.

12.4.1.8. When the use of an additional page is required, precede each answer thereon with the title applicable to that question.

12.5. **Submission of Access Request Form**

12.5.1. 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). The form can be accessed via the following link: [InfoRegSA-PAIA-Form02-Reg7.pdf \(info regulator.org.za\)](http://infoRegSA-PAIA-Form02-Reg7.pdf).

12.5.2. An initial, **non-refundable R140.00 request fee** is payable on submission of a request and before processing of such request. This fee is **not applicable** to Personal Requestors, referring to any person seeking access to records that contain their personal information.

12.6. **Payment of Fees**

12.6.1. 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.

12.6.2. 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 as set out in Annexure A. The access fee must be paid prior to access being given to the requested record.

12.6.3. Section 54 of PAIA entitles Nando's to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records.

- 12.6.4. Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full

12.7. Notification

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

12.7.2. Notification of Extension Period (if required)

- 12.7.2.1. The requestors may be notified whether an extension period is required for the processing of their requests including:

12.7.2.1.1. the required extension period, which will not exceed an additional 30 day period;

12.7.2.1.2. adequate reasons for the extension as permitted by PAIA; and

12.7.2.1.3. notice that the requestor may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

12.7.3. Payment of Deposit (if applicable)

- 12.7.3.1. The requestor 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:

12.7.3.1.1. the amount of the deposit payable (if applicable); and

12.7.3.1.2. that the requestor may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

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

12.8. Data Subject Rights

- 12.8.1. POPIA provides that a data subject may, upon proof of identity, request Nando's to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 12.8.2. POPIA also provides that where the data subject is required to pay a fee for services provided to them, Nando's must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.
- 12.8.3. POPIA provides that a data subject may object, at any time, to the processing of personal information by Nando's, on reasonable grounds relating to their particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above. The form can be accessed via the following link: [FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf](https://www.inforegulator.org.za/FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf) ([inforegulator.org.za](https://www.inforegulator.org.za))
- 12.8.4. A data subject may also request Nando's to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Nando's is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 12.8.5. A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the prescribed form. The form can be accessed via the following link: [FORM-2-REQUEST-FOR-CORRECTION-OR-DELETION-OF-PERSONAL-INFORMATION-OR.pdf](https://www.inforegulator.org.za/FORM-2-REQUEST-FOR-CORRECTION-OR-DELETION-OF-PERSONAL-INFORMATION-OR.pdf) ([inforegulator.org.za](https://www.inforegulator.org.za))

12.9. Proof of identity

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

12.10. Decision on Request

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

12.10.2. the information officer will inform the requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with form 3 of annexure a to government notice no. r.757 dated 27 august 2021 promulgated under the PAIA regulations. The form can be accessed via the following link: [Form-3-PAIA.pdf \(inforegulator.org.za\)](https://www.inforegulator.org.za/Form-3-PAIA.pdf).

12.10.3. if the request for access to a record is **successful**, the requester will be notified of the following:

12.10.3.1. The amount of the access fee payable upon gaining access to the record (if any);

12.10.3.2. An indication of the form in which the access will be granted;

12.10.3.3. 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.

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

12.10.4.1. adequate reasons for the refusal (refer to third party information and grounds for refusal below); and

12.10.4.2. that the requestor may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

12.11. **Third Party Information**

- 12.11.1. 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.
- 12.11.2. 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.

12.12. **Grounds for Refusal**

- 12.12.1. 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:
 - 12.12.1.1. protecting personal information that Nando's holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
 - 12.12.1.2. 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);
 - 12.12.1.3. 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;
 - 12.12.1.4. if disclosure of the record would endanger the life or physical safety of an individual;
 - 12.12.1.5. if disclosure of the record would prejudice or impair the security of property or means of transport;
 - 12.12.1.6. if disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;

- 12.12.1.7. if disclosure of the record would prejudice or impair the protection of the safety of the public;
- 12.12.1.8. the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 12.12.1.9. disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Nando's;
- 12.12.1.10. disclosure of the record would put Nando's at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 12.12.1.11. the record is a computer programme; and
- 12.12.1.12. the record contains information about research being carried out or about to be carried out on behalf of a third party or Nando's.

12.12.2. Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

12.12.3. If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record.

12.13. **Records that cannot be found or do not exist**

12.13.1. 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.

13. **AVAILABILITY OF THIS MANUAL**

Copies of this manual are available for inspection, free of charge, at the Nando's offices and on Nando's' website www.nandos.co.za.

FEES IN RESPECT OF PRIVATE BODIES

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (i) Flash drive (to be provided by requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.