



**MILK SOUTH AFRICA NPC  
REGISTRATION NUMBER: 2002/032020/08  
("MILK SA")**

**Manual prepared in accordance with section 51 of the Promotion of Access to Information Act, No  
2 of 2000**

**1. INTRODUCTION**

1.1 In terms of section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No. 108 of 1996, every person has a right to access information. In order to comply with this constitutional obligation, the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") was assented to by Parliament.

1.2 The motivation for giving effect to the right of access to information is to:

1.2.1 Foster a culture of transparency and accountability in both public and private bodies.

1.2.2 Promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

1.3 In addition, the Protection of Personal Information Act, No. 4 of 2013 ("POPIA") regulates the rights of a data subject to access his/her Personal Information ("PI"), which accessing procedure is also addressed in this manual.

1.4 PAIA and POPIA however recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

1.4.1 Limitation aimed at the reasonable protection of privacy;

1.4.2 Commercial confidentiality; and

1.4.3 Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

**2. PURPOSE**

2.1 The purpose of this manual is to facilitate requests for access to information held by Milk SA.

2.2 This manual does not comprehensively deal with every procedure provided for in PAIA and POPIA. Requesters are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to Milk SA in terms of such legislation.

2.3 Milk SA makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Milk SA shall not be liable for any loss, expense, liability, or claims, howsoever arising, resulting from the use of this manual or of any information provided by Milk SA or from any error therein.

2.4 All users and requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Milk SA.

### 3. THE MAIN BUSINESS ACTIVITIES OF MILK SA

Milk SA aims to promote the competitiveness of the South African dairy industry.

### 4. CONTACT DETAILS OF INFORMATION OFFICER

- **Name:** Andrea Rademan (Operations Officer)
- **Postal address:** PO Box 1961, Brooklyn Square, Pretoria, Gauteng, 0075  
**Physical address:** Brooklyn Court Building Block B, First Floor, 361 Veale Street, Nieuw Muckleneuk, Pretoria, Gauteng
- **Telephone number:** 012 460 7312
- **E-mail address:** [operations@milksa.co.za](mailto:operations@milksa.co.za)
- **Website:** [www.milksa.co.za](http://www.milksa.co.za)

### 5. GUIDES TO PAIA AND POPIA OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The Guide described in section 10 of PAIA was published in August 2003 and contains the information as prescribed in PAIA. Any enquiries regarding this guide should be directed to the South African Human Rights Commission ("**SAHRC**").

Copies of PAIA and POPIA, as well as the relevant regulations and guides to these acts, can also be obtained from the SAHRC or the Information Regulator (see contact details below):

<b>SAHRC</b>	<b>INFORMATION REGULATOR</b>
South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700	JD House 27 Stiemens Street Braamfontein Johannesburg

Houghton Johannesburg 2041 Telephone number: (011) 877 3600 Fax number: (011) 484 7146/7 Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a>	2001 Email: <a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>
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**6. THE FOLLOWING RECORDS ARE AVAILABLE IN TERMS OF SECTION 51(1)(d) OF PAIA:**

6.1 Milk SA has, *inter alia*, records available in terms of the following legislation of the Republic of South Africa:

Companies Act, No. 71 of 2008	Marketing of Agricultural Products Act, No. 47 of 1996
Basic Conditions of Employment Act, No. 75 of 1997	Value Added Tax Act, No. 89 of 1991
Employment Equity Act, No. 55 of 1998	Income Tax Act, No. 58 of 1962
Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993	Occupational Health and Safety Act, No. 85 of 1993
The Labour Relations Act, No. 66 of 1995	

6.2 Please note that aforementioned list is not exhaustive, and the Information Officer can be contacted in order to confirm any specific legislative record holding.

**7. INFORMATION AVAILABLE IN TERMS OF SECTION 52 OF PAIA**

To date, 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.

**8. DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY MILK SA**

8.1 The description of the subjects and categories of records held by Milk SA include the following:

SUBJECT OF INFORMATION	CATEGORIES OF INFORMATION
Company Incorporation Documents	MOI and CIPC documents
Corporate Governance Records	Board meeting minutes, Executive Committee meeting minutes, Legal Compliance Records

Secretarial records	Share Register, Minutes of General Meetings, Annual Reports, statutory returns to relevant authorities
Financial and administration records	Accounting records, books, and documents, annual financial statements
Income tax records	PAYE and UIF records
Human Resources/Employment records	List of employees, letters/contracts of employment, leave records, Employment Equity Reports
Insurance records	Public liability insurance records
Immovable and movable property	Asset register
Information of persons registered with Milk SA in terms of the regulations issued under the Marketing of Agricultural Products Act ("MAP")	Registration forms, debit and credit notes, legal documentation
Miscellaneous agreements	General commercial agreements
Operations records	Communication strategies, general correspondence, litigation / legal proceedings
Correspondence	Correspondence with Milk SA role-players

8.2 Please note that aforementioned list is not exhaustive, and the Information Officer can be contacted in order to confirm any specific subject and category of information held by Milk SA.

## 9. PROCESSING OF PERSONAL INFORMATION (PI)

### 9.1 The purpose for processing personal information

Milk SA processes PI for various purposes, where legally justified to do so. Milk SA maintains a separate privacy statement, which incorporates the purposes of processing. The privacy statement is available on Milk SA's website: [www.milksa.co.za/compliance](http://www.milksa.co.za/compliance)

## 9.2 Categories of data subjects and Personal Information processed by Milk SA

CATEGORIES OF DATA SUBJECTS	PI PROCESSED
<b>Members</b> (SAMPO and MPO)	Member PI
<b>Role-players registered with Milk SA in terms of the MAP Act</b>	Role player personal/special PI, e.g., name, identity number, (ID) company registration number, email address etc.
	Role player bank details, e.g., account number
	Role-player location information
	Role-player third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (“ <b>CIPC</b> ”)
<b>Suppliers / Contractors</b>	Supplier / Contractor PI
	Supplier / Contractor contracts
	Supplier / Contractor bank details
	Biometric information of supplier / contractor representatives
	PI of supplier / contractor representatives
<b>Employees (prospective, previous, and existing)</b>	Employee PI (e.g., name, ID, etc.)
	Employee education and psychometrics records
	Employee medical information
	Employee disability information
	Employee biometric information
	Employee bank details
	Employee tax and financial information

	Employee contracts
	Employee beneficiary information
	Employee's relatives
	Employee vehicle registration
	Employee performance records
	Payroll records
	Electronic access records
	Surveillance records
	Health and safety records
	Training records
	Background checks
	Criminal checks
	Employment history
<b>Job applicants</b>	Curriculum vitae and application forms
	Criminal checks
	Background checks
<b>Visitors</b>	Physical access records
	Electronic access records, scans
	Surveillance records (like CCTV footage)

### 9.3 Recipients or categories with whom Personal Information is shared

9.3.1 Milk SA may share the PI of its data subjects, where legally justified to do so, for any of the purposes as set out in Milk SA's privacy statement (see paragraph 9.1 above) with amongst

others, Milk SA's service providers, operators (suppliers and third parties) who perform services on its behalf.

9.3.2 Milk SA does not share the PI of its data subjects with any third parties, except if:

9.3.2.1 it is obliged to provide such information for legal or regulatory purposes;

9.3.2.2 it is required to do so for purposes of existing or future legal proceedings;

9.3.2.3 it is involved in the prevention of fraud, loss, bribery or corruption;

9.3.2.4 the third party performs services and processes PI on Milk SA's behalf as its operator;

9.3.2.5 this is required to provide or manage any information, products and/or services to data subjects; or

9.3.2.6 this is needed to help Milk SA improve the quality of its products and services.

9.3.3 Milk SA will send its data subjects appropriate notifications or communications of its processing if it is obliged to do so by law, or in terms of its contractual relationship with data subjects.

9.3.4 Milk SA's employees and suppliers are required to adhere to legislation relating to privacy and confidentiality principles.

#### **9.4 Information security measures to protect personal information**

9.4.1 Reasonable technical and organisational measures have been implemented for the protection of PI processed by Milk SA.

9.4.2 Milk SA continuously implement and monitor reasonable technical and organisational security measures to protect the PI it holds, against unauthorised access, as well as accidental or wilful manipulation, loss, damage, or destruction.

9.4.3 Milk SA will take reasonable steps to ensure that operators (suppliers and third parties) Process PI on its behalf in accordance with POPIA.

#### **9.5 Personal Information received from third parties**

When Milk SA receives PI from a third party on behalf of a data subject, it requires confirmation that the third party has a lawful justification in terms of section 11 of POPIA, to share such information with Milk SA.

## 9.6 Cross-border flows of personal information

Milk SA will only transfer PI across South African borders if the relevant transactions or situation requires cross-border processing. It will only do so in accordance with South African legislative requirements, or if the data subject consents to the transfer of their PI to third parties in foreign countries.

## 10. THE MANNER IN WHICH THE ABOVE RECORDS WILL BE MADE AVAILABLE

10.1 The above-mentioned records are available for public inspection at the offices of Milk SA during office hours, by prior arrangement with the Information Officer, subject to the grounds of refusal mentioned in Chapter 4 of Part 3 of PAIA and any other applicable legislation.

10.2 In order to request access to information held by Milk SA, the person requesting access to such information (hereinafter referred to as the “**requester**”) must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in PAIA. Should the requester that request access to the information be a public body (i.e., state), the requester must identify that the request for information is for the public’s interest by stipulating adequate reasons.

## 11. REQUEST PROCEDURE

11.1 The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.

11.2 The requester must complete Milk SA’s prescribed form and pay the request fee (if applicable) as referred to in paragraph 18 hereof.

11.3 The request must be made to the Information Officer at his/her address and e-mail address.

11.4 If a request is made on behalf of another person, then the requester must show to the reasonable satisfaction of the Information Officer that he/she is duly authorised to make such application.

11.5 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.

11.6 The requester must pay the prescribed request fee before any further processing can take place.

11.7 Milk SA will process the request within 30 days from the date when the prescribed fee and form was received, whatever was the latest.



11.8 The requester shall be informed whether access is granted or denied.

11.9 The requester must indicate that he/she requires the information in order to exercise or protect a right.

## **12. ACCESS TO RECORDS HELD BY MILK SA**

12.1 Records held by Milk SA may be accessed by requests only once all prerequisite requirements for access have been met.

12.2 A requester is any person making a request for access to a record of Milk SA.

## **13. REQUESTER**

13.1 A personal requester is a requester who is seeking access to a record containing PI about the requester.

13.2 Milk SA will voluntarily provide the requested information or give access to any record with regard to the requester's PI. The prescribed fee for reproduction of the information requested will be charged.

13.3 The requester (other than a personal requester) is entitled to request access to information of third parties. However, Milk SA is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

13.4 Employees will not be required to use the PAIA/POPIA process to obtain their PI held by Milk SA. Such records can be obtained from Milk SA's Senior Administration Officer.

## **14. FEES**

14.1 PAIA provides for two types of fees, namely:

14.1.1 A request fee, which will be a standard fee as contemplated in *Government Gazette* No. 23119; and

14.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs as contemplated in *Government Gazette* No. 23119.

14.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), prior to further processing of the request.

14.3 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 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.

14.4 The Information Officer shall withhold a record until the requester has paid the required fees.

14.5 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.

14.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

## **15. AVAILABILITY OF THE MANUAL**

15.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002 and is available on Milk SA's website: [www.milksa.co.za](http://www.milksa.co.za)

15.2 The manual will also be available at the offices of the SAHRC.

## **16. INFORMATION THAT MAY BE PRESCRIBED IN TERMS OF SECTION 51(1)(f) OF PAIA**

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

## **17. RECORDS THAT CANNOT BE FOUND**

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

## **18. PRESCRIBED FORMS AND FEES**

The prescribed request form and fees applicable to the request for information can be obtained on request from the Information Officer.

**END**