



ACCESS TO INFORMATION MANUAL

**Compiled in terms of section 51 of the Promotion of Access to
Information Act, 2 of 2000**

1 INTRODUCTION

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to access to information.

The Promotion of Access to Information Act 2 of 2000 (“**the Act**”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if: -

- that record is required for the exercise or protection of any of his or her legal rights;
- that requester complies with all the procedural requirements; and
- access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

This Manual has been prepared in respect of the Sea Harvest Group of Companies, which includes related entities and / or wholly owned subsidiaries. The scope of this Manual will exclude Sea Harvest’s operations outside South Africa and will serve to provide a reference regarding the records held by Sea Harvest at its Registered Office and various operations.

2 AVAILABILITY OF SEA HARVEST PAIA MANUAL AND ENTRY POINT FOR REQUESTS

This document serves as the Sea Harvest PAIA Manual (“the Manual”) in accordance with the requirements of section 51 of the Act to facilitate access to records held by Sea Harvest. A copy of this Manual is available to any person of the public in a PDF (“Portable Document Format”) version on the website of Sea Harvest at www.seaharvestgroup.co.za or on request from the Information Officer referred to in this Manual. Sea Harvest endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

In summary the Manual provides information on the:

- Contact details of the Information Officer;

- Subjects and categories of records that are held by Sea Harvest; and
- Procedure that needs to be followed and criteria that have to be met by a requester to request access to a record

3 FURTHER GUIDANCE FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The Information Regulator is required in terms of section 10 of the Act to update and make available the existing guide that has been compiled by the South African Human Rights Commission (“SAHRC”) that contains information to assist a person wishing to exercise a right in terms of the Act and the Protection of Personal Information Act 4 of 2013 (“POPI Act”) for requesters. It contains information to assist a person wishing to exercise a right in terms of the Act.

The SAHRC guide is available from the SAHRC website. You may also request any addition information to assist you in making a request from the SAHRC. Please direct any queries to: The South Africa Human Rights Commission: PAIA Unit: -

Physical address: 2nd Floor, Braampark Forum 3
 33 Hoofd Street
 Braamfontein

Telephone: +27 (0)11 877 3750

Fax: +27 (0)86 410 0149

Website: www.sahrc.org.za

Email: info@sahrc.org.za

4 CONTACT DETAILS OF SEA HARVEST INFORMATION OFFICER

The Chief Executive Officer of Sea Harvest has delegated his powers to the Information Officer below in terms of the Act to handle all requests on Sea Harvest’s behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Information Officer: **Ms Nondumiso Seshoka**

Physical address: 1st Floor, Block C
 Boulevard Office Park
 Searle Street
 Woodstock
 7925

Postal	1st Floor, Block C Boulevard Office Park Searle Street Woodstock 7925
Tel:	+27 (0)21 468 7953
Email:	nondumisom@seaharvest.co.za
Website:	www.seaharvestgroup.co.za

5 POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

Sea Harvest will protect the confidentiality of information provided to it by third parties, subject to Sea Harvest's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, Sea Harvest 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 that the third party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

6 CATEGORIES OF RECORDS

6.1 Automatic Disclosure: Section 51 (1)(b)(ii)– Records automatically available to the Public

No notice has been published in terms of section 52 of the Act. However, the following records are automatically available at the registered office of Sea Harvest on payment of the prescribed fee for reproduction.

- Documentation and information relating to Sea Harvest which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008
- Product and Promotional Brochures
- News and other Marketing Information
- The annual integrated report and any other shareholder communications as published on Sea Harvest's website

6.2 **Legislative requirements: Section 51 (1)(b)(iii) – Records available in accordance with other legislation**

Records are kept in accordance with such other legislation as applicable to the Sea Harvest Group, which includes, but is not limited to:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008
- Customs and Excise Act, 1964
- Deeds Registries Act 57 of 1937
- Electronic Communications and Trans-actions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- South African Revenue Service Act 34 of 1997
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although Sea Harvest has used its best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete. Wherever it comes to Sea Harvest's attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall update the list accordingly.

6.3 **Records held by Sea Harvest: Section 51 (1)(b)(iv) – Sea Harvest Record Subjects and Categories**

6.3.1 **Corporate Affairs and Investor Relations / Communications**

- Media Releases
- Newsletters and Publications
- Corporate Social Investment
- Public Corporate Records

- SENS releases

6.3.2 **Corporate Secretariat and Governance**

- Applicable Statutory Documents
- Annual Reports
- Board of Directors and Board Committee Terms of Reference
- Codes of Conduct
- Executive Committee Meeting Minutes
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of Board of Directors and Board Committee Meetings
- Minutes of Shareholders' Meetings
- Group Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Share Registers (Sea Harvest's official share register is however maintained by its transfer secretary)
- Strategic plans
- Statutory Returns to Relevant Authorities

6.3.3 **Finance and Taxation**

- Policies and Procedures
- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Purchasing Records
- Sale and Supply Records
- Tax Records and Returns
- Treasury Dealing
- Transactional Records

6.3.4 **Human Resources**

- Education and Training Records
- Employee Benefit Records
- Employment Contracts
- Employment Equity Records
- Employee Information
- Employee Share Option Scheme
- Policies and Procedures
- Group Life
- Leave Records
- Medical Records
- Pension and Retirement Funding Records
- Study assistance scheme/s
- Tax Returns of employees
- UIF Returns

6.3.5 **Information Technology**

- Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

6.3.6 **Intellectual Property**

- Trademark applications
- Agreements relating to intellectual property
- Copyrights

6.3.7 **Legal**

- Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation
- Material licenses, permits and authorizations

6.3.8 Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material
- Client Information
- Marketing Brochures
- Marketing Strategies
- Product Brochures
- Policies and Procedures

6.4 Records automatically available

The following categories of records are automatically available for inspection. A copy of the record is available for purchase at the costs indicated in Annexure 2. You do not need to request this information in terms of the Act.

- These categories are:
- Any promotional material for public viewing
- Posters
- Campaigns
- Product information

Requests for this information may be made through the Sea Harvest website.

7 PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE POPI ACT

7.1 Sea Harvest processes personal information of data subjects for the purposes of: Section 51 (1)(c)(i)

- Fulfilling its statutory obligations in terms of applicable legislation;
- Verifying information provided to Sea Harvest;
- Obtaining information necessary to provide contractually agreed services to a customer;
- Monitoring, maintaining and managing Sea Harvest's contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties;
- Marketing and advertising;
- Resolving and tracking complaints;
- Monitoring and securing the assets, employees and visitors to the premises of Sea Harvest;
- Historical record keeping, research and recording statistics necessary for fulfilling Sea Harvest's business objectives.

7.2 SEA HARVEST may process the personal information of the following categories of data subjects, which includes current, past and prospective data subjects: Section 51 (1)(c)(ii)

- Customer and employees, representatives, agents, contractors and service providers of such customers;
- Suppliers, service providers to and vendors of Sea Harvest and employees, representatives, agents, contractors and service providers of such suppliers and service providers;
- Directors and officers of Sea Harvest;
- Shareholders;
- Job applicants;
- Existing and former employees (including contractors, agents, temporary and casual employees);
- Visitors to any premises of Sea Harvest; and
- Complaints, correspondents and enquiries.

7.3 The nature of personal information processed in respect of the above data subjects may include, as may be applicable: Section 51 (1)(c)(ii)

- Name, identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- Biometric information;
- Information relating to the education or the medical, financial, criminal or employment history of the data subject;
- Information relating to the race, gender, marital status, national origin, age disability, language and birth of the data subject;
- The personal opinions, views or preferences of the data subject;
- Confidential correspondence sent by the data subject;
- The views or opinions of another individual about the data subject.

7.4 Sea Harvest may supply personal information to the following recipients: Section 51 (1)(c)(iii)

- Regulatory, statutory and government bodies;
- Suppliers, service providers, vendors, agents and representatives of Sea Harvest;
- Employees of Sea Harvest;
- Shareholders and other stakeholders;
- Third party verification agencies and credit bureau;
- Collection agencies;

Banks and other financial institutions.

7.5 Planned or prospective transborder flow of personal information processed by Sea Harvest in respect of the above categories of data subjects: Section 51 (1)(c)(iv)

Personal information of data subjects may be transferred across borders due to the hosting of some Sea Harvest infrastructure and application in foreign jurisdictions. Current employees and consultants' information may also be transferred transborder where Sea Harvest has a physical presence or may be providing services or performing in terms of its contractual obligations.

7.6 Security measures implemented or to be implemented by Sea Harvest to ensure the confidentiality, integrity and availability for the personal information which may be or is being processed by Sea Harvest: Sec 51 (1)(c)(v)

Sea Harvest continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures which apply to Sea Harvest.

8 CONSIDERATIONS BEFORE SUBMITTING A REQUEST FOR INFORMATION

Before you submit a formal request for access the following need to be considered:

8.1 Are you submitting the request for the exercise or protection of any of your legitimate rights?

The exercise of your rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. This legislation may not be used for access to a record for criminal or civil proceedings, or requested after the commencement of such proceedings

8.2 Is the information you require in record form, and under the control of Sea Harvest?

This Act only applies to records that have *already been created*, at the date of the request, and that are under the control of Sea Harvest. Sea Harvest is not obliged to retrieve any records on your behalf that are no longer under its control, even where Sea Harvest created the record.

8.3 Do you have a legitimate right to access the record?

A request may only be made to exercise your own right, or where the request is made on behalf of another person, the requestor must submit proof of his/her capacity to act on behalf of the person in whose name the request is made. For example, a power of attorney must be submitted with the request where a legal representative makes the request on behalf of his/her client.

9 ACCESS PROCEDURE AND REQUESTS

If you are satisfied that you are entitled to make a request for access to records under this Act, please follow the procedure outlined below:

9.1 Request form

The Completed Access Request Form (Annexure 1) must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer.

9.2 Definition of your rights

Please describe fully the right you seek to protect in line with the considerations outlined in clause 8.1 above.

9.3 Payment of the prescribed fee

There are two types of fees:

- Request fee: R50
- Access fee: This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Annexure 2.

The requestor will be notified where the Information Officer requires a deposit (calculated from the access fee) and subsequent balance of the access fee. The Information Officer will release the record on full payment. Where a deposit has been taken and the request has subsequently been refused, the Information Officer will refund the deposit to the requestor.

Deposits paid by a requestor will be refunded if the request is refused.

10 TIMELINES FOR CONSIDERATION OF YOUR REQUEST

- 10.1 Requests will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is needed.
- 10.2 Should an extension be needed, you will be notified, together with reasons explaining why the extension is necessary.

11 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds on which Sea Harvest could refuse access to records relate to the mandatory protection of: -

- 11.1 the privacy of a third party who is a natural person;
- 11.2 the commercial information of a third party;
- 11.3 certain confidential information of a third party;
- 11.4 the safety of individuals and safety of property;
- 11.5 records privileged from production in legal proceedings;
- 11.6 commercial information of Sea Harvest, which may include without limitation –
 - 11.6.1 trade secrets;
 - 11.6.2 financial, commercial, scientific or technical information; the disclosure of which could likely harm the financial or commercial interests of Sea Harvest;
 - 11.6.3 information that, if disclosed, could put Sea Harvest at a disadvantage in negotiations or commercial competition; and
 - 11.6.4 computer programs and related information technology software that are owned by Sea Harvest and that are protected by copyright; and
- 11.7 research information compiled by Sea Harvest or a third party, if disclosure would expose the third party, the researcher or the subject matter of the research to serious disadvantage.

Requests for access to records that are clearly frivolous or vexatious, or that involve an unreasonable diversion of resources, will be refused.

12 REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS

Sea Harvest does not have any internal appeal procedures that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

Annexure 2

Fees in respect of private bodies

	Description	Rand
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) – for every photocopy of an A4-size page or part thereof	1,10
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
(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 computer-readable form on –	
(i)	Stiffy disc	7,50
(ii)	Compact disc	70,00
(d)(i)	For a transcription of visual images, or an A4-size page or part thereof	40,00
(d)(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
(e)(ii)	For a copy of an audio record	30,00
3	The request fee payable by a requestor referred to in regulation 11(2)	50,00
4	The access fees payable by a requestor referred to in regulation 11(3) are as follows:	
4.1(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
	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
(e)(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 excluding the first hour reasonably required for such search and preparation	
4.2	For purposes of section 54(2) of the Act the following applies:	
(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 requestor.	
4.3	The actual postage is payable when a copy of a record must be posted to a requestor	