



JOHN DEERE

John Deere (Proprietary) Limited

PAIA MANUAL

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1. INTRODUCTION AND AIM

- 1.1. The Company sources agricultural and turf equipment and parts for such equipment from various other John Deere factories around the world and sells such equipment and parts through dealer network throughout Africa and Middle East.
- 1.2. This Manual is prepared in accordance with section 51 of PAIA and section 17 of POPIA to allow the constitutional right of natural (i.e. individual) and/or juristic persons who wish to access information including Personal Information in terms of the Acts.
- 1.3. This Manual is submitted on behalf of the Company as a Private Body and set out details of the procedure to be followed by a Requester when requesting access to information from the Company in terms of the Acts.

2. DEFINITIONS AND INTERPRETATIONS

- 2.1. The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings:
 - 2.1.1. “**Acts**” means the PAIA and POPIA;
 - 2.1.2. “**Guide**” means the PAIA Section 10 Guide 2020 compiled by SAHRC;
 - 2.1.3. “**Manual**” means this PAIA Manual;
 - 2.1.4. “**PAIA**” is the Promotion of Access to Information Act 2 of 2000 as amended from time to time;
 - 2.1.5. “**Personal Information**” means the definition ascribed to it in POPIA;
 - 2.1.6. “**POPIA**” is the Protection of Personal Information Act 4 of 2013 as amended from time to time;
 - 2.1.7. “**Private Body**” means the definition ascribed to it in PAIA;
 - 2.1.8. “**Requester**” means the person who is asking for the record from the Company, including the person making a request on behalf of someone else;
 - 2.1.9. “**Republic**” means the Republic of South Africa; and
 - 2.1.10. “**SAHRC**” means South African Human Rights Commission.
- 2.2. In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention an expression which denotes:
 - 2.2.1. any gender includes the other genders;
 - 2.2.2. a natural person includes an artificial or juristic person and vice versa;
 - 2.2.3. the singular includes the plural and vice versa.

- 2.3. Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time.
- 2.4. If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document.
- 2.5. Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document.
- 2.6. Insofar as there is a conflict in the interpretation of or application of this document and the Acts, the Acts shall prevail.
- 2.7. This document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Acts. A Requester is advised to familiarise his/her/itself with the provisions of the Acts before lodging any request with the Company.

3. INFORMATION OF THE COMPANY

3.1. Details of the Company

| | | |
|------------------|---|---|
| Full Name | : | John Deere (Pty) Ltd |
| Registration No | : | 1950/037595/07 |
| Postal Address | : | P.O. Box 25551, Boksburg 1452 |
| Physical Address | : | 38 Oscar Street, Hughes Extension 47 Boksburg 1459 |
| Telephone Number | : | +27 (11) 437 2600 |
| Website | : | https://www.deere.com/sub-saharan/en |

3.2. Details of the Head of Company and Information Officer

3.2.1. The Head of the Company and his contact details are:

| | | |
|-----------|---|--|
| Name | : | Mr Willem Andries Stephanus Gouws |
| Telephone | : | +27 (11) 437-2640 |
| Email | : | GouwsStephan@JohnDeere.com |

3.2.2. The Information Officer and her contact details are:

| | | |
|-----------|---|--|
| Name | : | Ms Rebone Mani |
| Telephone | : | +27 (11) 437 2678 |
| Email | : | ManiRebone@JohnDeere.com |

4. INFORMATION REGULATOR AND GUIDE

- 4.1. Information Regulator is an independent body established in terms of section 39 of POPIA and will handle both access to information and privacy issues and its contact details are as follows:

Physical Address: JD House
 27 Stiemens Street
 Braamfontein
 Johannesburg
 2001

Postal Address: P.O Box 31533
 Braamfontein
 Johannesburg
 2017

Website: <https://www.justice.gov.za/inforeg/index.html>

Email: enquiries@inforegulator.org.za

- 4.2. The Guide sets out that the Information Regulator will take over all the functions of SAHRC enumerated by PAIA and further states that the Manual of private bodies needs to be made available to the Information Regulator on request but must be made available at the main place of business and on the Private Body's website.

5. APPLICABLE LEGISLATION

Where applicable and insofar as the Requester complies with the requirements set out in the relevant act, the Requester may request information which is available in terms of the following legislation:

| No | Act |
|--------|---|
| 5.1. | Accounting and Finance |
| 5.1.1. | Customs and Excise Act 91 of 1964 |
| 5.1.2. | Financial Advisory and Intermediary Services Act No. 37 of 2002 |
| 5.1.3. | Financial Intelligence Centre Act No. 38 of 2001 |
| 5.1.4. | Income Tax Act No. 58 of 1962 |
| 5.1.5. | South African Revenue Bank Act No. 34 of 1997 |
| 5.1.6. | Tax Administration Act No. 28 of 2011 |
| 5.1.7. | Value Added Tax Act No. 89 of 1991 |
| 5.2. | Company Secretarial and Administration |
| 5.2.1. | Businesses Act 71 Of 1991 |
| 5.2.2. | Companies Act No. 71 of 2008 |
| 5.2.3. | Competition Act No. 89 of 1998 |
| 5.2.4. | Prevention and Combating of Corrupt Activities Act, No 12 of 2004 |
| 5.2.5. | Prevention of Organised Crimes Act, No. 121 of 1998 |
| 5.2.6. | Promotion of Access to Information Act, No. 2 of 2000 |
| 5.2.7. | Protection of Personal Information Act, No. 4 of 2013 |
| 5.2.8. | Protected Disclosure Act No. 26 of 2000 |

| | |
|---|--|
| 5.3. Human Resources | |
| 5.3.1. | Basic Conditions of Employment Act No. 75 of 1997 |
| 5.3.2. | Broad Based Black Economic Empowerment Act No. 53 of 2003 |
| 5.3.3. | Compensation for Occupational Injuries and Disease Act No. 130 of 1993 |
| 5.3.4. | Employment Equity Act, No. 55 of 1998 |
| 5.3.5. | Labour Relations Act No. 66 of 1995 |
| 5.3.6. | Occupational Health & Safety Act 85 of 1993 |
| 5.3.7. | Pensions Funds Act 24 of 1956 |
| 5.3.8. | Skills Development Act No. 97 of 1998 |
| 5.3.9. | Skills Development Levies Act No. 9 of 1999 |
| 5.3.10. | Unemployment Insurance Contributions Act No. 4 of 2002 |
| 5.3.11. | Unemployment Insurance Amendment Act No. 32 of 2003 |
| 5.3.12. | Unemployment Insurance Act No. 63 of 2001 |
| 5.4. Information Technology | |
| 5.4.1. | Electronic Communications and Transactions Act, No 25 of 2002 |
| 5.4.2. | Regulation of Interception of Communication Act, No 70 of 2002 |
| 5.5. Marketing | |
| 5.5.1. | Consumer Protection Act No. 68 of 2008 |
| 5.5.2. | Copyright Act, No. 98 of 1978 |
| 5.5.3. | Patents Act, No. 57 of 1978 |
| 5.5.4. | Trade Marks Act No. 194 of 1993 |
| 5.6. Safety Health and Environment | |
| 5.6.1. | National Environmental Management Act, No 107 of 1998 |
| 5.6.2. | Occupational Health and Safety Act, No 85 of 1993 and Regulations |

6. **SCHEDULE OF RECORD HELD BY COMPANY**

6.1. The subjects and categories of information on which the Private Body holds records are as follows:

6.1.1. Human Resources Records

- 6.1.1.1. personnel information including personal information, employment history and health records that the Company may hold from time to time;
- 6.1.1.2. training and development information; and
- 6.1.1.3. general files containing information on employee benefits and employee recruitment and selection information.

6.1.2. Financial / Accounting Records

- 6.1.2.1. statutory books of account;
- 6.1.2.2. financial records;
- 6.1.2.3. list of Company creditors and debtors;
- 6.1.2.4. purchase orders; and
- 6.1.2.5. invoice records.

6.1.3. Internal Company Records

- 6.1.3.1. Company documents;
 - 6.1.3.2. minute books and internal resolutions;
 - 6.1.3.3. internal policies and procedures;
 - 6.1.3.4. compliance manuals, rules and regulations;
 - 6.1.3.5. internal correspondence;
 - 6.1.3.6. product records;
 - 6.1.3.7. statutory records;
 - 6.1.3.8. Company insurance policies; and
 - 6.1.3.9. various licences required for general operation.
- 6.1.4. Operational Related Records
- 6.1.4.1. customers records;
 - 6.1.4.2. dealer records;
 - 6.1.4.3. supplier records; and
 - 6.1.4.4. procurement and administrative procedures.
- 6.1.5. Personal Information Records
- 6.1.5.1. name if appear with other personal information;
 - 6.1.5.2. information relating to race, gender, sex, pregnancy, marital status, age, disability, social or ethnic origin, sexual orientation, colour, physical or mental health, religion, belief, culture, language and birth of the person;
 - 6.1.5.3. educational, medical or criminal history as well as information pertaining to financial transactions;
 - 6.1.5.4. any identifying numbers., symbols, e-mail address, physical address, telephone number, location information, online identifier;
 - 6.1.5.5. biometric information; and
 - 6.1.5.6. views or opinions about the person.
- 6.2. Other types of records held by the Company as contemplated in section 51(1)(c)
- These records are not automatically available without a request in terms of PAIA. A request in terms of this section is subject to Chapter 4 of PAIA, which provides that the head of a Company must refuse a request for access to a record of the Company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party.
- 6.3. Records that are automatically available for employees
- 6.3.1. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 7 below:
 - 6.3.1.1. personnel records are available to the employee whose file it is;

- 6.3.1.2. records of disciplinary hearings and related matters are available to the employee concerned;
 - 6.3.1.3. the Company's policies and procedures;
 - 6.3.1.4. the Company's document format manual.
- 6.3.2. The following records are automatically available to the general public and need not be requested in accordance with the procedure outlined in paragraph 7 below:
- 6.3.2.1. the Manual; and
 - 6.3.2.2. the Company Privacy Statement.

7. PROCEDURE TO REQUEST INFORMATION IN TERMS OF SECTIONS 51(1) AND 53(1) OF PAIA READ TOGETHER WITH SECTION 23 OF POPIA

- 7.1. A request shall be made on the prescribed form. A copy of the form is attached too in this Manual as **Annexure "A"** (the prescribed form). The form is also available on the website of the Information Regulator: <https://inforegulator.org.za/paia-forms/>
- 7.2. A request for information must be made in the prescribed form, must be addressed to the head of the Company as set out in sub-paragraph 3.1 above and must be submitted together with the prescribed fee.
- 7.3. The request must be made to the physical address or e-mail address set out in paragraph 3 of the Company and provide sufficient details to enable the Company to identify the Requester (if an agent and/or Requesters' representative lodges a request, proof of capacity will be required).
- 7.4. The request should:
 - 7.4.1. provide sufficient details of records requested and the form of access required;
 - 7.4.2. the postal address and telephone number of the Requester in the Republic (If the Requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof); and
 - 7.4.3. the right which the Requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 7.5. The head of the Company, as soon as reasonably possible and within thirty (30) days ("the original period") after the request has been received, shall decide whether to grant the request or not. The original period may be extended by the Company for another period of not more than thirty (30) days if:
 - 7.5.1. the request is for a large number of records;
 - 7.5.2. the search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company; and
 - 7.5.3. consultation among divisions or departments, as the case may be, of the Company is required.
- 7.6. In the event that a Requester does not use the prescribed form or follow processes set out in sub-paragraphs 7.2 - 7.4 above, the request may be:

- 7.6.1. rejected for lack of procedural compliance; or
- 7.6.2. refused (if insufficient information is provided); or
- 7.6.3. delayed.
- 7.7. The Requester will be notified of the decision of the head of the Company by the Information Officer in the manner indicated by the Requester.
- 7.8. If the request is granted, the Requester shall be informed by Information Officer in the manner indicated by the Requester in the prescribed form.
- 7.9. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 7.10. If the request for access is refused, the Information Officer shall advise the Requester in writing of the refusal. The notice of refusal shall state:
 - 7.10.1. adequate reasons for the refusal;
 - 7.10.2. that the Requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 7.11. Upon the refusal by the head of the Company, the deposit paid by the Requester will be refunded.
- 7.12. If the Information Officer fails to respond within thirty (30) days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of PAIA, that the request has been refused by the Company.
- 7.13. Should the Company require an extension of time, the Requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 7.14. The Requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

8. FEES PAYABLE

- 8.1. If a request for access to records is current, the Company can charge the Requester a request fee to cover the cost of reproducing the records, but the charges are limited to the following:

| | Fees |
|--|---|
| For every photocopy of an A4 size page or part thereof | R1,10 |
| For every printed copy of an A4 size page or part thereof | R0,75 |
| For a copy of a compact disc | R70,00 |
| For a transcript of visual images for an A4 size page or part thereof | R40,00 |
| For a copy of visual images | R60,00 |
| For a transcript of an audio record, for an A4 size page or part thereof | R20,00 |
| For a copy of an audio record | R30,00 |
| Search and preparation of the record for disclosure | To search for and prepare the record for disclosure, R30,00 for |

| | |
|---------|--|
| | each hour or part of an hour reasonably required for such search and preparation |
| Postage | The actual postage is payable. |

- 8.2. The request fee payable by a Requester, other than a personal requester is R50.00.
- 8.3. If the Information Officer is of the opinion that six (6) hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six (6) hours.

9. INFORMATION OR RECORDS NOT FOUND

- 9.1. If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the Company or the request liaison officer shall notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 9.2. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Information Officer with every person who conducted the search.
- 9.3. The notice, as set out in sub-paragraph 9.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Acts.
- 9.4. If the record in question should later be found, the Requester shall be given access to the record in the manner stipulated by the Requester in the prescribed form unless access is refused by the Information Officer.
- 9.5. The attention of the Requester is drawn to the provisions of Chapter 4 of the PAIA in terms of which the Company may refuse, on certain specified grounds, to provide information.

10. INFORMATION REQUESTED ABOUT THIRD PARTIES

- 10.1. Section 71 of PAIA makes provision for a request for information or records about a third party.
- 10.2. In considering such a request, the Company will adhere to the provisions of sections 65, 69(1) and 71 to 74 of the PAIA.
- 10.3. The attention of the Requester is drawn to the provisions of Chapter 5 of PAIA in terms of which the Company is obliged, in certain circumstances, to advise third parties.
- 10.4. Notice must be given to the third party within twenty-one (21) days after the request is received by the Information Officer. The notice must include the name of the Requester, describe the third party’s information and state that the third party may consent to disclosure or make representations as to why the disclosure should be refused.

11. **UPDATE AND AVAILABILITY OF MANUAL**

The Company may update this Manual every six (6) months or at such intervals as may be necessary. This Manual is available for inspection at the Company address and website set out in paragraph 3 above.

ANNEXURE A

J752



REPUBLIC OF SOUTH AFRICA

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]

A. Particulars of Private Body

The Head:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

| | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

| | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The Requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....
.....
.....
.....
.....

2. Reference number, if available:

.....
.....
.....
.....

3. Any further particulars of record:

.....
.....
.....
.....

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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 a record.
- (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:

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.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

| | |
|--|-----------------------------------|
| Disability: | Form in which record is required: |
| Mark the appropriate box with an X . | |
| NOTES: | |
| (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. | |
| (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. | |
| (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 record consists of recorded words or information which can be reproduced in sound: | | | | | |
| | listen to the soundtrack (audio cassette) | | transcription of soundtrack* (written or printed document) | | |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | | | |
| | 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 |
|--|-----|----|

G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

.....

.....

.....

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

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

.....

Signed at this day..... ofyear

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