



PAIA AND POPIA MANUAL

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This Manual applies to NMI Durban South Motors (Pty) Ltd and its subsidiaries

1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- 1.1. The Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the "Constitution") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2. PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.
- 1.3. In terms of section 51 of PAIA, all non-governmental entities are required to compile an Information Manual ("PAIA Manual").
- 1.4. Where a request is made in terms of PAIA, the entity to whom the request is made is obliged to release the information, subject to the compliance of this PAIA Manual.

2. DEFINITIONS

- 2.1. Company means NMI Durban South Motors Proprietary Limited (registration number 1999/005078/07), a company duly registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa and having its principal place of business situated at 125 Dallas Avenue, Waterkloof Glen, 12th Floor, Menlyn Towers together with its subsidiaries as set out in clause 3.1 below;
- 2.2. Conditions for Lawful Processing means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- 2.3. Constitution means the Constitution of the Republic of South Africa, 1996;
- 2.4. Customer refers to any natural or juristic person that received or receives services from the Company;
- 2.5. Data Subject has the meaning ascribed thereto in section 1 of POPIA;
- 2.6. Head of the Company means the "head" as defined in section 1 of PAIA and referred to in clause 4;
- 2.7. Information Officer means the person as referred to in clause 4;
- 2.8. Manual means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;
- 2.9. PAIA means the Promotion of Access to Information Act, 2000;
- 2.10. Personal Information has the meaning ascribed thereto in section 1 of POPIA;
- 2.11. Personnel refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying

out or conducting the business of the Company, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;

- 2.12. POPIA means the Protection of Personal Information Act, 2013;
- 2.13. POPIA Regulations mean the regulations promulgated in terms of section 112(2) of POPIA;
- 2.14. Private Body has the meaning ascribed thereto in sections 1 of both PAIA and POPIA;
- 2.15. Processing has the meaning ascribed thereto in section 1 of POPIA;
- 2.16. Responsible Party has the meaning ascribed thereto in section 1 of POPIA;
- 2.17. Record has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;
- 2.18. Requester has the meaning ascribed thereto in section 1 of PAIA;
- 2.19. Request for Access has the meaning ascribed thereto in section 1 of PAIA; and
- 2.20. Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.\

3. **NMI DURBAN SOUTH MOTORS (PTY) LTD (“NMI-DSM”/”WE”/”THE COMPANY”)**

- 3.1. **NMI Durban South Motors Proprietary Limited** (Registration Number: **1999/005078/07**), is a company duly registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa and having its principal place of business situated at **12th Floor, Menlyn Towers, 125 Dallas Avenue, Waterkloof Glen, Pretoria 0181** and includes its trading subsidiaries as follows:

1	RO Metrics Trading (Proprietary) Limited, Reg Number: 2014/032431/07
2	Sage Wise 104 (Proprietary) Limited, Reg Number: 2004/003774/07
3	Garden City Motors (Proprietary) Limited, Reg Number: 2002/006435/07
4	Automotive Northern Cape (Proprietary) Limited, Reg Number: 2006/010538/07
5	Curbsort Trading (Proprietary) Limited, Reg Number: 2015/116656/07
6	Rapiprop 174 (Proprietary) Limited, Reg Number: 2005/041309/07

- 3.2. This PAIA Manual is available at the Company’s registered office as well as on the Company’s website, www.nmi.co.za

4. **PURPOSE OF THE PAIA MANUAL**

- 4.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of

transparency and accountability within NMI-DSM by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

- 4.2. In order to promote effective governance of non-governmental entities, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of PAIA.
- 4.3. Section 9 of PAIA recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 4.3.1. limitations aimed at the reasonable protection of privacy;
 - 4.3.2. commercial confidentiality; and
 - 4.3.3. 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.

- 4.4. This PAIA Manual complies with the requirements of the guide mentioned in section 10 of PAIA and also recognises that in terms of the Protection of Personal Information Act 4 of 2013 (“POPIA”), the appointed Information Regulator will be responsible to regulate compliance with PAIA and its regulations by private and public bodies.

5. CONTACT DETAILS OF THE CHIEF EXECUTIVE OFFICER [SECTION 51(1)(A)]

Chief Executive Officer:	Hassan Akoo
Registered Address:	12 th Floor, Menlyn Towers, 125 Dallas Avenue, Waterkloof Glen, Pretoria, 0181, Republic of South Africa
Postal Address:	Private Bag 2028, Isando, Gauteng, 1600, Republic of South Africa
Telephone Number:	+27 (0)11 052 0100
Website:	www.nmi.co.za

6. THE INFORMATION OFFICER [SECTION 51(1)(B)]

- 6.1. NMI-DSM has opted to appoint an Information Officer, registered with the Information Regulator, to assess requests for access to information as well as to oversee its required functions, duties and responsibilities in terms of PAIA and POPIA.
- 6.2. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of POPIA. This is in order to render NMI-DSM as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of POPIA. All requests for

information in terms of PAIA and / or POPIA must be addressed to the Information Officer.

CONTACT DETAILS OF THE INFORMATION OFFICER

Information Officer:	Pieter Smit
Physical Address:	12 th Floor, Menlyn Towers, 125 Dallas Avenue, Waterkloof Glen, 12 th Floor, Menlyn Towers, Pretoria, 0181, Republic of South Africa
Postal Address:	Private Bag 2028, Isando, Gauteng, 1600, Republic of South Africa
Telephone Number:	+27 (0) 11 052 0100
Email:	Pieter.smit@nmi.co.za / privacy@nmi.co.za

CONTACT DETAILS OF THE DEPUTY INFORMATION OFFICER

Information Officer:	Berto Basson
Physical Address:	12 th Floor, Menlyn Towers, 125 Dallas Avenue, Waterkloof Glen, 12 th Floor, Menlyn Towers, Pretoria, 0181, Republic of South Africa
Postal Address:	Private Bag 2028, Isando, Gauteng, 1600, Republic of South Africa
Telephone Number:	+27 (0) 11 052 0100
Email:	Berto.basson@nmi.co.za / privacy@nmi.co.za

7. GUIDE OF SA HUMAN RIGHTS COMMISSION (SECTION 51(1) (B))

- 7.1. PAIA grants a requester access to the records of a private entity, if the record is required for the exercise or protection of any rights.
- 7.2. Requests in terms of PAIA must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 15 and 16 and the Appendices of this Manual.
- 7.3. Requesters are referred to the official Guide, which has been compiled by the Information Regulator.
- 7.4. The Guide is available at no cost, and any person may request a copy of the Guide. The 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 POPI. Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the guide should be directed to:

Contact body	The Information Regulator
Physical Address	JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Telephone Number	+27 10 023 5207
E-mail address	enquiries@infoeregulator.org.za
Website	https://www.justice.gov.za/infoereg/index.html

SECTION B – ACCESS TO INFORMATION

8. AUTOMATIC DISCLOSURE – CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS (SECTION 51(1)(C) IN TERMS OF PAIA)

8.1 The web page www.nmi.co.za is accessible to anyone who has access to the Internet. The NMI-DSM website hosts the following categories of information:

- Background information regarding NMI-DSM's history and mission;
- Product catalogues;
- Dealerships location and name;
- Products for sale under various brands which it manages;
- Service Offerings;
- Career Information;
- Key Executives;
- Public records;
- News Media releases;
- Policies; and
- Contact details.

8.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

9. SUBJECTS AND CATEGORIES OF RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF PAIA (SECTION 51(1) (E))

9.1. Records held by NMI-DSM

9.1.1 This table serves as a reference to the categories of information that NMI-DSM holds.

9.1.2 The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

9.1.3 The information is classified and grouped according to records relating to the following subjects and categories and includes, but is not limited:

SUBJECT	CATEGORY
Companies Act and Statutory Records	<ul style="list-style-type: none"> • All trust deeds; • Documents of Incorporation; • Index of names of Directors, • Memorandum of Incorporation; • Minutes of meetings of the Board of Directors; • Minutes of Board and Statutory Committees; • Minutes of Executive Committees; • Proxy forms; • Register of debenture-holders; • Register of directors' shareholdings; • Share certificates; • Shareholder Agreements; • Share Register and other statutory registers and/or records and/or documents; • Resolutions / Special resolutions passed by the Board of Directors and Shareholders at General and Class meetings; • Records relating to the appointment of: Auditors, Directors, Prescribed Officer, Public Officer and Secretary; • Statutory Registers; • Annual Reports; • Annual Returns; • Intellectual Property: Trade Mark Certificates; • Licences; • Copyright and Designs; • Health and Safety Records; • Policies; • Codes of Conduct; • Legal Compliance Records; and • Statistics SA Returns
Financial Records	<ul style="list-style-type: none"> • Accounting Records; • Annual Audited Financial Statements; • Asset Registers; • Bank Statements; • Banking details and bank accounts; • Banking Records. • Debtors / Creditors statements and invoices; • General ledgers and subsidiary ledgers; • General reconciliation; • Invoices; • Financial Policies and procedures; • Instalment Purchase Agreements; • Corporate Social Investment Records; • Remittances; and • Purchase orders

Tax Records	<ul style="list-style-type: none"> • PAYE Records; • Documents issued to employees for income tax purposes; • Records of payments made to SARS on behalf of employees; • VAT Returns; • Regional Services Levies • Skills Development Levies; • UIF; • Workmen's Compensation; and • Company Tax Returns
Human Resources: Personnel Documents and Records	<ul style="list-style-type: none"> • IR Disciplinary Code and Records; • Employee benefits, arrangements, rules and records; • Employment Contracts; • Employment Equity Plan Forms and Applications; • Grievance Procedures and hearings including CCMA Records; • HR Policies and Procedures; • Leave Records; • Medical Aid Records; • Payroll reports/ Wage register; • Rewards and Incentive Scheme Rules; • Safety, Health and Environmental Records; • Salary Records; • SETA records • Skills Development Plan and Report; • Standard letters and notices; • Training Manuals; • Training Records; • Wellness Programme; • Workplace and Union agreements and negotiation records; • Accident books and records; • Address and contact detail Lists; • BEE Statistics; • Career Development records; • Personnel Information; • Policies and Procedures; and • Travel documents
Retirement Fund	<ul style="list-style-type: none"> • Pension and Provident Fund Rules; • Correspondence; • Statutory Records and Returns; • Retirement benefits and records
Sales and Marketing	<ul style="list-style-type: none"> • Advertising and promotional material; • Customer records; • Credit application information; • Information and records provided by a third party; • Marketing material and media releases: brochures, newsletters and general notices; • Statements of Account; • Correspondence; • Client contracts; and • Proposals and tender documents
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports; • Risk management frameworks; and • Risk management plans

Safety, Health and Environment	<ul style="list-style-type: none"> • Complete Safety, Health and Environment Risk AssessmentEnvironmental Managements Plans; and • Enquiries, inspections, examinations by health, safety and environmental authorities
Information Technology	<ul style="list-style-type: none"> • Disaster recovery plans; • Hardware asset registers; • Information security policies/standards/procedures; • Information technology systems and user manuals; • Information technology user policy documentation; • Project implementation plans; • Software and licences; • System documentation and manuals; • Operating Systems; • Agreements; • Training; and • Guidelines
Corporate Social Responsibility (CSR) and Enterprise Development	<ul style="list-style-type: none"> • CSR schedule of projects/record of organisations that receive funding, inclusive of donations and sponsorships; • Reports, books, publications and general information related to CSR spend; • Records and contracts of agreement with funded organisations; and • Bursary Trust
Assets	<ul style="list-style-type: none"> • Land and Building Register; • Fixed Asset Register; • Title Deeds; and • Leases
Procurement	<ul style="list-style-type: none"> • Standard Terms and Conditions for supply of services and products; • Contractor, client and supplier agreements; • Lists of suppliers, products, services and distribution; and • Policies and Procedures
Insurance	<ul style="list-style-type: none"> • Insurance policies; • Claim Records; and • Litigation Records
Operational Information	<ul style="list-style-type: none"> • This information can be defined as information needed in the day-to-day running of the organisation. Examples of such information include, but are not limited to, internal telephone lists, address lists, company policies, company procedures, human resources policies and procedures, administration manual, industry related statistical data, Customer database, Customer reservation data, management information reports, property development information such construction contracts and architectural drawings, Brand contracts with OEM's, marketing, communication documents, access control records, SLA's, vehicle registration documents, contracts, insurance and banking.
Learning and Education	<ul style="list-style-type: none"> • Training material; • Training agreements; • Training records and statistics; and • Learnership programmes

9.2. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst other, records deemed confidential on the part of a third party, will necessitate written consent from the third party concerned, in addition to normal requirements,

before NMI-DSM will consider access.

10. DESCRIPTION OF THE RECORDS OF THE BODY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION (SECTION 51(1) (D))

10.1. Where applicable to its operations, NMI-DSM also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA; the below mentioned legislation and NMI-DSM applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the requirements of PAIA.

- Administration of Adjudication of Road Traffic Offences Act 46 of 1998;
- Advertising on Roads and Ribbon Development Act 21 of 1940;
- Basic Conditions of Employment Act, No 75 of 1997;
- Bills of Exchange Act No. 34 of 1964 and No. 53 of 2003;
- Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- Broadcasting Act 4 of 1999;
- Businesses Act, No 71 of 1991;
- Companies Act, No 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- Competition Act, No.71 of 2008;
- Constitution of the Republic of South Africa 2008;
- Consumer Protection Act, 2008;
- Copyright Act, No 98 of 1978;
- Criminal Procedure Act 51 of 1977;
- Currency and Exchanges Act 9 of 1933;
- Customs & Excise Act, 91 of 1964;
- Deeds Registries Act, 1937;
- Electronic Communications Act, No 36 of 2005;
- Electronic Communications and Transactions Act, No 25 of 2002;
- Employment Equity Act, No 55 of 1998;
- Environment Conservation Act 73 of 1989;
- Financial Advisory and Intermediary Services Act 37 of 2002;
- Financial Intelligence Centre Act, No 38 of 2001;
- Financial Markets Act, 2012;
- Firearms Control Act 60 of 2000;

- Formalities in Respect of Leases of Land Act 18 of 1969;
- Harmful Business Practices Act, 1999;
- Health Act 63 of 1977;
- Immigration Act, No. 13 of 2002;
- Income Tax Act, No 58 of 1962;
- Intellectual Property Laws Amendment Act, No 38 of 1997;
- Labour Relations Act, No 66 of 1995;
- Long Term Insurance Act, No 52 of 1998;
- Medical Schemes Act, 1956;
- National Building Regulations and Building Standards Act 103 of 1997;
- National Credit Act 34 of 2005;
- National Environmental Management Act 107 of 1998;
- National Environmental Management: Air Quality Act 39 of 2004;
- National Environmental Management: Waste Act 59 of 2008;
- National Water At 36 of 1998;
- National Road Traffic Act 93 of 1996;
- Occupational Health & Safety Act, No 85 of 1993;
- Pension Funds Act, No 24 of 1956;
- Prescription Act, No 68 of 1969;
- Prevention and Combating of Corrupt Activities Act 12 of 2004;
- Promotion of Access to Information Act, No 2 of 2000;
- Promotion of Equality and Prevention of Unfair Discrimination of Communication Related Information Act 70 of 2002;
- Protected Disclosures Act, No. 26 of 2000;
- Protection of Personal Information Act, No. 4 of 2013;
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- Second-Hand Goods Act 23 of 1955;
- Securities Services Act 36 of 2004;
- Securities Transfer Act 25 of 2007;
- Short-term Insurance Act No. 53 of 1998;
- Skills Development Act 97 of 1997;
- Skills Development Levies Act, No. 9 of 1999;
- South African Reserve Bank Act 90 of 1989;
- The South African National Roads Agency Limited and National Roads Act 7 of 1998;
- Tobacco Products Control Act 12 of 1999;
- Trademarks Act 194 of 1993;
- Transfer D

Duty Act 40 of 1949;

- Trust Property Control Act 57 of 1988;
- Unemployment Insurance Contributions Act 4 of 2002; and
- Value Added Tax Act 89 of 1991;

** Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.*

- 10.2. It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

11. DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD OF NMI-DSM (SECTION 51(1) (E))

- 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 the prescribed form attached as Appendix 1:Part 1 - "Request for Access to Record", and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer at the postal, physical address or electronic mail address as noted in clause 5 above.
- 11.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
- a. the record or records requested; and
 - b. the identity of the requester.
- 11.4. The requester should indicate which form of access is required and specify a postal address or e-mail address of the requester in the Republic;
- 11.5. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).
- 11.6. NMI-DSM will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 11.7. The requester shall be advised whether access is granted or denied in writing in accordance with Appendix 1: Part 2 "Outcome of Request and of Fees payable". If, in addition, the requester

requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

- 11.8. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
- 11.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 11.10. The requester must pay the prescribed fee, before any further processing can take place.
- 11.11. All information as listed in clause 11 herein should be provided, failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

12. REFUSAL OF ACCESS TO RECORDS

12.1. Grounds to Refuse Access

A private body such as NMI-DSM is entitled to refuse a request for information.

12.1.1. The main grounds for NMI-DSM to refuse a request for information relates to the:

- a. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- b. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
- c. mandatory protection of the commercial information of a third party (section 64) if the record contains:
 - i. trade secrets of the third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. information disclosed in confidence by a third party to NMI-DSM, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- d. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

- e. mandatory protection of the safety of individuals and the protection of property (section 66);
 - f. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67); and
 - g. or where it is permitted to do so under applicable law.
- 12.1.2. NMI-DSM may refuse a request for information relating to the commercial activities (section 68) of a private body, such as NMI-DSM, which may include:
- a. trade secrets of NMI-DSM;
 - b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of NMI-DSM;
 - c. information which, if disclosed could put NMI-DSM at a disadvantage in negotiations or commercial competition;
 - d. a computer program which is owned by NMI-DSM, and which is protected by copyright; and
 - e. the research information (section 69) of NMI-DSM or a third party, if its disclosure would disclose the identity of NMI-DSM, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
 - f. or such information which is excluded under applicable law.
- 12.1.3. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 12.1.4. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 12.1.5. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of PAIA. If the record 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 the Information Officer refuses access to such record.

13. REMEDIES AVAILABLE WHEN NMI-DSM REFUSES A REQUEST

13.1. Internal Remedies

NMI-DSM does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by

the Information Officer.

13.2. External Remedies

13.2.1. A requester that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

13.2.2. A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

13.2.3. For purposes of PAIA, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

14. ACCESS TO RECORDS HELD BY NMI-DSM

14.1. Prerequisites for Access by Personal/Other Requester

14.1.1. Records held by NMI-DSM may be accessed by requests only once the prerequisite requirements for access have been met.

14.1.2. A requester is any person making a request for access to a record of NMI-DSM. There are two types of requesters:

a. Personal Requester

- i. A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- ii. NMI-DSM will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information, unless prohibited by applicable law. The prescribed fee for reproduction of the information requested will be charged.

b. Other Requester

- i. This requester (other than a personal requester) is entitled to request access to information of third parties.
- ii. In considering such a request, NMI-DSM will adhere to the provisions of both PAIA and POPIA. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the

information.

NMI-DSM is not obliged to voluntarily grant access to such records. The requester must fulfil the requirements of PAIA as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

15. PRESCRIBED FEES (SECTION 51 (1) (F))

15.1. Fees Provided by PAIA

15.1.1. PAIA provides for two types of fees, namely:

- a. A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- b. An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

15.1.2. 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, before further processing of the request (section 54(1)).

15.1.3. 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.

15.1.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

15.1.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 requested form.

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

16. OTHER FEES

16.1. **Reproduction Fee**

Where NMI-DSM has voluntarily provided a list of categories of records that will automatically be made available to any person requesting access thereto under this Manual, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

Reproduction of Information Fees	Fees to beCharged
Information in an A-4 size page photocopy or part thereof	R1,10
A printed copy of an A4-size page or part thereof	R0,75
A copy in computer-readable format, for example: Compact disc	R70,00
A transcription of visual images, in an A4-size page or part thereof	R40,00
A copy of visual images	R60,00
A transcription of an audio record for an A4-size page or part thereof	R20,00
A copy of an audio record	R30,00

16.2. **Request Fees**

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 (fifty Rand) is payable upfront before the institution will further process the request received.

16.3. **Access Fees**

16.3.1. An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable are:

Access of Information Fees	Fees to be Charged
Information in an A-4 size page photocopy or part thereof	R1,10
A printed copy of an A4-size page or part thereof	R0,75
A copy in computer-readable format, for example: Stiffy disc Compact disc	R7,50 R70,00
A transcription of visual images, in an A4-size page or part thereof	R40,00
A copy of visual images	R60,00

A transcription of an audio record for an A4-size page or part thereof	R20,00
A copy of an audio record *Per hour or part of an hour reasonably required for such search.	R30,00*
Where a copy of a record needs to be posted the actual postal fee is payable.	

16.4. Deposits

- 16.4.1. Where NMI-DSM receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.
- 16.4.2. The amount of the deposit is equal to 50% (fifty percent) of the amount of the applicable access fee.

16.5. Collection Fees

- 16.5.1. The initial "request fee" of R50.00 (fifty Rand) should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via e-mail.
- 16.5.2. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

17. DECISION

17.1. Time Allowed to Institution

- 17.1.1. NMI-DSM will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 17.1.2. The 30 (thirty) day period within which NMI-DSM has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of NMI-DSM and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 17.1.3. NMI-DSM will notify the requester in writing should an extension be sought.

18. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY NMI-DSM

- 18.1. Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be deviated from unless specific

exclusions apply as outlined in POPIA.

- 18.2. NMI-DSM needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by NMI-DSM. For further information please see the Privacy Policy published on NMI-DSM's website, www.nmi.co.za. NMI-DSM is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- 18.2.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by NMI-DSM, in the form of privacy or data collection notices. NMI-DSM must also have a legal basis (for example, consent) to process Personal Information;
- 18.2.2. is processed only for the purposes for which it was collected;
- 18.2.3. will not be processed for a further purpose unless that processing is compatible with the original purpose.
- 18.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
- 18.2.5. is accurate and kept up to date;
- 18.2.6. will not be kept for longer than necessary;
- 18.2.7. is processed in accordance with integrity and confidentiality principles;
- 18.2.8. is safeguarded which includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by NMI-DSM, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage; and
- 18.2.9. is processed in accordance with the rights of Data Subjects, where applicable.

- 18.3. Data Subjects have the right to:

- 18.3.1. be notified that their Personal Information is being collected by NMI-DSM. The Data Subject also has the right to be notified in the event of a data breach;
- 18.3.2. know whether NMI-DSM holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual and / or POPIA;
- 18.3.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- 18.3.4. object to NMI-DSM's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to NMI-DSM's record keeping requirements);
- 18.3.5. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and

18.3.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

18.4. Purpose of the Processing of Personal Information by the Company

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which NMI-DSM processes or will process Personal Information is set out in Appendix 2, Part 1.

18.5. Categories of Data Subjects and Personal Information / Special Personal Information relating thereto

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. Appendix 2, Part 2 sets out the various categories of Data Subjects in terms of which NMI-DSM Processes Personal Information and the types of Personal Information relating thereto.

18.6. Recipients of Personal Information

Appendix 2, Part 3 outlines the recipients to whom NMI-DSM may provide a Data Subject's Personal Information.

18.7. Cross-border flows of Personal Information

18.7.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- a. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- b. Data Subject consents to the transfer of their Personal Information; or
- c. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- e. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

18.7.2. Appendix 2, Part 4 sets out the cross-border transfers of Personal Information which NMI-DSM requires and the conditions applicable thereto.

18.8. Description of information security measures to be implemented by NMI-DSM

Appendix 2, Part 5 sets out the types of security measures implemented by NMI-DSM in order to ensure that Personal Information is respected and protected.

18.9. Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPIA and Regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed

form attached to this PAIA Manual as Appendix 3, subject to exceptions contained in POPIA.

18.10. Request for correction or deletion of Personal Information

Section 24 of POPIA and Regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected, destroyed or deleted, free of charge, in the prescribed form attached as Appendix 4 to this PAIA Manual. NMI-DSM shall inform the Data Subject in writing within 30(thirty) days of receipt of the fully completed form set out Appendix 4, of the action taken as a result of the request.

18.11 Request for Data Subject's consent to process Personal information for direct marketing through unsolicited electronic communication

NMI-DSM will never conduct direct marketing through unsolicited electronic communications such as by means of cold calling or cold canvassing. In the event that NMI-DSM wishes to process personal information through unsolicited electronic communication it shall first obtain the written consent from the Data Subject in accordance with the form set out in Appendix 5.

18.12 Lodging a Complaint to the Information Regulator

A Data Subject who is of the view that NMI-DSM has not complied with its obligations under this PAIA Manual or whose Personal Information may have been interfered with in terms of section 73 of Act may submit a complaint to the Information Regulator at the address details noted in clause 7 of this PAIA Manual, and substantially in accordance with the form set out in Appendix 6. The Information Regulator shall assist Data Subjects with the completion of the form and provision of all applicable information required for it to process the Data Subject's complaint.

19. AVAILABILITY AND UPDATING OF THE PAIA MANUAL

- 19.1.1. NMI-DSM will update this PAIA Manual at such intervals as may be deemed necessary by PAIA, POPIA or any other applicable law;
- 19.1.2. This PAIA Manual of NMI-DSM is available to view at its premises and on its website www.nmi.co.za.

APPENDIX 1: PART 1: REQUEST FOR ACCESS TO A RECORD / INFORMATION FORM

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD</p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

APPENDIX 1: PART 2

OUTCOME OF REQUEST AND OF FEES PAYABLE

Note;

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive(<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: (<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available</i>)	

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requester			
(ii) Compact disc	R40.00		
• If provided by requester	R60.00		
• If provided to the requester			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requester			
(ii) Compact disc	R40.00		
• If provided by requester	R60.00		
• If provided to the requester			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
-----------------	--	--	--

The amount must be paid into the following Bank account:

Name of Bank:

Name of account holder:

Type of account:

Account number:

Branch Code:

Reference Nr:

Submit proof of payment to:

Signed at _____ this _____ day of _____ 20 _____

Information officer

1. **Deposits:** Where NMI-DSM receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit of 30% of the applicable access fee is payable by the requester.

I agree to make payment of the amount as invoiced by NMI-DSM in accordance with the aforementioned fee schedule.

Signed at _____ on this _____ day of _____ 20 _____

Signature of Requester/Person on Whose Behalf Request is Made

APPENDIX 2: PART 1 – PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

For clients

- a. Concluding Sales and Servicing Agreements
- b. Making vehicle service reservations for clients.
- c. Vehicle Licensing to Licensing Department.
- d. Performing duties in terms of any agreement with clients.
- e. Make, or assist in making, deferred payment decisions about clients.
- f. Operate and manage clients' accounts and manage any application, agreement or correspondence clients may have with NMI-DSM.
- g. Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about NMI-DSM's products and services, promotions and competitions, unless clients opt out.
- h. To identify, develop or improve products that may be of interest to clients.
- i. Carrying out market research, business and statistical analysis.
- j. Performing other administrative and operational purposes including the testing of systems.
- k. Recovering any debt clients may owe to NMI-DSM.
- l. Complying with NMI-DSM's regulatory and other obligations inclusive of the Immigration Act and the Consumer Protection Act.
- m. Reporting in terms of the Financial Intelligence Centre Act.
- n. Any other reasonably required purpose relating to the NMI-DSM business.

For prospective clients

- a. Verifying and updating information.
- b. Direct marketing.
- c. Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about NMI-DSM's products and services, promotions and competitions, unless clients opt out.
- d. Any other reasonably required purpose relating to the processing of a client's personal information reasonably related to the NMI-DSM's business.

For employees

- a. The same purposes as for clients (above).
- b. Verification of applicant employees' information during recruitment process.
- c. General matters relating to employees:
 - i. Pension.
 - ii. Medical aid.
 - iii. Payroll.
 - iv. Disciplinary action.
 - v. Training.
 - vi. Criminal checks.
 - vii. Verification of qualifications.
- d. Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors /suppliers /other businesses

- a. Verifying information and performing due diligence checks.
- b. Purposes relating to the agreement or business relationship or potential agreement or business relationships between the Parties.
- c. Payment of invoices.
- d. Complying with NMI-DSM's regulatory and other obligations; and
- e. Any other reasonably required purpose relating to the NMI-DSM business.

And in relation to the aforementioned any legitimate interest of NMI-DSM as is detailed in NMI-DSM's Privacy Policy published on its website: www.nmi.co.za.

APPENDIX 2: PART 2 - CATEGORIES OF DATA SUBJECTS AND CATEGORIES OF PERSONAL INFORMATION RELATING THERETO

Employees

- a. Name and contact details.
- b. Identity number and identity documents including passports where applicable.
- c. Race and gender.
- d. Employment history and references.
- e. Qualifications.
- f. Banking and financial details.
- g. Details of payments to third parties (deductions from salary).
- h. Employment contracts.
- i. Employment equity plans.
- j. Medical aid records.
- k. Pension Fund records.
- l. Remuneration/salary records.
- m. Performance appraisals.
- n. Disciplinary records.
- o. Leave records.
- p. Training records.

Clients and prospective clients (which may include employees and prospective employees)

- a. Title and name.
- b. Postal and/or street address and proof of address.
- c. Contact numbers and/or e-mail address.
- d. Nationality.
- e. Race.
- f. Gender.
- g. Identity document, birth certificate or passport, where applicable.
- h. Financial information including income and banking details.
- i. Credit History.
- j. Browsing habits and click patterns on NMI-DSM websites as per the NMI-DSM Privacy and Cookie Policy.
- k. Responses to Surveys and Competitions and Promotions.
- l. Client comments and service reviews.
- m. General Correspondence received or sent to clients.

Vendors /suppliers / other businesses

- a. Name, address and contact details and proof of address.
- b. Identity and legal entity details and applicable statutory information.
- c. Banking and financial information.
- d. Credit History
- e. Information about products or services.
- f. Browsing habits and click patterns on NMI-DSM websites as per the NMI-DSM Privacy and Cookie Policy.
- g. Other information not specified, reasonably required to be processed for business operations.

APPENDIX 2: PART 3 - RECIPIENTS OF PERSONAL INFORMATION

- a. Any firm, organisation or person that NMI-DSM uses to collect payments and recover debts or to provide a service on its behalf such as finance and insurance services;
- b. Any firm, organisation or person that/who provides NMI-DSM with products or services;
- c. Any payment system NMI-DSM uses;
- d. Regulatory and governmental authorities or ombudsmen, or other authorities, including FIC and tax authorities, where NMI-DSM has a duty to share information;
- e. Third parties to whom payments are made on behalf of employees;
- f. Financial institutions from whom payments are received on behalf of data subjects;
- g. Any Operator not specified;
- h. Employees, contractors and temporary staff; and
- i. Agents.

APPENDIX 2: PART 4 – CROSS BORDER TRANSFERS OF PERSONAL INFORMATION

From time to time, it may be necessary for NMI-DSM to transfer personal information outside South Africa where, for example:

- an NMI-DSM dealership is located outside of South Africa, or
- those with whom NMI-DSM need to make contact on behalf of a customer have offices outside South Africa, or
- where electronic goods and services and resources are based outside South Africa (such as banking and credit card services), or
- where there is an international element to the customer's interaction/communication, or
- where personal information is stored outside South Africa, or
- where OEM's may have external data repositories or transactional facilities or where payments are completed.

Where this is the case, special rules apply to the protection of personal information.

NMI-DSM will always take steps to ensure that, wherever possible, the transfer complies with data protection laws, and endeavour to ensure that the host service providers are subject to laws, or policies, which uphold principles for the reasonable processing of information substantially similar to the data protection laws in South Africa to ensure adequate protection of any such data. In most, if not all instances all collection and processing outside of South Africa will be with countries who contract to adhere to the POPI Act or are subject to the United Kingdom ("UK") or European Union's General Data Protection Regulations ("UK GDPR & GDPR").

Notice to European Users: NMI-DSM is a registered company in South Africa and its dealerships are located in South Africa and Botswana and any third parties to whom we provide access to personal information are therefore located internationally. The personal information provided to NMI-DSM, may therefore be transferred outside of the UK or European Economic Area, including to countries which may not offer an equivalent level of protection to that in the UK or European Union. The UK GDPR and GDPR allows for transfer of personal data from the UK or European Union to a third country if the individual has explicitly consented to the transfer of personal information, regardless of the third country's level of protection. By providing NMI-DSM with personal information, customer's consent to the transfer of all such information to South Africa and other countries which may not offer an equivalent level of protection to that in the UK or European Union and to the handling of that information in terms of this Privacy Policy.

For further information please contact Our Information Officer at privacy@nmi.co.za.

APPENDIX 2: PART 5 – DESCRIPTION OF INFORMATION SECURITY MEASURES

NMI-DSM undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. NMI-DSM may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons

NMI-DSM shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data is processed.

2. Data Media Control

NMI-DSM undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by NMI-DSM and containing personal data of Customers.

3. Access Control to Data

NMI-DSM represents that the persons entitled to use NMI-DSM's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

4. Transmission Control

NMI-DSM shall be obliged to enable the verification and tracing of the locations/destinations to which the personal information is transferred by utilization of NMI-DSM's data communication equipment/devices.

5. Transport Control

NMI-DSM shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

6. Organisation Control

NMI-DSM shall maintain its internal organisation in a manner that meets the requirements of this Manual.

APPENDIX 3: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

Note:

1. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form.*
2. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(3)(a) <i>(Please provide detailed reasons for the objection)</i>

Signed at _____ this _____ day of _____ 20_____

Signature of data subject/designated person

**APPENDIX 4: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION
24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

Note:

3. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
4. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
5. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

- ☐ Correction
- ☐ Deletion or
- ☐ Destruction

of personal information about the data subject which is in possession or under the control of the responsible party.

Please select applicable reasons for the selected request:

- (a) Inaccurate
 - (b) Irrelevant
 - (c) Excessive
 - (d) Out of Date
 - (e) Incomplete
 - (f) Misleading
 - (g) Obtained unlawfully
- b) Destruction or deletion of a record of personal information about the data subject which is in the possession or under the control of the responsible party who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	PERSONAL INFORMATION TO BE CORRECTED/DESTROYED/DELETED <i>(Please specify the personal information required to be corrected / destroyed / deleted)</i>
D	EXPLANATION FOR THE SELECTED REASON FOR A REQUEST <i>(Please provide detail explanation for the selected reasons for the request for correction or deletion of personal information which is in possession or under the control of the responsible party)</i>

--

Signed at _____ this _____ day of _____ 20_____

Signature of data subject/ designated person

APPENDIX 5 – REQUEST FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING THROUGH UNSOLICITED ELECTRONIC COMMUNICATION IN TERMS OF SECTION 69 (2) OF THE ACT

PART A

TO:

(Name of data subject)

FROM:

Contact number(s):

Fax number:

E-mail address:

(Name, address and contact details of responsible party)

Specify goods or services to be marketed: _____

Full names and designation of person signing on behalf of responsible party:

Signature of designated person

Date:

APPENDIX 6 – COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Complaint regarding:

☐ **Alleged interference with the protection of personal information**

☐ **Determination of an adjudicator.**

PART I	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number if required	
Address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address :	
B	PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION

Name(s) and surname/ Registered name of responsible party:	
Address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the complaint)</i>
PART II	COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)
A	PARTICULARS OF COMPLAINANT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number if required :	
Address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
B	PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY
Name(s) and Surname of adjudicator:	
Name(s) and surname of responsible party / registered name:	
Address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the grievance)</i>

Signed at _____ this _____ day of _____ 20_____

Signature of data subject/ designated person

PART B

DATA SUBJECT'S CONSENT

I, _____ (*full names of data subject*) hereby:

☐

Give my consent.

To receive direct marketing by means of unsolicited electronic communication in respect of the goods or services to be marketed

SPECIFY METHOD OF PREFERRED COMMUNICATION:

☐

FAX

☐

E - MAIL

☐

SMS

OTHERS – Please specify: _____

Signed at _____ this _____ day of _____ 20_____

Signature of data subject