

Manual for DE MOTORS JEFFREYS BAY (PTY) LTD T/A Kia Jeffreys Bay

**PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTIONS OF
ACCESS TO INFORMATION ACT NO 2 OF 2000**

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1. Introduction

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the requisite procedural issues attached to such request, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act.

The Act recognises that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance; and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution

2. Contact Details and General Information

All requests for access to records in terms of the Act **DE Motors Jeffreys Bay Pty Ltd T/A Kia Jeffreys Bay** must be in writing and must be addressed to the PAIA Co-ordinator, at the below contact details:

Kia Jeffreys Bay Information Officer:

Physical Address: 6 Maluti Street, Fountains Business Park, Jeffreys Bay, 6330

E-mail: dp@jbaykia.co.za

Website: www.jbaykia.co.za

3. Guide to South African Human Rights Commission

The South African Human Rights Commission has compiled the guide contemplated in Section 10 of the Act which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide is available from their website (www.sahrc.org.za)

4. Records of Kia Jeffreys Bay

This clause serves as a reference to the records that Kia Jeffreys Bay holds. It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The information is classified and grouped according to records relating to the following subjects and categories:

i. PERSONNEL RECORDS

“Personnel” refers to any person who works for, or provides services to or on behalf of Kia Jeffreys Bay, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Kia Jeffreys Bay. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Training schedules and material;

ii. CUSTOMER RELATED RECORDS

A “customer” refers to any natural or juristic entity that receives services from Kia Jeffreys Bay.

- Records provided by a customer to a third party acting for or on behalf of Kia Jeffreys Bay;
- Records provided by a third party;
- Records generated by or within Kia Jeffreys Bay relating to its customers, including transactional records.

iii. PRIVATE BODY RECORDS

These records include, but are not limited to, the records which pertain to Kia Jeffreys Bay’s own affairs.

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Product records;

- Statutory records;
- Internal Policies and Procedures;
- Records held by officials of Kia Jeffreys Bay.

iv. OTHER PARTY RECORDS

Kia Jeffreys Bay may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Kia Jeffreys Bay.

- Personnel, customer or private body records which are held by another party, as opposed to the records held by Kia Jeffreys Bay itself;
- Records held by Kia Jeffreys Bay pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

5. Grounds for Refusal of Access to Records

The main grounds for Kia Jeffreys Bay to refuse a request for information relates to the –

5.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

5.2 mandatory protection of the commercial information of a third party, if the record contains:-

- 5.2.1 trade secrets of that third party;
- 5.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 5.2.3 information disclosed in confidence by a third party to Kia Jeffreys Bay, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

5.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

5.4 mandatory protection of the safety of individuals and the protection of property;

5.5 mandatory protection of records which would be regarded as privileged in legal proceedings;

5.6 the commercial activities of Kia Jeffreys Bay, which may include:-

- 5.6.1 trade secrets of Kia Jeffreys Bay;
- 5.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Kia Jeffreys Bay;
- 5.6.3 information which, if disclosed could put Kia Jeffreys Bay at a disadvantage in negotiations or commercial competition;
- 5.6.4 a computer program which is owned by Kia Jeffreys Bay, and which is protected by copyright.

5.7 the research information of Kia Jeffreys Bay or a third party, if its disclosure would disclose the identity of Kia Jeffreys Bay, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

5.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6. Remedies Available when Kia Jeffreys Bay Refuses a Request for Information

a. Internal Remedies

Kia Jeffreys Bay does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer

b. External Remedies

Subject to the provisions of the Act, a requestor that is dissatisfied with an Information Officer's refusal to disclose information, may within 180 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, apply to a Court with appropriate jurisdiction for relief.

7. Request for Procedure

The following procedural requirements serve as guidelines for requestors and the requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete the prescribed form enclosed herewith in **Appendix 1** and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the physical address, or electronic mail address as stated in paragraph 2 above.

The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –

- The record or records requested,
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address and email address of the requester.

The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be "necessary" for the exercise or protection of the right so stated. Subject to the provisions in the Act in respect of extensions, Kia Jeffreys Bay will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner, and the particulars so required.

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

8. Access to Records Held by Kia Jeffreys Bay

Records held by Kia Jeffreys Bay may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of Kia Jeffreys Bay. There are two types of requesters:

i. Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, Kia Jeffreys Bay will provide the requested information or give access to any record regarding the requester's personal information.

ii. Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Kia Jeffreys Bay is not obliged to grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act.

9. Decision

Kia Jeffreys Bay will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period with which Kia Jeffreys Bay has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of Kia Jeffreys Bay and the information cannot reasonably be obtained within the original 30 day period. Kia Jeffreys Bay will notify the requester in writing should an extension be sought.

10. List of Applicable Legislation

- Arbitration Act 42 of 1965
- Attorneys Act 53 of 1979
- Basic Conditions of Employment Act 75 of 1997
- Closed Corporation Act 69 of 1984
- Close Corporations amendment Act 25 of 2005
- Compensation for Occupational Injuries and Diseases Act 130 of 1993

- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act no 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Insurance Act 27 of 1943
- Intellectual Property Laws Amendments Act 38 of 1997
- Interception and Monitoring Prohibition Act 127 of 1992
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Non-profit Organisations Act 71 of 1997.
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Protection of Businesses Act 99 of 1978
- Regional Services Councils Act 109 of 1985
- SA Schools Act 84 of 1996
- Sectional Titles Act 95 of 1986
- Short Term Insurance Act 53 of 1998
- Short-term Insurance Act no. 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- The Co-operatives Act 14 of 2005
- The Fund-Raising Act 107 of 1978
- The National Credit Act 34 of 2005
- Trademarks Act 194 of 1993
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

11. Availability of the Manual

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

The manual of Kia Jeffreys Bay is available on the following website:

- www.jbaykia.co.za

The manual of Kia Jeffreys Bay is also available on the internal site of Kia Jeffreys Bay (SAM) and can be downloaded by the staff members with access to a computer.

12. APPENDIX – 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER FORM C

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)
(Regulation 4)

A. PARTICULARS OF PRIVATE BODY

B. PARTICULARS OF PERSON REQUESTING ACCESS TO RECORDS

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

Full name and Surname:

Identity Number:

Postal Address:

Telephone Number:

Email Address:

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

C. PARTICULARS OF THE 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 name 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 a separate piece of paper and attach it to this form.
The requester must sign all the additional pieces of paper.

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

2. Reference number (if available / applicable)

3. Any further particulars of the record:

E. 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 hereunder, 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) Your indication as to the required form of access depends 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.

1. If the record is in written or printed form:

Copy of Record		Inspection of Record	
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2. If the record is held on a computer:

Printed copy of the record		Email copy of the record	
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F. PARTICULARS OF RIGHTS TO BE EXCERCISED OR PROTECTED

1. Indicate which right is to be exercised and / or protected

2. Explain why the requested records are required for the excising of the above-mentioned right

G. NOTICE OF DECISION REGARDING REQUEST OF ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof 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 of _____ 20_____

**SIGNATURE OF REQUESTER / PERSON
ON WHO'S BEHALF REQUEST IS MADE**

13. Appendix – 2: Incorporation of POPIA Regulatory Amendments (2025)

Effective from 21 January 2025

This appendix serves as an addendum to our existing Personal Information Protection Policy, integrating the amendments as per the Regulations Relating to the Protection of Personal Information, 2021, amended under the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).

1. Expanded Definitions

- Complainant: Any person who lodges a complaint with the Information Regulator.
- Complaint: Includes matters reported under sections 74(1), 76(1)(e), and 92(1) of the Act.
- Office Hours: 08:00–16:00, Monday to Friday (excluding public holidays) for the Regulator; or the operational hours of designated offices.
- Relevant Body/Bodies: Industry, profession, or vocation with sufficient representation as recognized by the Regulator.
- Writing: Includes electronic formats per the Electronic Communication and Transaction Act, 2002.

2. Right to Object to Processing

- Objections may be submitted free of charge and during office hours using various channels including email, SMS, WhatsApp, fax, or telephone.
- Telephonic objections must be recorded and made available upon request.
- Data subjects must be informed of their right to object at the point of data collection.

3. Right to Correction or Deletion

- Data subjects may request correction, destruction, or deletion of personal information if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained.
- These requests are to be submitted without charge, via accessible methods including email, fax, WhatsApp, and telephone (with recorded confirmation).
- Responses to such requests must be provided within 30 days.

4. Information Officer Responsibilities

- The policy and compliance framework must be continually improved.
- Redundant provisions in the previous regulations (e.g., 4(1)(c), 4(2)) are now deleted.

5. Consent for Direct Marketing

- Explicit written consent is required prior to direct marketing through unsolicited electronic communication.

- Accepted channels for consent include email, phone, SMS, WhatsApp, fax, and automated calling machines - all must be recorded and made available upon request.
- Opt-out mechanisms are not considered valid consent.

6. Complaint Handling

- Any person may lodge a complaint, including the subject of data, a representative, or someone acting in public interest.
- The Regulator is obligated to assist in lodging complaints, including in languages other than English.
- Complaints must be acknowledged within 14 days, and the identity of complainants will be protected under certain conditions.

7. Administrative Fines

- Responsible parties may request you to pay administrative fines in installments based on financial conditions and other compelling reasons.

8. Transitional Provision

Actions undertaken under prior regulations are deemed valid under the updated regulations unless otherwise stated.