

# **CAPITAL HARVEST GROUP**

## **MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2/2000**

**Hereinafter referred to as the “Act”**

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## 1. Introduction

This manual is applicable to the following legal entities within the Capital Harvest Group (hereinafter referred to as the “**CH Group**”):

- Capital Harvest (Pty) Ltd -Reg no: 2004/029935/07
- Capital Harvest IT and Admin (Pty) Ltd – Reg no: 2010/022666/07
- Capital Harvest Emerging Farmer Finance (Pty) Ltd – Reg no: 2010/021375/07
- Capital Harvest Warehouse SPV (RF) (Pty) Ltd – Reg no: 2020/868249/07
- Capital Harvest Mortgage SPV (RF) (Pty) Ltd – Reg no: 2020/860532/07
- Capital Harvest Security SPV (RF) (Pty) Ltd – Reg no: 2020/866448/07

The CH Group operates as a niche agriculture financier for the primary and secondary agriculture market.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

## 2. Contact Details

- |     |                      |  |
|-----|----------------------|--|
| 2.1 | Head:                | Johannes Stephanus Roos  |
|     | Telephone number:    | +27 21 886 7030  |
|     | Email address:       | <a href="mailto:faans@capitalharvest.co.za">faans@capitalharvest.co.za</a>       |
| 2.2 | Information Officer: | Marelise Conradie  |
|     | Telephone number:    | +27 21 886 7030  |
|     | Email address:       | <a href="mailto:marelise@capitalharvest.co.za">marelise@capitalharvest.co.za</a> |
| 2.3 | Physical Address:    | 18 Papegaai Street, Stellenbosch, 7600   |
| 2.4 | Postal Address:      | Box 12309, Die Boord, 7613   |
| 2.5 | Telephone Number:    | +27 21 886 7030  |

## 3. The South African Human Rights Commission Guide to the Act

- 3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the Act, shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3 Requesters are referred to the guide in terms of section 10 of the Act, which has been compiled by the South African Human Rights Commission (the “**SAHRC**”) and which contains information for the purposes of exercising the constitutional rights of the requester in terms of the Act. The guide is available from the SAHRC.
- 3.4 The contact details of the SAHRC are:
- |                   |  |
|-------------------|--|
| Postal Address:   | Private Bag 2700, Houghton, 2041                       |
| Telephone Number: | +27 11 877 3600  |
| Fax Number:       | +27 11 403 0625  |
| Website:          | <a href="http://www.sahrc.org.za">www.sahrc.org.za</a> |

#### **4. Records that are available in accordance with legislation**

4.1 The following are South African statutes in terms of which records are held by the CH Group within South Africa. This is not an exhaustive list and it must be pointed out that these records are not necessarily available to requestors in terms of the Act:

- 4.1.1 Labour Relations Act 66 of 1995;
- 4.1.2 Employment Equity Act 55 of 1998;
- 4.1.3 Basic Conditions of Employment Act 75 of 1997;
- 4.1.4 Companies Act 61 of 1973;
- 4.1.5 Value Added Tax Act 89 of 1991;
- 4.1.6 Income Tax Act 58 of 1962;
- 4.1.7 National Credit Act 34 of 2005.

#### **5. Standard categories of records that are automatically available to either employees only or the general public and employees**

5.1 The following documents are automatically available to employees:

- 5.1.1 personnel records of the employee concerned;
- 5.1.2 records of disciplinary hearings and related matters to the employee concerned;
- 5.1.3 the CH Group's policies.

5.2 Information and services available to the general public that are on the CH Group's website.

#### **6 Records held by the CH Group on request**

6.1 The CH Group keeps, inter alia, records in terms of various regulatory requirements that have an impact on its operations. These records are not automatically available and any request for access thereto will be assessed in accordance with applicable internal policies and legislative requirements.

6.1.1 Private body records:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Internal and external correspondence;
- Statutory records;
- Internal policy records;
- Security and equities.

6.1.2 Customer-related records:

- Records provided by a third party; and
- Records generated by or within the CH Group relating to its clients.

## **7. Procedure for request for access (Sections 53 to 57 and 60 of the Act)**

- 7.1 For every request to a record of the CH Group that are not automatically available, the requester must complete a **Form C** and submit this form together with a request fee (as legislated by the Act), to the Information Officer.
- 7.2 The form must be submitted to the Information Officer of the CH Group at his/her address, or electronic mail address.
- 7.3 The form must:
  - 7.3.1 provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the requester;
  - 7.3.2 indicate which form of access is required;
  - 7.3.3 specify a postal address or email address of the requester; and
  - 7.3.4 identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise of protection of that right.
- 7.4 If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner.
- 7.5 If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer of the CH Group.
- 7.6 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the information officer.
- 7.7 The requester must pay the prescribed fee (if applicable) before any further processing can take place.

## **8 Application time periods**

- 8.1 The CH Group will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the decision.
- 8.2 The 30 day period may be extended for a longer period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the CH Group or the records are not located at the CH Group, or consultations amongst divisions/or subsidiaries of the CH Group or another private body are required.

## **9 Requesters recourse (if request has been refused)**

- 9.1 If the request for access is refused, the Information Officer of the Group shall advise the requester in writing of the refusal. The notice of refusal shall state:
  - 9.1.1 Adequate reasons for refusal; and
  - 9.1.2 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.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2021

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**Johannes Stephanus Roos**