

PAIA MANUAL
AS REQUIRED BY SECTION 51 OF ACT NO. 2 OF 2000, PROMOTION OF ACCESS TO
INFORMATION ACT (PAIA)
as amend by the Protection of Personal Information Act 4 of 2013 (POPIA)

Compiled on :

28 June 2021

For

Ocean Breeze Food Merchants

with

Registration Number

1996/027811/23



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1. INTERPRETATION

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

1.1. an expression which denotes -

1.1.1. any gender includes the other genders;

1.1.2. a natural person includes an artificial or juristic person and vice versa;

1.1.3. the singular includes the plural and vice versa;

1.2. the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -

1.2.1. **"this document"** - this document together with all of its annexures, as amended from time to time;

1.2.2. **"the company"** – Ocean Breeze Food Merchants (Ocean Breeze)

1.2.3. **"the Act"** - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;

1.2.4. **"personnel"** – any person who works for, or provides services to or on behalf of Ocean Breeze, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Ocean Breeze. This includes, but is not limited to, directors, all permanent, temporary and part-time employees, as well as contract workers.

1.2.5. **"customer"** – refers to any natural or juristic entity that received services from Ocean Breeze.

1.2.6. **"POPIA"** - The Protection of Personal Information Act 4 of 2013.

1.2.7. **"private body"** – a natural person who carries or has carried on any trade, business or profession, but only in such capacity; a partnership which carries or has carried on any trade, business or profession; or any former or existing juristic person.

1.2.8. **"personal information"** – will hold the definition as provided in the Protection of Personal Information Act 4 of 2013.

1.3. any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

- 1.4. if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;
- 1.5. where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;
- 1.6. where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.7. any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.8. the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the eiusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.9. insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 1.10. this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the company.

2. **BACKGROUND OF THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)**

- 2.1. 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 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.
- 2.2. When a request is made in terms of the Act, the Body to whom the request is made is obligated to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or may not be released.



- 2.3. The Act sets out the relevant procedure to be followed when requesting information from a Public or Private Body.

3. INTRODUCTION

- 3.1. Ocean Breeze Food Merchants are suppliers and distributors of dry goods and frozen foods to the hotel, catering, restaurant and several other industries. Our aim is to provide a one-stop shop for our customers.
- 3.2. We have 21 (twenty one) vehicles with which we deliver to our service areas on a daily basis. We have a no hassle, professional account management system to make the ordering of goods as easy as possible. This ensures speedy delivery and this saves you time and money.
- 3.3. We are independently owned and every one of our clients is being treated as part of the family.

4. AIM

- 4.1. This document serves as the information manual as required by Section 51(1) of the Act for a private body.
- 4.2. The aim of this document is to facilitate the requests for access to records of the company as provided for in the Act.

5. AVAILABILITY OF THE MANUAL

- 5.1. The public are able to obtain a copy of this manual on request from the designated contact person.
- 5.2. Contact person details are provided in Clause 6 below in terms of section 51(1)(a) of PAIA.
- 5.3. It is also available at www.oceanbreeze.co.za

6. CONTACT DETAILS AS PER SECTION 51(1)(A)

6.1. Director/s of the Company

Name and Surname : Nicolaos Homer Efthimiades

6.2. Chief Executive Officer

Name and Surname : Alice Nel



Postal Address : PO Box 688 Silverton Pretoria 0127
Street Address : 329 Zasm Street Waltloo Pretoria
Telephone : (012) 803 0000
Fax: : (012) 803 0003
Email : anel@oceanbreeze.co.za
Website : www.oceanbreeze.co.za

6.3. Information Officer, registered in terms of POPIA

Name and Surname : Alice Nel
Postal Address : PO Box 688 Silverton Pretoria 0127
Street Address : 329 Zasm Street Waltloo Pretoria
Telephone : (012) 803 0000
Fax: : (012) 803 0003
Email : anel@oceanbreeze.co.za
Website : www.oceanbreeze.co.za

7. THE ACT AND SECTION 10 GUIDE AS PER SECTION 51(1)(B)

- 7.1. 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.
- 7.2. 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.
- 7.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.
- 7.4. The Guide is available from the SAHRC. The contact details of the Commission are:

Contract Body : The South African Human Rights Commission
Postal Address : Private Bag 2700, Houghton, 2041
Telephone Number : +27-11-877 3600

Fax Number :+27-11-403 0625
Website :www.sahrc.org.za
Email :PAIA@sahrc.org.za

8. THE LATEST NOTICE IN TERMS OF SECTION 52(2), IF ANY AS PER SECTION 51(1)(C)

At this stage no notice has been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

9. SCHEDULE OF RECORDS HELD BY THE COMPANY AVAILABLE ONLY ON REQUEST AS PER SECTION 51 (1)(D)

9.1. This clause serves as a reference to the categories of information that Ocean Breeze holds.

9.2. The information is categorised as follows:

9.2.1. Personnel Records

9.2.1.1. Personal records provided by personnel.

9.2.1.2. Records provided by a third party relating to personnel.

9.2.1.3. Conditions of Employment and other personnel-related contractual and quasi-legal records.

9.2.1.4. Internal evaluation records and other internal records.

9.2.1.5. Correspondence relating to personnel.

9.2.1.6. Training schedules and material.

9.2.2. Customer Related Records

9.2.2.1. Records provided by a customer to a third party acting for or on behalf of Ocean Breeze.

9.2.2.2. Records provided by a third party.

9.2.2.3. Records generated by or written by Ocean Breeze relating to its customers, including transactional records.

9.2.3. Private Body Records

9.2.3.1. Commercial contracts.

9.2.3.2. Financial records.

9.2.3.3. Operational records.

9.2.3.4. Databases.



- 9.2.3.5. Information Technology.
- 9.2.3.6. Marketing records.
- 9.2.3.7. Internal correspondence.
- 9.2.3.8. Product records.
- 9.2.3.9. Statutory records.
- 9.2.3.10. Internal Policies and Procedures.
- 9.2.3.11. Records held by officials of the institution.

These records include, but is not limited to, the records which pertain to Ocean Breeze' s own affairs.

9.2.4. Other Party Records

- 9.2.4.1. Personnel, customer or private body records which are held by another party, as opposed to the records held by Ocean Breeze itself.
- 9.2.4.2. Records held by Ocean Breeze 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.
- 9.2.4.3. Ocean Breeze may possess records pertaining to other parties, including but not limited to, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such parties may possess records that can be said to belong to Ocean Breeze.

9.3. The accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual.

9.4. Records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Ocean Breeze will consider access.

10. RECORDS HELD BY THE COMPANY THAT ARE AUTOMATICALLY AVAILABLE

10.1. Automatically available records are records that will be provided without the need for to submit a PAIA request.



- 10.2. Records of public nature, typically those disclosed on the Ocean Breeze website and its various annual reports, may be assessed without the need to submit a formal application.
- 10.3. Other non-confidential records, such as statutory records maintained at CIPC may 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.

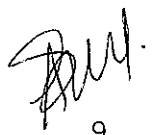
11. SCHEDULE OF RECORDS HELD BY THE COMPANY AVAILABLE AS PER OTHER LEGISLATION

11.1. Where applicable to its operation, Ocean Breeze also retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreements 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 the Act; the below mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such information.

11.2. A request to access must be done in accordance with the prescriptions of the Act

11.3. List of Acts include:

- 11.3.1. Basic Conditions of Employment Act No 75 Of 1997;
- 11.3.2. Broad-Based Black Economic Empowerment Act No 53 of 2003;
- 11.3.3. Business Act No 71 of 1991;
- 11.3.4. Close Corporations Act, 1984
- 11.3.5. Companies Act No 71 of 2008;
- 11.3.6. Compensation of Occupational Injuries and Diseases Act No 130 of 1993;
- 11.3.7. Competition Act No 71 of 2008;
- 11.3.8. Constitution of the Republic of South Africa 2008;
- 11.3.9. Copyright Act No 98 of 1978;
- 11.3.10. Customs and Excise Act No 91 of 1964;
- 11.3.11. Debt Collectors Act No 114 of 1998;
- 11.3.12. Electronic Communications Act No 36 of 2005;
- 11.3.13. Electronic Communications and Transaction Act No 25 of 2002;
- 11.3.14. Employment Equity Act No 55 of 1998;
- 11.3.15. Income Tax Act No 58 of 1962;



- 11.3.16. Insider Trading Act No 24 of 1936;
 - 11.3.17. Insolvency Act No 24 of 1936;
 - 11.3.18. Intellectual Property Laws Amendment Act No 38 of 1997;
 - 11.3.19. Labour Relations Act No 66 of 1995;
 - 11.3.20. Long Term Insurance Act No 52 of 1998;
 - 11.3.21. Machinery and occupational Safety Act No 6 of 1983;
 - 11.3.22. National Credit Act No 34 of 2005;
 - 11.3.23. National Road Safety Act No 93 of 1996;
 - 11.3.24. National Environmental Management Act No 107 of 1998;
 - 11.3.25. Occupational Health and Safety Act No 85 of 1993;
 - 11.3.26. Patents Act No 57 of 1978;
 - 11.3.27. Pension Funds Act No 24 of 1956;
 - 11.3.28. Prescription Act No 68 of 1969;
 - 11.3.29. Prevention of Organised Crime Act No 121 of 1998;
 - 11.3.30. Promotion of Access Information Act No 2 of 2000;
 - 11.3.31. Protection of Personal information Act No 4 of 2013;
 - 11.3.32. Revenue laws Second Amendment Act No 61 of 2008;
 - 11.3.33. Road Transportation Act No 71 of 1977;
 - 11.3.34. Skills Development Levies Act No 52 of 1998,
 - 11.3.35. Short-term Insurance Act No 53 of 1998;
 - 11.3.36. Taxation Laws Amendment Act No 7 of 2010;
 - 11.3.37. Trademarks Act No 194 of 1993;
 - 11.3.38. Unemployment Contributions Act No 63 of 2001;
 - 11.3.39. Unemployment Insurance Act No 30 of 1966;
 - 11.3.40. Value Added Tax Act No 89 of 1991.
- 11.4. 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.

12. FORM OF REQUEST AS PER SECTION 51 (1)(E)

To facilitate the processing of your request, kindly:

- 12.1. Use the prescribed form:
 - 12.1.1. Form A – for a Public Body, or

- 12.1.2. Form B – for a Private Body.
- 12.2. Address your request to the Information Officer or CEO.
- 12.3. Provide sufficient details to enable the Company to identify:
 - 12.3.1. The record(s) requested;
 - 12.3.2. The requester (and if an agent is lodging the request, proof of capacity);
 - 12.3.3. The form of access required;
 - 12.3.4. The postal address or fax number of the requester in the Republic;
 - 12.3.5. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 12.3.6. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

13. REFUSAL OF ACCESS TO RECORDS

- 13.1. A private Body such as Ocean Breeze is entitled to refuse a request for information.
- 13.2. The main grounds for Ocean Breeze to refuse a request for information relates to the:
 - 13.2.1. Mandatory protection of the privacy of a third party who is a natural person or a deceased person (Section 63) or a juristic, as indicated in the Protection of personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person.
 - 13.2.2. 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 the Protection of Personal Information Act 4 of 2013.
 - 13.2.3. Mandatory protection of the commercial information of a third party (Section 64), if the record contains:
 - 13.2.3.1. Trade secrets of the third party;
 - 13.2.3.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 13.2.3.3. Information disclosed in confidence by a third party to Ocean Breeze, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- 13.2.4. Mandatory protection of confidential information of third parties (Section 65) of it is protected in terms of any agreements.
- 13.2.5. Mandatory protection of the safety of individuals and the protection of property (Section 66).
- 13.2.6. Mandatory protection of records which would be regarded as privileged in legal proceedings (Section 67).
- 13.3. The commercial activities (Section 68) of a Private body, such as Ocean Breeze, which may include:
 - 13.3.1. Trade secrets of Ocean Breeze;
 - 13.3.2. Financial commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Ocean Breeze;
 - 13.3.3. Information which, if disclosed could put Ocean Breeze at a disadvantage in negotiations or commercial competition;
 - 13.3.4. A computer programme which is owned by Ocean Breeze, and which is protected by copyright;
 - 13.3.5. The research information (section 69) of Ocean Breeze or a third party, if its disclosure would disclose the identity of Ocean Breeze, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 13.4. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 13.5. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 13.6. If a request record cannot be found or 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 the Act. 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.



14. REMEDIES AVAILABLE WHEN OCEAN BREEZE REFUSES A REQUEST

14.1. Internal Remedies

14.1.1. Ocean Breeze does not have an internal appeal procedure. The decision made by the Information Offices is final.

14.1.2. Requesters will have to exercise external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the decision of the Information Officer.

14.2. External Remedies

14.2.1. A requestor that is not satisfied with the Information officer's decision on disclosing information, may within 30(thirty) days of notification of the decisions, apply to a Court for relief.

14.2.2. A third party that is not satisfied 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.

14.3. For purposes of the Act, the Courts that have jurisdiction over these applications are the:

14.3.1. Constitutional Court;

14.3.2. High Court or any other court of similar status;

14.3.3. Magistrates Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

15. ACCESS TO RECORDS HELD BY OCEAN BREEZE

15.1. Records held by Ocean Breeze may be assessed by requestors only once the prerequisite requirements for access have been met.

15.2. A requestor is any person making a request for access to a record of Ocean Breeze.

15.3. There are two types of requestors:

15.3.1. Personal Requestor

15.3.1.1. A personal requestor is a requestor who is seeking access to a record containing personal information about the requestor.

15.3.1.2. Ocean Breeze will voluntarily provide the requested information, or give access to any record with regard to the requestor's personal information. The prescribed fee for reproduction of the information requested will be charged.



15.3.2. Other Requestor

- 15.3.2.1. This type of requestor is entitled to request access to information on third parties.
- 15.3.2.2. In considering such a request, Ocean Breeze will adhere to the provisions of the Act.
- 15.3.2.3. Section 71 requires that the Information Officer take all responsible steps to inform a third party to whom the requested record relates of the request, informing them that they 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.
- 15.3.2.4. Ocean Breeze is not obligated to voluntarily grant access to such records. The requestor must meet all the prerequisite requirements, in accordance with the requirements of the Act and as stipulates in Chapter 5; part 3, including the payment of a request and access fee.

16. FEES (UNDER ANY OTHER INFORMATION AS PER SECTION 51 (1) (F))

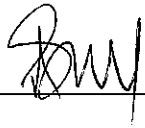
- 16.1. All fees applicable are as prescribed and amended.
- 16.2. The Act provides for two types of fees
 - 16.2.1. A request fee, which is a form of administration fee to be paid by all requestors except personal requestors, before the request is considered. This fee is not refundable.
 - 16.2.2. An access fee, which is paid by all requestors in the event that a request for access is granted. This fee is inclusive of all costs involved by the Private Body in obtaining and preparing a record for delivery to the requestor.
- 16.3. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed in terms of Section 54(1).
- 16.4. If the preparation of the record requested requires more than the prescribed hours 6 (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 16.5. The Information Officer shall withhold a record until the requestor has paid the fees indicated below.



- 16.6. A requestor 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 request form.
- 16.7. 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 requestor.
- 16.8. The "fees for reproduction" referred to in section 52(3) and "access fees" payable by a requester referred to in section 54(7), unless exempted under section 54(8) of the Act, are as follows:
- 16.8.1. for every photocopy of an A4-size page or part thereof R1,10;
 - 16.8.2. for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,R75;
 - 16.8.3. for a copy in a computer-readable form on:
 - 16.8.3.1. compact disc R70;
 - 16.8.3.2. for a transcription of visual images, for an A4-size page or part thereof R40;
 - 16.8.3.3. for a copy of visual images R60;
 - 16.8.3.4. for transcription of an audio record, for an A4-size page or part thereof R20;
 - 16.8.3.5. for a copy of an audio record R30.
 - 16.8.4. To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search.
 - 16.8.5. The actual postal fee is payable when a copy of a record must be posted to a requester
- 16.9. The following are those exempted from paying access fees:
- 16.9.1. A single person whose annual income does not exceed R14,712.00; or
 - 16.9.2. Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00



This PAIA Manual of Ocean Breeze is approved and signed by the Head of the Private Body, Ocean Breeze, on this 30th day of JUNE 2021.



Alice Nel

Chief Executive Officer

Ocean Breeze Food Merchants

