MAHINDRA AND MAHINDRA SOUTH AFRICA (PTY) LTD

(Registration Number: 1996/016456/07)

PAIA AND POPI MANUAL

Published in terms of the **Promotion of Access to Information Act 2 of 2000** and the **Protection of Personal Information Act 4 of 2013**

1. INTRODUCTION

1.1 This Manual provides an outline of the types of records and personal information held by Mahindra and Mahindra South Africa (Pty) Ltd (hereinafter "the Company") in terms of the Protection of Personal Information Act (hereinafter "POPIA") and provides the process to be followed when requesting access to these records in terms of the Promotion of Access to Information Act (hereinafter "PAIA");

1.2 In addition, this Manual outlines the process of objecting to the collection and processing of person information held by the Company, as well as the process to request access to, correction or deletion of personal information held by the Company.

1.3 This Manual is available on the Company's official Website at www.mahindra.co.za or alternatively, upon request.

2. COMPANY CONTACT DETAILS

2.1 The Company contact details in terms of PAIA are as follows:

Physical Address:	Cnr John Vorster and Nellmapius Drive, 1st Floor, Block A, Southdowns Ridge Office Park, Centurion
Telephone Number:	012 661 3161
Email Address:	customercare@mahindra.co.za
Information Officer:	Koushik Mitra
Information Officer Email:	koushik.mitra@mahindra.co.za
Deputy Information Officer:	James Lamberton
Deputy Information Officer Email:	james@mahindra.co.za

3. PROCESSING OF PERSONAL INFORMATION

3.1 The Company takes the privacy and protection of personal information very seriously and will only process and/or store personal information in accordance with this Manual and current South African privacy protection laws such as POPIA.

3.2 The Company will only process such information in the following instances:

3.2.1 You have given your consent by accessing the Website, which is at all times subject to the Terms

and Conditions of the Website;

3.2.2 Processing such data is necessary for the performance of an agreement with the User; Processing is necessary for compliance with a legal obligation to which the Company is subject to;

3.2.3 The processing is related to a task to be carried out in the public interest; or

3.2.4 The processing is necessary for the purpose of legitimate interests pursued by the Company.

3.3 The Company will process personal information for the following reasons:

3.2.1 To provide or manage information, products and/or services requested by data subjects;

3.3.2 To help us identify data subjects when they contact the Company;

3.3.3 To maintain customer record;

3.3.4 For recruitment, employment or apprenticeship purposes;

3.3.5 For general administration, financial and tax purposes;

3.3.6 For legal or contractual purposes;

3.3.7 To monitor access, secure and manager our premises and facilities;

3.3.8 To transact without suppliers and business partners, including dealerships;

3.3.9 To help us improve the quality of our products and services;

3.3.10 To help recover debts;

3.3.11 To identify other products and services which might be of interest to data subjects and to inform them about our products and services;

3.3.12 For analytic purposes to enable the Company to monitor and analyse web traffic and can be used to keep track of the User's behavior. We make use of Google Analytics;

3.3.13 For purposes of responding to requests, inquiries, quotes etc; and

3.3.14 To monitor where Users most frequently move the mouse or click on the Website, known as Heat Mapping to study points of interest with the sole intention to improve the user experience on the Website.

3.3 Users are encouraged to contact the Company with any questions relating to what personal information is processed, how it is process and stored and with which parties same is store by contacting the Company with the information provided in clause 2 of this manual.

3.4 The personal information collected will only be shared with the following parties:

3.4.1 The Manufacturer situated in India;

3.4.2 Authorised Dealerships of the Company;

3.4.3 Our selected business partners; and

3.4.4 Service providers and agents appointed by the Company to perform services on the Company's behalf.

3.5 Where it is not necessary to collect any personal information for the carrying out an instruction of function, or where such information is not mandatory, Users are free to not communicate such information to the Company without consequences.

3.6 Users are responsible for any third party Personal Information obtained, published or shared through the Website and confirm that they have the third party's consent to provide the information on their behalf.

4 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

4.1 The Company takes appropriate security measures to prevent unauthorised access,

4.2 disclosure, modification or unauthorised destruction of Information. In this regard, reasonable technical and organisational measures have been implemented, in terms of POPIA.

4.3 We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or willful manipulation, loss or destruction.

4.4 The Company may appoint third parties, such as Computer and/or IT enable tools, in which case personal information will be accessible , for purposes of its operation, to external third parties appointed by the Company, if necessary. The updated list of such third parties may be requested and will be provided upon such request.

4.5 We will take reasonable steps to ensure that operators, agents, etc. that process personal information in jurisdictions outside South Africa, apply adequate safeguards as outlined in this Manual.4

5 RIGHTS OF DATA SUBJECTS

5.1 A Data Subject may have rights under the South African and other laws to have access to its Personal Information and to request the Company to rectify, delete or restrict use of same.

5.2 The Company acknowledges that a Data Subject may also have rights to object to its personal Information being used and/or such consent being withdrawn at any stage, however, the Company reserves the right to refuse service should mandatory information not be supplied.

5.3 The Company acknowledges that a Data Subject may also have the right to ask for the transfer of Personal information made available to the Company and to withdraw its consent to use the Personal Information.

5.4 Any such request must be addressed directly to the Company with the details provided in clause 2 of this manual.

5.5 Should User or any other person have signed up for newsletter or any other marketing strategy, such user or person has the right to opt-out from such marketing and the Company will adhere to such request.

6 RETENTION AND DISTRUCTION OF INFORMATION

6.1 The Company will retain and store Personal Information for the period for which the information is required to serve its primary purpose or legitimate interest or for the period required to comply with an applicable legal requirement imposed by law, whichever is longer.

6.2 Documents will be destroyed after the termination of the retention period, or as determined by the Company from time to time.

6.3 Any original documents collected by the Company will be returned to the holder thereof.

6.4 Deletion of electronic records will be conducted in consultation with the IT department to ensure that the deleted information is incapable of being recovered.

7 PROCEDURE FOR REQUESTING RECORDS

7.1 A Requester must comply with all the procedural requirements as set out in Section 53 of PAIA when making the request.

7.2 Attached hereto as **Annexure "A"** is the prescribed 'Request for Access Form' to be completed by the Requester and to be submitted along with the prescribed fee and/or deposit, should a fee and/or deposit be applicable.

7.3 The aforementioned is to be submitted to the Information Officer at the physical address or email address stated in this manual.

7.4 The request form must contain sufficient detail to enable the Information Officer to identify:

7.4.1 The Record(s) / information being requested;

7.4.2 The identity of the requester;

7.4.3 The form of access that is required, if the request is granted;

7.4.4 The contact details of the requester; and

7.4.6 The right that the Requester is seeking to protect or exercise and an explanation as to why the record(s)/information is necessary to protect or exercise this right.

7.5 The Information Officer may request further reasonable information to assist him/her in obtaining and/or identifying the information/records.

7.6 The failure to supply sufficient information as set out herein, may delay the processing of the request until such time that all required information is provided and the prescribed time period as indicated in clause 7.9 hereof, will not commence until the requester has furnished all the abovementioned information to the Information Officer.

7.7 Proof of the capacity in which the Requester is making the request must accompany the request for access should same be made on behalf of another person and the request must still comply with the requirements set out in paragraph 7.4 hereof. The proof must also be to the satisfaction of the Information Officer and therefore, the Information Officer may apply his/her discretion in accepting the proof as provided and may choose not to grant access the records/information should he/she have reason to believe that the Requester is not duly authorised to do so.

7.8 Should the Requester not be able to complete the access form due to illiteracy or disability, the request may be made orally to the Information Officer and the Information Officer is to keep a detailed record of the request.

7.9 Such a request will be processed by the Company within 30 (thirty) business days from receipt thereof, unless the Information Officer has stated special reasons to the satisfaction of the Requester that circumstances exist why the request requires special consideration and/or time an extension of time.

7.10 The Company will inform the Requester in writing, unless the request was made in terms of clause 7.8 hereof in which case the Requester will be informed orally, whether the access has been granted or denied.

7.11 In the instance where the confirmation is given orally, the Information Officer is to keep detailed record thereof.

7.12 The prescribed fee as set out herein must be paid before the information / records can be processed further and/or made available to the Requester. If the requester is unsure of any applicable fee, he/she may request such detail by directing an email to the Information Officer.

8 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

8.1 The Company may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA in the following, but not limited to same, circumstances:

8.1.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;

8.1.2 Mandatory protection of the commercial information of a third party, if the Records contain:

8.1.2.1 Trade Secrets of that third party;

8.1.2.1 Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to financial or commercial interest of such third party; and/or

8.1.2.2 Information disclosed in confidence by a third party to the Company, the disclosure of which is likely to prejudice the third party in contractual or other negotiations and would be in breach of commercial competition laws and principles.

8.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

8.1.4 Mandatory protection of the safety of individuals and the protection of property;

8.1.5 Mandatory protection of Records that would be regarded as privileged in legal proceedings;

8.1.6 Protection of the confidential commercial information of the Company;

8.1.7 Research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and

8.1.8 Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

9. INFORMATION OR RECORDS NOT FOUND

9.1 If the Company is not able to find the records that the Requester has requested despite a reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but not unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate such document.

9.2 The Company undertakes to assist the requested in any further search involving 3rd parties, however, the assistance will be conditional on the business impact thereof on the Company.\

10. REMEDIES OF REQUESTER UPON REFUSAL

10.1 The Company does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

10.2 In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 30 (thirty) days of notification of the decision for appropriate relief.

11. FEES

11.1 When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester, other than an internal Requester, to pay the prescribed request fee (if any), before further processing of the Request for Access.

11.2 Prescribed request fees are set out in **Annexure "B"** attached hereto. The Company reserves the right to amend such fees at any time which amendments will be captured in an updated Annexure B to this manual**.**

11.3 Should the search for a Record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee, being not more than one third of the total expected costs, which would be payable if the Request for Access is granted.

11.4 The Information Officer will withhold a Record until the Requester has paid the fees set out in Annexure B, if any fees are applicable.

11.5 A Requester whose Request for Access to a Record has been granted, must pay an access 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 same available in a requested format provided for in PAIA.

11.6 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.

12. DECISION TO GRANT ACCESS TO RECORDS

12.1 The Company will decide whether to grant or decline the Request for Access within 30 (thirty) days of receipt of the Request for Access and must give notice to the Requester with reasons (if required) to that effect.

12.2 The period referred to above may be extended for a further period of not more than 30 (thirty) days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of the Company and the Records cannot reasonably be obtained within the original 30 (thirty) day period.

12.3 The Company will notify the Requester in writing should an extension of time as contemplated above be required.

12.4 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required, which request will be reasonably considered by the Information Officer.

ANNEXURE "A"

ACCESS REQUEST FORM - RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 10]

COMPLETION OF ACCESS REQUEST FORM:

1 The Access Request Form must be completed.

2 Proof of identity is required to authenticate the identity of the requester. Attach a copy of the requester's certified identification document.

3 Type or print in BLOCK LETTERS an answer to every question.

4 If a question does not apply, state "N/A".

5 If there is nothing to disclose in reply to a question, state "nil".

6 When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.

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1 Particulars of Requester (if natural person)

a) The particulars of the person who requests access to the record must be given below.

b) The address and/or fax number in the Republic to which the information is to be sent must begiven.

c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: .....

Identity number: .....

Postal address: .....

Fax number: .....

Telephone number: .....

Email address: ....

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

....

2 Particulars of Requester (if a legal entity)

a) The particulars of the entity that requests access to the record must be given below.

b) The address and/or fax number in the Republic to which the information is to be sent.

c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name: .....

Registration number: .....

Postal address: ....

Fax number: .....

Telephone number: .....

Email address: ....

3 Particulars of person on whose behalf request is made

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

Full names and surname: .....

Identity number: .....

4 Particulars of record

a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

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

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

6. Reference number, if available:

7. Any further particulars of record

8. Fees

a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a non-refundable request fee of R35,00 has been paid.

b) 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.

c) You will be notified of the amount required to be paid as the access fee.

d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

_____

9. Form of access to record

Mark the appropriate box with an X.

NOTES:

(a) **Compliance with your request in the specified form may depend on the form in which the record is available.**

(b) **Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.**

(c) **The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.**

1. If the record is in written or printed form:					
copy of record*		inspection of a record			
2. If record consists of visual images (photographs, slides, video recordings, computer-generated images, sketches, etc):					
	view the images copy of the images		the images*		transcription of
3. If record consists of recorded information that can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of copy information derived from record* or		in computer readable form* (stiffycompact disc)
*If you are requesting a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable				YES	NO

10. In the event of disability

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:

11. Particulars of right to be exercised or protected

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

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

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

12. Notice of decision regarding request for access

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

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

Signed at_____on this_____day of_____20____

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

ANNEXURE "B"

FEES

[Regulation 9]

1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2 The fees for reproduction referred to in regulation 11(1) are as follows:

			R
(a)	For every photocopy of an A4-size page or part thereof		1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form		0,75
(c)	For a copy in a computer-readable form on -		
(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii)	For a copy of visual images	60,00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii)	For a copy of an audio record	30,00

3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

				R
(1)	(a)	For every photocopy of an A4-size page or part thereof		1,10
	(b)	For every printed copy of an A4-size page or part thereof held on a computer in electronic or machine-readable form		0,75
	(c)	For a copy in a computer-readable form on -		
	(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
		(ii)	For a copy of visual images	60,00
	(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
		(ii)	For a copy of an audio record	30,00
	(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.		

5 For purposes of section 54(2) of PAIA, the following applies:

5.1 Six hours as the hours to be exceeded before a deposit is payable; and

5.2 one third of the access fee is payable as a deposit by the requester.

6 The actual postage is payable when a copy of a record must be posted to a requester.