

Dow Southern Africa (Pty) Ltd

Predate Properties (Pty) Ltd

Union Carbide South Africa (Pty) Ltd

Sentrachem (Pty) Ltd

(collectively or individually referred to as “the Dow SA Entities”)

PAIA MANUAL

**This manual has been prepared in terms of Section 51 of
The Promotion of Access to Information Act 2 (‘PAIA’) of 2000 and updated in terms of
the Protection of Personal Information Act 4 (‘POPI’) of 2013**

1 October 2023

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1. INTRODUCTION

The Dow SA Entities manufactures, imports and distributes chemicals.

2. COMPANY CONTACT DETAILS

Street and Postal Address: Ground Floor, Magwa Building
Maxwell Office Park
Magwa Crescent
Waterfall City
South Africa

Telephone: +27 11 073 7257

Fax: +27 11 073 7287

Email: schan5@dow.com

Website: www.africa.dow.com

3. INFORMATION OFFICER DETAILS

Requests pursuant to the provisions of PAIA and/or POPI should be directed to the Information Officer as follows:

Name: Simon Chan

Street and Postal Address: Ground Floor, Magwa Building
Maxwell Office Park
Magwa Crescent
Waterfall City
South Africa

Telephone: +27 11 073 7257

Fax: +27 11 073 7287

Email: schan5@dow.com

4. THE PROMOTION OF ACCESS TO INFORMATION ACT 2000

The Promotion of Access to Information Act 2000 ("PAIA") gives effect to the section 32 Constitutional right of access to information held by the State and any information that is held by another person that is required for the exercise of protection of any rights and to provide for matters connected therewith.

Where a request is made in terms of PAIA, the body to which the request is made is obliged to give access to the requested information, except where PAIA expressly provides that the information may or must not be released. It is important to note that PAIA recognises certain limitations to the right of access to information including, but not exclusively, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective,

efficient and good governance in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

5. INFORMATION MANUAL

One of the main requirements specified in PAIA is the compilation of an information manual that provides information on both the types and categories of records held by a private body. This document serves as the Dow SA Entities' information manual.

This manual is compiled in accordance with PAIA and POPI. It is intended to give a description of the records held by and on behalf of the Dow SA Entities; to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information, with a view of enabling requesters to obtain records which they are entitled to in a quick, easy and accessible manner. It is also intended to provide various information in terms of POPI.

This manual is available for public inspection:

- At the physical address of Dow Southern Africa, free of charge; and
- On the Dow website, free of charge <https://africa.dow.com/>;
- On request by any person (along with payment of a prescribed fee);
- To the Information Regulator upon request.

The manual is available from the designated Information Officer, whose details appear in section 3.

6. GUIDE OF SA HUMAN RIGHTS COMMISSION

The South African Human Rights Commission (“SAHRC”) has compiled a Guide as required in terms of Section 10 of PAIA. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA.

The Guide may be obtained from the SAHRC and the Guide is available in all the official languages of the Republic of South Africa.

Any enquiries regarding this Guide should be directed to The South African Human Rights Commission at:

Address:

PAIA Unit (The Research and Documentation Department),
Private Bag X2700, Houghton, 2041

Telephone Number:

(011) 877-3600

Fax Number:

(011) 403-0625

Website:

www.sahrc.org.za

Email:

paia@sahrc.org.za

7. APPLICABLE LEGISLATION

- Labour Relations Act 66 of 1995.
- Employment Equity Act 55 of 1998.
- Basic Conditions of Employment Act 75 of 1997.
- Compensation for Occupational Injuries and Diseases Act 130 of 1993.

- Competition Act No. 89 of 1998.
- Skills Development Levies Act No. 9 of 1999.
- Transfer Duty Act No. 40 of 1949.
- Unemployment Insurance Act No. 30 of 1966.
- Unemployment Contribution Act 63 of 2001.
- Companies Act 71 of 2008.
- Value Added Tax Act 89 of 1991.
- Income Tax Act 58 of 1962.
- Occupational Health and Safety Act 85 of 1993.
- Constitution of the Republic of South Africa 2008.
- Customs and Excise Act No. 91 of 1964.
- Electronic Communications Act No. 36 of 2005.
- Electronic Communications and Transaction Act No. 25 of 2002.
- National Environmental Management Act No. 107 of 1998.
- Pension Funds Act No. 24 of 1956.
- Promotion of Access to Information Act No. 2 of 2000.
- Protection of Personal Information Act No. 4 of 2013.
- Regulation of Interception of Communications and Provision of Communication Related Information Act No. 4 of 2013.

The above is not an exhaustive list of statutes that may require the Dow SA Entities to keep records.

8. SUBJECT CATEGORIES OF RECORDS

The following subjects and categories of records are held, pertaining to our data subjects such as our employees, customers, suppliers and other businesses:

Corporate governance records, including:

- Executive Committee minutes and records
- Codes of conduct
- Corporate Social Investment records
- Directors' minutes and records
- Legal compliance
- Policies and procedures
- Risk management reports
- Shareholder agreements

Finance records, including:

- Accounting records
- Annual financial statements
- Banking records / statements
- Business contracts
- Credit bureau records
- General correspondence
- Internal control reports
- Invoices, credit notes, statements etc
- Management accounts
- Property leases
- Proposal and tender documents

- SA Reserve Bank returns and correspondence
- Statutory records
- Tax returns and SARS correspondence

Human resources records, including:

- Bargaining Council records and correspondence
- BEE statistics, certificates and audit reports
- Employment Equity reports
- Leave records
- Letters of employment
- Medical aid records
- PAYE records and returns
- Payroll records
- Personnel files and records
- Policies and procedures
- Retirement benefit records
- SDL records and returns
- SETA records and correspondence
- Staff attendance records
- Traineeship contracts
- Training material
- Training statistics
- UIF records and returns
- Union records and correspondence
- Workman's Compensation records

Information technology records, including:

- Contracts and agreements
- Policies and procedures
- Register of software and hardware
- Warranties
- Emails

Company information and resources records, including:

- Industry journals
- Internal published books and material
- Companies Act records

Marketing and business growth records, including:

- Contracts and agreements
- Marketing brochures and advertising records
- Marketing strategies
- New business development

Operations records, including:

- Asset registration records
- Compliance records

- Contracts and agreements
- General correspondence
- Health and safety records
- Import and export records
- Insurance records and correspondence
- Quality control records
- Service level agreements
- Telephone and communication records

Environmental, Health and Safety Records, including:

- Material Safety Data Sheets
- Environmental Surveys
- Effluent Analysis
- Waste disposal certificates

9. RECORDS AUTOMATICALLY AVAILABLE

All information pertaining to the Dow SA Entities at **www.africa.dow.com** is freely available for inspection and does not need to be requested in terms of PAIA. This includes the Dow SA Entities general terms and conditions and privacy statement.

10. HOW TO MAKE A REQUEST

To facilitate a timely response to requests for access, all requesters should complete the Form 2 Request for Access to Record of Private Body, annexed hereto.

The request must be made to the Information Officer at the address, fax number or electronic mail address of the body concerned.

If a requester is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The information officer will complete Form 2 on behalf of the requester and provide a copy thereof to the requester.

A requester must provide sufficient detail on the prescribed form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address.

The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

The requester will be informed in writing whether access has been granted or denied on Form 3 Outcome of Request and of Fees Payables, annexed hereto. The fees payable is stipulated in section 13 of this PAIA manual. If, in addition, the requester requires the reasons for the decision in any other manner, then he must expressly request this.

11. GROUNDS FOR REFUSAL OF ACCESS

Any of the Dow SA Entities may refuse a request for information on the following basis:

- 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.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - Information disclosed in confidence by a third party to a Dow SA Entity, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which would be regarded as privileged in legal proceedings.
- The commercial activities of Dow SA Entities, which may include:
 - Trade secrets of Dow SA Entities;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Dow SA Entities; and
 - Information which, if disclosed, could put Dow SA Entities at a disadvantage in negotiations or commercial competition.

12. THIRD PARTY NOTIFICATION

The Information Officer of Dow SA Entities considering a request for access to a record that might be a record contemplated must take all reasonable steps to inform a third party to whom or which the record relates of the request. The third party must be informed as soon as reasonably possible, but in any event within 21 business days after that request is received and by the fastest means reasonably possible.

When informing a third-party, the Information Officer must:

- State that he or she is considering a request for access to a record that might be a record contemplated in section 63(1), 64(1), 65 or 69(1) of PAIA and describe the content of the record;
- Furnish the name of the requester;
- Describe the provisions of section 63(1), 64(1), 65 or 69(1), as the case may be;
- In any case where the Information Officer believes that the provisions of section 70 might apply, describe those provisions, specify which of the circumstances referred to in section 70(a) in the opinion of the Information Officer might apply and state the reasons why he or she is of the opinion that section 70 might apply; and

- State that the third party may, within 21 business days after the third party is informed:
 - make written or oral representations to the Information Officer why the request for access should be refused; or
 - give written consent for the disclosure of the record to the requester.

13. PRESCRIBED FEES

The following fees are (or may be) payable:

Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on:	
	(iii) Flash drive (to be provided by requestor)	R40.00
	(iv) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	
	(v) Flash drive (to be provided by requestor)	R40.00
	(vi) Compact disc	
	• If provided by requestor	R40.00
	• If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."

14. REMEDIES AVAILABLE IN RESPECT OF AN ACT BY ANY OF THE DOW SA ENTITIES OR AS A RESULT OF ANY OF THE DOW SA ENTITIES' FAILURE TO ACT

Internal Remedies

A requester aggrieved by the decision of any of the Dow SA Entities should contact the Information Officer (see Section 3 above) and/or Legal Department of the Dow SA Entities at:

schan5@dow.com

External remedies:

A requester aggrieved by a decision of the Information Officer:

- to refuse a request for access; or
- relating to fees, a form of request, or the extension of a time dealing with a request

may, by way of an application, within 180 days apply to a court for appropriate relief in terms of section 82 of PAIA.

15. PROTECTION OF PERSONAL INFORMATION

Our Privacy Notice explains why and how we collect personal data about you, how we process such data, and what rights you have regarding your personal data. You may find our privacy notice here: <https://legal.dow.com/en-us/privacy-statement/customer-privacy-notice>

16. UPDATING OF MANUAL

The Company will update this Manual as and when required.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

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:

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Fax number:

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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			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <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 record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

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

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

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 (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) 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 (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
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 (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

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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 requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
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 requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
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)	
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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