

**Dow Southern Africa (Pty) Ltd**

**DuPont Performance Materials (Pty) Ltd**

**Predate Properties (Pty) Ltd**

**Union Carbide South Africa (Pty) Ltd**

**Ciswaal (Pty) Ltd**

**Sentrachem (Pty) Ltd**

**Dow South Africa Holdings (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 September 2021**

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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](mailto:schan5@dow.com)

**Website:** [www.africa.dow.com](http://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](mailto: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](http://www.sahrc.org.za)

**Email:**

[paia@sahrc.org.za](mailto: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 theDow 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](http://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 C 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.

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. 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:

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.

The fees for reproduction referred to in the PAIA Regulations are as follows:

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

The fees payable for reproduction or by a requester referred to in the Regulations are as follows:

	<b>Rands</b>
For every photocopy of an A4 size page or part thereof	1.10
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
For a copy in a computer-readable form on:	
Stiffy disc	7.50
Compact disc	70.00
For a transcription of visual images, for an A4size page or part thereof	40.00
For a copy of visual images	60.00
For a transcription of an audio record, for an A4size page or part thereof	20.00
For a copy of an audio record	30.00

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

- Six hours as the hours to be exceeded before a deposit is payable;
- One third of the access fee is payable as a deposit by the requester; and
- The actual postage is payable when a copy of a record must be posted to a requester.

### 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](mailto: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.



REPUBLIC OF SOUTH AFRICA

### A. Particulars of private body

The Head:

### B. Particulars of person requesting access to the record

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

Full names and surname: .....

[illegible]

Postal address: .....

Telephone number: (.....) ..... Fax number: (.....) .....

E-mail address: .....

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

**C. 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: .....

[illegible]

**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 on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

.....

.....

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.....

2. Reference number, if available:

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3. Any further particulars of record:

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.....

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (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:

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.....

**F. 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 below, 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 <b>X</b> .	
<b>NOTES:</b> (a) Compliance with your request for access in the specified form may depend 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. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested 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
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**G. 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. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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.....

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

.....

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.....



**H. 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 ..... this day..... of .....year .....

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