

MORGAN CARGO (PTY) LTD
(Registration number:2003/008869/07)

**MANUAL ISSUED IN TERMS OF:
SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA) READ
WITH THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)**

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1. Introduction

This Manual (the **Manual**) has been compiled in accordance with the requirements of PAIA, read with the relevant sections of POPIA.

Morgan Cargo (Pty) Ltd (the **Company**) is a private body as defined in PAIA, and this Manual contains the information specified in section 51 of PAIA, which is applicable to such a private body.

The Company which forms part of the Kuehne + Nagel Group, is a transport and logistics company providing sea freight and airfreight forwarding, contract logistics, and overland businesses, with branches in Johannesburg, Cape Town, Durban, Gqeberha and East London with over 200 employees.

A copy of the Manual will be made available to the Information Regulator upon request, and any controlling body of which the Company is a member and will be published on the Company's website.

The Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.

Their contact details are as follows:

Information Officer:

Name: Hugo Roux
Telephone: 011 390 9000
Email: Hugo.roux@morgancargo.com

Deputy Information Officer/s:

Name: Yvette Maree
Telephone: 011 390 9000
Email: yvette@morgancargo.com

Access to Information general contact:

Email: Info@morgancargo.com

National or Head Office:

Physical address: 1 Hotel Str, Brummeria, Pretoria, 0020
Tel: 012 349 2500
Email: info@morgancargo.com
Website: www.morgancargo.com

2. **Guide on how to use PAIA**

- 2.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 2.2 The Guide is available in each of the official languages.
- 2.3 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours. Please direct any queries in this regard to:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Telephone number: +27 (0)10 023 5200

Website: <https://info regulator.org.za/contact-us>

E-mail: enquiries@info regulator.org.za / PAIAComplaints@info regulator.org.za

2.4 The Guide can also be obtained-

2.4.1 upon request to the Information Officer;

2.4.2 from the website of the Regulator (<https://www.justice.gov.za/infoereg>).

2.5 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

2.5.1 English and Afrikaans.

3. **Records available in terms of any other legislation**

The Company holds details of its own registration, together with its financial statements and proof of its registration in terms of section 18A of the Income Tax Act, 1962 (**the ITA**).

It holds information pertaining to its directors and shareholders.

The Company holds information pertaining to its employees as required in terms of applicable employment legislation including the Basic Conditions of Employment Act, 1997, the Employment Equity Act, 1998, the Compensation for Occupational Injuries and Diseases Act, 1993, and the ITA.

The Company holds information pertaining to its clients in terms of the Financial Intelligence Centre Act, 2001.

4. **Access to records**

4.1 No ministerial notice has been published in terms of section 52(2) of PAIA.

4.2 For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Company holds records and the categories into which these falls. This information is not exhaustive and may be amended from time to time.

4.3 Certain records are available without having to be requested in terms of the request procedures set out in PAIA and detailed in paragraph 6 of the Manual below.

4.4 Subject to the provisions of PAIA, information may be inspected, collected, purchased or copied at the offices of the Company and, unless the records are available on the Company's website, an appointment to view the records will have to be made with the information officer or the deputy information officer. The schedule of reproduction fees in relation to a section 52 information request are set out in paragraph 6.2.2 below.

4.5 Categories of record of the Company which are available to a person without having to request access in terms of PAIA:

Category	Description	Format	Maintained by	Stored at	Retention period
Information in the public domain	Incorporation documents	Hard copy and electronic copy	IO / DIO	1 Hotel Str, Brummeria, Pretoria, 0020	Indefinite
	Annual reports of Morgan Cargo	Hard copy and electronic copy	IO / DIO	1 Hotel Str, Brummeria, Pretoria, 0020	Indefinite
	General information pertaining to the Company and information regarding the services rendered	Hard copy and electronic copy	IO / DIO	1 Hotel Str, Brummeria, Pretoria, 0020	Indefinite

4.6 The records listed below, which need to be requested in terms of PAIA and/or POPIA, will not in all instances be provided to a requester. In other words, the records held under the various subjects are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the grounds of refusal as set out in PAIA that may be applicable to a request for such records. (See also paragraph 6.1.4 below.) The procedure in terms of which such records may be requested from the Company is set out in paragraph 6.1 below.

Categories of records that may be requested in terms of PAIA and/or POPIA:

Category	Description	Format	Maintained by	Retention
Finance and administration	<p>Books and records of account and financial statements;</p> <p>Annual budget;</p> <p>VAT, SITE and PAYE records;</p> <p>Asset registers;</p> <p>Details of auditors;</p> <p>External auditor reports;</p> <p>Information pertaining to clients as required in terms of the Financial Intelligence Centre Act;</p> <p>Minutes of the meetings of the Company (non-confidential parts);</p> <p>Minutes of the meetings of committees/ subcommittees (non-confidential parts);</p> <p>Minutes of staff meetings and/or management</p> <p>Meetings (non-confidential parts).</p>	Hard copy and electronic copy	CFO	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
Management	<p>Minutes of meetings of the Executive Committee and subcommittees (non-confidential parts);</p> <p>Internal correspondence (non-confidential parts);</p> <p>Resolutions and directives; internal investigation reports;</p> <p>Policies, procedures, and codes;</p> <p>Travel management</p>	Hard copy and electronic copy	CEO	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts

	and arrangements.			
Human Resources	Organisational information (organisational structure, etc.);	Hard copy and electronic copy	HR	As required in terms of applicable legislation /
Relationships with third parties	Agreements with stakeholders; Service level agreements with suppliers;	Hard copy and electronic copy	Marketing Manager / Legal & Compliance Officer	Indefinite / as required in terms of applicable legislation / as required in terms
Information technology	Computer software; Support and maintenance agreements; Licensing agreements; Records regarding computer systems and programmes.	Hard copy and electronic copy	National IT Manager	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
Property	Asset registers; Lease agreements in respect of immovable property; Records regarding insurance in respect of movable or immovable property.	Hard copy and electronic copy	CEO / COO / CFO	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts
Legal	Litigation; Appeals; Contracts and memoranda of understanding; Regulatory permissions, licenses, and/or exemptions.	Hard copy and electronic copy	Legal & Compliance Officer	Indefinite / as required in terms of applicable legislation / as required in terms of applicable contracts

4.8 For purposes of POPIA:

4.8.1 For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Company, a description of the categories of data subjects and of the information or categories of information relating to data subjects held by the Company, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Company to ensure the confidentiality, integrity and availability of the information which is to be processed.

4.8.2 In terms of POPIA, a requester to whom certain personal information relates may request the Company to confirm, free of charge, whether or not it holds personal information about that particular requester.

4.8.3 A requester may make a request that the Company provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.

4.8.4 Categories of data subjects and categories of personal information relating thereto:

Data subjects	Categories of information
Employees	Human resources information (see above)
Clients	Contact details Take-on information in terms of the Financial Intelligence Centre Act, 2001 Details of services provided and fees charged Demographic information
Contractors	Contact details Details of services rendered and fees paid Demographic information

4.8.5

Purposes of processing:

Data subject category	Broad description of purposes of processing
Applicants for employment; employees; alumni	<p>To carry out actions for the consideration of an application for employment;</p> <p>To carry out actions necessary for the performance of the employment contract;</p> <p>To ensure compliance with an obligation imposed by law on the company; To pursue the legitimate interests of the company or a third party to whom the information is supplied</p>
Clients	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the company;</p> <p>To pursue the legitimate interests of the company or a third party to whom the information is supplied.</p>
Contractors / service providers	<p>To carry out actions necessary for the performance of the services contract;</p> <p>To ensure compliance with an obligation imposed by law on the company;</p> <p>To pursue the legitimate interests of the company or a third party to whom the information is supplied.</p>

4.8.6

Likely recipients:

Data subjects	Likely recipients
Applicants for employment; employees; alumni.	<p>Human resources department</p> <p>Line management</p> <p>Exco</p> <p>Kuehne + Nagel Group</p>

<p>Clients</p>	<p>Communications department Procurement department Employees working on client mandates Legal department Finance department Sales department Road Logistics department Airfreight department Seafreight department Contract Logistics department Exco</p>
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<p>Contractors / Service providers</p>	<p>Exco Procurement department Legal department Finance department Sales department Road Logistics department Airfreight department Seafreight department Contract Logistics department Facilities management department Kuehne + Nagel</p>
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4.8.7

Planned transborder flows of personal information:

Yes	No
<p>Switzerland, Germany, France, great Britain, Italy, Austria, Estonia, Albania, Angola, Azerbaijan, Bahrain, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Finland, Greece, Hungary, Ireland, Israel, Jordan, Kenya, Kuwait, Latvia, Lithuania, Luxembourg, Malta, Mauritius, Morocco, Mozambique, Namibia, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Saudi Arabia, Serbia, Slovakia, Slovenia, Spain, Sweden, Tanzania, Turkey, UAE, Uganda, Ukraine, Argentina, Bolivia, Brazil, Canada, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Peru, Trinidad & Tobago, Uruguay, USA, Venezuela, Australia, Bangladesh, Cambodia, China, India, Indonesia, Japan, Korea, Malaysia, Maldives, Myanmar, New Zealand, Pakistan, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, Vietnam, Jamaica, Turkey.</p>	

General description of information security measures:

Technical measures	Organisational measures
<ul style="list-style-type: none"> • Measures for pseudonymisation and encryption of Personal Data. • Measures for user identification and authorisation: Access to information systems is protected by industry-standard identification and authentication procedures. Data storage devices, workstations, notebooks, smartphones and tablets are encrypted with industry-standard encryption methods. Guidelines are developed and implemented on the following topics: "secure passwords", "deletion/destruction", "clean desk", "mobile device". • Measures for the protection of data during transmission: Access to specific data is restricted to those who need to Process that data. This is controlled via a user authorisation model. • Measures for ensuring system configuration, including default configuration: Technical measures are taken to enable Data Subjects to easily exercise their right to withdraw consent. Data protection-friendly default settings are used in standard and individual software. • Measures for internal IT and IT security governance and management: Anti-virus software and a firewall are installed on servers and clients to help avoid malicious software gaining unauthorised access to systems. • Measures for allowing data portability and ensuring erasure. 	<ul style="list-style-type: none"> • Measures for ensuring ongoing confidentiality, integrity, availability and resilience of processing systems and services. • Measures for ensuring the ability to restore the availability and access to Personal Information in a timely manner in the event of a physical or technical incident. • Processes for regularly testing, assessing and evaluating the effectiveness of TOMS in order to ensure the security of the processing. • Measures for ensuring physical security of locations at which Personal Data are Processed: Systems and services are protected against accidental or unlawful destruction, accidental loss, alteration, unauthorised disclosure or access. • Measures for the protection of data during storage: Access to specific data is restricted to those who need to Process that data. This is controlled via a user authorisation model. External storage media that contain sensitive Personal Data are encrypted and kept under lock and key. • Measures for ensuring data minimization: Personal Data is only collected to the extent necessary to fulfil the intended purposes. Personal Data held is reviewed periodically and deleted if not used anymore and if no legal or contractual requirements prohibit the deletion of such Personal Data.

5. The Request Procedure

5.1 Form of request

- 5.1.1 A request for access to records held by the Company in terms of section 53 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information. The prescribed forms and fees for requests to private bodies are available on the website of the Information Regulator at <https://info regulator.org.za/contact-us/>. The request must be made to the deputy information officer of the Company at the address or e-mail address specified in paragraph 2 above.
- 5.1.2 The requester must provide sufficient detail on the prescribed form to enable the [information officer / deputy information officer] of the Company to identify the record and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to the [information officer / deputy information officer]. The requester is also required to indicate which form of access to the relevant records is required, and to provide her/his/its contact details in South Africa.
- 5.1.3 For the purposes of Form C, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.
- 5.1.4 The Company may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or the Company itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for legal proceedings, that it is necessary to protect the research information of a third party or the Company itself.
- 5.1.5 If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Company's possession but cannot be found, or it does not exist, then the information officer or deputy information officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 5.1.6 The Company is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of the Company's decision in any other manner as well, this must be set out in the request and the relevant details included in order to allow the Company to inform the requester in the preferred manner.

5.1.7 The Company will make a decision in relation to a request for records within 30 days of receiving it, unless a third-party notification and intervention, as contemplated in Chapter 5 of PAIA, applies.

5.2 Fees

5.2.1 A requester who seeks access to records containing personal information about her/him/it, is not required to pay request fee. Requesters who earn less than R14,712.00 per year (if single) and R27,192 per year (if married or in a life partnership), do not have to pay access fees. In all other instances, a request fee at the prescribed rate is payable.

5.2.2 The fees for reproduction of information that is automatically available from the Company, referred to in paragraph 5.4 above (a section 52 request), are as follows:

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c)	For a copy in a computer-readable form on:	
	(i) Compact disk	R70.00
(d)	For a transcription of visual images, for an A4-size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00

5.2.3 The request fee and fees for reproduction for information which needs to be requested in terms of PAIA and/or POPIA, referred to in paragraph 5.7 above (a section 53 request) are as follows:

	Request Fee	R50.00
(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable audio record form	R0,75
(c)	For copy in a computer-readable form on:	
	(i) compact disc	R70
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40
	(ii) For a copy of visual images	R60
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20
	(ii) For a copy of an audio record	R30

5.2.4 The request fee may be paid at the time a request is made or the person authorised to deal with such requests on Company's behalf may notify the requester that s/he/it needs to pay the request fee before processing the request any further. A requester may apply to the court to be exempted from the requirement to pay the request fee.

5.2.5 Where a request for access to a record or records held by the Company is granted, the requester also has to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. The Company is entitled to withhold a record until the required access fees have been paid.

5.2.6 Persons who are requesting access to their personal information are exempt from paying a request fee but they are still required to pay the access fee and reproduction fee, if applicable.

5.2.7 In addition, if the search for and preparation of the record or records requested takes more than 6 hours, the Company may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records. The requester may make an application to the court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

5.3 Remedies for refusal to request for information

5.3.1 *Internal remedy*

The Company does not have an internal appeal procedure. As such, the decision made by the information officer or deputy information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer or deputy information officer.

5.3.2 *External remedy*

Where a requester is not satisfied by a decision made by IO or DIO of the Company, s/he/it may apply to court for relief within 180 days of receiving the decision that has caused the grievance. The application can be made to a Magistrate's Court or High Court.

6. **Other information as may be prescribed**

Currently, the Regulations published in terms of PAIA, under Government Notice R187 in *Government Gazette* 23119 of 15 February 2002, set out, among other things, the fees which may be charged by private bodies for the reproduction of records (provided in the table above). No new Regulations have since been published and the last amendments to the Regulations were made in 2007.

7. **Availability of the Manual**

7.1 a copy of the Manuel is available on:

7.1.1 on www.morgancargo.com or;

7.1.2 at the offices of the Company at the address set out in paragraph 2 above for public inspection during normal business hours;

7.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

7.1.4 to the Information Regulator upon request.

7.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

Issued by:

HUGO ROUX



(Legal & Compliance Officer)