

SAMSUNG

SAMSUNG ELECTRONICS SOUTH AFRICA (PTY) LTD

Registration Number 1994 / 0003872 / 07:

THE PROMOTION OF ACCESS TO INFORMATION

MANUAL

Compiled in accordance with

Section 51 of the Promotion of Access to Information Act No. 2 of 2000

(As amended)

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1. INTRODUCTION

- 1.1 Samsung Electronics South Africa (Pty) Ltd (hereafter “Samsung”) is one of the leading electronics companies within the Republic of South Africa.
- 1.2 Samsung is committed to conform with the laws and national regulations set out in the Constitution of Republic of South Africa.
- 1.3 Section 32 of the Constitution essentially indicates the right of access to information held by private bodies.
- 1.4 As a private body, Samsung compiled this manual in accordance with section 51 of The Promotion of Access to Information Act (PAIA) No. 2 of 2000 and further convey the requirements of the Protection of Personal Information Act (POPIA) No. 4 of 2013.
- 1.5 The aim of the manual is to assist potential requestors as to the procedure to be followed when requesting access to information / documents from Samsung as contemplated in terms of the Act.
- 1.6 The manual may be amended from time to time and as soon as any amendments have been effected, the last version of the manual will be published and distributed according to the Act.
- 1.7 Any requestor is invited to contact the Information Officer should he/she require any assistance in respect of the use of this manual and or for requests for information from the Company.
- 1.8 The purpose of PAIA manual is to promote the right of access to information and to support the culture transparency and accountability.

2. DEFINITIONS

- 2.1. The following words or expressions will bear the following meanings in this Manual:
 - 2.1.1. **“Company”**, **“we”** shall mean Samsung Electronics South Africa (Pty) Ltd, Registration Number 1994/003872/07, a Company duly registered and incorporated in the Republic of South Africa;
 - 2.1.2. **“DIO”** means Deputy Information Officer appointed by the Information Officer;
 - 2.1.3. **“Information Officer”** means the designated Information Officer described in this Manual (Samsung’s Data Protection Officer (DPO));

- 2.1.4. **“Manual”** shall mean this Manual together with any annexures thereto which will be available at that principal place of business of the Company.
- 2.1.5. **“PAIA”** shall mean the Promotion of Access to Information Act 2 of 2000. together with the relevant regulations published in respect of the Act;
- 2.1.6. **‘PAIA Guide’** shall mean a guide book on how to use PAIA;
- 2.1.7. **“POPI”** means the Protection of Personal Information Act 4 of 2013, together with the relevant regulations published in respect of the Act.
- 2.1.8. **“Principal Place of Business”** is 2929 Winnie Mandela Drive, Bryanston, Johannesburg, Gauteng, 2021.
- 2.1.9. **“Regulator”**- mean the Information Regulator established in terms of section 39 of the Promotion of Access to Information Act;

3. SCOPE AND PURPOSE OF THE MANUAL

- 3.1. This Manual has been prepared in respect of Samsung Electronics South Africa (Pty) Ltd having its principal place of business at 2929 Winnie Mandela Drive, Bryanston, Johannesburg and the following business presence within the Republic of South Africa:-

Cape Town Office	Port Elizabeth Office
Tigervally Health Care Centre	Metropolitan Office Park
43 Old Oak Road	227,279 & 281 Cape Road
Tigervally	Newton Park
Bellville	Port Elizabeth
7530	Newton Park
	Port Elizabeth

- 3.2 This PAIA Manual is useful for the public to-

- 3.2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

- 3.2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 3.2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. COMPANY INTRODUCTION

- 4.1. Samsung has more than 385 employees in total.
- 4.2. It is the South African Subsidiary of Samsung Electronics Company situated in Seoul the Republic of South Korea.
- 4.3. The South African Subsidiary is a national organisation with regional offices in South Africa's main commercial centers and consists of the following Business Units:

Business Unit / Division	Group / Departments
Consumer Electronics (CE)	CE Marketing
	Brand Store
	AV Group
	DA Group
	KZN Region
	Cpt Region
Integrated Mobility (IM)	Sales Group
	Product Marketing Group

Enterprise Business (ED)	Enterprise Business Group
	Strategy & Retail Group
	IT Sales Group
	B2B Sales group
Corporate Marketing	
Management Support	Accounting & Tax Group
	Sales Support Group
	AR Risk Management Group
	Logistics Group
	Human Resources Group
	IT Infra Group
	Business Operations Group
	Legal and Compliance group
Customer Service (CS)	
	Service Operations
	Contact Centre
	Service Parts Operations
	Service Reverse Logistics
	Service Technical Support
	Service Enterprise Business
	Service Warranty

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION FROM THE COMPANY

5.1. Chief Information Officer

Name: Mark Grobler
 Tel: +27 (0) 11 549 1500
 Email: ssacompliance@samsung.com

5.2. Deputy Information Officer *(designated in terms of section 17 (1) of PAIA)*

Name: Nastassja Singh
 Tel: +27 (0) 11 549 1500
 Email: nas.singh@samsung.com

Name: Debbie Wang
 Tel: +27 (0) 11 549 1500
 Email: ycd.wang@samsung.com

5.3. Access to information general contacts

Email: ssacompliance@samsung.com

5.4. Head Office

Name of Company	: Samsung Electronics South Africa (Pty) Ltd
Physical Address	: 2929 Winnie Mandela Drive
	: Bryanston
	: 2021
Postal Address	: P. O. Box 70006, Bryanston, 2021
Telephone Number	: +27 (0) 11 549 1500
Telefax Number	: No Fax Number
E-mail Address	: ssacompliance@samsung.com
Website Address	: www.samsung.com

6. THE ACT AND SECTION 10 GUIDE

6.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised PAIA Guide on how to use PAIA 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.

6.2 The PAIA Guide is available in each of the official languages and in braille. The aforesaid Guide contains the description of-

6.2.1 the objects of PAIA and POPIA;

6.2.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

6.2.2.1 the Information Officer of every public body, and

- 6.2.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 6.2.3 the manner and form of a request for-
 - 6.2.3.1 access to a record of a public body contemplated in section 11; and
 - 6.2.3.2 access to a record of a private body contemplated in section 50;
- 6.2.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 6.2.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.2.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 6.2.6.1 an internal appeal;
 - 6.2.6.2 a complaint to the Regulator; and
 - 6.2.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 6.2.7 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 6.2.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 6.2.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

6.2.10 the regulations made in terms of section 92.

6.3 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.

6.4 The Guide can also be obtained-

6.4.1 upon request to the Information Officer;

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

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

6.5.1 English

6.5.2 Afrikaans

7. APPLICABLE LEGISLATION AS AMENDED FROM TIME TO TIME (SECTION 51 (1) (c))

No.	Ref	Act
1.	No. 61 of 1973	Companies Act
2.	No. 98 of 1978	Copyright Act
3.	No. 55 of 1998	Employment Equity Act
4.	No. 95 of 1967	Income Tax Act
5.	No. 66 of 1995	Labour Relations Act
6.	No. 89 of 1991	Value Added Tax Act
7.	No. 75 of 1997	Basic Conditions of Employment Act
8.	No. 25 of 2002	Electronic Communications & Transactions Act
9.	No. 2 of 2000	Promotion of Access to Information Act
10.	No. 38 of 2001	Financial Intelligence Centre Act
11.	No. 34 of 2005	National Credit Act
12.	No. 4 of 2013	Protection of Personal Information Act

8. SCHEDULE OF RECORDS (SECTION 51 (1) (d))

Records	Subject	Availability
Employment	Employee Records	Request in terms of PAIA
	Policy & Procedures	Request in terms of PAIA
	Personnel Files	Request in terms of PAIA
	Remuneration Information	Request in terms of PAIA
	Attendance Records	Request in terms of PAIA
	Performance Records	Request in terms of PAIA
	Disciplinary Records	Request in terms of PAIA
Sales	Agency Agreements	Request in terms of PAIA
	Client Data base	Request in terms of PAIA
	Delivery & Dispatch Reports	Request in terms of PAIA
Marketing	Corporate Brand Data	www.samsung.com
	Corporate Social Investment	www.samsung.com
	Sponsorships	Request in terms of PAIA
Legal	Patents & Copyright Data	Request in terms of PAIA
	Legal Contracts	Request in terms of PAIA
	Legal Agreements	Request in terms of PAIA
	Litigation Data	Request in terms of PAIA
Finance	Financial Data	Request in terms of PAIA
	Company Secretarial	Request in terms of PAIA
	Board Resolutions	Request in terms of PAIA
	Insurance Policies	Request in terms of PAIA

9. PROCESSING OF PERSONAL INFORMATION

9.1. Purpose of Processing Personal Information

The Company processes Personal Information for the following purposes (not limited to the below:

- a) Remuneration to staff;
- b) Staff recruitment;
- c) On boarding and Payment to suppliers; and
- d) Marketing

9.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race
Consumers	Names, surname, cell phone numbers, email address.

9.3. The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Names, surname or cell phone numbers	Information Regulator
Credit and payment history, for credit information	Credit Bureaus

9.4. Planned Trans border flows of personal information

9.4.1 Personal Information such as Names, surnames, identity numbers, cellphone numbers, email addresses or addresses may be stored at the Company Head Office based in South Korea or at an authorised cloud service provided.

9.5 Nature of Security measures

9.5.1 The Company takes reasonable technical and organisational security measures as a minimum standard of protect Personal Information. The Company adopts information security management policies, physical security, access control, security and privacy enhancing technologies. The Company also conducts, awareness, training and security checks, incident and response management and due diligence.

10. REQUEST PROCEDURE

10.1 To facilitate the processing of your request, kindly:

Use the prescribed Form 2 attached hereto marked as Annexure 1, also available on the website of the Information Regulator at <https://www.justice.gov.za/inforeg/>

10.1.1. Address your request to the Information Officer

10.1.2. Provide sufficient details to enable the Company to identify:

10.1.2.1. The record(s) requested;

10.1.2.2. The requestor (and if an agent is lodging the request, proof of capacity);

10.1.2.3. The form of access required;

10.1.2.4. The postal address or fax number of the requestor in the Republic;

10.1.2.5. If the requestor wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

10.1.2.6. The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

- 10.2. Once a request for a record has been received, the Information Officer will take all such practicable steps to preserve the record requested.
- 10.3. Records will only be released if the prescribed fee for the record is paid by the requestor or if arrangements have been made in accordance with the provisions of the Act to secure the fee in question.
- 10.4. If a record cannot be found after a reasonable search, the Information Officer will attest to an affidavit or affirmation to this effect and set out in the document the steps taken to search for the record.
- 10.5. The Information Officer shall, within thirty (30) days of receipt of a request in the prescribed format, decide whether or not the request will be adhered to and inform the requester accordingly of the decision.
- 10.6. If the request is granted, the Information Officer shall inform the requestor of:
 - 10.6.1. The access fee to be paid;
 - 10.6.2. The manner in which access will be given; and
 - 10.6.3. The right of appeal that the requester has against paying the fee.
- 10.7. If the request is refused the Information Officer shall provide the requestor with:
 - 10.7.1. adequate reasons for the refusal;
 - 10.7.2. State what ground in terms of the Act is being relied upon for refusal; and
 - 10.7.3. Inform the requester of the right to lodge an application to court as the case may be in respect of the refusal.

Refer to the PAIA Guide for more details on how to submit a Request

11. GROUNDS FOR THE REFUSAL OF ACCESS TO RECORDS

- 11.1. Access to records will be refused in instances where such disclosure would involve the unreasonable disclosure of personal information about a third party.

11.2. The request shall, however, not be refused if:

11.2.1. The individual about whom the information is, has consented in writing to the disclosure of the information;

11.2.2. The information is already publicly available;

11.2.3. When the information was given to the Company, the person about whom the information is, was informed that the information belongs to a class of information that might be made available to the public;

11.2.4. Information about a deceased person made by the next of kin;

11.2.5. The information is about an official of the company and relates to the positions or function of the individual including the nature of his position and the title.

11.3. A request for information shall automatically be refused if the record:

11.3.1. Contain trade secrets; financial, commercial, scientific or technical information of a third party or the company, the disclosure of which is likely to cause harm to the commercial or financial interests of the third party or the company;

11.3.2. Contain information of a third party or the company disclosed in confidence which will cause the third party or company disadvantage in negotiations or prejudice him or the company as the case may be in commercial competition;

11.3.3. Disclosure would constitute an action for a breach of a duty of confidence owed to a third party in terms of an agreement;

11.3.4. Disclosure would reasonably endanger the life or physical safety of the individual or property;

11.3.5. Is privileged in legal proceedings;

11.3.6. Relates to research, the exposure of which would result in serious disadvantage to the researcher or the person commissioning the research or the subject matter of the research.

12. PRESCRIBED FORMS AND FEES

12.1. The following applies to requests (other than personal requests):

12.1.1. A requestor is required to pay the prescribed fees before a request will be processed;

- 12.1.2. If the preparation of the record requested requires more than the prescribed hours (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);
- 12.1.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 12.1.4. Records may be withheld until the fees have been paid.
- 12.1.5. The fee structure is available on the website of the Information Regulator at <https://www.justice.gov.za/infoereg/> as well in Annexure 2 of this manual.

13. AVAILABILITY OF THE MANUAL

13.1. A copy of the Manual is available-

- 13.1.1. on www.samsang.com/za if any;
- 13.1.2. The Company head office for public inspection during normal business hours;
- 13.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
- 13.1.4. to the Information Regulator upon request.

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

14. UPDATING OF THE MANUAL

The head of the Company will on a regular basis update this manual.

Issued by

Mark Grobler

Information Officer (Appointed by the CEO of the Company)

Please refer to the Information Regulator website for relevant forms:
<https://inforegulator.org.za/paia-forms>

ANNEXURE 1 – Form 2: Request for Access to Record of Private Body

ANNEXURE 2 – Form 3: Prescribed Fees Payable