
**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2 OF 2000 FOR FARMWISE GRAINS PROPRIETARY
LIMITED (COMPANY REGISTRATION NUMBER 1997/005345/07)
("FARMWISE") AND ITS FOLLOWING OWNED SUBSIDIARIES:**

**F-WISE CAPITAL PROPRIETARY LIMITED
(REGISTRATION NUMBER: 2011/002473/07);**

**GYRO INFORMATION TECHNOLOGIES PROPRIETARY LIMITED
(REGISTRATION NUMBER: 2002/016102/07); AND**

**THERA SOFTWARE PROPRIETARY LIMITED
(REGISTRATION NUMBER: 2014/074025/07).**

INTRODUCTION:

The Promotion of Access to Information Act, 2 of 2000 ("**the Act**") gives effect to Section 37(1)(a)&(b) of the Constitution of the Republic of South Africa, Act 108 of 1996 ("**the Constitution**"), which provides for the right of access to information held by public and private bodies when such information is requested for the exercise or protection of any rights.

The Act, *inter alia*, sets out the requisite procedural requirements in relation to a request for information and grounds for refusal of a request.

The Act recognises that the right to any information may be limited to the extent that such limitations as set out in Section 9(b) of the Act are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

PART 1

INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(a):

Name of Private Body	:	Farmwise Grains Proprietary Limited
Physical Address	:	First floor, 292 Surrey Avenue, Corner Harley Avenue, Ferndale, Randburg
Postal Address	:	P O Box 3660, Randburg, 2125
Website Address	:	www.farmwise.co.za
Head of Private Body	:	Mr JP van Heerden
Telephone Number	:	011 787 3666
Facsimile Number	:	011 787 3710
Electronic Mail	:	jannie@farmwise.co.za
Authorised Person	:	Mr CAB Dakyns
Telephone Number	:	011 787 3666
Facsimile Number	:	011 787 3710
Electronic Mail	:	callum@farmwise.co.za

PART 2

INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(b)(i):

1. A guide on how to use the Act as contemplated in Section 10 (*“the guide”*) has been compiled by the South African Human Rights Commission (***“the SAHRC”***). It contains information which would be reasonably required by any person wishing to exercise any right set out in the Act. The guide is available in all of the official languages.
2. The guide is available for inspection at the offices of the SAHRC at:

Braampark, Forum 3

33 Hoofd Street

Braamfontein

Telephone number: 011 877 3600

Website: www.sahrc.org.za

Email: paia@sahrc.org.za;

PART 3

INFORMATION REQUIRED IN TERMS OF SECTION 51(b)(ii):

3. In terms of Section 52(1) of the Act, the following records are automatically available to any person requesting this documentation free of charge and it is therefore not necessary to apply for access thereto in terms of the Act or this Manual:
 - 3.1 All records of Farmwise lodged in terms of regulatory/legislative requirements with various statutory and/or regulatory bodies, which by virtue of such lodgement become public knowledge;
 - 3.2 Product Brochures;
 - 3.3 All non-confidential communications and announcements from Johannesburg Stock Exchange, SAFEX Commodity Derivatives; and
 - 3.4 All other information available on the Farmwise website at www.farmwise.co.za.

PART 4

RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(b)(iii) READ WITH SECTION 51(1)(d):

4. Records (if any) are available in terms of the following legislation:
 - 4.1 Basic Conditions of Employment Act, 75 of 1997;
 - 4.2 Companies' Act, 61 of 1973;
 - 4.3 Companies' Act, 71 of 2008;
 - 4.4 Compensation for Occupational Injuries and Disease Act, 130 of 1993;
 - 4.5 Electronic Communications Act, No. 36 of 2005;
 - 4.6 Electronic Communications and Transactions Act, 25 of 2002;
 - 4.7 Employment Equity Act, 55 of 1998;
 - 4.8 Financial Intelligence Centre Act, 28 of 2001;
 - 4.9 Financial Markets Act, 19 of 2012;
 - 4.10 Labour Relations Act, 66 of 1995;
 - 4.11 Regulation of Interception of Communication and Provision of Communications Act, 70 of 2002;
 - 4.12 Skills Development Act, 9 of 1999;
 - 4.13 Unemployment Insurance Act, 63 of 2001; and
 - 4.14 Value Added Tax Act, 89 of 1991.

PART 5

INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(b)(iv) READ WITH SECTION 51(1)(e):

5. Corporate Records

- 5.1 Documents of Incorporation;
- 5.2 Memorandum of Incorporation;
- 5.3 Minutes of meeting of the Board of Directors;
- 5.4 Minutes of meetings of Shareholders;
- 5.5 Register of directors' shareholdings;
- 5.6 Records relating to the appointment of:
 - 5.6.1 Directors;
 - 5.6.2 Auditors;
 - 5.6.3 Company secretary;
 - 5.6.4 Public Officer; and
 - 5.6.5 Any other Prescribed Officer.
- 5.7 Share Register and other statutory registers and/or records and/or documents;
- 5.8 Share certificates; and
- 5.9 Licences and permits (where applicable).

6. Financial Records

- 6.1 Accounting Records;
- 6.2 Annual Financial Statements;
- 6.3 Asset Registers;
- 6.4 Banking details and bank accounts;
- 6.5 Debtors / Creditors statements and invoices;
- 6.6 General ledgers and subsidiary ledgers;
- 6.7 General reconciliations;
- 6.8 Invoices;
- 6.9 Policies and procedures;
- 6.10 Rental Agreements; and
- 6.11 Tax Returns.

7. Income Tax Records

- 7.1 Pay-as-you-earn (*PAYE*) Records;
- 7.2 Documents issued to employees for income tax purposes; and
- 7.3 Records of payments made to South African Revenue Services on behalf of Employees.

8. All or any statutory compliances

- 8.1 Value Added Tax;
- 8.2 Skills Development Levies;

- 8.3 Unemployment Insurance Fund;
- 8.4 Workman's Compensation; and
- 8.5 JSE SAFEX Commodity Derivatives Rules.

9. Personnel Documents and Records

- 9.1 Address Lists;
- 9.2 Disciplinary Code and Records;
- 9.3 Employee benefits arrangements rules and records;
- 9.4 Employment Contracts or Letters of Appointment;
- 9.5 Employment Equity Plan (If applicable);
- 9.6 Grievance Procedures;
- 9.7 Internal Telephone Lists;
- 9.8 Leave Records;
- 9.9 Payroll reports/ Wage register; and
- 9.10 Salary Records.

10. Procurement

- 10.1 Standard Terms and Conditions for supply of services and products;
- 10.2 Contractor, client and supplier agreements; and
- 10.3 Lists of suppliers, products, services and distribution.

11. Legal and Compliance

- 11.1 Agreements / General Contracts;
- 11.2 Client Registration Forms;
- 11.3 Litigation claims/Court documents and related records;
- 11.4 Transport and vehicle records; and
- 11.5 Records in terms of Financial Intelligence Centre Act 28 of 2001;

12. Information security / Information technology

- 12.1 Information usage policy documentation;
- 12.2 Software licensing; and
- 12.3 System documentation and manuals.

13. Third Party records

- 13.1 Records held by Farmwise pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records the third parties have provided about any contractors and / or suppliers; and
- 13.2 Records held by Farmwise pertaining to contractors, subsidiary companies, joint venture companies, special purpose vehicle companies and service providers.

PART 6

PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60 OF THE ACT):

14. The requester must comply in full with all the procedural requirements as set out in the Act and this Manual, relating to the request for access to a record – set out – Parts 4 and 5. Failure to do so will result in the request being refused.
15. The requester must complete Form C (which can be accessed on the website of the SAHRC under the link www.sahrc.co.za), and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to the Authorised Person at the postal or physical address, facsimile number or electronic mail address under Part 1 above.
16. The prescribed form must be completed with enough particularity so as to at least enable the Authorised Person to identify:
 - 16.1 The records requested;
 - 16.2 The identity of the requester;
 - 16.3 Which form of access to the records is required, should the request be granted; and
 - 16.4 The postal address or facsimile number of the requester.
17. The requester must identify the nature of the right for which purposes access to the records is required. If the right is not clearly defined, the Authorised Person may refuse access to the record requested.
18. The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner. If so, the requester must state the manner required with full particularity.

19. If the request is made on behalf of another person the requester must submit proof of the capacity in terms of which the requester is making the request to the reasonable satisfaction of the Authorised Person.
20. Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit the request orally to the Authorised Person.
21. The requester must pay the prescribed fee (if applicable) before any processing can take place. The prescribed fee for requests to private bodies is available on the website of the SAHRC under the link www.sahrc.org.za.
22. Farmwise will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
23. The 30 day period may be extended with a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Farmwise, or the records are not located at the building of Farmwise, or consultations amongst divisions within Farmwise or another private body or third party are required.
24. Should the request be granted, the written notice must state the access fee (if any) to be paid upon access, the form in which access will be given and that the requester may lodge an application with the Information Regulator or Court against the access fee to be paid or the form of access granted.
25. Should the request be refused, the written notice must state adequate reasons for the refusal, including the provisions of the Act relied upon.

PART 7

GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT):

26. Subject to Sections 7 and 70 of the Act, the main grounds for Farmwise to refuse a request for information as contemplated by the Act relates to:

26.1 Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

26.2 Protection of commercial information of a third party as defined by the Act, if the record contains:

26.2.1 trade secrets of that third party;

26.2.2 financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;

26.2.3 information disclosed in confidence to Farmwise by a third party, the disclosure of which could put that third party at a disadvantage in a contractual or other negotiations or would prejudice that third party in commercial competition.

26.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement;

26.4 Protection of safety of individuals and protection of property;

26.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege; and

- 26.6 Protection of commercial activities of Farmwise, which may include:
- 26.6.1 trade secrets of Farmwise;
 - 26.6.2 financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of Farmwise;
 - 26.6.3 information which, if disclosed, could put Farmwise at a disadvantage in negotiations or commercial competition;
 - 26.6.4 a computer programme owned by Farmwise, and which is protected by copyright; and
 - 26.6.5 the research information of Farmwise or a third party on behalf of Farmwise if the disclosure would expose the third party, Farmwise, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

PART 8

REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (SECTIONS 77A TO 82 OF THE ACT):

27. Farmwise does not have internal appeal procedures and as such, the decision made by the Authorised Person is final.
28. Therefore, should the requester be dissatisfied with the Authorised Person's decision to refuse access, the requester may either:
 - 28.1 within 180 days of the decision submit a complaint to the Information Regulator; or
 - 28.2 within 180 days of the decision of Farmwise (in 27 above) or the Information Regulator (in 28.1 above) approach a competent Court on application.
29. Should a third party be dissatisfied with the Authorised Person's decision to grant a request for information relating to that third party, it (the third party) may, either:
 - 29.1 within 180 days of the decision of Farmwise (in 27 above) submit a complaint to the Information Regulator; or
 - 29.2 within 180 days of the decision of Farmwise (in 27above) or the Information Regulator (in 29.1 above) approach a competent Court on application.

PART 9

INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(c):

30. In certain circumstances and as part of the business of Farmwise, Farmwise may collect and process clients' Personal Information as defined in the Protection of Personal Information Act, 4 of 2013 ("**POPI**"). The type of information will depend on the need for which it is collected and will be processed for that specific purpose only. Whenever possible, Farmwise will inform the client what information it requires and the reasons therefor. Examples of personal information Farmwise collects includes, but is not limited to:
 - 30.1 A client's Identity number, name, surname, address, postal code, marital status; and/or
 - 30.2 Description of a client's, residence, business and assets; and/or
 - 30.3 Financial information and banking details; and/or
 - 30.4 Any other information required by Farmwise.
31. A more comprehensive list of personal information Farmwise collects from clients are set out under 35 hereunder.
32. A client's personal information will only be used for the purpose for which it was collected and agreed. This may include:
 - 32.1. Providing services to clients and to carry out the transactions requested; and/or
 - 32.2. Conducting credit reference searches and/or verification; and/or
 - 32.3. Confirming, verifying and updating client details; and/or
 - 32.4. Detection and prevention of fraud, crime, money laundering or other malpractice; and/or

- 32.5. For audit and record keeping purposes; and/or
- 32.6. In connection with legal proceedings; and/or
- 32.7. Providing communications in respect of Farmwise and regulatory matters that may affect clients; and/or
- 32.8. In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

33. Disclosure of personal information

- 33.1. Farmwise may disclose clients' personal information to any of its subsidiaries, joint venture companies and/or approved third party service providers whose services or products clients elect to use. Farmwise have agreements in place to ensure that all parties concerned comply with confidentiality and privacy conditions.
- 33.2. Farmwise may also disclose clients' personal information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect its rights.

34. Safeguarding client's information

- 34.1. It is a requirement of POPI to adequately protect the personal information Farmwise holds and to avoid unauthorised access and use of clients' personal information. Farmwise will continuously review its security controls and processes to ensure that your personal information is secure. The following procedures are in place in order to protect your personal information:
 - 34.1.1. The Authorised Person is responsible for the compliance with the lawful processing of Personal Information;
 - 34.1.2. All employees (including new) are requested to acknowledge the provisions of POPI;

34.1.3. All hard copies of documents are stored on site at the offices of Farmwise in a fire proof safe;

34.1.4. In addition, all documents are stored electronically for back up purposes; and

34.1.5. Only a select few employees have access to personal information. If not so authorised, access is automatically denied.

35. **Categories of Data Subjects and their Personal Information**

Farmwise may possess the following records relating to suppliers, shareholders, contractors, service providers, staff and clients:

:Entity Type	Personal Information Processed
As to Clients who are Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
As to Clients who are Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
As to Clients who are Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence
As to Intermediaries / Advisors	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

As to Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
As to Employees / Directors / Shareholders	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;

36. **Categories of Recipients for Processing the Personal Information**

36.1. Farmwise may supply the personal information to service providers who render the following services to Farmwise:

36.1.1. Capturing and organising of data;

36.1.2. Storing of data;

36.1.3. Sending of emails and other correspondence to clients; and

36.1.4. Conducting due diligence checks.