



BEXGROUP (PTY) LTD

**Registration Number: 2002/021088/07
(the "Company"/ "BexGroup")**

**MANUAL ON:
THE PROMOTION OF ACCESS TO INFORMATION ACT¹ &
THE PROTECTION OF PERSONAL INFORMATION ACT².
("PAIA AND POPIA MANUAL/ MANUAL")**

Version	1.4
Approved	23 April 2024

¹ In terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA")

² The Protection of Personal Information Act, No. 4 of 2013 ("POPIA")

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1. INTRODUCTION

1.1. This Manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) and to address requirements of the Protection of Personal Information Act, No. 4 of 2013 (“POPIA”).

1.2. BexGroup (Pty) Ltd (“BexGroup”) is the holding company for several businesses in the agricultural and logistics value chain. This Manual applies BexGroup, including its subsidiary and related entities.

1.3. PAIA was enacted to give effect to the constitutional right of access to information. In terms of the Constitution and PAIA, all people in South Africa, including non-nationals, can request information from public and private bodies.

1.4. The objectives of PAIA:

- To promote transparency, accountability and effective governance of all public and private bodies;
- To assist members of the public to effectively scrutinize and participate in decision making by public bodies;
- To ensure that the state promotes a human rights culture and social justice;
- To encourage openness; and
- To establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner.

1.5. This Manual informs requestors of procedural and other requirements which a request to BexGroup, a private body, must meet as prescribed by the PAIA as read with POPIA.

2. COMPANY CONTACT DETAILS – (PAIA: Section 51 (1) (a))

Directors: Mr GW Bester
Mr SD Meades
Ms A Louw
Mr CV Human
Prof. M. Ungerer

Chief Executive Officer: Mrs A. Louw

Postal Address: PO Box 7329, Stellenbosch, 7599

Street Address: 29 Elektron Road, Techno Park, Stellenbosch, 7600

Telephone Number: +27 (0)21 809 2500

Fax Number: +27 (0)86 618 8924

Email: elmien.olivier@bexgroup.co.za

Information Officer: Mrs E Olivier

Postal Address: PO Box 7329, Stellenbosch, 7599

Street Address: 29 Elektron Road, Techno Park, Stellenbosch, 7600

Telephone Number: +27 (0)21 809 2500

Email: elmien.olivier@bexgroup.co.za

3. REQUESTS – (PAIA: Section 51(1) (b))

3.1. PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and fees are dealt with in PAIA as read with POPIA and annexed hereto.

3.3. The Regulator has, in terms of section 10(1) of PAIA, 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. The Guide can be obtained from the website of the Regulator (www.inforegulator.org.za).

3.4. The contact details of the Information Regulator are:

Telephone Number: +27(0)10 023 5200

Email Address: enquiries@inforegulator.org.za

Website: www.inforegulator.org.za

4. APPLICABLE LEGISLATION – (PAIA: Section 51 (1) (c))

4.1. As at the time of adopting and issuing this PAIA and POPIA Manual, the following Legislation, as amended from time to time, and such underlying Regulations and Codes of Conduct are applicable to BexGroup:

APPLICABLE LEGISLATION – SOUTH AFRICA
Agricultural Produce Agents Act No. 12 of 1992 as Amended by Act 47 of 2003
Agricultural Product Standards Act No.119 of 1990 as Amended by Act 63 of 1998
Basic Conditions of Employment Act No. 75 of 1997
Broad-Based Black Economic Empowerment Act No. 53 of 2003 as Amended by Act No. 46 of 2013
Companies Act No. 71 of 2008 as Amended by Act No. 3 of 2011
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Competition Act No. 89 of 1998 as Amended by Act 18 of 2018
Copyright Act No. 98 of 1978 as Amended by Act 9 of 2002
Constitution of the Republic of South Africa Act No. 108 of 1996
Criminal Procedure Act No. 51 of 1977 as Amended by Act 16 of 2021
Credit Agreement Act No. 75 of 1980
Customs and Excise Act No. 91 of 1964 as Amended by Act 13 of 2019
Currency and Exchanges Act No. 9 of 1933 as Amended by Act 23 of 1996
Cybercrimes Act No. 19 of 2020
Deed Registries Act No. 47 of 1937 as Amended by Act 34 of 2013
Electronic Communications and Transactions Act No. 25 of 2002
Employment Equity Act No. 55 of 1998 as Amended by Act 47 of 2013
Fertilizers, Farm Feeds, Seeds and Remedies Act No. 36 of 1947
Financial Intelligence Centre Act No. 38 of 2008
Financial Markets Act No. 19 of 2012
Financial Markets Control Act No. 55 of 1989 as Amended by Act 55 of 1995
Identification Act No. 68 of 1997
Income Tax Act No. 58 of 1962
Insolvency Act No. 24 of 1936 as Amended by Act 16 of 2003
Intellectual Property Laws Amendment Act No 28 of 2013
The King IV Report on Corporate Governance for South Africa, 2016 (King IV™)
Labour Relations Act No. 66 of 1995 as Amended by Act 8 of 2018
Magistrates' Court Act No. 32 of 1944 as Amended by Act 19 of 2010
Minimum Wage Act 9 of 2018
National Credit Act No. 34 of 2005 as Amended by Act 7 of 2019
National Water Act No. 36 of 1998 as Amended by Act 27 of 2014
Occupational Health and Safety Act No. 85 of 1993
Patents, Designs and Copyright Merchandise Marks Act No. 17 of 1941
Pension Funds Act No. 24 of 1956 as Amended by Act 11 of 2007
Prescription Act No. 68 of 1969 as Amended by Act 11 of 1984
Prevention of Organized Crime Act No. 121 of 1998
Promotion of Access of Information Act No. 2 of 2000 as Amended by Act 31 of 2019
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Protection of Personal Information Act No. 4 of 2013
Road Transportation Act No. 74 of 1977
Registration of Farm Feeds Act No. 36 of 1947 (Republic of Namibia Ministry of Agriculture, Water Forestry) Fertilizers, Farm Feeds, Seeds and Remedies Act 36 of 1947; as Amended by Act 4 of 1980
Securities Services Act 36 of 2004
Skills Development Levies Act No. 9 of 1999
Stock Exchanges Control Act No. 1 of 1985 as Amended by Act 54 of 1995

APPLICABLE LEGISLATION – SOUTH AFRICA
Unemployment Insurance Act No. 63 of 2001
Tax Administration Act No. 28 of 2011 as Amended by Act 16 of 2022
Trademarks Act No. 194 of 1993
Transfer Duty Act No. 40 of 1949
Value-added Tax Act No. 89 of 1991

5. CATEGORIES OF RECORDS HELD BY THE COMPANY – (PAIA: Section 51 (1) (d))

5.1. Companies Act Records:

- Documents of incorporation.
- Memorandum of Incorporation.
- Minutes of Board of Directors meetings.
- Records relating to the appointment of directors/ auditor / secretary/ public officer and other officers.
- Share Register and other statutory registers.

5.2. Financial Records:

- Annual Financial Statements.
- Tax Returns.
- Accounting Records.
- Banking Records.
- Bank Statements.
- Electronic banking records.
- Asset Register.
- Rental Agreements.
- Invoices.

5.3. Tax Records:

- PAYE Records.
- Documents issued to employees for income tax purposes.
- Records of payments made to SARS on behalf of employees.
- All other statutory compliances:
 - VAT.
 - Skills Development Levies.
 - UIF.
 - Workmen's Compensation.

5.4. Personnel Documents and Records:

- Employment contracts
- Employment Equity Plan (if applicable)
- Disciplinary records

- Salary records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

5.5. Counterparty Documentation:

- A copy of business registration certificate.
- A copy of proof of physical address (*Domicilium citandi et executandi*).
- Confirmation of banking details (Bank letter, Bank statement, or cancelled cheque).
- A copy of VAT registration certificate.
- Copies of IDs included but not limited to Director/Member/Partner/Trustee/Agent.
- The Client information page.
- Terms and conditions signed by the authorised person as well as witnesses.
- A valid resolution.
- A copy of audited financial statements.
- Suretyship completed and signed by the individual signing surety on behalf of the applicant.
- Individual signing surety's personal balance sheet.
- Sale and/or purchase contract.
- Any other documentation related to the sale and/or purchase.
- Any other agreement including a memorandum of understanding or a tri-party agreement.

5.6. Company Policies and Directives:

- Internal relating to employees and the company.
- External relating to clients and other third parties.

5.7. Regulatory:

- Licenses or Authorities.

5.8. Systems, Solutions, and Information Technology:

- Intellectual property pertaining to solutions and products developed.
- Usage of solutions and products.

5.9. Reference Materials:

- Newsletters and Journal Articles.
- Magazines.
- Newspaper Articles.

6. ACCESS TO RECORDS HELD BY THE COMPANY – (PAIA: Section 51 (1) (e))

Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company.

6.1. The PAIA distinguishes between two types of requesters:

- Personal Requester is a requester who is seeking access to a record containing Personal Information about the requester. Subject to the provisions of PAIA and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's Personal Information. The prescribed fee for reproduction of the information requested will be charged by the Company.

- Other Requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the PAIA. The prescribed fee for reproduction of the information requested will be charged by the Company.

6.2. Request Procedure:

- A requester must comply with all the procedural requirements contained in the PAIA relating to a request for access to a record.
- Address your request to the Information Officer per contact details provided in this Manual.
- A requester must complete the prescribed form in terms of PAIA, as read with POPIA, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, or electronic mail address stated herein.
- The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
 - The record or records requested.
 - The identity of the requester.
 - What form of access is required.
 - The postal address or electronic mail address of the requester.
- A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected.
- The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

- The Company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.
- The requester shall 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, he or she must state the manner and the particulars so required.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

6.3. Decision:

- The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect.
- The 30-day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

7. PRESCRIBED FEES – (PAIA: Section 51 (1) (f))

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

- 7.1. A requestor is required to pay the prescribed fees in terms of PAIA, as read with POPIA, before a request will be processed.
- 7.2. 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).
- 7.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 7.4. Records may be withheld until the fees have been paid.

8. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY BEXGROUP

8.1. POPIA provides eight conditions under which Personal Information may legally be gathered and processed. These conditions have been adopted and are applied by BexGroup through processes and documented in formal information protection and privacy policies.

8.2. The eight conditions may not be derogated from, unless specific exclusions apply, as provided for by POPIA. These conditions (1) to (8) are summarised as follows:

- (1) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.
- (2) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.
- (3) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- (4) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- (5) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- (6) Openness - there must be transparency between the Data Subject and the Responsible Party.
- (7) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- (8) Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

8.3. Purpose of the Processing of Personal Information – BexGroup uses Personal Information, as listed per categories in clause 5, in the following manner:

- Administration.
- Rendering services according to contractual agreements.
- Staff administration.
- Complying with relevant legislation.
- Keeping accounts of records.

- 8.4. Categories of Data Subjects and Personal Information/special Personal Information relating thereto – BexGroup may possess records relating to suppliers, shareholders, service providers, staff, vendors, and clients (natural and juristic persons).
- 8.5. Recipients of Personal Information – BexGroup only legally discloses Personal Information to third parties, in terms of its Privacy Policy, which is available on its website as referenced below in clause 10.
- 8.6. Cross-Border Flows of Personal Information – Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:
- If the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially like the Conditions for Lawful Processing as contained in POPIA; or
 - If the Data Subject consents to the transfer of their Personal Information; or
 - If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
 - If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
 - If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

BexGroup adheres to the above conditions in Cross-Border transfers of any Personal Information relating to employees, clients, companies, or organisation where so required.

- 8.7. Request for correction or deletion of Personal Information – Data subjects have the right to access the Personal Information the Company holds about them. Data subjects also have the right to ask the Company to update, correct or delete their Personal Information on reasonable grounds.
- 8.8. Objection to the Processing of Personal Information by a Data Subject – a Data Subject may, at any time object to the Processing of his/her/its Personal Information, subject to exceptions contained in POPIA.
- 8.9. BexGroup have information security safeguards in place to protect Personal Information. Measures include:
- Firewalls.
 - Virus protection software and update protocols.
 - Physical access control.
 - Secure setup of hardware and software making up the IT infrastructure.

8.10. BexGroup have measures and a response plan in place to minimise the threat and impact to Personal Information in case of a breach.

9. LIABILITY

9.1. Notwithstanding anything to the contrary contained herein, the provisions of this PAIA and POPIA Manual are not intended and should not be construed nor interpreted as placing more onerous duties, obligations or responsibilities of any nature whatsoever on the Company, the board, managers or employees than is required in terms of any legislation and/or regulatory requirements.

10. UPDATES TO THIS PAIA AND POPIA MANUAL

10.1. This PAIA and POPIA Manual will be updated when new legislation is released, or other material changes are required. Please check our website, www.bexgroup.co.za³, periodically to inform yourself of any changes.

10.2. This PAIA and POPIA Manual must be read and interpreted along with BexGroup Privacy Policy as available on its website referenced above.

³ www.bexgroup.co.za

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:

Fax number:

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 <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<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			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
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
(Mark the applicable box with an "X")

Printed copy of record (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 record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record 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)	
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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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.

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:	

FEEES	
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 <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
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 (<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>) 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 (<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 information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
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 (<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>)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

--

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			
• If provided to the requestor	R60.00		
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			
• If provided to the requestor	R60.00		
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)

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