

K2 HOLDINGS (PTY) LTD**Registration Number: 2003/018328/07****Foreword**

PAIA MANUAL OF K2 HOLDINGS (PTY) LTD (“K2”)

Prepared in accordance with Section 15 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”)
(Private Body)

Date of most recent issue: 28 December 2023**Previously Updated: 17 September 2020**

Introduction

The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as “the Act”) was enacted on 3 February 2000, to give effect to the provisions of section 32(2) of the Constitution which provides for the right of access to information held by the State and another person (or private body) when such privately held information is required to exercise or protect a right.

The Act 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. Requests in terms of the Act shall be made in accordance with the prescribed procedures at the rates provided. This document serves as the K2 PAIA information manual and provides reference to the records held by K2 and the process to request access to such records.

Scope of the manual

K2 is a private company investing in diverse industries.

The scope of this manual includes the K2 company and the following related entities in which K2 has a direct interest.

- K2 Holdings (Pty) Ltd
- K2 Assets (Pty) Ltd
- K2 Industrial Solutions (Pty) Ltd
- K2 Investments (Pty) Ltd
- K2 Holdings (SA) (Pty) Ltd

Availability of manual

A copy of this manual is available to the public for inspection on the K2 website at www.k2group.co.za or on request from the designated contact person referred to in this manual.

Contact Person

Section 51(1)(a)

Contact Details

The responsibility for administration of, and compliance with the Act, has been delegated by the Managing Director (MD) of K2 to the financial officer. Requests pursuant to the provisions of the Act should be directed as follows:

FINANCIAL OFFICER

Contact person: E. Keusgen

Postal address: P O Box 230 Sandton, 1910

Physical address: 12 Fraser Street, Vanderbijlpark, 1911

Phone number: +27 (0)10 083 9522

E-mail: info@k2group.co.za

Information Regulator Guide

Section 51(1)(b) of the Promotion of Access to Information Act 2 of 2000 (as amended)

Guide for requesters on how to use the Act

As of 30 June 2021, the Information Regulator took over the regulatory mandate functions relating to the Promotion of Access to Information Act (PAIA) 2000. This follows a proclamation, by the President, of sections 110 and 114(4) of Protection of Personal Information Act (POPIA) 2013, which provide for amendment of PAIA and the effective transfer of certain functions currently performed by the South African Human Rights Commission (SAHRC) to the Information Regulator on 30 June 2021.

Some key objectives of PAIA are to promote transparency, accountability and effective governance of all public and private bodies, as well as to assist members of the public to effectively scrutinize and participate in decision making by public bodies. PAIA ensures that the state promotes a human rights culture and social justice. It also encourages openness and is there to establish mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive, and easy manner.

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.

The Guide can also be obtained

- upon request to the Chief Information Officer of K2, as per above contact detail and;
- from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

Updating of the Manual

K2 will update this manual as needed from time to time.

Issued by

E. Keusgen

Managing Director

Automatic Disclosure

Section 51(1)(c)

Records automatically available to the public

Any records that are required to be made available in terms of the Companies Act No. 71 of 2008 and the listing requirements as laid down by the JSE, as amended from time to time, shall be made available for inspection by interested parties.

Legislative Records

Section 51(1)(d)

Records held in accordance with other legislation

Records are held in accordance with the following legislations:

Record Available	Applicable Legislation
Accounting Records	Revenue Laws Second Amendment Act 61 of 2008
BBBEE Compliance	The Broad-based Black Economic Empowerment Act 53 of 2003
Brand Protection	Counterfeit Goods Act, 37 of 1997
COIDA and OHSA Records	Occupational Health and Safety Act 85 of 1993
Company registration certificates, minutes,	Companies Act 71 of 2008

resolutions	
Compensation payments, assessments, and a letter of good standing	Compensation for Occupational Injuries and Disease Act 130 of 1993
Competition Commission Records and Merger Notices	Competition Act 89 of 1998
Consumer Records	The Consumer Protection Act 1987
Credit Agreements, credit checks	National Credit Act 34 of 2005
Energy	National Energy Regulator Act, 2004
Employee Provident and Pension Fund Records	Pension Funds Act 24 of 1956
Employee Records	Basic Conditions of Employment Act 75 of 1997
Employee Records and Skills Development Levy Records	Skills Development Act 97 of 1998
Employee Records and Submissions	Unemployment Insurance Act 63 of 2001
Employment Records	Labour Relations Act 66 of 1995
FICA and Audit Records	Prevention of Organised Crime Act 121 of 1998
FICA Records	Financial Intelligence Centre Amendment Act 1 of 2017
Income Tax returns; Clearance certificate	Income Tax Act 58 of 1962
Legal Records	Prescription Act 68 of 1969
Literary, artistic works and Records	Copyright Act 98 of 1978
Logistics and insurance records	National Road Traffic Act 93 of 1996
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Patent Records	South African Patent Act 57 of 1978
POPIA Policy, PAIA Manual	Protection of Personal Information Act 4 of 2013
Quality Records	National Environmental Management Act 107 of 1998
Recycling	National Environmental Management: Waste Act, 59 of 2008
Registered Intellectual Property Records	Intellectual Property Laws Amendment Act 28 of 2013
Tax Records and Filings	Taxation Laws Amendment Act 23 of 2020
Patent Records	South African Patent Act 57 of 1978
POPIA Policy, PAIA Manual	Protection of Personal Information Act 4 of 2013
Trade Mark Application and Registrations	Trade Marks Act 194 of 1993
Website Terms of Use, Privacy Policy	Electronic Communications and Transactions Act 25 of 2002
Workplace Skills Plan and Annual Training Report (ATR)	Employment Equity Act 55 of 1998
VAT returns for past 5 (five) years; Clearance certificate	Value Added Tax Act 89 of 1991

Records Held

Section 51(1)(e)

Records subject and categories

Client Records

Upon written notice or use of the prescribed forms, an appointment within reasonable company hours can be made by interested parties to view the records at: -

K2 Holdings (Pty) Ltd
12 Fraser Street
Vanderbijlpark
1911

Records are subject to the below classifications and access requirements:

Classification No.	Access	Classification
1	May be disclosed	Public Access Document
2	May not be disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be disclosed	Subject to copyright
4	Limited disclosure	Personal information that belongs to the requester of that information [s61]
5	May not be disclosed	Unreasonable disclosure of personal information of Natural person [s63(1)]
6	May not be disclosed	Likely to harm the commercial or financial interests of third party [s64(1)(a) and (b)]
7	May not be disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(1)(c)]
8	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]

9	May not be disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be disclosed	Legally privileged documents [s67]
11	May not be refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be disclosed	Commercial information of Private Body [s68]
13	May not be disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be refused	Disclosure in public interest [s70]

Access Requests

Section 51(1)(e)

Access Request Procedure

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Completion of Access Request Form

In order to facilitate a timeously response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed.
- Proof of identity is required to authenticate the identity of the requester.
Therefore, in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “Nil” in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

Submission of Access Request Form

To request a document that does not fall within the ambit of the Act, the requester must direct the request to the Information Officer in writing, and request an appointment to view the documentation.

To request a document that does fall within the ambit of the Act, the requester must make use of the prescribed form. This must be directed to the MD or the Information Officer of K2 at the address, or email address of the party concerned.

The requester must provide sufficient detail on the request form to facilitate identifying the record requested. The requester should also indicate which form of access is required, and indicate if any other method is to be used to respond to the requester.

The requester must identify the right being exercised or protected, and provide an explanation of why the requested record is necessary to exercise or protect that right. If a request is made on behalf of another person, a consent form/letter of authority must accompany the request.

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above.

Payment of Fees

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

The access fee must be paid prior to access being given to the requested record. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

An initial, request fee of R57.00 (fifty-seven Rand) (including VAT) is payable on submission.

If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees. If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

Access Requests

Section 51(1)(e)

Access Request Procedure

Notification

K2 will within 30 days of receipt of the request decide whether to grant it or not and give notice with reasons (if required) to that effect.

The 30-day period within which K2 has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of K2 and the information cannot reasonably be obtained within the original 30- day period. K2 will notify the requester in writing should an extension be applied.

CHAPTER 4

Grounds for refusal of access to records

The main grounds for refusal of a request for information are:

- 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:
 - o Trade secrets of that party.
 - o Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
- Information disclosed in confidence by a third party to K2 if the disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of K2 which may include:
 - o Trade secrets of K2.
 - o Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of K2.

RETENTION PERIODS

The following retention period shall apply to the below Records and access are subject to the availability denoted: CCTV Records		
Category	Availability	Retention Period
Images of customers and accompanied minors, images of employees	May not be disclosed – Commercial Information of Private Body [s68]	1 Year

Companies Act Records		
Category	Availability	Retention Period
Documents of incorporation	May be disclosed - Public Access Document Available from (CIPC)	Indefinite
Memorandum and Articles of Association	May be disclosed - Public Access Document Available from (CIPC)	Indefinite
Minutes of Board of Directors meetings	May not be disclosed - Commercial information of Private Body [s68]	7 years
Records relating to the appointment of Directors / auditor / secretary/ public officer and other officers	May be disclosed - Public Access Document Available from (CIPC)	7 years
Share register and other statutory registers	May be disclosed - Public Access Document Available from (CIPC)	Indefinite
Annual returns (CIPC)	May not be disclosed - Commercial information of Private Body [s68]	7 years

Financial and Customer Development (Sales) Records		
Category	Availability	Retention Period
Annual financial statements	May not be disclosed - Commercial information of Private Body [s68] unless permitted in terms of the JSE Listings Requirements	7 years
Tax returns	May not be disclosed – Commercial information of Private Body [s68]	15 years
Accounting records	May not be disclosed – Commercial information of Private Body [s68]	7 years
Banking records	May not be disclosed – Commercial information of Private Body [s68]	7 years
Bank statements	May not be disclosed – Commercial information of Private Body [s68]	4 years
Electronic banking records	May not be disclosed – Commercial information of Private Body [s68]	4 years
Asset register	May not be disclosed – Commercial information of Private Body [s68]	7 years
Lease (tenant) agreements	May not be disclosed - Commercial information of Private Body [s68]	4 years after expiry of latest lease/after tenant vacates,

		provided no legal action exists
Rental (suppliers) agreements	May not be disclosed - Commercial information of Private Body [s68]	2 years after expiry provided no legal action exists
Invoices	May not be disclosed - Commercial information of Private Body [s68]	4 years
Information generated by the Group in relation to all service providers	May not be disclosed - Commercial information of Private Body [s68]	4 years

Income Tax Records		
Category	Availability	Retention Period
PAYE Records	May not be disclosed - Commercial information of Private Body [s68]	4 years
Documents issued to employees for income tax purposes	May not be disclosed - Commercial information of Private Body [s68]	4 years
Records of payments made to SARS on behalf of employees	May not be disclosed - Commercial information of Private Body [s68]	4 years
VAT	May be disclosed - Available from South African Receiver of Revenue website www.sars.gov.za	4 years
Skills Development Levies	May not be disclosed - Commercial information of Private Body [s68]	4 years
UIF	May not be disclosed - Commercial information of Private Body [s68]	4 years
Workmen's Compensation	May not be disclosed - Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	4 years

Human Resources Documents and Records		
Category	Availability	Retention Period

Employment contracts	May not be disclosed - Commercial information of Private Body [s68]	3 years after termination of employment
Employment equity plan (if applicable)	May not be disclosed - Commercial information of Private Body [s68]	3 years
Medical aid records	May not be disclosed - Personal information that belongs to the requester of that information [s61]; Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	3 years
Pension and provident fund records	May not be disclosed - Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	3 years
Disciplinary records	May not be disclosed - Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	3 years
Salary records	May not be disclosed - Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	4 years
Disciplinary policy	May not be disclosed - Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	3 years
Leave records	May not be disclosed - Commercial information of Private Body [s68]	3 years
Training records	May not be disclosed – Unreasonable disclosure of personal information of Natural person [s63(1)]; Likely to compromise the safety of individuals or protection of property [s66]	3 years
Training manuals	May not be disclosed - Commercial information of Private Body [s68]	3 years
Internal evaluation information (IOs, IDP, PEP etc)	May not be disclosed - Commercial information of Private Body [s68]	3 years
Organisational charts	May not be disclosed - Commercial information of Private Body [s68]	3 years

Information Technology Records		
Category	Availability	Retention Period
IP addresses	May not be disclosed - Commercial information of Private Body [s68]	1 year

Legal Records		
Category	Availability	Retention Period
Agreements with suppliers	May not be disclosed - Commercial information of Private Body [s68]	3 years
Agreements with customers(non-lease related)	May not be disclosed - Commercial information of Private Body [s68]	4 years after expiration/ termination, provided no legal action exists
Global brand protection app	May not be disclosed - Commercial information of Private Body [s68]	3 years

Marketing and Consumer Affairs Records		
Category	Availability	Retention Period
Product brochures	May be disclosed	1 year
Property sales records	May not be disclosed - Commercial information of Private Body [s68]	5 years
Marketing strategies	May not be disclosed - Commercial information of Private Body [s68]	1 year
Customer database	May not be disclosed - Commercial information of Private Body [s68]	3 years
Information of social media users	May not be disclosed - Commercial information of Private Body [s68]	3 years
Advertising events	May not be disclosed - Commercial information of Private Body [s68]	1 year
Promotional competitions	May not be disclosed - Commercial information of Private Body [s68]	1 year

Public Relations Records		
Category	Availability	Retention Period
Public product information	May be disclosed – Information in the public domain	3 years
Media releases	May be disclosed – Information in the public domain	3 years

Regulatory		
Category	Availability	Retention Period
Estate Agency Affair Board	May not be disclosed - Commercial information of Private Body [s68]	5 years

Vendor, Customer Services and Logistics Records		
Category	Availability	Retention Period
Products and services supplier information	May not be disclosed - Commercial information of Private Body [s68]	3 years

Vendor, Customer Services and Logistics Records		
Category	Availability	Retention Period
Third party information acting on behalf of the Company	May not be disclosed - Commercial information of Private Body [s68]	3 years
Third party service providers / vendors	May not be disclosed - Commercial information of Private Body [s68]	3 years

Forms

Section 51(1)(e)

Access Request Form

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2001)) [Regulation 10]

REQUEST IN TERMS OF POPIA

Where a data subject has requested access to personal information not falling within the above categories or where the data subject is requesting:

- to update his/her/its personal information;
- a list of the data subject's personal information Growthpoint has in its possession or control; or
- the subscription or deletion of a data subject's personal information

Then the data subject, at no cost, must direct the request to the Information Officer of K2.

PARTICULAR OF BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

K2 Holdings Pty Ltd

Contact person: E Keusgen

Postal address: P O Box 230 Park South, 1910

Physical address: 12 Fraser Street, Vanderbijlpark, 1911

Phone number: +27 (0)10 082 9522

E-mail: info@k2group.co.za

**REQUEST FOR ACCESS TO THE RECORD OF A
PRIVATE BODY**

Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 10]

A Particulars of a 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: _____

Identity number: _____

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: _____

Identity number: _____

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: _____
2. Reference number, if available: _____
3. Any further particulars of record: _____

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:

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 hereunder, 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 X

Notes

- a) Compliance with your request 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.

1. If the record is in written or printed form

Copy of record*

Inspection of
record

2. If the record consists of K2 images

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images

Copy of the images*

☐

Transcription of the
images*

3. If record consists of recorded words or information which can be reproduced in sound

Listen to the soundtrack (audio cassette)

Transcription of the soundtrack

4. If record is held on computer or in an electronic or machine-readable form

Printed copy of record*

Printed copy of
information derived
from the record*

Copy in computer
readable form*
(compact disc)

* If you requested a copy of the transcription of a record (above), do you wish the copy or transcription to be posted to you? (**POSTAGE IS PAYABLE**)

YES

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 the requester must sign all the additional folios

5. Indicate which right is to be exercised or protected:

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

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 by alternative means, 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 access to the record?

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTER / PERSON ON BEHALF OF WHOM REQUEST IS MADE

Fees

Section 51(1)(e)

Prescribed Fees

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2001)) [Regulation 11(3)]

The fee for a copy of the manual as contemplated in regulation 9(2)(c) to the Act is R1,10 for every photocopy of an A4-size page or part thereof.

1. The fee for reproduction referred to in regulation 11(1) to the Act are as follows

- | | | |
|-----|--|--------|
| (a) | For every photocopy of an A4-size page or part thereof | R 1,10 |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R 0,75 |
| (c) | For a copy in a computer-readable form on – | |
| | (i) stiffy disc | R 7,50 |
| | (ii) compact disk | R70,00 |
| (d) | (i) 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 |

(Section 54(2) of the Promotion of Access of Information Act, 2000 (Act No. 2 of 2000)) [Regulation 11(3)]

2. The actual postal fee is payable when a copy of a record must be posted to a requester. For the purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

Additional information

Section 51(1)(f)

Additional prescribed information

The Minister of Justice has prescribed no additional information to be contained in this Manual.

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