



# MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) OF THE NUEVA PESCANOVA GROUP IN SOUTH AFRICA

*Approved by the Executive Chairman of Nueva Pescanova South Africa (PTY) Ltd. on July 27<sup>th</sup>, 2021*

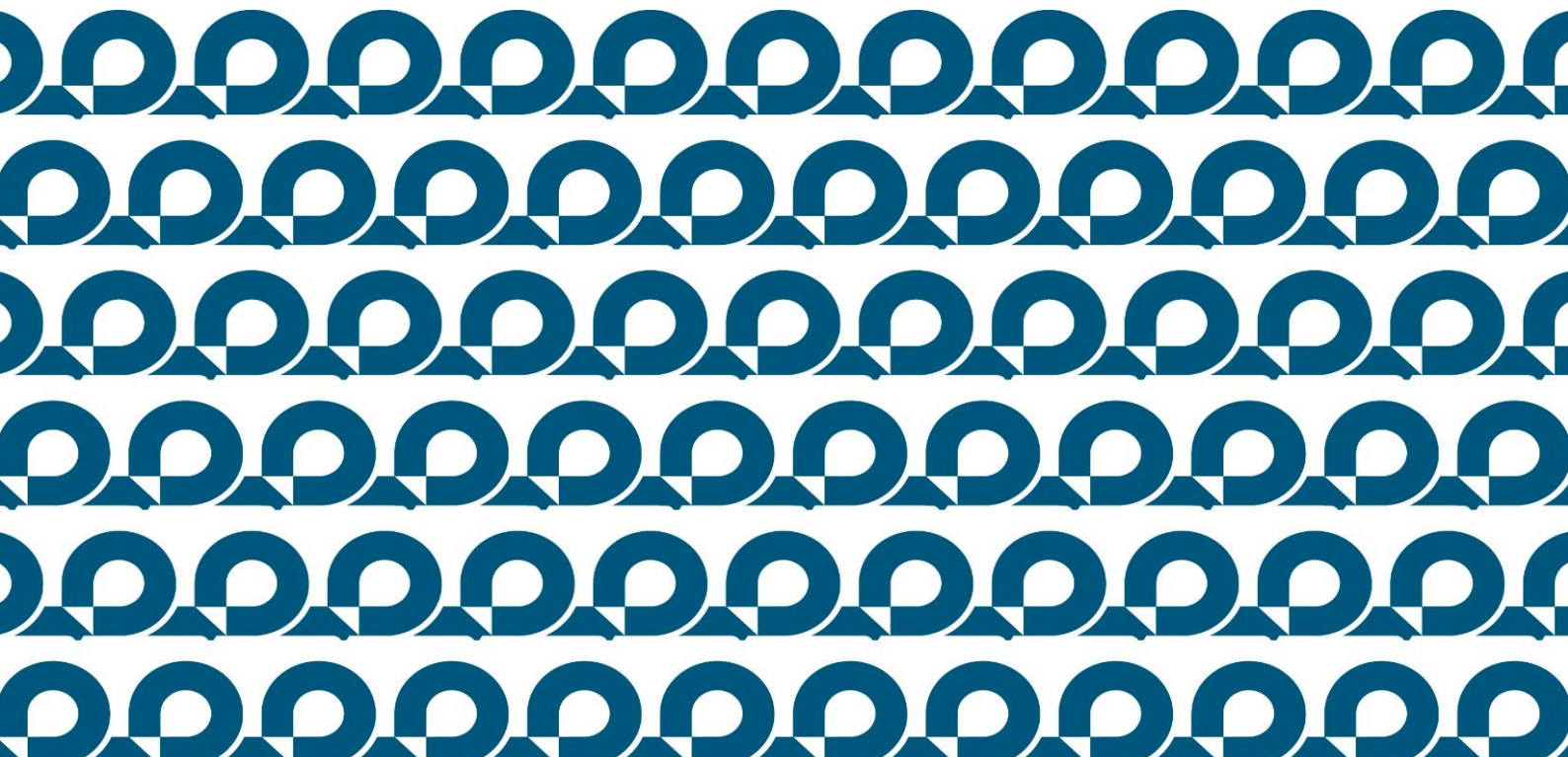


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### *Preamble*

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1. According to Section 51(1) of the Promotion of Access to Information Act, 2 of 2000, of the Republic of South Africa (hereinafter, PAIA), the head of a private body must compile a manual containing:
  - a. The postal and street address, phone and fax number and, if available, electronic mail address of the head of the body;
  - b. A description of the guide referred to in section 10, if available, and how to obtain access to it;
  - c. The latest notice in terms of section 52 (2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of this Act;
  - d. A description of the records of the body which are available in accordance with any other legislation;
  - e. Sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject; and
  - f. Such other information as may be prescribed.
2. Section 51(2) and (3) of PAIA also rules that the head of a private body must on a regular basis update the manual referred to in subsection (1), being such manual be made available as prescribed.
3. In compliance with the afore-mentioned section of PAIA, the Nueva Pescanova Group in South Africa approves and issues this Manual in order to provide information of the records held and the process that is to be followed to request access to such records.

## **CHAPTER I. GENERAL INFORMATION**

### ***Article 1. Introduction***

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The Nueva Pescanova Group in South Africa ((hereinafter and interchangeably, “the Group in South Africa” or “the Group”) is a group of companies that supplies high quality fish and seafood produce, obtained from reputable suppliers to the market.

At the moment of approval of the version 1 of this Manual, the Group in South Africa is composed of the following South African companies:

- **NUEVA PESCANOVA SOUTH AFRICA (PTY) LTD.**, registered with the Companies and Intellectual Property Commission under registration number 2017/416571/07.
- **UNICK FISH (PTY) LTD.**, registered with the Companies and Intellectual Property Commission under registration number 2015/167094/07.
- **SUIDOR TRAWLING (PTY) LTD.**, registered with the Companies and Intellectual Property Commission under registration number 2000/027267/07.

### ***Article 2. Companies of the Group contact details and Information Officer***

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1. The Directors of Nueva Pescanova South Africa (PTY) Ltd., are:
  - Miguel Ángel Tordesillas.
  - Lucas Lorenzo.

- José Rodríguez González.
2. The Directors of Unick Fish (Pty) Ltd., are:
    - Niekie Kock.
    - Miguel Ángel Tordesillas.
  3. The Directors of Suidor Trawling (PTY) Ltd, are:
    - Nicolaas Jacobus Kock.
    - Miguel Ángel Tordesillas.
  4. The Information officer of the Group in South Africa is:
    - Niekie Kock
  5. The three companies postal address is unique: Unit 8, Tyger Quays, Tyger Waterfront, Waterfront Road, Bellville, Cape Town, 7530.
  6. It is recorded further that PAIA prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51. The CCID has appointed the CEO, named in 2.2 above, as Information Officer.
  7. The Information Officer appointed in terms of PAIA also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.
  8. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013.
  9. All request for information in terms of this Act must be addressed to the Information Officer.

## CHAPTER II. OUR RECORDS

### Article 3. Records which are automatically accessible in terms of legislation

Records which we hold in terms of the following Acts of Parliament are automatically accessible in terms of these laws:

- Administration of Estates Act, 66 of 1965.
- Arbitration Act, 42 of 1965.
- Basic Conditions of Employment Act, 75 of 1997.
- Companies Act, 61 of 1973.
- Companies Act 71 of 2008.

- Compensation for Occupational Injuries and Diseases, Act 130 of 1993.
- Copyright Act, 98 of 1978.
- Consumer Affairs (Unfair Consumer Practices) Act, 71 of 1988.
- Criminal Procedures Act, 51 of 1977.
- Currency and Exchanges Act, 9 of 1933.
- Debt Collectors Act, 114 of 1998.
- Electronic Communications and Transactions Act, 25 of 2002.
- Employment Equity Act, 55 of 1998.
- Income Tax Act, 58 of 1962.
- Insider Trading Act, 135 of 1998.
- Insolvency Act, 24 of 1936.
- Labour Relations Act, 66 of 1995.
- Magistrates Court Act, 32 of 1944.
- Occupational Health and Safety Act, 85 of 1993.
- Pension Funds Act, 24 of 1956.
- Prevention of Organised Crime Act, 121 of 1998.
- Protection of Personal Information Act, 4 of 2013.
- Reserve Bank Act, 90 of 1989.
- Skills Development Act, 97 of 1998.
- Skills Development Levies Act, 9 of 1999.
- Supreme Court Act, 59 of 1959.
- Trade Marks Act, 194 of 1993.
- Unemployment Insurance Act, 63 of 2001.
- Value Added Tax Act, 89 of 1991.

#### **Article 4. *Voluntary disclosure of records***

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The following records and information are freely available on request:

- General information about our operations.

- Everything that appears on our website at <https://www.pescanovaweb.co.za/>.

#### Article 5. *Other records*

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In respect of our South African operations, we also hold the following records which are not automatically accessible. If you require access to any of them, you will need to follow the procedure in Chapter IV of this Manual:

- **Companies Act Records**
  - Incorporation documents.
  - 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.
- **Financial Records**
  - Annual Financial Statements.
  - Tax Returns.
  - Accounting Records.
  - Banking records/bank statements/paid cheques/ electronic banking records.
  - Asset register.
  - Rental agreements.
  - Invoices.
- **Income Tax Records**
  - PAYE records.
  - Documents issued to employees for income tax purposes.
  - Records of payments made to SARS on behalf of employees.
  - Statutory records in respect of:
    - VAT.
    - Regional Services Levies.
    - Skills Development Levies.
    - UIF.
    - Workmen's Compensation.
- **Personnel Documents and Records**
  - Employment contracts.
  - Employment Equity Plan.
  - Medical aid records.
  - Pension fund records.
  - Disciplinary records.
  - Salary records.
  - SETA records.
  - Disciplinary codes.
  - Leave records.
  - Training records.
  - Training manuals.

### CHAPTER III. ACCESS TO OUR RECORDS

#### **Article 6. *Your right of access***

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The PAIA entitles you to have access to our records, provided that:

- You need access to exercise or protect any of your rights;
- You apply for access according to the procedure set out in this manual; and
- We do not have grounds for refusing you access.

#### **Article 7. *Our right to refuse access***

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We have the right to refuse you access to our records if any of the following grounds apply:

- The record would unreasonably disclose personal information about a third party, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access).
- The record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access).
- Access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access).
- Access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property.
- The record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection).
- Access would contravene our obligations under the Protection of Personal Information Act 4 of 2013 (POPIA).

#### **Article 8. *Notice in terms of Section 52 of PAIA***

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We have not gazetted any notices in terms of Section 52 of PAIA. This means that, except for those items listed in Articles 3 and 4 of this Manual, we will grant access to our records only in terms of this Manual.

#### **Article 9. *South African Human Rights Commission (Section 10 of PAIA)***

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This Manual complies with the requirements of the guide mentioned in Section 10 of PAIA and recognises that, as provided for in the Protection of Personal Information Act 4 of 2013 (POPIA), that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

### CHAPTER IV. HOW TO APPLY FOR ACCESS TO OUR RECORDS

#### **Article 10. *Fill in a Request Form***

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If you want to obtain access to any of the records listed in this manual, you should fill in the application form contained in the Annex of this Manual.

#### Article 11. *Submit the form and the request fee*

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1. Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you don't have to pay the request fee.
2. If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative arrangements.

#### Article 12. *We will respond*

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1. We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.
2. Our response will probably be one of the following:
  - Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
  - It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
  - We have found the record you're looking for, and you may have access to it, on payment of:
    - An access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
    - A reproduction fee for making photocopies or printouts or copying the record onto a stiffy disc or CD - the fees are set out in Article 13 of this Manual.

*[Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record].*

- You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
- We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.

#### Article 13. *Schedule of fees*

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*[Note: As per Government Gazette 23119 dated 15 February 2002]*

A photocopy of this Manual.....	R1.10 per page
Request fee (non-refundable) payable on submission of the Application Form.....	R50.00
Access fee for searching our records.....	R30.00 per hour (or part thereof)
<i>[Note: if the search is likely to take longer than six hours (which would cost more than R180), then a deposit of one-third (i.e. R60) is payable in advance].</i>	
Reproduction fee photocopy (A4 page or part thereof).....	R1.10
Printout from a computer or in other electronic or machine-readable form (A4 page or part thereof).....	R0.75



Computer-readable copy on disc.....	R7.50
Computer-readable copy of CD.....	R70.00
Transcription of visual images (A4 page or part thereof).....	R40.00
Copy of a visual image.....	R60.00
Transcription of an audio record (A4 page or part thereof).....	R20.00
Copy of an audio record.....	R30.00

VAT must be added to request, access and reproduction fees.

**Postage**

If the copy of the record is to be sent by post, then postage must be paid in addition to the request, access and reproduction fees.

**Article 14. Change control**

Version	Summary of changes	Person/body proposing the change	Body approving the change	Date of approval of the change
v_1	Initial approval of this Manual	Managing Director of Unick Fish (Pty) Ltd.	Executive Chairman of Nueva Pescanova South Africa (Pty) Ltd	07/27/2021



**Annex. Application Form**

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**Request for Access to Record of Private Body**  
Section 53(1) of the Act

**Regulation 10**

**a. PARTICULARS OF PRIVATE BODY**

The Head of the organisation: \_\_\_\_\_  
Address: \_\_\_\_\_

**B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

Notes:

- Please give the particulars of the person who is requesting access to the record.
- Please state the address and/or fax number in the Republic to which the information is to be sent.
- If applicable, attach proof of the capacity in which the request is made.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Telephone no: \_\_\_\_\_ Fax no: \_\_\_\_\_

E-mail address: \_\_\_\_\_

If this application is being made on behalf of another person, state the capacity in which you are making it:

\_\_\_\_\_

**C. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE**

Note: this needs to be completed only if the request for information is being made on behalf of another person.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. PARTICULARS OF RECORD**

Notes:

- Provide full particulars of the record to which access is requested, including a reference number (if you know of one) which will help us to locate the record.
- If there is not enough space on this form for all the particulars, write the remaining particulars on a separate sheet of paper, sign it, and attach it to this form.

1. Description of the record or relevant part of the record:

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_

**E. FEES**

Notes:

- 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.
- You will be notified of the amount to be paid as the request fee.
- The fee payable for access to a record depends on the form in which access is required and the reasonable time to search for and prepare a record.
- If you qualify for exemption from payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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**F. FORM OF ACCESS TO RECORD**

If you have a disability which prevents you from reading, viewing or listening to the record in any of the forms of access listed in sections 1 to 4 hereunder, please state your disability and indicate the form in which you require the record:

Disability: \_\_\_\_\_

Notes:

- *Compliance with your request in the specified form may depend on the form in which the record is available.*
- *Access in the form requested may be refused in certain circumstances, in which case you will be informed if access will be granted in another form.*
- *The fee payable for access to the record will partly be determined by the form in which access is requested.*

Mark the appropriate box with an X:

If the record is in written or printed form:

Copy of the record \_\_\_ Inspection of the record \_\_\_

If the record consists of visual images (including photographs, slides, video recordings, computer-generated images, sketches etc.):

View the images \_\_\_ Copy of the images \_\_\_ Transcription of the images \_\_\_

If the record consists of recorded words or information which can be reproduced in sound:

Listen to soundtrack (audio cassette) \_\_\_ Transcription of soundtrack (written or printed) \_\_\_

If the record is held on a computer, or in electronic or machine-readable form:

Printed copy of record \_\_\_ Printed copy of information derived from the record \_\_\_

Copy in machine-readable form \_\_\_

**G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

If the space provided is not adequate, please continue on a separate sheet, sign it, and attach it to this form.

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

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2. Explain why you need the requested record to exercise or protect the aforementioned right:

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**H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

You will be notified in writing whether your application has been approved or denied. If you wish to be informed in some other manner, please specify it and give details to enable us to comply with your request:

How would you prefer to be informed of our decision regarding your request for access to the record?

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SIGNED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

SIGNATURE OF REQUESTER: \_\_\_\_\_

PERSON ON WHOSE BEHALF THE REQUEST IS MADE:

## CONTACT

Information Officer of the Nueva Pescanova Group in South Africa

Unit 8, Tyger Quays, Tyger Waterfront, Bellville, Cape Town, 7530 (Republic of South Africa)

[popia@unickfish.co.za](mailto:popia@unickfish.co.za)

