

AGCO SOUTH AFRICA (PTY) LTD

2011/132510/07

MANUAL IN TERMS OF

**SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION
ACT 2000 (PAIA)**

AND

**THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(POPIA)**

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1 Introduction

- 1.1 AGCO South Africa (Pty) Ltd (**AGCO, we, us or our**) is a global leader in the design, manufacture and distribution of agricultural equipment. Our organisation's core focus is to deliver agricultural solutions to farmers worldwide through a full line of tractors, combine harvesters, hay and forage equipment, seeding and tillage implements, grain storage and protein production systems, as well as replacement parts.

2 Contact details of the head (information officer) of AGCO (section 51(1)(a)(i))

Information Officer	Pearl Sokhulu
Registered address	16 Pomono Road Pomona Pomona Gauteng 1619 South Africa
Postal address	16 Pomono Road Pomona Pomona Gauteng 1619 South Africa
Telephone number	+27112308623 / +27609610877
Fax number	+27112308623
Email address	Pearl.Sokhulu@agcocorp.com
Website	https://news.agcocorp.com/region/africa https://myagcoafrika.com/pr/

3 PAIA Guide of the Information Regulator / South African Human Rights Commission (section 51(1)(b)(i))

- 3.1 PAIA makes provision for access to information and records of a private body if the record is required for the exercise and protection of any rights. If a public body requests access to a record of a private body for the exercise or protection of any rights, other than its rights, the public body must be acting in the public interest.
- 3.2 Requests in terms of PAIA are to be made in accordance with the prescribed procedures, at the fees provided.
- 3.3 Section 10 of PAIA requires that the Information Regulator update and make available the PAIA guide compiled by the South African Human Rights Commission. The guide contains information required by a person wishing to exercise any right, contemplated by PAIA. The

Guide is currently available for inspection on the South African Human Rights Commission website at www.sahrc.org.za.

3.4 Any enquiries should be directed to:

The South African Human Rights Commission
Address: 33 Hoofd Street, Braampark, Forum 3, Braamfontein
Postal address: Private Bag X2700 Houghton 2041
Telephone: +27 11 877 3600
Email: PAIA@sahrc.org.za

- alternatively its successor for purposes of PAIA:

The Information Regulator (South Africa)
Address: JD House, 27 Stiemens Street Braamfontein Johannesburg
Postal address: P O Box 31533, Braamfontein, Johannesburg
Email: inforeg@justice.gov.za

4 Notice in terms of section 52(2) of PAIA (section 51(1)(b)(ii))

4.1 At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

4.2 Note that certain records are freely available on AGCO's website, including, but not limited to, a description of some of the services offered by AGCO, certain policies, and some marketing information.

5 Records available in terms of other legislation (section 51(1)(b)(iii))

5.1 AGCO retains records and documents in terms of the following legislation:

- (1) Basic Conditions of Employment No.75 of 1997
- (2) Broad Based Black Economic Empowerment Act 53 of 2003
- (3) Companies Act No.71 of 2008
- (4) Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- (5) Competition Act 89 of 1998
- (6) Consumer Protection Act, 2008
- (7) Copyright Act No.98 of 1978
- (8) Electronic Communications and Transactions Act 25 of 2002
- (9) Employment Equity Act No.55 of 1998
- (10) Income Tax Act No. 95 of 1967
- (11) Intellectual Property Laws Amendments Act No.38 of 1997
- (12) Labour Relations Act. No 66 of 1995
- (13) Occupational Health and Safety Act 85 of 1993
- (14) Patents Act 57 of 1978

- (15) Promotion of Access to Information Act, No.2 of 2000
- (16) Promotion of Equality and Prevention of Unfair Discrimination Act, No.4 of 2000
- (17) Protection of Personal Information Act 4 of 2013
- (18) Skills Development Act, No. 97 of 1988
- (19) Skills Development Levies Act, No. 9 of 1999
- (20) South African Reserve Bank Act, No. 90 of 1989
- (21) Unemployment Insurance Act, No. 30 of 1966
- (22) Value Added Tax Act, No. 89 of 1991

5.2 It is possible that the above list may be incomplete.

6 Subjects and categories of records held by AGCO (section 51(1)(b)(iv))

6.1 Companies Act records

- (1) Records kept in terms of the Companies Act, 1973 and 2008, including: memorandum and articles of association / memorandum of incorporation, records relating to appointment of directors/auditor/secretary/public officer and other officers, share register and other statutory registers, asset register, minute books.

6.2 Financial records

- (1) Annual financial statements, tax returns, accounting records, banking records, documents issued to employees for income tax purposes, records of payments made to SARS, all other statutory records including VAT records, regional services levies, skills development levies and UIF payments.

6.3 Human Resources and Payroll

- (1) Accounting & Payroll Records
- (2) Salaries Records
- (3) Staff Personnel Information
- (4) General Terms of Employment
- (5) Letters of Employment
- (6) Leave Records
- (7) PAYE Records and Returns
- (8) Performance Management Records
- (9) Policies and Procedures
- (10) Returns to UIF

6.4 Income tax records

(1) VAT

(2) UIF

6.5 Information Technology

(1) Infrastructure and Systems

(2) Contracts and Agreements

(3) Asset Registry & User agreements

(4) Information Policies, Standards, Procedures and Guidelines

(5) Access Control Records

(6) Network & Security Architectures

6.6 Intellectual Property

(1) Documents relating to trademarks and logos, designs and formulae, copyright materials

6.7 Marketing and Communication

(1) Proposal Documents

(2) New Business Development

(3) Marketing Strategies

(4) Communication Strategies

(5) Marketing Brochures

(6) Client contact details

(7) Client Contracts

(8) Client Business Information

(9) Proposal and Tender Documents

(10) Commercial Contracts

6.8 Media, marketing and communication

(1) Media releases

(2) Newsletters, brochures, and advertising material

(3) Proposal and tender documents

- 6.9 Secretarial and governance
- (1) Codes of conduct
 - (2) Meetings of minutes
 - (3) Legal compliance records
 - (4) Policies and procedures
 - (5) Strategic plans
- 6.10 Third party records
- 6.11 Client related records

The above list is not exhaustive, and may change over time. When this happens, we will update this manual.

7 Procedure for request for access to information (section 51(1)(b)(iv))

- 7.1 The requester must complete Form C enclosed herewith as Appendix A and submit this form together with a request fee, to the head of the private body.
- 7.2 The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address.
- 7.3 The requester must provide sufficient details to enable AGCO to identify:
- (1) the record(s) requested;
 - (2) the requester (and if an agent is lodging the request, proof of capacity);
 - (3) the form of access required;
 - (4) the postal address or fax number of the requester in the Republic;
 - (5) if the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
 - (6) the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

8 POPIA - Purpose of processing of information (section 51(1)(c)(i))

- 8.1 AGCO uses personal information under its care in the following ways:
- Rendering services according to contractual agreements;
 - Marketing and advertising;
 - Administration;
 - Staff administration;

- Recruitment
- Security purposes
- Keeping accounts and records;
- Compliance with tax laws / fulfilling its statutory obligations in terms of applicable legislation; and
- Historical record keeping / recording statistics necessary to fulfil AGCO's business objectives.

9 POPIA - Description of the categories of data subjects and information or categories of information (section 51(1((c)(ii)))

9.1 Categories of data subjects:

- Suppliers;
- Service providers;
- Clients;
- Directors and officers of AGCO;
- Shareholders;
- Job applicants;
- Existing and former employees (including contractors, agents and temporary employees);
- Visitors to any premises of AGCO

9.2 Nature of the personal information processed in respect of the above data subjects, includes, in relation to:

- Natural persons: name, gender, medical information, pregnancy, marital status, race, age, date of birth, language, education information, financial information, employment history, identity number, physical and postal addresses, contact details, criminal behaviour, disability, personal opinions, views, views and opinions of another individual about the data subject.
- Juristic persons / entities: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories and financial information.
- Service providers: names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories, and financial information.

10 POPIA - Recipients or categories of recipients to whom personal information may be supplied (section 51(1((c)(iii)))

10.1 AGCO may supply personal information to the following recipients:

- Other companies within the AGCO group;

- Regulatory, statutory and government bodies;
- Service providers;
- Professional advisors;
- Employees of AGCO;
- Shareholders and other stakeholders;
- A potential acquirer of AGCO as part of a due diligence process; and
- Banks and other financial institutions.

Disclosures will be made subject to applicable law. We require all third parties to respect the security of your personal data and to treat it in accordance with the law.

11 POPIA - Planned trans-border flows of personal information (section 51(1((c)(iv)))

- 11.1 AGCO intends to transfer personal information, subject to applicable law, to third parties in other countries who provide us with services such as data hosting services on foreign cloud-based servers. We require such third parties to adhere to applicable law in respect of such cross-border transfer of personal information, and to respect the security of your personal information and to treat it in accordance with the law.

12 POPIA - Data protection (section 51(1((c)(v)))

- 12.1 General description of information security measures:

- (1) AGCO has established and maintains appropriate, reasonable technical and organisational measures to ensure the integrity of personal information in its care and control, and to ensure that such personal information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements of POPIA.
- (2) AGCO utilises up to date technology to ensure the confidentiality, integrity and availability of personal information, measures used include:
 - Firewalls;
 - Virus protection software and update protocols;
 - Appropriate access control;
 - Secure setup of hardware and software forming the IT infrastructure.

13 Prescribed fees

- 13.1 A requestor is required to pay the prescribed fees before a request will be processed.
- 13.2 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).

- 13.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 13.4 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za or the website of The Department Of Justice And Constitutional Development (under regulations) at <http://www.doj.gov.za/>.

APPENDIX A

REQUEST FOR ACCESS TO PERSONAL INFORMATION
(Section 53(1) of the Promotion of Access to Information Act, 2000)

A. Particulars of Responsible Party

For the attention of the: Information Officer

AGCO South Africa (Pty) Ltd
16 Pomono Road
Pomona
Gauteng
1619
South Africa

Email: privacy@agcocorp.com

Tel: +27112308623 / +27609610877

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the personal information must be given below.*
- (b) The address, email address or fax number in the Republic to which the information is to be sent must be given.*
- (c) Proof of identity (either a certified copy of identity documents or passport) and proof of address of the person requesting the personal information must be attached.*
- (d) If you are requesting information on behalf of the data subject, please include the written authority from the data subject or proof of your capacity to submit an access request proof of identity of the data subject and the proof of address of the data subject*

Full names and
surname:.....

Identity number:.....

Postal address:

Telephone number:.....

Email address:

C. Particulars of person on whose behalf request is made (data subject)

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:.....

Identity number:.....

Postal address:

Telephone number:

Email address:

D. Personal Information requested

Please indicate what right you would like to exercise

1) Particulars of right to be exercised or protected (please tick)

- Right to confirm whether or not the Responsible Party holds personal information about the data subject
- Right to request a record or a description of the personal information about the data subject and the identity of any third party who has had access to the data subject's personal information
- Right to the correction, destruction or deletion of the data subject's personal information
- Right to object to the processing of personal information (please see 2) Right To Object To Processing below)

To help us process your request quickly and efficiently, please provide as much detail as possible about the personal information you are requesting access to, correction or erasure of.

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2) Right to object to processing

*To help us process your request quickly and efficiently, please indicate below with a tick which personal information processing you are objecting to.
If you object to the processing of your personal information for reasons other than direct marketing purposes, you will have to provide us with grounds as to why you want us to stop processing your personal information. Please note we will not stop processing your personal information if the processing is required in terms of legislation.*

- Processing for direct marketing purposes, including profiling related to direct marketing
- Processing for any other reasons other than direct marketing purposes

E. Fees

A request for access to a record, other than a record requesting confirmation that the Responsible Party holds the data subject's personal information, will be processed only after a request fee has been paid.

You will be notified of the amount required 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 required to search for and prepare a record.

If you qualify for exemption of the payment of any fee, please state the reason for exemption in the space provided below.

Reason for exemption from payment of fees:

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.....

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 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*	<input type="checkbox"/>	Inspection of record	<input type="checkbox"/>	<input type="checkbox"/>
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):				
View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	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)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)	<input type="checkbox"/>	
4. If record is held on computer or in an electronic or machine-readable form:				
Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*	<input type="checkbox"/>	Copy in computer-readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES	NO

G. 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 in another manner, 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 request for access to the record?

.....

Signed at _____ this _____ day of _____ 20____.

**SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF
REQUEST IS MADE**