



**PROMOTION OF ACCESS TO  
INFORMATION MANUAL (PAIA)**

**Revised in October 2023**



**This Policy includes:**

1. The Promotion of Access to Information Act 2 of 2000 ("PAIA") Manual; and
2. Protection of Personal Information Act 4 of 2014 ("POPI"):
  - 2.1. Request Forms.
  - 2.2. Information on the Submission of objections to the processing of personal information; and
  - 2.3. Requests to delete or destroy personal information or records thereof in terms of the POPI.

## **KFC (PTY) LTD ("KFC") INFORMATION MANUAL**

Published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000 (as amended).

### **1. INTRODUCTION**

- 1.1. This information manual ("Manual") provides an outline of the types of records held by KFC (Propriety) Limited ("KFC") and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 ("PAIA").
- 1.2. PAIA gives effect to everyone's Constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requestor's rights.
- 1.3. POPI, on the other hand, gives effect to everyone's Constitutional right to Privacy.

### **2. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF KFC**

- 2.1. General Manager and Information Officer:  
  
Designated Officer: Managing Director of KFC  
  
Email: [KFCCompliance@yum.com](mailto:KFCCompliance@yum.com)

Tel: 087 159 3679

Postal Address: **KFC (Pty) Ltd**

PO Box 71105

Bryanston

2021

South Africa

Physical Address: **KFC (Pty) Ltd**

Building G Knightsbridge

33 Sloane Street

Bryanston

South Africa

2.2. Deputy Information Officer:

Designated Officer: Chief Legal Officer

Email: [KFCCompliance@yum.com](mailto:KFCCompliance@yum.com)

Tel: 087 159 3679

Postal Address: **KFC (Pty) Ltd**

PO Box 71105

Bryanston

2021

South Africa

Physical Address: **KFC (Pty) Ltd**

Building G Knightsbridge

33 Sloane Street

Bryanston

South Africa

2.3. National or Head Office:

Postal Address: **KFC (Pty) Ltd**

PO Box 71105

Bryanston

2021

South Africa

Physical Address: **KFC (Pty) Ltd**

Building G Knightsbridge

33 Sloane Street

Bryanston

South Africa

Telephone: 086 100 222

Email: [kfccustomer@dsq.co.za](mailto:kfccustomer@dsq.co.za)

Website: [www.kfc.co.za](http://www.kfc.co.za)

### 3. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

3.1. 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.

3.2. The Guide is available in each of the official languages and in braille.

3.3. The aforesaid Guide contains the description of-

3.3.1. the objects of PAIA and POPIA;

3.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

3.3.3. the Information Officer of every public body, and

- 3.3.4. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
  - 3.3.5. the manner and form of a request for-
    - 3.3.5.1. access to a record of a public body contemplated in section 11; and
    - 3.3.5.2. access to a record of a private body contemplated in section 50;
  - 3.3.6. the assistance available from the IO of a public body in terms of PAIA and POPIA;
  - 3.3.7. the assistance available from the Regulator in terms of PAIA and POPIA;
  - 3.3.8. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
    - 3.3.8.1. an internal appeal;
    - 3.3.8.2. a complaint to the Regulator; and
    - 3.3.8.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
    - 3.3.8.4. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
  - 3.3.9. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 3.3.10. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
  - 3.3.11. the regulations made in terms of section 92.
- 3.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

3.5. The Guide can also be obtained-

3.5.1. upon request to the Information Officer using Annexure A;

3.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

3.6. A copy of the Guide is also available in the following official languages, for public inspection during normal office hours-

3.6.1. ENGLISH

3.6.2. ISIZULU

#### **4. AVAILABILITY OF THE MANUAL**

4.1. A copy of the Manual is available-

4.1.1. At [www.kfc.co.za](http://www.kfc.co.za).

4.1.2. At the head office of KFC for public inspection during normal business hours;

4.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

4.1.4. to the Information Regulator upon request.

4.2. A fee for a copy of the Manual, as contemplated in [annexure B](#) of the Regulations, shall be payable per each A4-size photocopy made.

#### **5. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

5.1. Records that are automatically available to the public are all records of KFC lodged in terms of regulatory/legislative requirements with various statutory/regulatory bodies, including the Companies and Intellectual Properties Commission, the Registrar of Deeds and which are open to public scrutiny, all records in the booklets and pamphlets published by KFC for the general public and all records available on KFC's website at: [www.kfc.co.za](http://www.kfc.co.za).

## 6. DESCRIPTION OF THE RECORDS OF WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

- 6.1. KFC maintains records on the following categories and subject matters. Please however note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Applicable Legislation	Category of Records
Basic Conditions of Employment Act. No 75 of 1997 Income Tax Act 58 of 1962 Labour Relations Act 66 of 1995 Unemployment Insurance Contributions Act 63 of 2001 Income Tax Act 95 of 1967	Employment, Salary and unemployment insurance claims related records.
Companies Act No 71 of 2008	Company and Financial related records.
Compensation for Occupational Injuries and Diseases Act No 130 of 1993	Occupational Accident-related records
Competition Act No 89 of 1998	Competition related records
Electronic Communications and Transactions Act 25 of 2002	Electronic data, communication and web related records.
Deeds Registry Act 47 of 1937	Property and deeds related records.
Occupational Health & Safety Act No 6 of 1983	Safety, Health and Environment records
Promotion of Access to Information Act No 2 of 2000	Manual and Guides.
Protection of Information Act No 84 of 1982	Policies and procedures, Forms and other related records.
Value Added Tax Act No 89 of 1991	Tax records.

Consumer Protection Act No 68 of 2008	Terms and conditions and consumer protection related agreements.
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**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT**

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
Movable and Immovable Property	Records evidencing fixed assets Lease Agreements Hire-purchase Agreements Credit Sale Agreements
Intellectual Property	Trade Marks Patents Copyright Designs Licences
Insurance	Policies Insurance investigation reports Insurance claim records
Taxation	Income tax returns VAT returns PAYE returns UIF returns
Human Resources	Policies/Standards/Procedures Employee information Employment agreements Forms and applications Standard letters and notices Payroll reports/ Wage register Pay slips IRP5s Leave records Accident books and records Employee benefits arrangements rules and records Safety, Health and Environmental records Labour dispute records Disciplinary records Employment and termination agreements Grievance Procedures Employee training
Finance	Audited annual financial statements Management accounts



Subjects on which the body holds records	Categories of records
	Banking details and bank accounts Debtors/Creditors statements and invoices General ledgers and subsidiary ledgers General ledger reconciliation Policies and Procedures
Procurement	Terms and Conditions for supply of services and products Contractor, client and supplier agreements Lists of suppliers, products, services and Distribution Policies and Procedures
Operations	Franchisee Agreements System Training
Legal and Compliance	Agreements/General Contracts Permits/licences Approvals Authorisations Applications Registrations Litigation claims/ Court documents and records.
Information Security/Information Technology	System documentation and manuals Project, disaster recovery and implementation plans Information usage policy documentation Software licensing Hardware asset registers Disaster recovery plans Information security policies/standards/procedures Computer/mobile device usage policy documentation.
Audit	Audit reports
Corporate Records	Incorporation and reorganisation records (Articles of Incorporation/ Memorandum of Association) Combined Company Register Minutes of Meetings Statutory Returns Powers of attorney Delegation of authority Share Certificates Company registers Attendance register of director's and manager's meetings Special resolution /Resolutions passed at General and Class meetings; and Register of directors, officers of the company and secretaries thereof which are body corporate

## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1 Purpose of Processing Personal Information

In terms of POPI, data must be processed for a specified purpose. The purpose for which data is processed by KFC will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

### 8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Employees	Contact details, employment records, curriculum vitae records, qualification records, salary records, identity numbers and documents, addresses
Clients	Names, contact details, addresses, order information, banking details where relevant
Third parties with whom KFC conducts its business services	Contact details, agreements, addresses and related information.
Contractors	Contact details, agreements, addresses and related information.
Suppliers	Contact details, agreements, addresses and related information.
Service Providers	Contact details, agreements, addresses and related information.

### 8.3 The recipients or categories of recipients to whom the personal information may be supplied

Depending on the nature of the data, KFC may supply information or records to the following categories of recipients:

8.3.1 Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;

8.3.2 Any court, administrative or judicial forum, arbitration, statutory commission,

or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act No. 89 of 1998);

8.3.3 South African Revenue Services, or another similar authority;

8.3.4 Anyone making a successful application for access in terms of PAIA; and

8.3.5 Subject to the provisions of POPI and the National Credit Act No. 34 of 2005, KFC may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which KFC operates.

#### 8.4 **Planned transborder flows of personal information**

8.4.1 If a data subject visits KFC's websites from a country other than the country in KFC's servers are located (currently <https://kfc.co.za>), the various communications will necessarily result in the transfer of information across international boundaries.

8.4.2 KFC may need to transfer a data subject's information to other group companies or service providers in countries outside South Africa, in which case KFC will fully comply with applicable data protection legislation. This may happen if KFC's servers or suppliers and service providers are based outside South Africa, or if KFC's services are hosted in systems or servers outside South Africa and/or if a data subject uses KFC's services and products while visiting countries outside this area. These countries may not have data-protection laws which are similar to those of South Africa

#### 8.5 **General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

8.5.1 KFC is committed to implementing leading data security safeguards.

8.5.2 KFC has specialised security teams who constantly review and improve KFC's measures to protect data subject's personal information from unauthorised access, accidental loss, disclosure or destruction.

8.5.3 If KFC has a contract with another organisation to provide KFC with services

or a service on KFC's behalf to process a data subject's personal information, KFC will ensure to the best of its ability that they have appropriate security measures and only process the information in the way KFC has authorised them to. These organisations will not be entitled to use a data subject's personal information for their own purposes. Where KFC in its sole and unfettered discretion deems it necessary it may proceed with an IT risk assessment of the relevant organization.

- 8.5.4 Communications over the internet (such as emails) are not secure unless they have been encrypted. A data subject's communications may go through a number of countries before being delivered – as this is the nature of the internet. KFC cannot accept responsibility for any unauthorised access or loss of personal information that is beyond KFC's control.

## **REQUEST FOR ACCESS TO INFORMATION**

### **9. Steps to consider before making a request**

#### **Step 1: Are you entitled to use PAIA to request access?**

Section 7(1) of the Act provides that the act does not apply to a record of a public or private body if that record:

- (a) Is requested for the purpose of criminal or civil proceedings
- (b) So requested after the commencement of such criminal or civil proceedings, as the case may be and
- (c) The production of or access to that record for purposes referred to in paragraph (a) is provided for in any other law.

If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. KFC reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

#### **Step 2: Does the information requested exist in the form of a record?**

Please note that PAIA only applies to records that are in existence at the time of us receiving your request. PAIA does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, PAIA cannot be used to obtain reasons for a decision taken by KFC if such reasons are not in the form of a record.

### Step 3: Is the record in the possession or under the control of KFC?

PAIA provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by KFC or at some point in KFC's possession (but no longer in KFC's control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

## 10. How to submit a request for access

Please consider the steps in paragraph 9 above before submitting your request. Once you are satisfied that none of the foregoing prohibitions apply to you, you may proceed to submit a request as follows:

### 10.1 Request form

10.1.1 Please complete the request form in Annexure 1 to this Manual (the "Request Form"). You can send the completed request form via email or by hand.

10.1.2 The requester must pay the prescribed R140.00 request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.

10.1.3 In the Request Form, you need to provide sufficient information to enable us to adequately identify–

10.1.3.1 The record/ records requested;

10.1.3.2 The identity of the requester;

10.1.3.3 Which form of access is required, if the request is granted; and

10.1.3.4 The postal address or fax number of the requester.

10.1.3.5 The identity of the right of the requester which must include an

explanation of why the requested record is required for the exercise or protection of that right.

- 10.1.3.6 If, in an addition to a written reply, the requestor wishes to be informed of the decision on the request in any other manner, that manner and the necessary particulars to be so informed.

## 10.2 **Description of the right**

- 10.2.1 Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be necessary for the exercise or protection of the right so stated.

- 10.2.2 It is important to note that KFC's Information Officer may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in PAIA.

## 10.3 **Representatives**

- 10.3.1 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of KFC's Information Officer.

## 10.4 **Illiteracy or disability**

- 10.4.1 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

## 11. **Outcome of Request and Fees payable**

- 11.1 The Information officer will, if a request for access to a record is granted or refused, inform the requestor of his or her decision and the fees payable on the prescribed form.<sup>1</sup>

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<sup>1</sup> Section 8(1) of the PAIA Regulations as amended.

- 11.2 A person who requests either a copy of an automatically available record referred to in paragraph 5 above or any other record will be charged the fee for reproduction and postage prescribed in the table below, if the request is granted.
- 11.3 If the search for the record in which a request for access has been made and the preparation of the record for disclosure, including any of the arrangements of inspection a copy of a written or printed form or a recording of a record by sound, would in the opinion of the Information Officer require more than 6 hours the information officer will, on the prescribed form (Form 3 of Annexure A), require the requester, to pay as a deposit, one third of the fees which would be payable if the request is granted (Calculated at one third of the amount per requested in terms of items 2 to 8 below).
- 11.4 A requester whose request has been granted will pay for the fees which be calculated by using the table below<sup>2</sup>.
- 11.5 You may ask for a refund of the deposit if your request for access is refused.

Item	Description	Amount
1.	The Request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer readable form	R40.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record	R40.00

<sup>2</sup> Annexure B of the PAIA Regulations as amended.

9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.  To not exceed a total cost of	R145.00  R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, email or any other electronic transfer	Actual Expense, if any.

## 12. Considering your request

- 12.1 Subject to the provisions in PAIA in respect of extension of time periods, KFC will process the request within 30 (thirty) days, unless you have stated "personal requester" which means a requester seeking access to a record containing personal information (as defined in PAIA) and/or any special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 12.2 You will be informed in writing whether access has been granted or denied.
- 12.3 The main grounds for KFC to refuse a request for information relate to the –
- 12.4 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;
- 12.5 Mandatory protection of the commercial information of a third party, if the record contains–
- 12.5.1 trade secrets of that third party;
- 12.5.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;



- 12.5.3 information disclosed in confidence by a third party to KFC, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 12.5.4 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 12.6 Mandatory protection of the safety of individuals and the protection of property;
- 12.7 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 12.8 The commercial activities of KFC, which may include –
  - 12.8.1 trade secrets of KFC;
  - 12.8.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of KFC;
  - 12.8.3 information which, if disclosed could put KFC at a disadvantage in negotiations or commercial competition;
  - 12.8.4 a computer program which is owned by KFC, and which is protected by copyright; and
- 12.9 The research information of KFC or a third party, if its disclosure would disclose the identity of KFC, the researcher or the subject matter of the research and would place the research at a serious Disadvantage.

### **13. YOUR REMEDIES**

- 13.1 KFC does not have internal appeal procedures. As such, the decision made by the Information Officer is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief. You may also contact the Regulator.

## Annexure A

Form 1<sup>3</sup>

## REQUEST FOR A COPY OF THE GUIDE

PART A: PARTICULARS OF KFC (PTY) LTD	
<b>The information officer:</b>	
Designated Officer	Managing Director
Postal Address	KFC (Pty) Ltd P.O. Box 71105 Bryanston 2021 South Africa
Physical Address	KFC (Pty) Ltd Building G Knightsbridge 33 Sloane Street Bryanston 2021 South Africa
Email:	<a href="mailto:KFCCompliance@yum.com">KFCCompliance@yum.com</a>
<b>The Deputy Information Officer:</b>	
Designated Officer	Chief Legal Officer
Postal Address	KFC (Pty) Ltd P.O. Box 71105 Bryanston 2021 South Africa
Physical Address	KFC (Pty) Ltd Building G Knightsbridge 33 Sloane Street Bryanston 2021 South Africa
Email:	<a href="mailto:KFCCompliance@yum.com">KFCCompliance@yum.com</a>

I,

Full names:				
In my capacity as: (Mark with X_)	Information Officer		Other	
Name of *public/private body (if applicable)				
Postal Address:				
Street Address:				
Email Address:				
Facsimilie:				
Contact Number:	Tel:		Cellular	

Language (mark with "X")	No. of Copies	Language (mark with "X")	No of Copies
Sepedi		Sesotho	
Setswana		siSwati	
Tshivenda		Xitsonga	
Afrikaans		English	

<sup>3</sup> Form 1 of the PAIA Regulations as amended.

isiNdebele			isiXhosa		
isiZulu					

Manner of collection (mark with "x"):			
Personal Collection	Postal Address	Facsimile	Electronic Communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Requester /

Person on whose behalf request is made

\* Delete whichever is not applicable

**Annexure B**

**FORM 2<sup>4</sup>**

**(Please click on the below link to access the latest form for completion)**

**REQUEST FOR ACCESS TO RECORD**

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<sup>4</sup> Form 2 of the PAIA Regulations as amended.

**Annexure C**

**FORM 3<sup>5</sup>**

**(please click on the link below to access the latest forms for completion)**

**OUTCOME OF REQUEST AND OF FEES PAYABLE**

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<sup>5</sup> Form 3 of the PAIA Regulations as amended.