

**CARTRACK HOLDINGS  
LIMITED**

(Registration number: 2005/036316/06)

**PROMOTION OF ACCESS  
TO INFORMATION MANUAL**

## 1 Introduction

In terms of Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No. 108 of 1996 (“the Constitution”) every person has a right to access information. In order to fulfill this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 (“the Act”) was assented to by Parliament.

The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, as well as information held by another person that is required for the exercise or protection of any right.

The motivation for giving effect to the right of access to information is to:

- foster a culture of transparency and accountability in both public and private bodies; and
- promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

Section 9 of the Act however recognizes that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance; and
- in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

## 2 Purpose

The PAIA manual outlines the types of records and the personal information (PI) held by Cartrack and sets out the procedure to request access to these records and personal information, the requirements which such request must meet, as well as the grounds for refusal or partial refusal of such request. In addition, it explains how we process personal information and how to access personal information held by Cartrack in terms of Sections 23 and 25 of the Protection of Personal Information Act 4 of 2013 (POPIA).

This manual is not exhaustive of, nor does it comprehensively deal, with every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to Cartrack in terms of the Act.

Cartrack makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a Requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Cartrack shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Cartrack or from any error therein.

All users irrevocably agree to submit exclusively to the laws of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Cartrack.

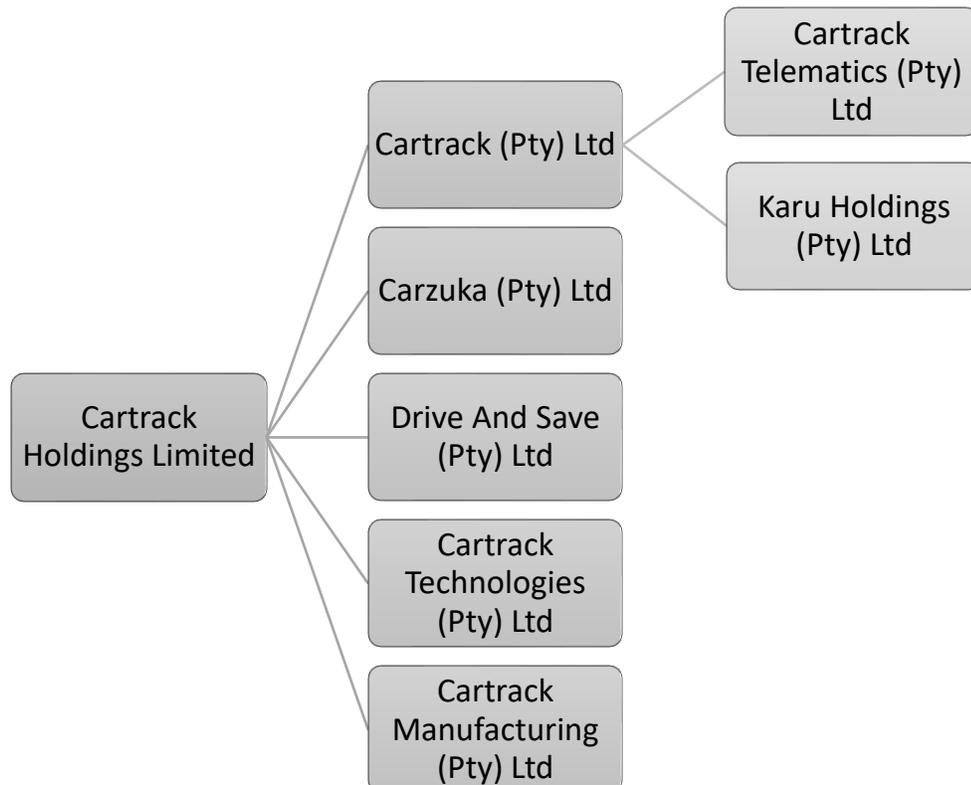
### 3 Company background

Cartrack is a holding company for businesses providing Stolen Vehicle Recovery (“SVR”), Fleet Management (“FM”) and insurance telematics services (collectively, “Telematics”).

This manual applies to the following legal entities within the Cartrack group of companies:

Cartrack Holdings Limited (registration number 2005/036316/06) and the following subsidiaries:

- Cartrack (Pty) Ltd (registration number 2001/006063/07) and its subsidiary:
  - Cartrack Telematics (Pty) Ltd (registration number 2019/432485/07)
  - Karu Holdings (Pty) Ltd (registration number 2005/036165/07)
- Carzuka (Pty) Ltd (registration number 2009/000972/07)
- Drive and Save (Pty) Ltd (registration number 2001/008050/07)
- Cartrack Technologies (Pty) Ltd (registration number 2001/027237/07)
- Cartrack Manufacturing (Pty) Ltd (registration number 2009/001000/07)



**4 Company Contact Details**

Full name: Cartrack Holdings Limited

Registration Number: 2005/036316/06

Registered Address: 11 Keyes Avenue, Rosebank, 2196

Postal Address: P O Box 4709, Rivonia, 2128

Telephone Number: (+27 11) 250 3000

Fax Number: (+27 11) 250 3001

Designated Information Officer: Anname De Villiers

E-mail address: [anname.devilliers@cartrack.com](mailto:anname.devilliers@cartrack.com)>

Payments should be made to : Cartrack Holdings Limited

## 5 Guide of the South African Human Rights Commission

In terms of Section 10 of the Act the South African Human Rights Commission (“SAHRC”) published a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of the Act.

Copies of PAIA and POPIA, the relevant regulations and guides to these acts, can be obtained from the SAHRC or the Information Regulator and queries should be directed to:

| SAHRC  | Information regulator   |
|--|---|
| South African Human Rights Commission<br>Promotion of Access to Information Act Unit<br>Research and Documentation Department<br>Private Bag 2700<br>Houghton Johannesburg 2041                        | The Information Regulator (South Africa)  |
| Braampark, Forum 3<br>33 Hoofd Street<br>Braamfontein<br>Johannesburg<br>2001  | Braampark, Forum 3<br>33 Hoofd Street<br>Braamfontein<br>Johannesburg<br>2001   |
| Telephone number: (011) 877 3600<br>Fax number: (011) 484 7146/7<br>Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a><br>Email: <a href="mailto:info@sahrc.org.za">info@sahrc.org.za</a> | Mr Marks Thibela<br>Chief Executive Officer<br>Cell No. +27 (0) 82 746 4173<br>Email: <a href="mailto:MThibela@justice.gov.za">MThibela@justice.gov.za</a><br><a href="mailto:info@justice.gov.za">info@justice.gov.za</a><br><a href="https://www.justice.gov.za/infoereg/contact.html">https://www.justice.gov.za/infoereg/contact.html</a> |

## 6 Information available in terms of Section 51(1)(d) of the Act

Where applicable to Cartrack’s operations, information is also available in terms of certain provisions of the following statutes:

- (a) Basic Conditions of Employment Act No. 75 of 1997;
- (b) Companies Act No. 71 of 2008;
- (c) Employment Equity Act No. 55 of 1998;
- (d) Skills and Development Levies Act, No. 9 of 1999;

- (e) Income Tax Act No. 58 of 1962;
- (f) Labour Relations Act No. 66 of 1995;
- (g) Unemployment Insurance Act No. 63 of 2001
- (h) Value-added Tax Act No. 89 of 1991

## 7 Information available in terms of Section 52 of the Act

Inspection of the subjects and categories of records held by Cartrack pertaining to:

- Directors;
- Interests of directors; and
- Annual reports.

are available without a person having to request access in terms of the Act. This information is made available on Cartrack's website: [www.cartrack.co.za](http://www.cartrack.co.za)

## 8 Subjects and Categories of Records held by Cartrack

Cartrack holds the following subjects and categories of records for Cartrack and also in respect of each company (where applicable) within the Cartrack Group of companies ("the Group"):

- (a) **Statutory Company Information**
  - (i) Certificate of Incorporation;
  - (ii) Certificate of Change of Name (if any);
  - (iii) Memorandum of Incorporation;
  - (iv) Certificate to Commence Business;
  - (v) Minute Book containing minutes of shareholder and board meetings;
  - (vi) Resolutions passed by shareholders and the board of directors;
  - (vii) Register of Directors' shareholdings;
  - (viii) Register of Directors and Prescribed Officers;
  - (ix) Directors' Attendance Register of meetings;
  - (x) Annual returns;
  - (xi) Annual Financial Statements including:
    - i. Annual Accounts;
    - ii. Directors' Reports;
    - iii. Auditors' Report.
- (b) **Accounting Records**
  - (i) Books of Accounts including journals and ledgers;
  - (ii) Delivery notes, orders, invoices, statements, receipts, vouchers.
- (c) **Statutory Employee Records**
  - (i) Employees' names and occupations;
  - (ii) Date of birth of each employee;
  - (iii) Remuneration paid to each employee;
  - (iv) Salary and wages register;
  - (v) Staff records;

- (vi) Expense accounts;
  - (vii) PAYE Tax records;
  - (viii) Employment Equity Plan;
  - (ix) Skills Development Plan.
- (d) **Other Employee Records**
- (i) Employee contracts;
  - (ii) Staff loan schemes;
  - (iii) Study assistance schemes;
  - (iv) Maternity leave policy;
  - (v) Group insurance scheme;
  - (vi) Code of conduct;
  - (vii) HIV/AIDS policy.
- (e) **Pension and retirement Funding Records**
- (i) Pension Fund Rules;
  - (ii) Pension Fund account records;
  - (iii) Minutes of Meetings of Trustees;
  - (iv) Contribution records;
  - (v) Annual accounts.
- (f) **Movable Property**
- (i) Asset register;
  - (ii) Lease agreements.
- (g) **Intellectual Property**
- (i) Trademark applications and protected names;
  - (ii) Agreements relating to intellectual property such as licence agreements;
  - (iii) Copyrights.
- (h) **Agreements and Contracts**
- (i) Material agreements concerning provision of services;
  - (ii) Joint venture agreements, co-promotion or other alliance agreements;
  - (iii) Agreements with contractors and suppliers;
  - (iv) Agreements with clients;
  - (v) Lease agreements;
  - (vi) Confidentiality agreements.
  - (vii) Non-Disclosure agreements
- (i) **Taxation**
- (i) Copies of Income Tax Returns, VAT returns and other tax returns and documents
- (j) **Legal**
- (i) Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation;
  - (ii) Material licences, permits and authorisations.
- (k) **Insurance**
- (i) Insurance policies;

- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

(l) **Information Technology**

- (i) Hardware;
- (ii) Operating Systems;
- (iii) Telephone lines, leased lines and data lines;
- (iv) Software Packages;
- (v) Disaster Recovery Plan;
- (vi) Internal Systems Support and Programming;
- (vii) Capacity and Utilisation of Current Systems;
- (viii) Agreements;
- (ix) Licences.

(m) **Sales and Marketing**

- (i) Product brochures;
- (ii) Market research reports;
- (iii) Market information;
- (iv) Clients;
- (v) Newsletters and Advertising Materials;
- (vi) Orders.

(n) **Persona/special personal information**

- (i) Name, identity number (ID), race, etc.
- (ii) Bank details
- (iii) Account numbers, products, etc.
- (iv) Biometric special information
- (v) Vehicle registration
- (vi) Surveillance records
- (vii) Location information

## 9 Principles for the collection and processing of personal information

### (a) Collection, processing and purpose

Cartrack will only collect personal information when it is necessary to comply with legal obligations that apply, or when such processing is necessary for the performance of a contract or pre- contractual procedures.

Cartrack may also process information if it has a legitimate interest, provided that in each case our interest is in accordance with applicable law and the rights of the Data Subject.

When none of the other lawful processing conditions support the data processing operation, Cartrack will only process personal information if it has obtained the consent of the Data Subject to process said personal information for specific, explicit and legitimate purposes.

Cartrack will only use personal information for the fulfilment of the specific purposes for which it was obtained, or for other lawful processing.

(b) **Accuracy**

Cartrack will take all reasonable steps to ensure that personal information that it processes is accurate, complete and up to date.

(c) **Openness**

Cartrack is committed to openness regarding its policies and practices of handling of personal information.

(d) **Security**

Cartrack will ensure that appropriate security safeguards are in place to protect Personal Information from loss, unauthorised access, destruction, use, modification or disclosure.

(e) **Transfers and sharing**

Cartrack may transfer personal information outside South Africa or the European Union to be processed by some of its service providers, companies associated with and/or belonging to the Cartrack Group. In this case, Cartrack ensures that this transfer takes place in accordance with the legislation in force and that an adequate level of protection of personal information is guaranteed based on standard data protection clauses adopted.

Cartrack will only disclose personal information for the fulfilment of the specific purposes for which it was obtained, or for other lawful processing.

Under no circumstances does Cartrack transfer or share personal information, outside the conditions described above, or sell Personal Information to third parties.

(f) **Retention**

Cartrack will retain personal information for as long as is necessary for the purposes for which it was collected. In some cases, data retention may occur for longer periods, especially when applicable law so requires.

(g) **Access**

The Data Subject may request a copy of their personal information from Cartrack and, where required, instruct Cartrack to effect changes to correct the data or to permanently delete their personal information, in accordance with local regulations.

## 10 Procedure for requesting access to information

Anyone (other than a **personal requester**) who wishes to request access to any of the above categories of information are required to complete a request form as set out in annexure "A" hereto. These forms are also available from:

- (a) our information officer (whose details appear on the first paragraph of this manual);
- (b) the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za))
- (c) the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

The Act provides for two types of fees, namely:

- request fee, which will be a standard fee payable in advance; and
- access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs. Details of these fees are contained in the request form.

It is important to note that access is not automatic. You must identify the right you are seeking to protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved or declined.

A **personal requester** is a requester who is seeking access to a record containing personal information about the requester. Cartrack will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information will be charged.

## 10 Decision

Cartrack will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

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

## 11 Grounds of refusal

The main grounds for Cartrack to refuse a request for information relates to the following:

- mandatory protection of privacy of a third party;

- mandatory protection of the commercial information of a third party;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of the commercial activities of Cartrack;
- the research information of Cartrack or a third party, if its disclosure would disclose the identity of Cartrack, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- requests for information that are clearly frivolous or which involve an unreasonable diversion of resources.

## 12 **Records that cannot be found**

If Cartrack searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the relevant record.

## 13 **Remedies available when Cartrack refuses a request for information**

### (a) **Internal remedies**

Cartrack does not have internal appeal procedures.

### (b) **External remedies**

A requestor who is dissatisfied with the Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a competent Court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another Court of similar status, and the Magistrate's Court.

**ANNEXURE "A"**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
 (Section 53(1) of the Promotion of Access to Information Act, 2000  
 (Act No. 2 of 2000))

**Regulation 10****A. Particulars of private body**


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**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:

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Identity number:

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Postal address:

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Fax number: \_\_\_\_\_ Telephone number: \_\_\_\_\_

E-mail address:

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Capacity in which request is made, when made on behalf of another person:

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**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:

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Identity number:

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**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 page and attach it to this form. **The requester must sign all the additional pages.***

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

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**2. Reference number, if available:**

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**3. Any further particulars of record:**

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**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:

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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:<br><hr/>   | Form in which record is required:<br><hr/> |
| <p>Mark the appropriate box with an <b>X</b>.</p> <p><b>NOTES:</b></p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p> |  |

|  |                 |                          |                              |
|--|-----------------|--------------------------|------------------------------|
| <b>1. If the record is in written or printed form:</b>   |                 |                          |                              |
| <input type="checkbox"/>   | copy of record* | <input type="checkbox"/> | inspection of record         |
| <b>2. If record consists of visual images</b><br>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.): |                 |                          |                              |
| <input type="checkbox"/>   | View the images | <input type="checkbox"/> | copy of the images*          |
| <input type="checkbox"/>   |                 | <input type="checkbox"/> | transcription of the images* |
| <b>3. If record consists of recorded words or information which can be reproduced in sound:</b>  |                 |                          |                              |

|   |   |  |  |  |  |    |
|---|---|--|--|--|--|----|
|   | Listen to the soundtrack (audio cassette) |  | Transcription of soundtrack* (written or printed document) |  |  |    |
| 4. <b>If record is held on computer or in an electronic or machine-readable form:</b>   |   |  |  |  |  |    |
|   | printed copy of record*                   |  | printed copy of information derived from the record*       |  | copy in computer readable form* (memory stick or disc) |    |
| *If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?<br><b>Postage is payable.</b> |   |  |  |  | YES  | NO |

### 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.***

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

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

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### 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 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?

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

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

**ANNEXURE “B”****PRESCRIBED FEES**

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations.

The following applies to requests:

- 1.1 A requestor is required to pay the prescribed request fee (R50.00) before a request will be processed;
- 1.2 If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit shall be payable (of not more than one third of the access fee which would be payable if the request were granted);
- 1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 1.4 Records may be withheld until the fees have been paid.
- 1.5 Payments should be made to Cartrack Holdings Limited.

**Current Prescribed Fees**

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1-10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as below:

|     |  | R     |
|-----|--|-------|
| (a) | For every photocopy of an A4-size page or part thereof   | 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 | 0-75  |
| (c) | For a copy in a computer-readable form on a memory stick or compact disc   | 70-00 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof  | 40-00 |
|     | (ii) For a copy of visual images   | 60-00 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof  | 20-00 |

|  |                                    |       |
|--|------------------------------------|-------|
|  | (ii) For a copy of an audio record | 30-00 |
|--|------------------------------------|-------|

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50-00.

4.1 The access fees payable by a requester referred to in regulation 11(3) are as follows:

|     |   |       |
|-----|---|-------|
| (a) | For every photocopy of an A4-size page or part thereof  | 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                            | 0-75  |
| (c) | For a copy in a computer-readable form on memory stick or CD  | 70-00 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof   | 40-00 |
|     | (ii) For a copy of visual images  | 60-00 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof   | 20-00 |
|     | (ii) For a copy of an audio record  | 30-00 |
| (f) | To search for and prepare the record for disclosure, for <b>each hour or part of an hour</b> reasonably required for such search and preparation. | 30-00 |

4.2 For purposes of section 54(2) of the Act, the following applies:

(a) Six (6) 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.

4.3 The actual postage is payable when a copy of a record must be posted to a requester.

