



CAPE COOKIES PTY LTD

PAIA MANUAL

Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 "Director" Director;
- 1.2 "IO" Information Officer;
- 1.3 "DIO" Deputy Information Officer;
- 1.4 "Minister" Minister of Justice and Correctional Services;
- 1.5 "PAIA" Promotion of Access to Information Act No 2 of 2000 (as Amended);
- 1.6 "POPIA" Protection of Personal Information Act No 4 of 2013;
- 1.7 "Regulator" Information Regulator; and
- 1.8 "Republic" Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 Check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 Have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body hold records and the categories of records held on each subject;
- 2.3 Know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 Access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 Know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 Know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 Know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 Know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

- 2.10 Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF CAPE COOKIES PTY LTD

3.1 Chief Information Officer

Name: Geoffrey Morgan
Tel: 021 510 2400
Email: orders@capecookies.com

3.2 Deputy Information Officer(s)

Name: Philippus de Villiers
Tel: 021 510 2400
Email: orders@capecookies.com

3.3 Access to information general contacts

Email: orders@capecookies.com

3.4 Head Office

Postal Address: P O Box 810
Maitland
7405

Physical Address: 85 Voortrekker Road
Maitland
7404

Telephone: 021 510 2400

Email: orders@capecookies.com

Website: www.capecookies.com

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1 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.
- 4.2 The Guide is available in each of the official languages and in braille.
- 4.3 The aforesaid Guide contains the description of-
- 4.3.1 The objects of PAIA and POPIA;

- 4.3.2 The postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1 The Information Officer of every public body; and
 - 4.3.2.2 Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3 The manner and form of a request for-
 - 4.3.3.1 Access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2 Access to a record of a private body contemplated in section 50⁴
- 4.3.4 The assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5 The assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6 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-
 - 4.3.6.1 An internal appeal;
 - 4.3.6.2 A complaint to the Regulator; and
 - 4.3.6.3 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;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) That record is required for the exercise or protection of any rights;
- b) That person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 4.3.7 The provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8 The provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9 The notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10 The regulations made in terms of section 92¹¹.
- 4.4 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.
- 4.5 The Guide can also be obtained-
- 4.5.1 Upon request to the Information Officer
 - 4.5.2 From the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6 A copy of the Guide is also available in the following three official languages, for public inspection during normal office hours-
- 4.6.1 English, Afrikaans and Xhosa

⁵ Section 14(01) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that- "The Minister may, by notice in the Gazette, make regulations regarding-

- a) Any matter which is required or permitted by this Act to be prescribed;
 - b) Any matter relating to the fees contemplated in sections 22 and 54;
 - c) Any notice required by this Act;
 - d) Uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
 - e) Any administrative or procedural matter necessary to give effect to the provisions of this Act."
-

5. RECORDS AND INFORMATION THAT ARE AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF PAIA.

- 5.1 Cape Cookies PTY Ltd routinely makes information available to the public on its functions and activities. This information will continue to be available without having to make a formal request in terms of PAIA.
- 5.2 General and specific information that may be of interest to investors, applicants for employment, etc. is available on Cape Cookies' website at www.capecookies.com.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

- 6.1 This list, although detailed, may not be exhaustive. It will be periodically updated.
 - 6.1.1 Arbitration Act, 42 of 1965.
 - 6.1.2 Basic Conditions of Employment Act, 75 of 1997.
 - 6.1.3 Companies Act, 61 of 1973.
 - 6.1.4 Compensation for Occupational Injuries and Diseases Act, 130 of 1993.
 - 6.1.5 Copyright Act, 98 of 1978.
 - 6.1.6 Consumer Affairs (Unfair Consumer Practices) Act, 71 of 1988.
 - 6.1.7 Criminal Procedures Act, 51 of 1977.
 - 6.1.8 Debt Collectors Act, 114 of 1998.
 - 6.1.9 Electronic Communications and Transactions Act, 25 of 2002.
 - 6.1.10 Employment Equity Act, 55 of 1998.
 - 6.1.11 Income Tax Act, 58 of 1962.
 - 6.1.12 Intellectual Property Laws Amendment Act, 38 of 1997.
 - 6.1.13 Labour Relations Act, 66 of 1995.
 - 6.1.14 Occupational Health and Safety Act, 85 of 1993.
 - 6.1.15 Pension Funds Act, 24 of 1956.
 - 6.1.16 Protection of Personal Information Act, 4 of 2013.
 - 6.1.17 Skills Development Act, 97 of 1998.
 - 6.1.18 Skills Development Levies Act, 9 of 1999.
 - 6.1.19 Unemployment Insurance Act, 63 of 2001.
 - 6.1.20 Value Added Tax Act, 89 of 1991.

7. RECORDS THAT MAY BE REQUESTED IN TERMS OF PAIA AND/OR POPI

- 7.1 Companies Act Records
 - 7.1.1 Incorporation documents.
 - 7.1.2 Memorandum of Incorporation.
 - 7.1.3 Minutes of Board of Directors meetings.
- 7.2 Financial Records
 - 7.2.1 Annual Financial Statements.
 - 7.2.2 Tax Returns.
 - 7.2.3 Accounting records.
 - 7.2.4 Banking records, bank statements, electronic banking records.
 - 7.2.5 Asset register.
 - 7.2.6 Rental agreements.
 - 7.2.7 Invoices.

7.3 Income Tax Records

- 7.3.1 PAYE records.
- 7.3.2 Documents issued to employees for income tax purposes.
- 7.3.3 Record of payments made to SARS on behalf of employees.
- 7.3.4 Statutory records in respect of:
 - 7.3.4.1 VAT.
 - 7.3.4.2 Skills Development Levies.
 - 7.3.4.3 UIF.
 - 7.3.4.4 Workmen's Compensation.

7.4 Personnel Documents and Records

- 7.4.1 Employment contracts.
- 7.4.2 Employment Equity Plan.
- 7.4.3 Pension fund records.
- 7.4.4 Disciplinary records.
- 7.4.5 Salary records.
- 7.4.6 SETA records.
- 7.4.7 Disciplinary codes.
- 7.4.8 Leave records.
- 7.4.9 Training records.
- 7.4.10 Training manuals.

8. PROCEDURE

- 8.1 In order to facilitate access to a record, applicants need to complete the prescribed access form attached as **Annexure "A"**. The form must be completed in full. Failure to do so will result in the process being delayed until such additional information is provided.
- 8.2 Proof of identity is required to authenticate the request and the applicant. In addition to the access form, applicants are required to supply a certified copy of the applicant's identification document or any other means of identification acceptable to the Deputy Information Officer.
- 8.3 If the applicant is acting as an agent on behalf of a third party, the applicant must provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the applicant by such person and proof of the identity of the applicant. The Deputy Information Officer will not process any such request until s/he is satisfied that these requirements have been met.

9. GRANTING OR REFUSAL OF REQUESTS

- 9.1 All requests that meet the requirements as set out in this manual will be processed by the Deputy Information Officer within the time limits set out in PAIA.
- 9.2 In terms of PAIA requests may be refused on the following grounds:
 - 9.2.1 Mandatory protection of privacy of a third party who is a natural person;
 - 9.2.2 Mandatory protection of commercial information of a third party;
 - 9.2.3 Mandatory protection of certain confidential information of a third party;

- 9.2.4 Mandatory protection of records privileged from production in legal proceedings;
- 9.2.5 Commercial information of the private body; and
- 9.2.6 Mandatory protection of research information of a third party and of the private body.

9.3 Applicants will be informed within thirty (30) calendar days of the decision. In terms of PAIA this period may be extended for a further thirty (30) calendar days should more time be required to search for and prepare the record. In this event applicants will be notified accordingly.

10. APPEAL

1.1 There is no right of appeal against a decision of the Deputy Information Officer and the only recourse available to an applicant or third party who is aggrieved by a decision of the Deputy Information Officer is by way of application to a court for appropriate relief in terms of Section 78 of PAIA.

11. SUMMARY OF POPIA REQUIREMENTS

11.1 In terms of POPIA personal information must be processed for a specific purpose only. This purpose is the purpose for which the information is initially provided.

11.2 POPIA provides that data subjects, i.e. the person to whom the personal information relates, may request Cape Cookies to confirm that it holds personal information about the data subject and, if so, may request access to such information.

11.3 POPIA provides that data subjects may object to the processing of personal information by Cape Cookies on reasonable grounds relating to their particular situation, unless legislation allows for such processing.

11.4 Requests by data subjects must be made in terms of this PAIA manual.

12. AVAILABILITY OF THE MANUAL

12.1 Copy of the Manual is available-

12.1.1 On www.capecookies.com

12.1.2 Head office of Cape Cookies PTY LTD for public inspection during normal business hours;

12.1.3 To any person upon request and upon the payment of a reasonable prescribed fee; and

12.1.4 To the Information Regulator upon request.

12.2 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.

13 UPDATING THE MANUAL

The Management of Cape Cookies PTY Ltd will on a regular basis update this manual.

Issued by



Philippus de Villiers
Deputy Information Officer

ANNEXURE A

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2 of 2000)

(Regulation 10)

1. PARTICULARS OF PRIVATE BODY

The Deputy Information Officer
Po Box 810, Maitland, 7405

2. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- a) The particulars of the person who requests access to the record must be recorded below.*
- b) Furnish an address in South African to which information must be sent.*
- 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: _____

E-mail Address: _____

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

3. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE IF NOT THE APPLICANT

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

Full names and surname: _____

Identity Number: _____

4. 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 applicant must sign all the additional pages.***

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

2. Reference number, if available: _____

3. Any further particulars on record: _____

5. 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 requested 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 therefore.*

Reason for exemption from payment of fees: _____

6. FORM OF ACCESS TO RECORD

<i>If you are prevented by a disability from reading, viewing or listening 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.</i>			
Disability		Form in which record is required	
<p><i>Notes:</i></p> <p>a) Your indication as to the required form of access indicated above or below depends 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>			
If the record is in written or printed form -			
	Copy of the record*		Inspection of the record
If the record consists of visual images (this includes 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 works or information which can be reproduced in sound -			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
If the record is held on computer or in an electronic or machine-readable form -			
	Printed copy of record*		Printed copy of the information derived from the record*
			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? If so, a postal fee will be payable			Yes No

7. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the provided space is inadequate, please continue on a separate page and attach it to this form. **The applicant must sign all the additional pages.***

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

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

8. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or denied. If you wish to be informed thereof 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 APPLICANT /
PERSON ON WHOSE BEHALF REQUEST IS MADE