

BLUE BULLS COMPANY (PTY) LTD || BLOU BULLE MAATSKAPPY (EDMS) BPK
MANUAL IN TERMS OF SECTION 51(2) OF PAIA AND SECTION 55 OF POPI

1. POLICY STATEMENT

It is the Blue Bulls Company (Pty) Ltd's (the "**Blue Bulls**") policy to conduct its operations in compliance with all legal and regulatory requirements. This Access to Information Manual (the "**Manual**") regulates access to information and records owned, held by or otherwise under the control of the Blue Bulls and the release of any such information or records any of the Blue Bulls' directors, officers, employees, agents or anyone acting on its behalf.

2. APPLICATION

This Manual applies to information and records under the control of the Blue Bulls and the release of any such information or records.

3. OBJECTIVE

The objectives of this Manual are to:

- provide a non-exhaustive list of information, records and other details held by the Blue Bulls;
- set out the requirements on how to request information in terms of the Promotion of Access to Information Act No. 2 of 2000 ("**PAIA**") and/or "**the Act**") and the Protection of Personal Information Act, Act No 4 of 20131 ("**POPI**") as well as the grounds on which a request may be refused; and
- explain the manner and form in which a request for information must be submitted.

4. AVAILABILITY

This Manual will be made public through:

The Blue Bulls' website: www.thebulls.co.za

Alternatively on request from:

The information officer of the Blue Bulls – The Chief Executive Officer

Barend Johannes Van Graan

2nd floor, Main Stand, Loftus Versfeld Stadium

Kirkness Street, Sunnyside, Pretoria, 0002

MANUAL

1. PREAMBLE

PAIA affords natural and/or juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Conversely, POPI affords Data Subjects (“**DS**”) the right to request access, in accordance with the provisions of PAIA, to their Personal Information (“**PI**”) from any Responsible Party (“**RP**”).

PoPI requires a RP to ensure the privacy of PI of a DS by safeguarding PI subject to justifiable limitations that are aimed at balancing the right to privacy against other rights particularly the right of access to information.

2. DEFINITIONS

The following words as shall bear the same meaning as ascribed to it in terms of POPI and if amended by POPI, then such amended definition shall suffice:

- 2.1 “Consent” means a voluntary, specific and informed expression of will in terms of which a DS agrees to the processing of PI relating to him or her;
- 2.2 “Data Subject” means the person to whom personal information relates (hereinafter referred to as “DS”);
- 2.3 “Minister” means the Minister of Justice and Constitutional Development;
- 2.4 “Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including –
 - (a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - (c) any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person;
 - (d) the blood type or any other biometric information of the person;
 - (e) the personal opinions, views or preferences of the person;
 - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - (g) the views or opinions of another individual about the person; and
 - (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- (hereinafter referred to as "PI").

2.5 "Private body" means a natural person who carries or has carried on any trade, business or profession in that capacity, a partnership or juristic person;

2.6 "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as blocking, degradation, erasure or destruction of Information;

2.7 "Public body" means any department or state or administration in the national, provincial or local sphere of government or functionary exercising public power;

2.8 "Responsible party" means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information (hereinafter referred to as RP).

3. BLUE BULLS' BUSINESS

The Blue Bulls is responsible for the management, promotion and commercial exploitation of rugby as a sport within the jurisdictional area of the Blue Bulls Rugby Union, in a professional manner and to the economic benefit of rugby in general and the Blue Bulls' shareholders.

The Blue Bulls Rugby Union owns 50% shares in the Blue Bulls and Bull Rugby Holdings (Pty) Ltd holds 50% shares in the Blue Bulls.

4. COMPANY DETAILS (SECTION 51(1)(a) of PAIA)

Registered name: BLOU BULLE MAATSKAPPY (EDMS) BPK
Registration no.: 1997/021796/07
Chief Executive Officer: Barend Johannes Van Graan
Privacy & Information Officer: Willemien Van der Merwe (through delegation by CEO)
Manager: Legal & Risk: Willemien Van der Merwe
Street address: Loftus Versfeld Stadium
Kirkness Street
Sunnyside, Pretoria
0002
Postal address: PO Box 27856
Sunnyside, 0132
Telephone: 012 4200700
Fax: 0866752335
Website: www.thebulls.co.za
Email: info@bluebull.co.za

5. LIST OF RECORDS & INFORMATION HELD BY THE BLUE BULLS

The information held by the Blue Bulls are divided into different categories. The categories of information are not exhaustive, but are merely meant to give a broad indication of the information held by the Blue Bulls.

5.1 Categories and type of records automatically available without having to request access to these records (Section 52(2) of the PAIA Act read with regulation 9A to the PAIA Act):

The PAIA Act makes provision for the automatic disclosure of certain records. These records need not be formally requested from the Blue Bulls since they are automatically available from our website www.thebulls.co.za.

The following are categories of records automatically available:

NO.	DESCRIPTION	FORMAT
	<i>For inspection ito section 52(1)(a)(i)</i>	
1.	Product Information for example events calender, suites and season tickets sales, online merchandise store, other offerings by the Blue Bulls.	Soft copy/website
2.	Public player and employee profiles	Website
	<i>For copying ito section 52(1)(a)(ii)</i>	
1.	Annual Reports	Hard Copy
	<i>Available free of charge interms of section 52(1)(a)(iii)</i>	
1.	Media Releases	Soft copy/website

5.2 Categories and types of records that can be requested (section 51(1)(e) of the PAIA Act):

The Blue Bulls maintains the types and categories of records as listed below. Each request for information will be dealt with on a case by case basis and the mere fact that a record is listed below does not mean that access to that record will be granted.

The following are categories of records that can be requested from the Blue Bulls:

NO.	DESCRIPTION	FORMAT
	COMMERCIAL AGREEMENTS	
1.	Commercial agreement with business partners	This document is owend by the Commercial Department

		and the Legal and Risk Department.
2.	Contractual disputes with business partners	Information which formed/forms part of negotiations, correspondence, minutes of meetings, etc. This information is owned by the Commercial Department and the Legal and Risk Department.
	LEGAL	
1.	Litigious matters no longer <i>sub judice</i>	Details of litigation which has been concluded and finalised. This information is owned by the Legal and Risk Department.
	CORPORATE SOCIAL INVESTMENT	
1.	Application for funding	Details of all applications received for funding.
2.	CSI investment projects	Details of projects with which the Blue Bulls are involved.
	EXTERNAL COMMUNICATION / STATISTICS	
1.	All publications, media statements, press clippings, content available on www.thebulls.co.za , player and rugby statistics, etc.	This information is owned by the Marketing Department and Statistics Department.
	BOARD REPORTS & MINUTES OF MEETINGS	
1.	Board report & minutes of meetings	Reports prepared for the board meetings and the subsequent minutes of such meetings. This information is owned by the Company Secretary of the Blue Bulls.
	REGULATORY	

1.	Policies & Procedures	The documented policies and procedures of the business processes and practices.
2.	Compliance certification	Compliance to legislative requirements.
	CUSTOMER/SUPPORTER MANAGEMENT	
1.	Information of customer/supporter	Information relating to the entity.
2.	Account information	Information about the account (balance, status, etc.)
3.	Payment	Payment details.
4.	Customer complaints/inquiries and responses	Details of complaints and inquiries and the Blue Bulls' response to same.
	ACCOUNTING	
1.	Budget	Budget information.
2.	Cash/Bank transactions	Information generated by a financial transaction as a result of the flow of information to and from the Blue Bulls.
3.	Creditor	Creditor information (name, amount, status, etc.)
4.	Debtor	Debtor information (name, amount, status, etc.)
5.	Financial transactions	Information generated by a financial transaction.
6.	General Ledger Account	General Ledger Account information code, name, responsibility).
7.	Payment terms	The details of payment terms with creditors and debtors.
8.	Blue Bulls invoices	Invoices from the Blue Bulls to debtors.
	ASSETS	

1.	Assets	All assets.
FINANCIAL PERFORMANCE		
1.	Financial Management Statistics	The description, definition and measurement of financial metrics which measures the financial performance of the organisation and which are reported in the monthly management report.
2.	Financial target	Earnings before Income Tax, Depreciation and Amortisation, etc.
INTERNAL COMMUNICATION		
1.	Internal communications	The information contained within any internal communication, via email or any other form of distribution.
2.	Policy and procedure tracking	The dissemination and implementation of policy and procedure information.
3.	Reference material	Reference material used in internal communications.
4.	Research material	Research material used in internal communications.
ORGANISATION STRUCTURE & POSITION		
1.	Job profiling	Duty sheets and job descriptions.
2.	Organisational Structure	The Structure of the organisation into business units.
PERFORMANCE AND REMUNERATION		
1.	Employee Performance Records	
2.	Payroll	All information related to payment of an employee, payment method, bank

		account details, payment amount, payment date, etc.
3.	Salary/Incentive/Bonus	Individual packages, gross salary, PAYE, etc.
	PERSONAL DETAILS	
1.	CV, qualifications	
2.	Disciplinary records	
3.	Employee Personal Details	Next of kin, contact numbers, addresses, etc.
4.	Medical information	Medical information of employees necessary to manage performance, etc.
	PERSONNEL DEVELOPMENT	
1.	Skill level	Skill required for positions.
2.	Training event/course	Details of training courses available and held.
	FACILITIES	
1.	Lease agreements	All agreements and related information relating to the lease of the stadium premises or a portion thereof.
2.	Access records	Records of access to buildings by individuals
3.	Maintenance records	Details of maintenance performed, etc.
	AUDIT INFORMATION	
1.	Audit results	
2.	Risk and control	Risk registers.
	CONTRACT MANAGEMENT	
1.	Sponsorship Agreements	The details agreed to between the parties.
2.	Cooperation Agreements	The details agreed to between the parties.
3.	Lease Agreements	The details agreed to between the parties.

4.	Agency Agreements	The details agreed to between the parties.
5.	Advertising Agreements	The details agreed to between the parties.
6.	Cession Agreements	The details agreed to between the parties.
7.	Confidentiality Agreements	The details agreed to between the parties.
8.	Copyright Assignment Agreements	The details agreed to between the parties.
9.	Dealership Agreements	The details agreed to between the parties.
10.	Employment Agreements	The details agreed to between the parties.
11.	Lease Agreements	The details agreed to between the parties.
12.	Licensing Agreements	The details agreed to between the parties.
13.	Participation Agreements	The details agreed to between the parties.
14.	Service and Service Level Agreements	The details agreed to between the parties.
15.	Refreshment Rights and Distribution Agreements	The details agreed to between the parties.
16.	Vending Agreements	The details agreed to between the parties.
	PROCUREMENT	
1.	Information of service provider	
2.	Procurement decisions	
3.	Requests for information	
4.	Statement of work	
5.	Supplier details	
6.	Supplier invoice	
	BRAND MANAGEMENT	
1.	Brand promotion	Information about promotions.

2.	Brand tracking and research	Research and measurement of the Blue Bulls' brands.
SALES MANAGEMENT		
1.	Advertisements and promotions	
2.	Commission	Information on the commission that an agent or distribution channel receives for customer transactions, etc.
3.	Sales Figures and Targets	Information on the actual sales of suites, season tickets, general access tickets, etc.
4.	Credit card transactions	The information generated during a credit card transaction or recharge transaction, for example date, amount, card holder, etc.
5.	CRM information and communications	The personal details of customers/supporters/lessees captured on the Customer Relations Management database and correspondence (sms, email, etc.) sent out on this database.
LEGAL & RISK		
1.	Policies and procedures	The information on the specific policies and procedures relating to legal matters and risks which the Blue Bulls may be exposed to.
RISK MANAGEMENT		
1.	Biometric information	Information that personally identifies the

		customer/employee/third party/business partner based on physical or behavioural characterization including blood type, fingerprint, DNA Analysis, retinal scanning and/or voice recognition.
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5.3 ACCESS TO RECORDS HELD BY THE BLUE BULLS

The following procedure must be followed when requesting information and/or documents:

- i) The request must be sent in the prescribed form attached hereto as Annexure "A";
- ii) The Request must be submitted to the Information Officer and sent to the address, fax number or electronic mail address as set out in paragraph 4 of the Manual;
- iii) The Requestor must provide proof of identity of the person requesting the record;
- iv) If the request is made on behalf of another person, the Requestor must provide proof of the capacity in which he/she/it is making the request;

5.4 PROCEDURES FOLLOWING RECEIPT OF REQUEST TO ACCESS

- i) Once a request is made, the Requestor will receive notice from the Blue Bulls to pay the prescribed deposit fee;
- ii) The prescribed deposit fee prescribed must be paid before the request is processed;
- iii) Payment of this fee should be made as directed by the Information Officer;
- iv) After receiving payment of a deposit fee the Blue Bulls will then make a decision in respect of the request and will notify the Requestor of the decision;
- v) Should the request be refused, the Requestor may lodge an application or appeal in accordance with Annexure "C" of the Manual against the refusal of the request or payment of the requested fee and this will be advised in the notice to be sent to the Requestor (in terms of section 54(3) of the PAIA Act);
- vi) If the request is granted then the Requestor might be required to pay a further access fee for the search, reproduction and preparation of the record as well as for the time that

has exceeded the prescribed hours to search and to prepare the record for disclosure to the Requestor (in terms of section 54(6) of the PAIA Act);

- vii) The fee schedule can be downloaded from the Department of Justice and Constitutional Development's website at www.justice.gov.za

ANNEXURE "A"

PRESCRIBED FORM FOR REQUESTING INFORMATION

A PARTICULARS OF THE BLUE BULLS

Privacy & Information Officer

c/o Manager: Legal & Risk Services

Loftus Versfeld Stadium

Kirkness Street

Sunnyside, Pretoria

0002

Or

PO Box 27856

Sunnyside, Pretoria

0132

Telephone number: 012 4200700

Telefax number: 0866752335

Email: info@bluebull.co.za

B PARTICULARS OF PERSON REQUESTING ACCESS TO RECORDS

(Please include the address and/or telefax number to which the information is to be sent.)

Full names and surname: _____ Identity
number: _____

Postal address: _____ Fax
number: _____ Telephone
number: _____

E-mail address: _____

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

C PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

(To be completed only if a request for information is made on behalf of another person.)

Full names and

surname: _____

Identity number / Company Registration Number: _____

D PARTICULARS OF RECORD REQUESTED

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.

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: _____

2) Any further description of the record: _____

E FEES

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 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 such record.

If you qualify for exemption of the payment of any fee, please state the reason for exemption.

F FORM OF ACCESS TO RECORDS

If you are prevented by a disability to read, view or listen to the record in the form of access provided for, kindly state your disability and indicate in which form the record is required.

G PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

1) Indicate which right is to be exercised or protected: _____

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

H 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 in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

SIGNED AT _____ ON THIS ____ DAY OF _____ 20__.

SIGNATURE

SOME OF THE LEGISLATION IN TERMS WHEREOF INFORMATION IS KEPT BY THE BLUE BULLS

1. Basic Conditions of Employment Act No. 75 of 1997

Employers must keep records of information relating to the personal details of all its employees, working times and remuneration packages.

2. Broad Based Black Economic Empowerment Act No. 53 of 2003

Companies are required to keep records of activities undertaken in order to promote economic transformation and meaningful participation of black people in the mainstream economy.

3. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993

Employers are expected to keep a register, employee record or reproduction of same relating of wages, time worked, payment for piece work and overtime.

4. Companies Act No. 71 of 2008

All company documents and records must be kept in a written format. Companies are also expected to maintain memorandum of incorporation and a record of their directors.

5. Consumer Protection Act No. 68 of 2008

The Act applies to all transactions in South Africa and is aimed at promoting and protecting the economic interests of consumers. The Act however does not deal with consumer personal information nor impose obligations on businesses in respect of treatment and/or protection of such information.

6. Criminal Procedure Act No. 51 of 1977

The Act makes provision for the admissibility of documents as evidence where such documents were compiled in the course of trade or business by persons who have personal knowledge of matters contained in the document.

7. Electronic Communications Act No. 36 of 2005

8. Electronic Communications and Transactions Act No. 25 of 2002

9. Employment Equity Act No. 55 of 1998

Employers are required to maintain records relating to, *inter alia*, the workforce, employment equity plans.

10. Financial Intelligence Centre Act No. 38 of 2001

11. Labour Relations Act 66 of 1995

The Act requires employers to keep records of disciplinary transgressions against employees, actions taken and reasons for the action.

12. Occupational Health and Safety Act No. 85 of 1993

Employers are required to keep records relating to the health and safety of persons in the workplace.

13. Pension Funds Act No. 24 of 1956

Every fund is expected to maintain books of account and other records as may be necessary for the purpose of the fund.

14. Prevention and Combating of Corrupt Activities Act No. 12 of 2004

The Act provides for the strengthening of measures to prevent and combat corruption and corrupt activities. To this end companies are expected to keep records relating to any offer of improper gratification relating to the procurement or execution of contracts or employment relationship.

15. Prevention of Organized Crime Act No. 121 of 1998

Any person who is aware of criminal activities is obliged to report them to the authorities. The duty of confidentiality or other restrictions on the disclosure of information, whether imposed by law, the common law or by agreement does not affect the obligation to report or disclose information or to permit access to any registers,

records or other documents unless that obligation of confidentiality relates to attorney-client privilege.

16. Regulation of Interception of Communications and Provision of Communication Related Information Act No. 70 of 2002

17. Skills Development Act No. 97 of 1998

18. Skills Development Levies Act No. 9 of 1999

Every employer is expected to make payments towards the skills development levy at a rate of 1% of the leviable amount. Records detailing payments made by the Employer are expected to be kept.

19. Unemployment Insurance Act No. 30 of 1996

An Employer is expected to keep records relating to payment of contributions to the Unemployment Insurance Fund relating to: illness, maternity and for dependents. The Act does however, subject to the provisions of the Promotion of Access to Information Act, No. 2 of 2000, prohibits the disclosure of information obtained in the performance of functions under the Act.

ANNEXURE "C"

NOTICE OF INTERNAL APPEAL

A PARTICULARS OF THE PRIVACY/INFORMATION OFFICER

The Privacy & Information Officer

Blue Bulls Company (Pty) Ltd

Loftus Versfeld Stadium

Kirkness Street

Sunnyside, Pretoria

0002

Telefax no.: 0866752335

Email: willemien@bluebull.co.za

B PARTICULARS OF THE COMPLAINANT/APPELLANT

- (1) Details of Complainant/Appellant
- (2) Proof of capacity in which appeal is lodged
- (3) If the Complainant/Appellant is a third party, his particulars must be given

C PARTICULARS OF THE REQUESTOR

Please give details if a third party other than the requestor lodged the complaint/appeal.

D THE DECISION AGAINST WHICH THE COMPLAINT/INTERNAL APPEAL IS LODGED

Describe.

E GROUNDS FOR COMPLAINT

State the ground on which the complaint/appeal is based.

F NOTICE OF DECISION ON COMPLAINT/APPEAL

You will be notified in writing of the decision regarding the complaint/appeal.

SIGNED AT _____ ON THIS ___ DAY OF _____ 20__.

SIGNATURE OF COMPLAINANT