



BMW (South Africa) (Pty) Ltd

**Registration Number:1960/000196/0
PAIA MANUAL**

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Promotion of Access to Information Act (No. 2 of 2000)**

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LIST OF ACRONYMS AND ABBREVIATIONS

1.1	"CEO"	Chief Executive Officer
1.2	"DIO"	Deputy Information Officer
1.3	"IO"	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
1.8	"Republic"	Republic of South Africa

1. INTRODUCTION

This PAIA Manual ("Manual") applies to BMW South Africa Proprietary ("BMW SA") Company".

BMW SA conducts business as a manufacturer, importer and exporter of motor vehicles, motorcycles, automotive components, and lifestyle accessories for onward sale to retailers and/or customers.

This Manual provides an outline of the type of records and the personal information it holds and explains how to submit **requests for access** to these records in terms of the Promotion of Access to Information Act (2 of 2000) ("PAIA"). In addition, it explains how to **object to** the processing of personal information held by BMW SA and the Company, or **request for correction or deletion** of the personal information, in terms of Sections 11 and 24 of the Protection of Personal Information Act (4 of 2013) ("POPIA").

The PAIA and POPIA Acts give effect to everyone's constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and relevant fees are dealt with under paragraph 5 hereunder.



1.1. Purpose of the Manuel

This Manual is useful for the public to-

- 1.1.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request.
- 1.1.2. 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 holds records and the categories of records held on each subject.
- 1.1.3. know the description of the records of the body which are available in accordance with any other legislation.
- 1.1.4. 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.
- 1.1.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access it.
- 1.1.6. 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.
- 1.1.7. know the recipients or categories of recipients to whom the personal information may be supplied.
- 1.1.8. 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
- 1.1.9. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.



1.1 Availability of this PAIA Manual

This Manual is published on the Company website at www.bmw.co.za or alternatively, a copy can be requested from the Information Officer (see contact details in paragraph 2 hereunder).

1.2 Availability of Guides to the PAIA and POPIA Acts

Guides to the PAIA and POPIA Acts can be obtained, and queries directed to:

The Information Regulator (South Africa)	
JD House 27 Stiemens Street Braamfontein Johannesburg 2001	
The Information Regulator (South Africa)	
P.O Box 31533 Braamfontein Johannesburg 2017	
Website:	eservicells.inforegulator.org.za
Email Support:	helpdesk@inforegulator.org.za
Telephone Support:	010 023 5200

2. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF BMW SA AND THE COMPANY

2.1. Chief Information Officer

Name: Peter Van Binsbergen
Tel: 0800 600 555
Email: InformationOfficer@bmw.co.za
Website: www.bmw.co.za
Tel: 0800 600 555



2.2. Deputy Information Officer in terms of section 17 (1) of PAIA

Name: Precious Lehong-seete
Tel: 0800 600 555
Email: InformationOfficer@bmw.co.za
Website: www.bmw.co.za

2.3 Access to information general contacts

Email:

BMW: InformationOfficer@bmw.co.za

MINI: Information-Officer@mini.co.za

2.4 National or Head Office

Postal Address: BMW (South Africa) (Pty) Ltd
P.O. Box 2955
Pretoria
0001

Physical Address: 1 Bavaria Avenue
Randjespark, Ext. 17
Midrand
1685

Telephone: 0800 600 555
Email: InformationOfficer@bmw.co.za
Website: www.bmw.co.za



GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS 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-
 - 3.3.2.1. the Information Officer of every public body, and
 - 3.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²
 - 3.3.3. the manner and form of a request for-
 - 3.3.3.1. access to a record of a public body contemplated in section 11³and
 - 3.3.3.2. access to a record of a private body contemplated in section 50⁴

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 and ground for refusal completed in Chapter 4 of this part.

- 3.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 3.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 3.3.6. 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-
 - 3.3.6.1. an internal appeal;
 - 3.3.6.2. a complaint to the Regulator; and
 - 3.3.6.3. 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;
- 3.3.7. the provisions of sections 14⁵ and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 3.3.8. the provisions of sections 15⁶ and 52⁷ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 3.3.9. the notices issued in terms of sections 22⁸ and 54⁹ regarding fees to be paid in relation to requests for access; and
- 3.3.10. the regulations made in terms of section 92¹⁰.

⁵ Section 14(1) 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 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.

⁷ 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.

⁸ 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.

⁹ Section 54(1) of PAIA- The head of a private 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.

¹⁰ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-



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

3.4.1 English

3.4.2 Isizulu

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-
upon request to the Information Officer.

3.5.2. from the website of the Regulator eservicells.inforegulator.org.za

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

4. CATEGORIES OF RECORDS OF THE BMWSA AND THE COMPANY THAT ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
PAIA Manual	PAIA Manual	X	X
PAIA Form	Request for access to Record	X	X
POPIA Form 1	Objection to the processing of personal Information	X	X
POPIA Form 2	Request for correction or Deletion of Personal Information	X	X
B-BBEE	B-BBEE Certificate	X	X

-
- 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 any administrative or procedural matter necessary to give effect to the provisions of this Act."



4.1. Company Records in terms of PAIA

Classification No.	Access	Classification [PAIA section]
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [Section 7]
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information of Natural Persons that belongs to the requestor of that information, or personal information of Juristic Persons represented by the requestor of that information [Section 61]
5	May not be Disclosed	Unreasonable disclosure of personal information of Natural Person [Section 63(1)] or Juristic Person [POPI]
6	May not be Disclosed	Likely to harm the commercial or financial interests of third party [Section 64(1)(a) and (b)]
7	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [Section 64(1)(c)]
8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [Section 65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [Section 66]
10	May not be Disclosed	Legally privileged document [Section 67]



11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [Section 64(2); Section 68(2)]
12	May not be Disclosed	Commercial information of Private Body [Section 68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [Section 69]
14	May not be Refused	Disclosure in public interest [Section 70]

Table of Applicable legislations

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
B-BBEE Certificate	In accordance with the Codes of Good Practice issued under Section 9(1) of the Broad-Based Black Economic Empowerment Act No 53 of 2003, as amended on 11 October 2013.



4.2. Summary: records available

4.2.1. The Company

DEPARTMENTAL RECORDS	SUBJECT	CLASSIFICATION NO.
Finance	Audited Financial statements	12
	Tax Records (Company & Employees)	12
	Asset Register	12
	Management Accounts	12
	Employee Records	4,5,9
	Employee Contracts	4,5
Legal	General Contract Documentation	6,12
	Company Guidelines, Policies and Procedures	12
	Statutory and Environmental Records	12
Sales and Marketing	Market Information	12,13
	Product Brochures	1
	Field Records	4,12
	Performance Records	12
	Product Sales Records	1
	Marketing and Future Product Strategies	12
	Current Product Information	1,4
	Public Corporate Records	1
	Media Releases	1
Risk, Collections & Insurance	Customer Information and Database	12
	Dealer Wholesale Documents	6,7,12,13



5. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY BMW SA

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Performance, Annual Plan.
Human Resources Division (Employees)	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records - Employment Contracts - Employee Medical Records - Personnel Guidelines, Policies and Procedures - Employee Disability Insurance Records - Employee Pension and Provident Fund Records - Payroll Records - Recruitment Records - In- and-Ex-patriates' Records - address, qualifications, gender, and race
Communications / Public Affairs Department	<ul style="list-style-type: none"> - Current Product Information - Public Corporate Records - Launches and Events Records - Journalist Records
Health, Safety and Environmental Department	<ul style="list-style-type: none"> - Environmental Policy - Environmental Records - Health and Safety Records (Employees, Contractors)



6. PROCESSING OF PERSONAL INFORMATION

BMW SA and the Company takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy protection laws. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by the Company.

6.1 Purpose of Processing Personal Information By the company

We process personal information for a variety of purposes, including but not limited to the following:

- to provide or manage any information, products and/or services requested by data subjects;
- to help us identify data subjects when they contact the Company;
- to maintain customer records;
- to maintain customer vehicle records;
- for recruitment purposes;
- for employment purposes;
- for apprenticeship purposes;
- for travel purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to provide pre-school teaching to children of Associates;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners, including BMW dealerships;
- to help us improve the quality of our products and services;
- to help us detect and prevent fraud and money laundering;
- to help us recover debts;



- to carry out analysis and customer profiling; and
- to identify other products and services which might be of interest to data subjects and to inform them about our products and services.

For further detail and understanding of what personal information is processed, how it is processed and stored, and with which third parties it is shared, kindly consult the [BMW South Africa Privacy Statement](#).

6.2 Categories of data subjects and personal information processed by BMW SA and the Company

Categories of Data Subjects	Personal Information that may be processed
Customers and Potential Customers	Personal information Contracts, Motorplan and warranties Vehicle information Location information Personal information on Owners Circle Personal information on BMW ConnectedDrive
BMW Retailers and Business Partners	Personal information Performance information Personal information of employees
Suppliers	Personal information Personal information of representatives
Employees	Personal information Medical information Disability information Pension and Provident Fund Information Contracts Performance records Payroll records Electronic access records Physical access records Surveillance records Health and safety records Training records Employment history



	Time and attendance records
Job Applicants	Curriculum Vitae and application forms Criminal checks Background checks
Children	Personal information processed for pre-school Medical information Information acquired for processing travel documents
Visitors	Physical access records Electronic access records and scans Surveillance records

6.3 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
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Financial Division	Audited Financial Statements. Tax Records (Company & Employees). Motor Industry Development Programme Records Asset Register. Supplier Records / Information. Management Accounts. Fleet Insurance Records



	Records (Employees, Contractors) Time and Attendance Records
Risk Control Centre	Complaints and Investigations Records
Mail Room	Mail Register

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

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

6.5 Planned transborder flows of personal information

We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.

We will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of POPIA.

We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section.

6.6 Recipients or categories of recipients with whom personal information is shared

We may share the personal information of our data subjects for any of the purposes outlined in paragraph 6.1 above, with the following:

- our other BMW Group Companies in South Africa and in other countries;
- our authorised BMW Group Retailers;
- our carefully selected business partners who provide products and services under one of our brands; and
- our service providers and agents who perform services on our behalf.

We do not share the personal information of our data subjects with any third parties, except if:

- we are obliged to provide such information for legal or regulatory purposes;
- we are required to do so for purposes of existing or future legal proceedings;
- we are selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you;
- we are involved in the prevention of fraud, loss, bribery or corruption;
- they perform services and process personal information on our behalf;
- this is required to provide or manage any information, products and/or services to data subjects; or
- needed to help us improve the quality of our products and services.

We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them.

We will only disclose personal information to government authorities if we are required to do so by law.



Our employees, authorised BMW Group South Africa retailers and repair centres and their employees, our business partners, ALPHERA Partners and our suppliers are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

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

Reasonable technical and organisational measures have been implemented for the protection of personal information processed by BMW SA, the Company and its operators. In terms of POPIA, operators are third parties that process personal information on behalf of the companies.

We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.

We will take steps to ensure that operators that process personal information on behalf of the Companies apply adequate safeguards as outlined above.

6.8 Personal information received from third parties

When BMW SA and the Company receive personal information from a third party on behalf of a data subject, the third party must provide confirmation that they have obtained written consent from the data subject that they are aware of the contents of this Manual, the Privacy Statement, and do not have any objection to the processing of their information in accordance with this Manual.

7. AVAILABILITY OF THE MANUAL

7.1 A copy of the Manual is available-

7.1.1 on www.bmw.co.za

7.1.2 head office of the BMW South Africa (Pty)Ltd for public inspection during normal business hours;



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

7.1.4 to the Information Regulator upon request.

7.2 Prescribed Request Forms and Fees

7.2.1 Form of Request

To facilitate the processing of your request, kindly:

PAIA – Access Request

- i. Use the Prescribed PAIA Form on the Company website.
- ii. Address your request to the Information Officer.
- iii. Provide sufficient detail to enable the Company to identify:
 - a. The record(s) requested.
 - b. The requestor (and, if an agent is lodging the request, proof of capacity)
 - c. The South African postal address, e-mail address or fax number of the requestor.
 - d. The form of access required.
 - e. If the requestor wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
 - f. The right which the requestor is seeking to exercise or protect with an explanation of the reason, the record is required to exercise or protect the right.

POPIA – Objection, Correction or Deletion Requests

- i. Upon receipt of the requested information, the following actions may be taken:
 - No further action necessary;
 - Object to the processing of your personal information; or



- Request for the correction or deletion of your personal information.
- ii. Once a decision has been made, use the relevant Prescribed POPIA Form (Form 1 or Form 2) on the Company website.
- iii. Address your request to the Information Officer.
- iv. Ensure to provide sufficient detail in the Forms:

Form 1 – Objection to the Processing of Personal Information

A DETAILS OF THE DATA SUBJECT

- a. Name and surname / registered name of data subject;
- b. Unique identifier / Identity Number;
- c. Residential, postal or business address;
- d. Contact number(s); and
- e. Fax number / E-mail address.

B DETAILS OF THE RESPONSIBLE PARTY

Name(s) and surname / registered name of responsible party (provide all details of parties with whom personal information was shared viz. BMW South Africa, BMW Financial Services, Retailers);

- a. Residential, postal or business address;
- b. Contact number(s); and
- c. Fax number / E-mail address.

C REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f)

Form 2 – Request for Correction or Deletion of Personal Information



A DETAILS OF THE DATA SUBJECT

- a. Name and surname / registered name of data subject;
- b. Unique identifier / Identity Number;
- c. Residential, postal or business address;
- d. Contact number(s); and
- e. Fax number / E-mail address.

B DETAILS OF THE RESPONSIBLE PARTY

- a. Name(s) and surname / registered name of responsible party (provide all details of parties with whom personal information was shared viz. BMW South Africa, BMW Financial Services, Retailers);
- b. Residential, postal or business address;
- c. Contact number(s);
- d. Fax number / E-mail address; and

C INFORMATION TO BE CORRECTED / DELETED /DESTRUCTED / DESTROYED.

D REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(A) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; AND OR REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(B) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.

7.3 Prescribed Fees in terms of PAIA

The following applies to PAIA requests (other than personal requests):

- i. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- ii. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- iii. A requestor may lodge an application with a court against the tender / payment of the request fee and/or deposit.
- iv. Records may be withheld until the fees have been paid.
- v. The detailed Fee Structure is available on the website of the Company, at the following address: <https://www.bmw.co.za/en/footer/metanavigation/legal-disclaimer-pool/paia-manual.html>.

7.4 Access to Required PAIA and POPIA Forms and the Prescribed Fees

The prescribed forms and fees are published on the Company website or, alternatively, copies can be requested from the Information Officer (see contact details in paragraph 2). The Prescribed Forms and Fees can be found on the Company website as follows:

[PAIA Form – Request for Access to Record of Private Body](#)

To request access to BMW SA's health records Form 02: [Request for Access to Record](#) [Regulation 7] must be completed in form, process and substance as required by PAIA

[Prescribed Fees](#)

POPIA Form 1 – Objection to the Processing of Personal Information

https://forms.bmw.co.za/documents/legal/Prescribed_POPIA_Form_1.pdf

POPIA Form 2 – Request for Correction or Deletion of Personal Information

https://forms.bmw.co.za/documents/legal/Prescribed_POPIA_Form_2.pdf

8. REMEDIES

BMW and the Company do not have internal appeal procedures regarding the PAIA and POPIA Act requests. As such, the decision made by the duly authorised persons in paragraph 2, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (South Africa), for relief.

9. UPDATING OF THE MANUAL

The head of a BMW South Africa (Pty)Ltd will on a regular basis update this manual.

Issued by

(Peter Van Binsbergen)

(Chief Executive Officer)