



Access to Information and Protection of Personal Information Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 4 of 2013 (POPIA)

Private body	Ball Straathof (Pty) Ltd
Registration number	2000/029724/07
Trading names	Ball Straathof; Kirchhoffs
Version	2.0
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Approved by	Sean Goldfain, Managing Director and Information Officer

Version control

Version	Date	Summary of changes
1.0	June 2021	First manual compiled.
2.0	October 2026	Updated for the transfer of PAIA functions from the SAHRC to the Information Regulator; new POPIA section added (purpose of processing, data subjects, recipients, cross-border transfers, security); request form replaced with Form 2 of the PAIA Regulations, 2021; fees updated; legislation list and records list updated; POPIA forms corrected.

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1. Definitions and abbreviations

Term	Meaning
Ball Straathof, we, us	Ball Straathof (Pty) Ltd, including its Kirchhoffs, Gro-Pak, RAW and other brands.
Data subject	The person (natural or juristic) to whom personal information relates.
Information Officer	The head of Ball Straathof as defined in PAIA, or a person duly authorised by him.
Deputy Information Officer	A person designated and registered under section 17 of PAIA and section 56 of POPIA to assist the Information Officer.
Information Regulator / Regulator	The Information Regulator established under section 39 of POPIA, which oversees PAIA and POPIA.
PAIA	Promotion of Access to Information Act 2 of 2000, as amended.
PAIA Regulations	Regulations relating to the Promotion of Access to Information, 2021 (GN R757 of 27 August 2021).
POPIA	Protection of Personal Information Act 4 of 2013.
POPIA Regulations	Regulations relating to the Protection of Personal Information, 2018 (GN R1383 of 14 December 2018).
Personal information	Has the meaning given in section 1 of POPIA and includes information about identifiable, existing juristic persons.
Processing	Any operation concerning personal information, including collecting, recording, storing, using, sharing and destroying it.
Record	Any recorded information, regardless of form or medium, in the possession or under the control of Ball Straathof.
Requester	Any person making a request for access to a record of Ball Straathof, including a person acting on their behalf.

2. Purpose of this manual

Section 32 of the Constitution gives everyone the right of access to information held by another person that is required for the exercise or protection of any rights. PAIA gives effect to this right. This manual:

- describes Ball Straathof and the records it holds;
- explains how to request access to a record and what it costs;
- sets out the grounds on which a request may be refused and the remedies available;
- describes how Ball Straathof processes personal information, as required by section 51(1)(c) of PAIA read with POPIA; and
- explains how data subjects can object to processing or ask for their personal information to be corrected or deleted.

3. About Ball Straathof

Ball Straathof is one of the largest specialty seed and young plant companies in Southern Africa. We supply annual and perennial seed, plugs, cuttings and young plants to professional bedding, ornamental and cut-flower growers, landscapers and parks and recreation departments, both locally and internationally. Seed and vegetative varieties are trial-grown in our own gardens.

The company was founded in 1952 by Cornelius Augustinus (Kees) Straathof and remains a family business in its third generation. In 2001 Ball Horticultural Company of the USA and Straathof Seeds joined forces, giving Ball Straathof access to the genetics, knowledge and experience of a global group.

Our retail brand, Kirchhoffs, established in 1896, supplies seed packets to garden centres and stores nationwide.

4. Contact details for access to information

4.1 Information Officer

Name	Sean Goldfain
Position	Managing Director
Email	sean@ballstraathof.co.za
Telephone	011 794 2316

4.2 Deputy Information Officer

Name	Kathleen Varney
Position	Commercial Manager
Email	kathy@ballstraathof.co.za
Telephone	011 794 2316

4.3 Ball Straathof

Physical address	1550 Printech Avenue, Honeydew, 2040
Postal address	PostNet Suite No. 059, Private Bag X17, Strubensvalley, 1735
Telephone	011 794 2316
Website	www.ballstraathof.co.za

5. Guide on how to use PAIA

5.1 The Guide

The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available a Guide on how to use PAIA (the Guide), in an easily comprehensible form and manner, to help anyone who wishes to exercise a right under PAIA or POPIA. The Guide is available in each of the official languages and in braille.

The Guide explains, among other things, the purpose of PAIA and POPIA, how to make a request, the help available from Information Officers and the Regulator, the remedies available, and the fees payable.

5.2 Where to get the Guide

- From our Information Officer on request, or for inspection at our offices during normal working hours.
- From the Information Regulator's website: <https://info regulator.org.za/paia-guidelines/>

5.3 Information Regulator contact details

Physical address	Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191
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Telephone	010 023 5200
General enquiries	enquiries@infoeregulator.org.za
PAIA complaints	PAIAComplaints@infoeregulator.org.za
POPIA complaints	Complaint forms are available on the Regulator's website
Website	https://infoeregulator.org.za

6. Records available without a request

Ball Straathof has not published a notice under section 52(2) of PAIA. The following categories of records are, however, freely available without a formal request:

- Information on our website, including product information, catalogues and growing guides;
- Marketing brochures, advertising material, press releases and newsletters;
- This manual and our Privacy Notice;
- Our Terms and Conditions of Sale.

7. Records held in terms of other legislation

Ball Straathof keeps records as required by the legislation below. Where that legislation gives specific people a right of access, those records are available to them in terms of that legislation. This list is not exhaustive.

- Agricultural Pests Act 36 of 1983
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Currency and Exchanges Act 9 of 1933 and the Exchange Control Regulations
- Customs and Excise Act 91 of 1964
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Plant Breeders' Rights Act 12 of 2018
- Plant Improvement Act 11 of 2018
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Tax Administration Act 28 of 2011
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value-Added Tax Act 89 of 1991

8. Subjects and categories of records held

Records in the categories below may be requested in terms of this manual. Listing a category does not mean access will be granted: every request is assessed against the grounds for refusal in section 11.

Subject	Categories of records
Company secretarial	Memorandum of Incorporation; certificate of incorporation; registers of directors and securities holders; minutes and resolutions of the board and shareholders; CIPC filings.
Finance and tax	Annual financial statements; accounting records; general ledger; management accounts; budgets; bank statements and electronic banking records; invoices and credit notes; VAT, PAYE, SDL and UIF records and returns; customs and exchange control records; asset registers; insurance policies.
Human resources	Employment contracts; personnel files; payroll and leave records; job applications and CVs; disciplinary and grievance records; training and skills development records; employment equity reports; medical aid and retirement fund records; HR policies and procedures.
Customers	Customer master data and contact details; credit applications and suretyships; quotes, orders, delivery notes and invoices; account statements and payment history; complaints and claims; correspondence (including email, Freshdesk and WhatsApp).
Suppliers and breeders	Supplier master data; supply and licence agreements with breeders and rights holders; royalty reports and payments; purchase orders; import permits; quality and germination records.
Products and operations	Variety and product information; trial and growing records; production plans; stock records; phytosanitary certificates and inspection records; plant breeders' rights and variety listing records; quality control records.
Sales and marketing	Catalogues; price lists; marketing material; marketing consent and opt-out records; website content.
Health and safety	OHS policies; incident and injury records; COIDA claims; risk assessments; safety inspection records.
Information technology	IT policies; system access records; licence agreements; backup and security logs; CCTV and access control records.
Legal and compliance	Contracts with service providers; litigation records; legal opinions; compliance registers; PAIA and POPIA records.

9. Processing of personal information

9.1 Purpose of processing

Ball Straathof processes personal information only for lawful purposes connected to its business, including to:

- receive, process and deliver orders, and invoice and collect payment;
- assess credit applications and manage customer accounts;
- provide customer service, technical growing advice and handle complaints and claims;
- report sales and royalties to breeders and rights holders, and verify compliance with plant breeders' rights;
- meet phytosanitary, import, export and customs requirements;

- recruit, employ and manage staff, including payroll and statutory reporting;
- appoint and manage suppliers and service providers;
- market our products and services, subject to the direct marketing rules in section 69 of POPIA;
- secure our premises and IT systems; and
- comply with our legal, tax and regulatory obligations, and establish or defend legal claims.

9.2 Categories of data subjects and personal information

Data subjects	Personal information processed
Customers (companies, growers, landscapers, municipalities, garden centres and retailers) and their staff	Company name, registration and VAT numbers; contact names, job titles, email addresses, telephone and WhatsApp numbers; physical and delivery addresses; order, delivery and payment history; credit application information, trade references and credit bureau information; directors' and sureties' identity numbers and details; correspondence and complaints.
Consumers (Kirchhoffs, RAW, Gro-Pak)	Name and contact details, queries and complaints, and marketing preferences where provided.
Suppliers, breeders and service providers	Company details; contact names and details; bank details; B-BBEE status; contracts; tax information.
Employees, former employees and job applicants	Name, identity number, contact details, next of kin; qualifications and employment history; remuneration, tax, bank, medical aid and retirement fund details; leave, performance and disciplinary records; race and disability information for employment equity reporting; health information for COIDA and occupational health purposes.
Visitors and website users	Name, company and visit times; CCTV images; website usage data and cookies.
Directors and shareholders	Identity, contact and shareholding details required under the Companies Act.

9.3 Recipients or categories of recipients

Personal information may be shared, where necessary for the purposes above, with:

- plant breeders and rights holders, for royalty reporting and compliance verification;
- companies in the Ball Horticultural group;
- couriers, freight forwarders and clearing agents;
- credit bureaus, credit insurers, debt collectors and attorneys;
- IT, cloud, software and communication service providers (including Microsoft 365, our ERP provider, Freshdesk and WhatsApp/Meta), who process information on our behalf;
- banks and payment service providers;
- auditors, legal and professional advisers;
- medical aid, retirement fund and payroll service providers (employees); and
- government and regulatory bodies where required by law, including SARS, the Department of Agriculture, the Department of Employment and Labour, CIPC and the Information Regulator.

9.4 Planned cross-border transfers of personal information

Ball Straathof transfers personal information outside South Africa in the ordinary course of business, including to:

- breeders and rights holders in Europe, the United States and elsewhere, for royalty reporting and licence compliance;
- Ball Horticultural Company in the United States and its group companies;

- cloud and software service providers whose servers may be located outside South Africa (including Microsoft, Freshworks (Freshdesk) and Meta (WhatsApp)); and
- export customers, freight forwarders and authorities in the destination country.

These transfers are made only in accordance with section 72 of POPIA: where the recipient is subject to a law, binding corporate rules or a binding agreement that provides an adequate level of protection, where the data subject consents, or where the transfer is necessary for the performance of a contract with, or in the interest of, the data subject.

9.5 Information security measures

Ball Straathof takes appropriate, reasonable technical and organisational measures to protect the integrity and confidentiality of personal information, including:

- firewalls and secure, encrypted site-to-site connections between our premises and data centre;
- user authentication and role-based access control through centrally managed user accounts;
- anti-malware protection and regular software updates;
- multi-factor authentication for email and remote access;
- regular backups, stored securely and tested;
- physical access control to our premises and server rooms, and CCTV;
- confidentiality obligations in employment contracts and staff POPIA awareness;
- written agreements with operators requiring them to protect personal information (section 21 of POPIA); and
- a procedure for identifying, managing and reporting security compromises to the Regulator and affected data subjects (section 22 of POPIA).

10. How to request access to a record

10.1 Completing the request

A requester must use **Form 2** of the PAIA Regulations (Annexure B) and submit it to the Information Officer at the address or email in section 4. The requester must:

- provide enough detail for the record to be identified;
- state the form and manner of access required;
- give an email or postal address, or fax number, for correspondence;
- identify the right the requester wants to exercise or protect, and explain why the record is required for that purpose (section 53 of PAIA);
- attach proof of identity; and
- if acting on behalf of someone else, attach proof of authority to do so.

A person who cannot read or write, or has a disability, may make the request orally. The Information Officer will complete Form 2 on their behalf and give them a copy.

10.2 Fees

A request fee is payable before the request is processed, except where the requester asks for their own personal information. If access is granted, an access fee is payable for searching, preparing and reproducing the record. Where the search and preparation will take more than six hours, a deposit of one third of the access fee may be required. The prescribed fees are set out in Annexure A. Records may be withheld until fees are paid.

10.3 Timelines and outcome

The Information Officer will decide on a request within 30 days of receiving it and notify the requester using **Form 3**. The period may be extended once by up to 30 days in the circumstances set out in section 57 of PAIA, in which case the requester will be notified. If no decision is given within the applicable period, the request is regarded as refused (section 58 of PAIA).

Where a request concerns a third party's information, Ball Straathof will notify the third party, who may make representations within 21 days (section 71 of PAIA).

11. Grounds for refusal of access

Ball Straathof may or must refuse access to a record on the grounds set out in Chapter 4 of Part 3 of PAIA, including where access would:

- involve the unreasonable disclosure of personal information about a third party who is a natural person (section 63);
- disclose a third party's trade secrets or commercial, financial, scientific or technical information, or information supplied in confidence (sections 64 and 65);
- endanger the life or safety of an individual, or the security of property (section 66);
- disclose a record privileged from production in legal proceedings (section 67);
- disclose Ball Straathof's own trade secrets or commercial, financial, scientific or technical information that would likely cause it harm, including breeding, variety, pricing and customer information (section 68); or
- disclose research information of Ball Straathof or a third party (section 69).

Despite these grounds, access must be given where disclosure would reveal evidence of a substantial contravention of the law or an imminent and serious public safety or environmental risk, and the public interest clearly outweighs the harm (section 70).

12. Remedies

Ball Straathof has no internal appeal procedure. A requester or third party who is dissatisfied with a decision of the Information Officer may, within 180 days of being notified of the decision:

- lodge a complaint with the Information Regulator in terms of section 77A of PAIA, using **Form 5** available on the Regulator's website; or
- apply to court for appropriate relief in terms of section 78 of PAIA.

A data subject who believes their personal information has been processed unlawfully may complain to the Information Regulator in terms of section 74 of POPIA.

13. Data subject requests under POPIA

A data subject may, free of charge, ask the Information Officer to:

- confirm whether we hold personal information about them, and request a description of it (section 23 of POPIA). A request for a copy of the record follows the PAIA procedure in section 10 of this manual, but no request fee applies;
- object to the processing of their personal information on reasonable grounds, or to processing for direct marketing, using **Form 1** (Annexure C);
- request correction or deletion of their personal information, or destruction or deletion of a record, using **Form 2** of the POPIA Regulations (Annexure D); and
- withdraw consent previously given, including for direct marketing, at any time.

Ball Straathof uses **Form 4** of the POPIA Regulations (Annexure E) where it requires consent for direct marketing by electronic communication.

14. Availability of this manual

This manual is available:

- on our website at www.ballstraathof.co.za/paia — insert direct link];
- for inspection at our office at 1550 Printech Avenue, Honeydew, during normal working hours; and
- on request from the Information Officer, free of charge, or for a copying fee as set out in Annexure A.

15. Updating of this manual

The Information Officer will review this manual at least annually and update it whenever there is a material change to the information in it. The version number and date on the cover show the current version.

Issued by:

Sean Goldfain, Managing Director and Information Officer

Date: _____

Annexure A: Prescribed fees

Fees for private bodies as prescribed in Annexure B of the PAIA Regulations, 2021. VAT is included where applicable.

#	Description	Amount
1	Request fee (not payable by a personal requester)	R140.00
2	Photocopy or printed black-and-white copy of an A4 page	R2.00 per page
3	Printed copy of an A4 page	R2.00 per page
4	Copy on flash drive (provided by the requester)	R40.00
5	Copy on compact disc: (a) provided by the requester; (b) provided by Ball Straathof	(a) R40.00 (b) R60.00
6	Transcription of visual images per A4 page; copy of visual images	Service provider quotation
7	Transcription of an audio record, per A4 page	R24.00
8	Copy of an audio record: (a) on flash drive provided by the requester; (b) on compact disc provided by the requester; (c) on compact disc provided by Ball Straathof	(a) R40.00 (b) R40.00 (c) R60.00
9	Search and preparation of the record for disclosure, for each hour or part of an hour, excluding the first hour	R145.00 per hour, maximum R435.00
10	Deposit, where search and preparation exceed six hours	One third of the amount per request calculated under items 2 to 8
11	Postage, email or other electronic transfer	Actual expense, if any

Annexure B: Form 2 – Request for access to record

[Regulation 7 of the PAIA Regulations, 2021]

Note: 1. Proof of identity must be attached by the requester. 2. If the request is made on behalf of another person, proof of such authorisation must be attached to this form.

To: The Information Officer, Ball Straathof (Pty) Ltd
1550 Printech Avenue, Honeydew, 2040 | PO Box 3691, Honeydew, 2040
Email: sean@ballstraathof.co.za

Mark with an "X": ☐ Request is made in my own name ☐ Request is made on behalf of another person

Personal information of requester

Full names	
Identity number	
Capacity in which request is made (when made on behalf of another person)	
Postal address	
Street address	
Email address	
Contact numbers (telephone, cellular, fax)	
Full names of person on whose behalf request is made (if applicable)	
Identity number of that person	
Postal / street address and email of that person	

Particulars of record requested

Description of record or relevant part of the record	
Reference number, if available	
Any further particulars of record	

Type of record (mark the applicable box with an "X")

☐ Record is in written or printed form

- ☐ Record comprises virtual images (photographs, slides, video recordings, computer-generated images, sketches, etc.)
- ☐ Record consists of recorded words or information that can be reproduced in sound
- ☐ Record is held on a computer or in an electronic or machine-readable form

Form of access (mark the applicable box with an "X")

- ☐ Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in electronic or machine-readable form)
- ☐ Written or printed transcription of virtual images
- ☐ Transcription of soundtrack (written or printed document)
- ☐ Copy of record on flash drive (including virtual images and soundtracks)
- ☐ Copy of record on compact disc (including virtual images and soundtracks)
- ☐ Copy of record saved on cloud storage server

Manner of access (mark the applicable box with an "X")

- ☐ Personal inspection of record at registered address of Ball Straathof (including listening to recorded words, viewing information in electronic form)
- ☐ Postal services to postal address
- ☐ Postal services to street address
- ☐ Courier service to street address
- ☐ Facsimile of information in written or printed format (including transcriptions)
- ☐ Email of information (including soundtracks if possible)
- ☐ Cloud share / file transfer

Preferred language (note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available): _____

Particulars of right to be exercised or protected

Indicate which right is to be exercised or protected

Explain why the record requested is required for the exercise or protection of the right

Fees

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- 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 from the payment of any fee, please state the reason for exemption:

Reason for exemption

Notice of decision

You will be notified in writing whether your request has been approved or denied and, if approved, the costs relating to your request. Please indicate your preferred manner of correspondence:

☐ Postal address ☐ Facsimile ☐ Electronic communication (please specify):

Signed at _____ this _____ day of _____ 20____

Signature of requester / person on whose behalf request is made

For official use

Reference number

Request received by (name and surname of Information Officer / Deputy)

Date received

Access fees

Deposit (if any)

Signature of Information Officer / Deputy

Annexure C: Form 1 – Objection to the processing of personal information

In terms of section 11(3) of POPIA [Regulation 2 of the POPIA Regulations, 2018]

Note: 1. Affidavits or other documentary evidence in support of the objection may be attached. 2. If the space provided is inadequate, submit information as an annexure to this form and sign each page. 3. Complete as is applicable.

A. Details of data subject

Name(s) and surname / registered name of data subject

Unique identifier / identity number

Residential, postal or business address

Contact number(s)

Fax number / email address

B. Details of responsible party

Ball Straathof (Pty) Ltd, 1550 Printech Avenue, Honeydew, 2040
Tel: 011 794 2316 | Email: sean@ballstraathof.co.za

C. Reasons for objection in terms of section 11(1)(d) to (f) (please provide detailed reasons)

Signed at _____ this _____ day of _____ 20____

Signature of data subject / designated person

Annexure D: Form 2 – Request for correction or deletion of personal information, or destruction or deletion of a record

In terms of section 24(1) of POPIA [Regulation 3 of the POPIA Regulations, 2018]

Note: 1. Affidavits or other documentary evidence in support of the request may be attached. 2. If the space provided is inadequate, submit information as an annexure to this form and sign each page. 3. Complete as is applicable.

Mark the appropriate box with an "X". Request for:

- ☐ Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- ☐ Destruction or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A. Details of data subject

Name(s) and surname / registered name of data subject

Unique identifier / identity number

Residential, postal or business address

Contact number(s)

Fax number / email address

B. Details of responsible party

Ball Straathof (Pty) Ltd, 1550 Printech Avenue, Honeydew, 2040

Tel: 011 794 2316 | Email: sean@ballstraathof.co.za

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 inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; and/or *destruction or deletion of a record of personal information in terms of section 24(1)(b) which the responsible party is no longer authorised to retain (please provide detailed reasons)

Signed at _____ this _____ day of _____ 20____

Signature of data subject / designated person

Annexure E: Form 4 – Application for consent to direct marketing

In terms of section 69(2) of POPIA [Regulation 6 of the POPIA Regulations, 2018]

Part A

Ball Straathof (Pty) Ltd, 1550 Printech Avenue, Honeydew, 2040, Tel: 011 794 2316, Email: sean@ballstraathof.co.za, requests your consent to process your personal information for the purpose of direct marketing by means of electronic communication.

Section 69 of POPIA prohibits the processing of a data subject's personal information for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMS, instant messaging (such as WhatsApp) or email, unless written consent is given by the data subject. You may withdraw your consent at any time, and every marketing message we send will tell you how to opt out.

Part B

Full names / company name	
I hereby: ☐ give my consent ☐ do not give my consent to receive direct marketing of goods and services by means of unsolicited electronic communication.	
Goods and services	Seed, young plants, cuttings and related horticultural products, services, promotions and events of Ball Straathof, Kirchhoffs and Gro-Pak
Method of communication (mark all that apply): ☐ Email ☐ SMS ☐ WhatsApp ☐ Other (specify): _____	
Email address / mobile number	
Signed at _____ this _____ day of _____ 20____	
_____ Signature of data subject	