

**BMW Financial Services (South Africa) (Pty) Ltd.**

(Registration Number: 1990/004670/07)

(the “Company”)

**PAIA AND POPIA MANUAL**

Published in terms of section 51 of the

**Promotion of Access to Information Act 2 of 2000**

(the “Act”)

&

Sections 11 and 24 of the

**Protection of Personal Information Act (No. 4 of 2013)**

With acknowledgements to:

1. The South African Human Rights Commission
2. Information Regulator

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\*Note: The prescribed form and fee structure is available on the website of the Company at [www.bmw.co.za](http://www.bmw.co.za)

## 1. INTRODUCTION

BMW Financial Services (South Africa) (Pty) Ltd, including its divisions, namely ALPHERA Financial Services and MINI Financial Services, are together referred to as the “the Company”. The Company is an authorised financial services provider (FSP no. 4623) and registered credit provider NCRCP2341. The Company conducts business as a financial services company providing finance and insurance products to the dealer network and to the general public.

This PAIA and POPIA Manual (“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 the Company, or request for correction or deletion of the personal information, in terms of paragraphs 11 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPIA”).

PAIA and POPIA 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 tariff are dealt with in section 5.

### 1.1 Availability of this Manual

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

### 1.2 Availability of guides to the PAIA and POPIA

#### Information Regulator

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

**Complaints email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**General enquiries email:** [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

## 2. COMPANY CONTACT DETAILS

Company contact details in terms of PAIA, Section 51:	
<b>Postal address</b>	P.O. Box 2955 Pretoria, 0001
<b>Street address</b>	1 Bavaria Avenue Randjespark Ext 17, Midrand 1685
<b>Telephone numbers</b>	0800 600 555 (Switchboard)
<b>Payments should be made to</b>	BMW Financial Services (South Africa) (Pty) Ltd.
<b>Information Officer: Glenda Shafee</b>	
<b>Electronic Mail Address for any PAIA and/or POPIA requests for the following brands:</b>	
BMW Financial Services – <a href="mailto:informationofficer@bmw.co.za">informationofficer@bmw.co.za</a>	
MINI Financial Services – <a href="mailto:information-officer@mini.co.za">information-officer@mini.co.za</a>	
ALPHERA Financial Services - <a href="mailto:information_officer@alpheraco.za">information_officer@alpheraco.za</a>	

### 3. COMPANY RECORDS IN TERMS OF PAIA

#### 3.1 Records available in accordance with other legislation

The Company has records available in terms of various laws, including but not limited to:

- Administration of Estates Act 66 of 1965
- Administrative Adjudication of Road Traffic Offences Act 46 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Competition Act 89 of 1998
- Criminal Procedure Act 51 of 1977
- Currencies and Exchanges Act 1933
- Disaster Management Act 57 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Employment Services Act 4 of 2014
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Markets Act 19 of 2012
- Home Loan and Mortgage Disclosure Act 63 of 2000
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- National Road Traffic Act 93 of 1996
- Prescription Act 68 of 1969
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Short-term Insurance Act 53 of 1998
- Skills Development Act 9 of 1999
- Skills Development Levies Act 9 of 1999
- Tax Administration Act 28 of 2011
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

Access to these records are subject to the provisions laid out in paragraphs 5 and 6 of this Manual.

#### 3.2 Company record classification key

CLASSIFICATION NO	ACCESS	CLASSIFICATION IN TERMS OF PAIA
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information that belongs to the requester of that information [s61]
5	May not be Disclosed	Unreasonable disclosure of personal information Natural person [s63(1)] or Juristic Person
6	May not be Disclosed	Likely harm the commercial or financial interest of third party [s64(a)(b)]
7	May not be Disclosed	Likely to harm the company or third party in contract or other negotiations [s64(c)]

8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be Disclosed	Legally privileged document [s67]
11	May not be Refused	Environmental testing/investigation which reveals public safety/environmental risk [s64(2); s68(2)]
12	May not be Disclosed	Commercial information of Private Body [s68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be Refused	Disclosure in public interest [s70]

### 3.3 Summary: records available

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

## 4. PROCESSING OF PERSONAL INFORMATION

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 legislation. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the objection, collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by the Company.

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#### 4.1 The purpose of processing of 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 travel purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners, including BMW Group South Africa Retailers and ALPHERA Partners;
- 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, please access the [BMW South Africa Privacy Statement](#) (click [here](#) to access the link).

#### 4.2 Categories of data subjects and personal information processed by the Company

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION PROCESSED
Customers and potential customers	Personal information
	Contracts and warranties
	Vehicle information
	Location information
	Information provided through BMW ConnectedDrive, My Account and any other BMW Group system accessible by a customer.
BMW Group South Africa Retailers, ALPHERA Partners and business partners	Personal information
	Performance information
	Personal information of employees
Suppliers	Personal information
	Personal information of representatives
Employees	Personal information
	Medical information, including disability information where provided.
	Employee spousal / partner information
	Employee Pension and Provident Fund Information
	Employment contracts

	Employee 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
	Medical information
Visitors	Physical access records
	Personal Information
	Electronic access records and scans
	Surveillance records
In-patriates and ex-patriates	Personal information
	Partner's personal information
	Children's personal information

#### 4.3 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 Section 4.1, with the following:

- our other BMW Group Companies in South Africa and in other countries;
- our authorised BMW Group South Africa Retailers and ALPHERA Partners;
- 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, unless we have your explicit consent to do so and where:

- 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 legislation.

#### 4.4 Information security measures to protect personal information

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

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 Company apply adequate safeguards as outlined above.

#### 4.5 Trans-border 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 4.3.

#### 4.6 Personal information received from third parties

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have recorded consent from the data subject and that they are aware of the contents of this Manual and the Company's Privacy Statement, and do not have any objection to our processing their personal information in accordance with this Manual.

### 5. PRESCRIBED REQUESTS AND FORMS IN TERMS OF THIS MANUAL

To facilitate the processing of your request as mentioned in section 5.1 and 5.2 of this Manual, kindly:

Use the prescribed form applicable, available on the website of the Company or, alternatively, copies can be requested from the Information Officer (see contact details in section **Error! Reference source not found.**).

Provide sufficient details in your request to enable the Company to appropriately evaluate your request.

#### 5.1 Access Requests in terms of PAIA:

A data subject has the right to request access to a record or their personal information held by the Company.

The request must be in the form prescribed in terms of PAIA, and the requester must pay the prescribed fee to the Company.

The following applies to the prescribed fees in terms of access requests (other than personal requests):

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 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);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit; and
- Records may be withheld until fees have been paid.

The prescribed form and fee structure can be found on the Company website at [www.bmw.co.za](http://www.bmw.co.za).

#### 5.2 Requests in terms of POPIA

A data subject has the right to:

Object to the processing of personal information (Form 1); or

Correction or deletion of personal information or destroying or deletion of record of personal information (Form 2).

The request must be in the form prescribed in terms of POPIA.

The prescribed forms can be found on the [Company website](#) as follows:

POPIA Form 1 – Objection to the Processing of Personal Information

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

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## 6. REMEDIES

The Company does not have internal appeal procedures regarding PAIA and POPIA requests. As such, the decision made by the duly authorised persons in section 2, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

Date of compilation: December 2011  
Date of revision: November 2017  
Date of revision: April 2019  
Date of revision: October 2020  
Date of revision: July 2021

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