



BMW (South Africa) (Pty) Ltd.

(Registration Number: 1960/000196/07)

PAIA & POPIA MANUAL

Published in terms of:

Section 51 of the
Promotion of Access to Information Act (No. 2 of 2000)

&

Sections 11 and 24 of the
Protection of Personal Information Act (No. 4 of 2013)

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1. Introduction

BMW (South Africa) (Pty) Ltd. (“the Company”) 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 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 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 Availability of this PAIA & POPIA 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 section 2).

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: https://www.justice.gov.za/inforeg/index.html General Enquiries E-mail: inforeg@justice.gov.za Complaints E-mail: complaints.IR@justice.gov.za

2. Company Contact Details

Company contact details in terms of PAIA, Section 51:

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

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

Telephone Number: 0800 600 555 (Switchboard)

Website: www.bmw.co.za

Duly authorised persons:

Information Officer

Peter Van Binsbergen

E-mail: InformationOfficer@bmw.co.za

E-mail addresses for any PAIA requests for the following brands:

- **BMW:** InformationOfficer@bmw.co.za
- **MINI:** Information-Officer@mini.co.za
- **ALPHERA:** Information_Officer@alphera.co.za

3. Company Records in terms of PAIA

3.1 Company Record Classification Key

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]

Classification No.	Access	Classification [PAIA section]
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]

3.2 Company Records Availability

Departmental Records	Subject	Classification No.
Communications / Public Affairs Department	Current Product Information	1, 4
	Public Corporate Records	1
	Launches and Events Records	4, 5
	Journalist Records	4, 5
	Media Releases	1
Health, Safety and Environmental Department	Environmental Policy	1
	Environmental Records	11, 14
	Health and Safety Records (Employees, Contractors)	4, 5, 9
Human Resources Division	Employee Records / Information	4, 5, 9 / 10
	Employment Contracts	4, 5
	Personnel Guidelines, Policies and Procedures	12
	Employee Medical Records	4, 5, 8
	Employee Disability Insurance Records	4, 5

Departmental Records	Subject	Classification No.
	Employee Pension and Provident Fund Records	4, 5
	Payroll Records	4, 5
	Recruitment Records	4, 5
	In- and-Ex-patriates' Records	4, 5
Financial Division	Audited Financial Statements	12
	Tax Records (Company & Employees)	4, 12
	Motor Industry Development Programme Records	12
	Asset Register	12
	Supplier Records / Information	4, 5 / 10
	Management Accounts	12
	Fleet Insurance Records	4, 5
Legal Services	General Contract Documentation	6, 12
	Intellectual Property Records	3
	Immovable Property Records	12
	Statutory Records	12
Compliance	Company Guidelines, Policies and Procedures	12
Sales and Marketing Division Business Relations – Sub-Saharan Africa	Market Information	12, 13
	Product Brochures	1
	Owner Manuals	4, 5
	Field Records	4, 12
	Performance Records	12
	Product Sales Records	1
	Marketing and Future Product Strategies	12
	Customer Information and Database	4, 5, 12
	Agency Agreements and Documents	4, 5, 6, 7, 12, 13
	Dealership Records (Agencies, Customers)	4, 5
Production / Logistics Division	Production Records	12
	Vehicle and Components Specifications	12,13

Departmental Records	Subject	Classification No.
	Engineering Records	12,13
	Apprenticeship Records	4, 5
	Quality Records	12
Customer Interaction Centre	Customer Records	4, 5
Aftersales Department	Motorplans and Warranties	4, 5
	Customer Records / Information	4, 5 / 10
IT Department	Processing, Testing and Development Records	4, 5
Early Learning Centre	Parent Records	4, 5
	Children's Records	4, 5
Facilities Management Department	Physical Security Records (Visitors, Suppliers, Contractors, Employees)	4, 5
	Electronic Access & Identity Management Records (Employees, Contractors)	4, 5
	Time and Attendance Records	4, 5
Risk Control Centre	Complaints and Investigations Records	4, 5
Mail Room	Mail Register	4, 5

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 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.

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 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](#).

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

Categories of data subjects and personal information processed by the Company include the following:

Categories of Data Subjects	Personal Information processed
Customers and Potential Customers	Personal information
	Contracts, motorplans and warranties
	Vehicle information

Categories of Data Subjects	Personal Information processed
	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
In-Patriates and Ex-Patriates	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 paragraph 4.1 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 Retailers and Repair Centres and their employees, and our suppliers are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

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 4.4.

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 written consent from the data subject 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 information in accordance with this Manual.

5. Prescribed Request Forms and Fees

5.1 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

- 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); and
- d. 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.

5.2 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>.

5.3 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](#)

[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

6. Remedies

The Company does 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.