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**Dated:** 18 February 2022

COMPILED IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

FOR: **CORTEVA AGRISCIENCE RSA PROPRIETARY LIMITED**

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**PROMOTION OF ACCESS TO INFORMATION MANUAL**

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## 1. **BACKGROUND**

- 1.1 The Promotion of Access to Information Act 2 of 2000 (the "**Act**") provides for the constitutional right of access to any information held by the State or another person. The information requested must be required for the exercise or protection of any right of the person requesting the information.
- 1.2 The Protection of Personal Information Act 4 of 2013 ("**POPIA**") provides for the protection of Personal Information Processed by public and private bodies and the regulation thereof. POPIA has amended portions of the Act and has established the Information Regulator, which is empowered to monitor and enforce compliance with POPIA and the Act.
- 1.3 Section 51 of the Act requires that all private bodies compile a manual providing for the procedure to request information held by such private body, as well as certain information regarding the Processing of Personal Information.
- 1.4 Should a request be made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to other applicable legislative and/or regulatory requirements.

## 2. **GENERAL**

- 2.1 Corteva Agriscience RSA Proprietary Limited ("**Corteva**") conducts business as a supplier and developer of scientific agricultural products.
- 2.2 This Manual has been prepared in accordance with section 51 of the Act.
- 2.3 The aim of this Manual is to facilitate requests for access to certain records and information held by Corteva and to assist potential requesters as to the procedure to be followed when requesting access to such records and information.
- 2.4 Reference to any information in this Manual in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.
- 2.5 This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A Requester is advised to familiarise himself with the provisions of the Act before lodging any request with Corteva.

## 3. **INTERPRETATION AND DEFINITIONS**

In this Manual:

- 3.1 words and expressions defined in the Act and which are not defined herein shall have the meanings given to them in the Act;
- 3.2 where any term is defined within a particular paragraph other than this paragraph 3, that term shall bear the meaning ascribed to it in that paragraph wherever it is used in this Manual;
- 3.3 an expression which denotes any gender includes the other genders; a natural person includes a juristic person and *vice versa*; and the singular includes the plural and *vice versa*;
- 3.4 unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

**"Act"** the Promotion of Access to Information Act 2 of 2000;

**"Data Subject"** the person to whom Personal Information relates;

<b>"Head of Corteva"</b>	the managing executive of Corteva;
<b>"Information Officer"</b>	the person duly authorised and appointed to facilitate and/or assist the Head of Corteva as applicable, with any request in terms of the Act;
<b>"Manual"</b>	this document, as amended from time to time, as issued by Corteva;
<b>"Requester"</b>	in relation to Corteva, any person including a public body or official thereof, making a request for access to a record of Corteva, or a person acting on behalf of such person;
<b>"Personal Information"</b>	<p>information relating to an identifiable, living, natural person or if applicable, an identifiable, existing juristic person, including but not limited to:</p> <ul style="list-style-type: none"> <li>(a) information relating to the race, gender, sex, marital status, national, ethnic or social origin, colour, age, disability, language, religion, belief, culture and birth of the person;</li> <li>(b) information relating to the education, medical, financial, criminal or employment history of the person;</li> <li>(c) information relating to the financial affairs of the person;</li> <li>(d) any identifying number, symbol, e-mail address, physical address, telephone number, online identifier, or other particular assignment to the person;</li> <li>(e) biometric information of a person;</li> <li>(f) the personal opinion, views or preferences of a person;</li> <li>(g) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</li> <li>(h) the views or opinions of another individual about the person;</li> <li>(i) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person; and</li> <li>(j) any other information which may be treated or defined as Personal Information in terms of any other applicable laws;</li> </ul>

**“Processing”**

any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

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

and **“Process”** shall be construed accordingly.

3.5 For the purposes of this Manual, unless the context requires otherwise:

3.5.1 the singular shall include the plural and vice versa;

3.5.2 reference to one gender shall include the other gender; and

3.5.3 unless expressly stated, reference to a person shall include a natural, an artificial or juristic person;

3.6 Paragraph headings in this Manual are inserted for convenience only and shall not be taken into account for the purposes of its interpretation.

3.7 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the release date of this Manual, and as amended or substituted from time to time.

3.8 If any provision in a definition is a substantive provision, conferring rights or imposing obligations on any party, notwithstanding that such provision is only contained in the relevant definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual.

**4. CONTACT DETAILS**

**4.1 Corteva:**

Head of Corteva: Antonio Esmeraldo  
Contact number: (012) 683 5816  
Email: [tony.esmeraldo@corteva.com](mailto:tony.esmeraldo@corteva.com)

Information Officer: Antonio Esmeraldo  
Contact number: (012) 683 5816  
Email: [tony.esmeraldo@corteva.com](mailto:tony.esmeraldo@corteva.com)

Postal address: P.O Box 8010, Centurion, 0046

Physical Address: 2<sup>nd</sup> Floor, Building A, Lakefield Office Park, 272 West Avenue, Die Hoewes, Centurion, 0157, South Africa

Telephone number: (012) 683 5816

Website: <https://www.corteva.co.za/>  
<https://www.pioneer.com/za>

## 5. THE INFORMATION REGULATOR GUIDE

- 5.1 The Information Regulator has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.
- 5.2 This guide may be obtained by any person from the Information Regulator website at <https://www.inforegulator.org.za/> and any enquiries regarding the guide may be directed to:

### Information Regulator:

Chief Executive Officer: Mr. Mosalanyane Mosala  
Contact Person: Ms. Pfano Nenweli  
Email: [PNenweli@justice.gov.za](mailto:PNenweli@justice.gov.za)

Deputy Information Officer: Ms Varsha Sewlal  
Email: [VarSewlal@justice.gov.za](mailto:VarSewlal@justice.gov.za)

Physical Address: JD House, 27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

Postal Address P.O Box 31533  
Braamfontein  
Johannesburg  
2017

Telephone: 010 023 5200

Website: <https://www.inforegulator.org.za/>

Email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)  
[PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za)  
[PAIACompliance@inforegulator.org.za](mailto:PAIACompliance@inforegulator.org.za)

## 6. RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(d) OF THE ACT

- 6.1 To the extent applicable, Corteva keeps such information and documents as may be required in terms of the legislation listed below. Unless disclosure is prohibited in terms of the Act, other legislation, regulations, contractual agreements or otherwise and provided such interested parties are entitled thereto, records that are required to be made available in terms of the applicable statutes (as amended) shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act, applicable internal policies and procedures.
- 6.1.1 Agricultural Product Standards Act 119 of 1990;
- 6.1.2 Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act 36 of 1947;
- 6.1.3 Genetically Modified Organisms Act 15 of 1997;
- 6.1.4 Plant Breeders' Rights Act 15 of 1976;
- 6.1.5 Plant Improvement Act 53 of 1976;
- 6.1.6 Basic Conditions of Employment Act 75 of 1997;
- 6.1.7 Broad-Based Black Economic Empowerment Act 53 of 2003;
- 6.1.8 Companies Act 71 of 2008;

- 6.1.9 Compensation of Occupational Injuries and Diseases Act 130 of 1993;
- 6.1.10 Competition Act 89 of 1998;
- 6.1.11 Constitution of the Republic of South Africa 1996;
- 6.1.12 Copyright Act 98 of 1978;
- 6.1.13 Customs and Exercise Act 91 of 1964;
- 6.1.14 Consumer Protection Act 68 of 2008;
- 6.1.15 Electronic Communications and Transactions Act 25 of 2002;
- 6.1.16 Employment Equity Act 55 of 1998;
- 6.1.17 Financial Intelligence Centre Act 38 of 2001;
- 6.1.18 Financial Markets Act 19 of 2012;
- 6.1.19 Income Tax Act 58 of 1962;
- 6.1.20 Labour Relations Act 66 of 1995;
- 6.1.21 National Credit Act 34 of 2005;
- 6.1.22 Occupational Health and Safety Act 85 of 1993;
- 6.1.23 Prevention and Combating of Corrupt Activities Act 12 of 2004;
- 6.1.24 Protection of Personal Information Act 4 of 2013;
- 6.1.25 Skills Development Act 97 of 1998;
- 6.1.26 Skills Development Levies Act 9 of 1999;
- 6.1.27 Trade Marks Act 194 of 1993;
- 6.1.28 Unemployment Insurance Act 63 of 2001;
- 6.1.29 Unemployment Insurance Contributions Act 4 of 2002; and
- 6.1.30 Value Added Tax Act 89 of 1991.

7. **RECORDS HELD BY CORTEVA IN TERMS OF SECTION 51(1)(e) OF THE ACT**

7.1 The following is a *non-exclusive* list of the categories and documents on which Corteva holds records:

7.2 Company secretarial:

- 7.2.1 Memorandum of Incorporation;
- 7.2.2 certificate of name change;
- 7.2.3 minutes and resolutions;
- 7.2.4 records in respect of intellectual property;
- 7.2.5 certificate of incorporation; and
- 7.2.6 share register and other statutory registers.

- 7.3 Customers, suppliers, brokers, forwarders and agents:
  - 7.3.1 agreements;
  - 7.3.2 tender documents;
  - 7.3.3 trade confirmations;
  - 7.3.4 securities exchange trading and other records;
  - 7.3.5 addresses and telephone numbers; and
  - 7.3.6 bank details.
- 7.4 Finance:
  - 7.4.1 financial statements;
  - 7.4.2 accounting records;
  - 7.4.3 asset register;
  - 7.4.4 audit reports;
  - 7.4.5 bank records and statements;
  - 7.4.6 financial records;
  - 7.4.7 reconciliations;
  - 7.4.8 invoices;
  - 7.4.9 credit notes;
  - 7.4.10 financial agreements;
  - 7.4.11 tax records including income tax returns, value-added tax (VAT) records, tax clearance certificates and other returns and documents; and
  - 7.4.12 management accounts.
- 7.5 Information technology:
  - 7.5.1 agreements;
  - 7.5.2 testing records;
  - 7.5.3 licenses; and
  - 7.5.4 operational records.
- 7.6 Insurance and credit risk:
  - 7.6.1 agreements;
  - 7.6.2 internal policies; and
  - 7.6.3 insurance (including credit insurance), schedules, records and policies.
- 7.7 Trade practice compliance:
  - 7.7.1 code of conduct; and



- 7.7.2 internal policies on matters such as anti-money laundering policy, trade sanctions, agents, and gifts and entertainment.
- 7.8 Human resources:
  - 7.8.1 B-BBEE records;
  - 7.8.2 code of conduct;
  - 7.8.3 other relevant internal policies and procedures;
  - 7.8.4 disciplinary records;
  - 7.8.5 employment, independent contractor and related contracts;
  - 7.8.6 employment equity policy;
  - 7.8.7 safety, health and environment policy;
  - 7.8.8 health and safety records;
  - 7.8.9 workmen's compensation certificate;
  - 7.8.10 Unemployment Insurance Fund (UIF);
  - 7.8.11 leave records;
  - 7.8.12 medical aid records;
  - 7.8.13 payroll;
  - 7.8.14 provident fund records;
  - 7.8.15 Sector Education Training Authority (SETA) records;
  - 7.8.16 training manuals;
  - 7.8.17 training records; and
  - 7.8.18 staff records.
- 7.9 Public relations:
  - 7.9.1 Corteva brochures and publications;
  - 7.9.2 media releases; and
  - 7.9.3 corporate social responsibility projects.
- 7.10 Transportation and logistics:
  - 7.10.1 agreements;
  - 7.10.2 contact details;
  - 7.10.3 haulier instructions;
  - 7.10.4 weighbridge tickets;
  - 7.10.5 certificates of origin;
  - 7.10.6 silo certificates;

- 7.10.7 stock transfer confirmations;
- 7.10.8 surveyor certificates;
- 7.10.9 customs documentation;
- 7.10.10 vessel documents; and
- 7.10.11 licenses and permits.

**8. INFORMATION AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(c) OF THE ACT**

8.1 The following categories of records are automatically available for inspection, purchase or photocopying and which do not need to be requested in terms of the Act:

- 8.1.1 newsletters;
- 8.1.2 booklets;
- 8.1.3 pamphlets/brochures;
- 8.1.4 other literature intended for public viewing; and
- 8.1.5 any other information provided on the Corteva website located at <https://www.corteva.co.za/> and <https://www.pioneer.com/za>.

**9. HOW TO REQUEST RECORDS HELD BY CORTEVA IN TERMS OF SECTION 53(2) OF THE ACT**

9.1 Requests for access to records held by Corteva must be made by the Requester using the prescribed Form 2: Request for Access to Record, attached hereto as Annexure A or otherwise made available on the Information Regulator website at <https://www.inforegulator.org.za/>. Such request must be made to the Head of Corteva or the Information Officer at the address and electronic mail address provided for in paragraph 4.1 above.

9.2 In lodging a request, the Requester must:

- 9.2.1 provide sufficient detail on the request form to enable the Head of Corteva or the Information Officer to identify the record/s so requested and the Requester;
- 9.2.2 indicate which form of access is required and specify a postal address and/or email address within the Republic;
- 9.2.3 indicate whether, in addition to a written response, the Requester requests to be informed in any other manner and state the necessary particulars to be so informed;
- 9.2.4 identify the right that the Requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.

9.3 If a request is made on behalf of a person, the Requester must then submit proof of the capacity in which the Requester is making the request to the satisfaction of the Head of Corteva or the Information Officer.

9.4 The Head of Corteva or the Information Officer, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

10. **GROUNDINGS FOR REFUSAL IN TERMS OF CHAPTER 4 OF THE ACT**

10.1 In terms of the Act, there are certain grounds upon which Corteva must and/or may refuse to grant a Requester access to its records as certain categories of information may be subject to protection in the interests of privacy. Such records which may be protected would include but would not be limited to records containing:

10.1.1 privileged information, including a record that is privileged from production in legal proceedings;

10.1.2 Personal Information of a third party who is a natural person;

10.1.3 commercial information of a third party;

10.1.4 confidential information of a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition;

10.1.5 a record the disclosure of which would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;

10.1.6 information that, if disclosed, could endanger the life or physical safety of an individual or could impair a party's protection of their property or the security of infrastructure or transport;

10.1.7 commercial information relating to the private body in question which would include information regarding trade secrets, financial, commercial or technical information, the disclosure of which would cause harm to the commercial or financial interests of that private body; and

10.1.8 research information of a third party or of the private body in question.

11. **RECORDS NOT FOUND OR THAT DO NOT EXIST IN TERMS OF SECTION 55 OF THE ACT**

11.1 If all reasonable steps have been taken to find a record, and such record cannot be found or if the records do not exist, then the Head of Corteva or the Information Officer shall notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Head of Corteva or the Information Officer with every person who conducted the search.

11.3 The notice, as set out in paragraph 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for purposes of the Act.

11.4 If the record in question should later be found, the Requester shall be given access to the record in the manner stipulated by the Requester in the prescribed form unless access is refused by the Head of Corteva or the Information Officer.

12. **INFORMATION REQUESTED ABOUT A THIRD PARTY**

12.1 Section 71 of the Act makes provision for a request for information or records that concern a third party.

12.2 In considering such a request, Corteva will adhere to the provisions of sections 71 to 73 of the Act.

12.3 The attention of the Requester is drawn to the provisions of Chapter 5 of the Act in terms of which Corteva is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions

of the Head of Corteva or the Information Officer by referring the matter to a court for appropriate relief where all internal appeal procedures have been exhausted by the third party.

### 13. **PERSONAL INFORMATION IN TERMS OF SECTION 51(1)(c) OF THE ACT**

To the extent that Corteva may Process the Personal Information of Data Subjects, Corteva will ensure that it adheres to the relevant laws pertaining to data protection, including but not limited to the Act and POPIA. In this regard, the reader is referred to Corteva's privacy policy published on its website located at <https://www.corteva.co.za/privacy-policy.html>.

### 14. **UPDATING THE MANUAL**

This Manual may be amended from time to time by Corteva and the latest version of the Manual will be made public as soon as reasonably possible, after it is finalised.

### 15. **AVAILABILITY OF THIS MANUAL IN TERMS OF SECTION 51(3) OF THE ACT**

15.1 This Manual is available for inspection, on prior arrangement with the Information Officer, at the offices of Corteva.

15.2 Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of Corteva.

15.3 The Manual can also be accessed on the Corteva website.

### 16. **PRESCRIBED FEES**

16.1 The fees for reproduction of a record as referred to in section 52(3) of the Act are as follows:

16.1.1 for every photocopy of an A4 size page or part thereof R2,00;

16.1.2 for every printed copy of an A4-size page or part thereof R2,00;

16.1.3 for a copy in a computer-readable form on a flash drive or a compact disc provided by the requestor R40,00;

16.1.4 for a transcript of visual images for an A4 size page or part thereof and for a copy of visual images, these services are to be outsourced and will depend on quotation from service provider;

16.1.5 for a transcript of an audio record, for an A4-size page or part thereof R24,00; and

16.1.6 for a copy of an audio record on a flash drive or compact disc provided by the requestor R40,00.

16.2 The request fee payable by a Requester is R140,00.

16.3 To fee search for and prepare the record for disclosure for each hour or part thereof, excluding the first hour, reasonably required for such search and preparation is R145,00. This fee may not exceed a total of R435,00.

16.4 If the Head of Corteva or if the Information Officer is of the opinion that 6 (six) hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of the amount per request calculated in terms of items under paragraph 16.1 and 16.2.

## FORM 2

# REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

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

**TO:** The Information Officer and Head of Corteva:


(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which 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 <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
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 public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the provided space is inadequate, please continue on a separate page and attach it to this Form.  
The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or	

protection of the aforementioned right:	
--	--

<b>FEES</b>	
a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>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.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

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

<b>Postal address</b>	<b>Facsimile</b>	<b>Electronic communication (Please specify)</b>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

-----  
 -----

**FOR OFFICIAL USE**

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer or Head of Corteva)	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_  
**Signature of Information Officer or  
 Head of Corteva**