

# **M7 Investments (Pty) Ltd – Promotion of Access to Information and POPIA Manual**

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## **1. Introduction**

The Promotion of Access to Information Act 2 of 2000 (PAIA) gives effect to section 32 of the Constitution by establishing the right of everyone to access information held by the State and by private bodies. At the same time, the Protection of Personal Information Act 4 of 2013 (POPIA) gives effect to the right to privacy by introducing conditions for the lawful processing of personal information and by creating an Information Regulator. As a private body that processes personal information, M7 Investments (Pty) Ltd (“M7”) must balance transparency with privacy. This manual explains how requesters can access records held by M7 in terms of PAIA and how data subjects can exercise their POPIA rights.

This document draws on the latest PAIA & POPIA manual requirements to ensure that M7’s policies remain current and aligned with industry best practice. Where appropriate the document has been enhanced to expressly address the eight POPIA conditions for lawful processing, the rights of data subjects and the regulatory forms issued by the Information Regulator. Hyperlinks to official forms on the regulator’s website have been included so that data subjects can directly access the prescribed documents.

## **2. Terminology and definitions**

**Data subject:** the person to whom personal information relates.

**Responsible party:** the person or organisation that determines the purpose and means for processing personal information.

**Personal information:** any information relating to an identifiable, living natural person or identifiable, existing juristic person. It includes, among other things, race, gender, pregnancy, marital status, national or ethnic origin, age, contact details, financial information, biometric information and correspondence.

**Special personal information:** information relating to children or to a data subject’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric and criminal behaviour. Processing such information is generally prohibited unless one of the justifications in section 27 of POPIA applies.

**Operator:** a person who processes personal information on behalf of a responsible party in terms of a contract or mandate.

**Information Officer:** the individual designated in terms of PAIA and POPIA to deal with information requests and to ensure that M7 complies with the Acts.

## **3. Purpose of this PAIA & POPIA manual**

Section 51(1) of PAIA requires private bodies to compile a manual that:

- gives requesters the contact details of the head of the private body and the Information Officer;
- explains how to obtain the Information Regulator’s guide on using PAIA;
- describes the records available in terms of any other legislation;
- describes the categories of records held by the private body to facilitate requests for access;
- stipulates which records are automatically available without a formal request; and
- includes the prescribed forms and fees for making requests.

POPIA amends certain PAIA provisions and places additional duties on responsible parties. Section 8 of POPIA requires responsible parties to ensure compliance with all eight conditions for lawful processing. Section 23 grants data subjects the right to confirm whether a responsible party holds their personal

information and to request access to it. Section 24 gives data subjects the right to request correction or deletion of inaccurate, irrelevant, excessive or unlawfully obtained personal information. This manual incorporates these rights and outlines how M7 will give effect to them.

#### **4. About M7 Investments**

M7 Investments (Pty) Ltd (registration no. 2017/510481/07) operates in the automotive sector through several divisions. M7 imports and distributes vehicles and parts, sells and rents passenger and commercial vehicles, provides motor-related financial services (including service plans and value-added products) and supplies aftermarket parts. The manual applies to M7 and its divisions, subsidiaries and affiliated dealers within South Africa.

#### **5. Contact details**

<b>Role</b>	<b>Contact</b>
<b>Information Officer</b>	<b>Yusuf Varachia</b> Corner Wiek & North Rand Roads, Boksburg 1459, Gauteng Email: <a href="mailto:compliance@m7group.co.za">compliance@m7group.co.za</a> Tel: <b>(010) 492 4500</b>

Deputy Information Appointed deputy to assist the Information Officer with requests and Officer compliance.

Data subjects may lodge PAIA requests, POPIA objections or data corrections by post or email to the addresses above. When lodging any request or objection, please quote M7's registration number and attach proof of identity.

#### **6. Divisions covered by this manual**

This manual covers all divisions and subsidiaries of M7 Investments (Pty) Ltd operating in South Africa, including vehicle import and distribution, retail and rental, motor-related financial services and aftermarket parts. Each division processes personal information in accordance with this manual and the conditions set out in POPIA.

#### **7. Information Regulator's guide**

The Information Regulator (South Africa) publishes a guide on how to use PAIA. This guide explains how to exercise the right of access to information and is available on the Regulator's website. Data subjects may request a copy of the guide by visiting the Information Regulator's [PAIA manuals page](#) or contacting the Regulator at [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za).

#### **8. Automatically available information**

M7 makes certain information available without a formal request. Examples include:

- Corporate publications such as annual reports, product brochures and press releases;
- Job adverts and application forms;
- Basic company information (registration details, directors and contact information);
- Policies and procedures which we publish on our website; and
- This PAIA & POPIA manual.

#### **9. Applicable legislation**

M7 is subject to numerous statutes that regulate the collection, retention and disclosure of information. Key legislation includes, but is not limited to, the Companies Act 71 of 2008, Basic Conditions of Employment Act 75 of 1997, Labour Relations Act 66 of 1995, Financial Advisory and Intermediary Services Act 37 of 2002, National Credit Act 34 of 2005, Occupational Health and Safety Act 85 of 1993, Road Traffic Act 29 of 1989, Income Tax Act 58 of 1962, Protection of Personal Information Act 4 of 2013 and the Promotion of Access to Information Act 2 of 2000.

## **10. Categories of records held by M7**

M7 holds records in various categories. The following list facilitates requests and is not exhaustive:

- **Company secretarial records:** founding documents, share registers, minutes of directors' meetings and resolutions.
- **Human resources:** personnel files (contracts, payroll, leave records, performance reviews), recruitment records and disciplinary records.
- **Finance and accounting:** financial statements, tax records, invoices, purchase orders, supplier contracts and bank details.
- **Customer and marketing records:** customer contracts, service and warranty plans, marketing consents, customer contact details and vehicle information.
- **Legal and compliance:** licence applications, permits, litigation files, compliance reports and policies.
- **Property:** leases, deeds of sale, maintenance records and asset registers.
- **IT and security:** access logs, CCTV footage, network logs and backup data.

## **11. Access to records (PAIA)**

Any person may request access to a record held by M7 if the record is required for the exercise or protection of a right. Requests must comply with the procedural requirements of PAIA. M7 may grant or refuse access depending on whether a ground of refusal applies. Grounds for refusal include protection of personal privacy, confidentiality of third-party information, safety of individuals and property, legally privileged documents, research information, or where disclosure would contravene any law.

### **11.1 Request procedure (PAIA)**

1. Complete **Form 2 – Request for Access to a Record** (available from the Information Regulator). A clickable link to the form is provided in the annexure.
2. Provide proof of identity and, if requesting on behalf of another person, proof of authority.
3. Describe the record in sufficient detail and indicate the preferred form of access (inspection, copy, electronic copy, transcription). If the record contains personal information of a third party, M7 must give that third party an opportunity to make representations.
4. Pay the prescribed request fee of R140 (requesters earning less than R14 712 per year are exempt). M7 will provide an estimate of reproduction fees before processing the request. Deposits may be required where searches exceed six hours.
5. M7 will respond in writing within 30 days. If more time is needed (for example to notify third parties) M7 will inform the requester in writing. If the request is refused, the requester may lodge a complaint with the Information Regulator and, if necessary, apply to court after the complaints procedure is exhausted.

### **11.2 Fees payable (PAIA)**

<b>Item</b>	<b>Fee</b>
Request fee (payable on submission of Form 2)	R140.00
Photocopy of an A4-size page or part thereof	R2.00 per page
Printed copy of an A4-size page or part thereof	R2.00 per page

Copy in computer-readable form on flash drive	R40.00 (flash drive supplied by requester)
Copy in computer-readable form on compact disc Transcription of visual images (per A4-size page)	R40.00 (CD supplied by requester) or R60.00 (supplied by M7)
Service outsourced; depends on service provider	Service outsourced; cost on quotation
Copy of visual images	Service outsourced; cost on quotation
Transcription of an audio record (per A4-size page)	R24.00
Copy of an audio record on flash drive	R40.00 (flash drive supplied by requester)
Copy of an audio record on compact disc	R40.00 (CD supplied by requester) or R60.00 (supplied by M7)
Postage, courier or electronic transfer	Actual cost of the service

## **12. Processing of personal information under POPIA**

### **12.1 Purposes of processing**

M7 processes personal information for legitimate business purposes that are permitted under POPIA, including:

- to fulfil contractual obligations to customers, employees and suppliers;
- to comply with legislative, regulatory and risk-management requirements;
- to maintain records (customers, employees, suppliers) and administer services and benefits;
- to respond to enquiries and complaints;
- to manage recruitment, employment and apprenticeship programmes;
- to manage finance, taxation, health and safety obligations;
- to secure and manage access to premises and systems;
- to process transactions with suppliers, dealers and business partners;
- to improve products and services and to develop new offerings;
- to detect, prevent and report fraud, theft, money-laundering and other crimes, which may require processing special personal information (e.g., allegations of criminal behaviour);
- to enforce agreements and collect debts; and
- to market products and services to data subjects (subject to consent requirements for direct marketing).

### **12.2 Categories of data subjects and information**

The table below summarises typical data subjects and types of information processed.

<b>Data subject category</b>	<b>Types of personal information processed</b>
<b>Customers (current, prospective and former)</b>	Identity numbers, names, contact details, citizenship and residence status, addresses, tax numbers, banking details, vehicle information, contracts, service plans and warranties
<b>Dealers, franchisees and partners</b>	Names and contact details of managers and representatives; personal details of employees (identity numbers, contact details)
<b>Employees</b>	Identity numbers, contact details, tax numbers, medical and beneficiary

**Data subject category (past and present)**

**Suppliers and service providers**

## **Types of personal information processed**

information, payroll and bank details, employment contracts, performance and disciplinary records, time and attendance records, access logs and CCTV footage

Supplier contracts, bank details and personal details of representatives (names, identity numbers, contact details)

**Job applicants** CVs, application forms, education and employment history, psychometric results, background and criminal checks

**Visitors** Physical and electronic access records (sign-in sheets, access card logs, CCTV footage)

### **12.3 Recipients of personal information**

Personal information may be shared with:

- M7's divisions, subsidiaries and franchisee dealerships;
- operators and service providers that process information on M7's behalf (for example, payroll processors, IT service providers and call-centre operators);
- medical aid, pension and provident fund administrators;
- recruitment agencies and credit bureaus (for pre-employment screening and debt collection);
- regulators and law-enforcement agencies when required by law or when cooperation is necessary for the detection or prevention of crime;
- auditors and professional advisers; and
- any third party to whom data subjects have consented or where disclosure is permitted by law.

Whenever M7 appoints an operator, M7 will conclude a written contract requiring the operator to establish and maintain appropriate security measures, treat all personal information as confidential and notify M7 of any security breach.

### **12.4 Transborder information flows**

M7 will only transfer personal information across South African borders if:

- the transfer is necessary for the conclusion or performance of a contract with the data subject;
- the transfer is required by law;
- the transfer protects the legitimate interests of the data subject; or
- M7 has a legitimate interest in the transfer and has conducted a legitimate interest assessment.

Before any cross-border transfer, M7 will ensure that the recipient country or organisation has an adequate level of data-protection or that contractual measures are in place to ensure the lawful processing of the information.

### **12.5 Security safeguards**

Condition 7 of POPIA requires responsible parties to secure the integrity and confidentiality of personal information by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction or unlawful access. M7 implements security controls commensurate with the sensitivity of the information processed. These include logical access controls, encryption, physical security, secure disposal, and regular review of controls. Operators processing information on M7's behalf must comply with these measures and notify M7 of any security compromise.

Where personal information is accessed or acquired by an unauthorised person, M7 will notify the Information Regulator and affected data subjects as soon as reasonably possible. The notification will describe the breach, the measures taken or proposed by M7 to mitigate adverse effects and recommendations for data subjects to protect themselves. Responsible parties must use the Information Regulator's **Form SCN1–Security Compromise Notification** to report such incidents; a link to the form is provided in the annexure.

## **12.6 Conditions for lawful processing**

POPIA establishes eight conditions that must be satisfied for the lawful processing of personal information. M7 is committed to these conditions:

1. **Accountability:** The responsible party must ensure compliance with the conditions and is accountable for the processing of personal information.
2. **Processing limitation:** Personal information must be processed lawfully and in a manner that does not infringe the privacy of the data subject. Only the minimum information necessary must be processed (minimality) and processing must be justified by consent, contractual necessity, legal obligation, protection of the data subject's legitimate interests or the responsible party's legitimate interests.
3. **Purpose specification:** Information must be collected for a specific, explicitly defined and lawful purpose and may not be retained longer than necessary. Records must be destroyed or de-identified once the lawful purpose has been achieved and there is no other legal basis to retain them.
4. **Further processing limitation:** Further processing must be compatible with the original purpose of collection. Compatibility must take into account the relationship between the original and new purposes, the nature of the information, the consequences for the data subject and any contractual rights and obligations.
5. **Information quality:** Reasonably practicable steps must be taken to ensure that personal information is complete, accurate, not misleading and updated where necessary
6. **Openness:** The responsible party must maintain documentation of processing activities and must notify data subjects when collecting personal information, including the purpose of collection, whether provision is voluntary or mandatory, consequences of failing to provide information, intended recipients and the rights of the data subject (including the right of access, rectification, objection and the right to lodge a complaint).
7. **Security safeguards:** Reasonable technical and organisational measures must be implemented to protect personal information. Operators must process information only with the responsible party's knowledge or authority and must treat it as confidential. Breaches must be reported to the Information Regulator and data subjects.
8. **Data subject participation:** Data subjects have the right to request confirmation of whether their personal information is held, to request access to that information, and to request correction, deletion or destruction of personal information that is inaccurate or which the responsible party is no longer authorised to retain.

## **13. Rights of data subjects**

### **13.1 Right of access**

Data subjects may request M7 to confirm, free of charge, whether M7 holds any personal information about them. Section 23(1) of POPIA further provides that data subjects may request a record or description of their personal information, including a description of any third parties who have had access to it, within a reasonable time and at a prescribed fee. M7 will provide such information in an intelligible form and will advise the data subject of the right to request correction.

### **13.2 Right to correction or deletion**

Section 24 of POPIA allows a data subject to request the correction or deletion of personal information that is inaccurate, irrelevant, excessive, outdated, incomplete, misleading or unlawfully obtained, or the destruction of records that M7 is no longer authorised to retain. Upon receipt of a valid request, M7 must correct or delete the information, destroy the record, provide credible evidence to justify its retention or note the disputed accuracy on the record.

### **13.3 Right to object**

Section 11 of POPIA provides that personal information may only be processed if one of the legal bases applies, including consent, contractual necessity, legal obligation or legitimate interest. A data subject may at any time object to the processing of personal information for reasons related to their particular situation or to

direct marketing by completing **Form 1 – Objection to the Processing of Personal Information**. Once a valid objection is received, M7 may no longer process the personal information for that purpose.

### **13.4 Right to lodge a complaint**

If a data subject believes that their personal information has been processed in a manner that infringes POPIA, they may lodge a complaint with the Information Regulator within 180 days of becoming aware of the infringement. Complaints must be submitted in the prescribed manner using **Form 5 – Complaint Regarding Interference with the Protection of Personal Information**, which is available from the Information Regulator’s website. The Regulator’s rules of procedure set out how complaints are submitted, processed and resolved. A data subject may only approach a court once the Regulator’s complaints procedure has been exhausted.

### **13.5 Right to be notified of security compromises**

If personal information has been accessed or acquired by an unauthorised person, M7 will notify affected data subjects as soon as reasonably possible, as required by section 22 of POPIA. The notification will describe the nature of the compromise, the measures taken by M7, the measures that data subjects should take to protect themselves and, if known, the identity of the unauthorised person.

## **14. POPIA request and objection procedures**

Data subjects wishing to exercise their rights under POPIA should follow the procedures below:

1. **Request to access personal information:** Complete **Form 2 – Request for Access to a Record** (link provided in the annexure) and submit it to the Information Officer with proof of identity. No fee is payable for confirmation of whether M7 holds personal information about the data subject; however, a fee may be charged for providing copies or reproductions.
2. **Objection to the processing of personal information:** Complete **Form 1 – Objection to the Processing of Personal Information** (link provided) and submit it to the Information Officer. M7 will respond within 30 days.
3. **Request for correction or deletion of personal information:** Complete **Form 2 – Request for Correction or Deletion of Personal Information or Destruction of Personal Information** (link provided) and submit it to the Information Officer. M7 will correct, delete or destroy the information (or provide reasons for refusal) within a reasonable time and will notify the data subject in writing.
4. **Consent for direct marketing:** If M7 wishes to send direct marketing by electronic communication to data subjects who are not customers, M7 will first obtain written consent using **Form 4 – Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing**. Data subjects are under no obligation to consent.
5. **Complaints:** If a data subject is not satisfied with the outcome of a request or believes that M7 has processed personal information unlawfully, the data subject may lodge a complaint with the Information Regulator using **Form 5**.

## **15. Other prescribed information**

At the date of this revision, the Minister has not prescribed that any further information must be included in this manual. M7 will update the manual as new regulations or guidance are issued.

## **16. Review and updates**

This manual will be reviewed at least annually or whenever there is a material change in M7’s operations, legislation or guidance from the Information Regulator. The latest version will be available on M7’s website and at our principal place of business for public inspection during normal business hours.

## **Annexure – Regulatory forms**

The Information Regulator has issued standard forms to be used when exercising rights under PAIA and POPIA. The forms listed below are incorporated by reference. Click on the form name to open the official version on the Information Regulator's website.

**Form // Official link**

**Form 2 – Request for Access to a Record (PAIA)**

[PAIA Form 2: Request for Access to a Record](#)

**Form 3 – Outcome of Request and of Fees Payable (PAIA)**

[PAIA Form 3: Outcome of Request and Fees Payable](#)

**Form 1 – Objection to**

[POPIA Form 1: Objection to the Processing of Personal](#)

**Purpose / description**

Used by a requester to obtain access to a record of a private body under PAIA. The requester must provide proof of identity, describe the record sought and indicate the preferred form of access. Completed by the Information Officer to inform a requester of the outcome of a PAIA request, indicate fees payable and provide details of reproduction costs.

**the Processing** Enables a data subject to object to the [Information of Personal Information \(POPIA\)](#) processing of personal information on reasonable grounds relating to their particular situation. The responsible party must cease processing once a valid objection has been received.

<b><u>Form</u></b>	<b><u>Purpose / description</u></b>	<b><u>Official link</u></b>
<b>Form 2 – Request for Correction or Deletion of Personal Information or Destruction of Record (POPIA)</b>	Allows a data subject to request correction or deletion of personal information or destruction of a record in terms of section 24 of POPIA.	<a href="#">POPIA Form 2: Request for Correction or Deletion of Personal Information</a>
<b>Form 3 – Application for the Issue of a Code of Conduct (POPIA)</b>	Used by private or public bodies to apply to the Information Regulator to issue a code of conduct for an industry or profession.	<a href="#">POPIA Form 3: Application for the Issue of a Code of Conduct</a>
<b>Form 4 – Application for the Consent of a Data Subject for the Purpose of Direct Marketing (POPIA)</b>	Used by a responsible party to obtain written consent for direct marketing by means of electronic communication. Data subjects can consent or refuse marketing and may specify preferred communication channels.	<a href="#">POPIA Form 4: Application for Consent for Direct Marketing</a>

<b>Form 5 – Complaint Regarding Interference with the Protection of Personal Information (POPIA)</b>	Allows a data subject to lodge a complaint with the Information Regulator regarding alleged interference with the protection of personal information or a determination of an adjudicator.	<a href="#">POPIA Form 5: Complaint Regarding Interference with the Protection of Personal Information</a>
<b>Form SCN1 – Security Compromise Notification (POPIA)</b>	.10.Used by a responsible party to notify the Information Regulator of a security compromise in terms of section 22 of POPIA. The form requests details of the responsible party, information officer, type of compromise, type of information compromised, number of data subjects affected and the measures taken.	<a href="#">POPIA Form SCN1: Security Compromise Notification</a>
<b>Form 20 – Request for an Internal Review (POPIA)</b>	Used by a party to a complaint to request an internal review in terms of the Information Regulator’s rules of procedure (when dissatisfied with the Regulator’s decision). The form is available in the Rules of Procedure on the Regulator’s website.	<a href="#">POPIA Form 20: Request for an Internal Review</a>

**Note:** The official forms and any updates can be downloaded from the Information Regulator’s POPIA forms page at <https://inforegulator.org.za/popia-forms/>. M7 will accept any equivalent form that contains the prescribed information.