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UPDATE

NEWSLETTER OF THE MOTOR INDUSTRY OMBUDSMAN OF SOUTH AFRICA

**THE ROAD
AHEAD**



MOTOR INDUSTRY OMBUDSMAN
OF SOUTH AFRICA

NEW VEHICLE SALES AND EXPORTS FEBRUARY 2021

Highest Sales May 2021: Hilux

3,700

VEHICLE SALES BY SEGMENT

Passenger

May 2021 | 24,122

May 2020 | 8,966



LCV

May 2021 | 11,930

May 2020 | 3,071



Commercial

May 2021 | 2,285

May 2020 | 837



TOTAL SALES

May 2021 | 38,337

May 2020 | 12,874

VEHICLE SALES BY CHANNEL

DEALERSHIP

33,642

RENTAL

3,161

GOVERNMENT

755

SINGLE SALES

779

TOP 3 SELLING VEHICLES

Passenger

1. VW Polo - 2,100

2. VW Polo Vivo - 1,432

3. Toyota Fortuner - 872

LCV

1. Toyota Hilux - **3,700**

2. Ford Ranger - **1,972**

3. Isuzu D-MAX - **1,540**

APPLICATION VOLUMES

NEW

46,761

USED

101,677

Average value of new cars financed

May 2020

328,528

May 2021

365,313

MESSAGE FROM THE OMBUDSMAN

Johan van Vreden
Motor Industry
Ombudsman of
South Africa



A YEAR OF CHALLENGES

The year thus far has been full of interesting events, despite the declining economy and the strained political situation that is currently prevailing in our country. From our perspective, the advent of the Protection of Personal Information Act or POPI Act, and the “Right to Repair” project that is also kicking off this year have brought about definite anxiety amongst motor dealers and retailers in general.

For the larger groups that have the luxury of internal training departments or the means to hire the necessary expertise to assist in the training of staff, it has been a little less daunting. On the other hand, the independent one-man shows and smaller businesses are facing challenges that will have to be overcome in order to get up to speed with the above-mentioned projects that are facing them during this year. It is therefore important for the

smaller retailers that do not have the luxury of internal training or consultants, to contact the respective associations they should all be members of. Normally industry associations do make training courses available and if not, they should be encouraged by their members to make the aforementioned training courses in particular a priority.

It is my view that now is not the time to take our eyes off the ball and business owners should make every effort to remain current with recent and coming events and requirements that will be coming into play. The Motor Industry Ombudsman of South Africa (MIOOSA) has already ensured that our staff is geared for these important regulations that come into effect 1st of July 2021. I would like to take this opportunity to wish the industry everything of the best with these coming challenges. ●



PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

As of 1 July 2021 South Africa's Protection of Personal Information Act, 4 of 2013 (POPIA) is officially in effect. POPIA is designed to give people more control over their personal information and how that information gets used. By law, all businesses must be fully compliant with POPIA by the date it comes into effect.

Businesses are required to carefully manage the collecting, capturing, processing, further processing, storage and disposal of personal information within the lawful context as set out in POPIA.

"Personal Information" shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; Information relating to the education or the medical, financial, criminal or employment history of the person; Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; The biometric information of the person; The personal opinions, views or preferences of the person; 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; The views or opinions of another individual about the person, whether the information is recorded electronically or otherwise.

Both individuals and companies are included in the ambit of personal information. It is not personal information if the information is already in the public domain or is not used, or intended to be used, in trade or commerce.

POPIA is going to impact the way the automotive industry does business in many ways. It

prescribes eight conditions for lawful processing of personal information. These conditions are as follows:

Lawfulness

Personal information must be processed lawfully and in a reasonable manner that does not infringe on a data subject's privacy.

Minimality

The purpose for processing of personal information must be adequate, relevant and not excessive. Businesses must ensure that the forms used to collect information are limited to only the necessary information.

Consent and Justification

Personal information may only be processed under certain conditions. The easiest way to ensure compliance with these specific conditions, is by obtaining the data subject's consent to process their personal information. However, personal information may also be processed without the data subject's consent, if required to fulfil a contractual obligation, if the processing is necessary for the pursuing of a legitimate interest, or in respect of an obligation imposed by law.

Purpose specification

Information may only be collected for a specific, explicitly defined and lawful purpose relating to the responsible party's function or activity. Information may be retained only for as long as necessary to achieve the purpose for which it was collected or processed (although there are exceptions to this rule).

Further processing limitation

The further processing of personal information must be in accordance with the purpose for which it was originally collected.

Information Quality

A responsible party must take reasonable

practicable steps to ensure that personal information is complete, accurate, not misleading and updated.

Openness

A responsible party must document its information processing operations, as required by the POPIA's provisions. It must also ensure that data subjects are notified when their personal information is processed. In view of this condition, many businesses are compiling privacy policies.

Security safeguards

Responsible parties must ensure that personal information is kept confidential and that the

information's integrity is maintained. Responsible parties must also take appropriate measures to prevent loss of, damage to or destruction of personal information and to guard against unlawful acts. If there has been a data breach, the responsible party will also have to comply with the POPIA's requirements in this regard.

Data Subject Participation

A responsible party must ensure that a data subject is able to confirm whether the responsible party holds any personal information about the data subject. A data subject must also be allowed to correct their personal information and request that the responsible party destroy or delete it. ●

LexisNexis has compiled an easily understandable check list, which can be used as a starting point.

POPI COMPLIANCE CHECKLIST

Prepared by Ezra Pillay (LLB), Compliance Specialist: Data Protection and Technology at LexisNexis South Africa. This checklist is based on the requirements of Protection of Personal Information Act (4/2013): Commencement of certain Sections of the Protection of Personal Information Acts as per the GNR 21 of 22 June 2020 published in Government Gazette No. 11136 Vol 660 of 22 June 2020.

Section 2 to 38	
	Does your business have controls in place to ensure its processing of personal information is lawful?
	Are there safeguards in place to ensure the lawful processing of children's personal information?
	Does your business have protocols in place to ensure the lawful processing of special personal information?
	Is there a system in place to ensure the correct application of processing exceptions?
Section 55 to 109	
	Has your institution appointed an Information Officer?
	Does your business have a system in place to obtain prior authorisation?
	Has the role of an Information Officer been defined in your business?
	Does your business adhere to the code of conduct for its particular industry?
	Is your business aware of the data subject's rights in respect of direct marketing?
	Does your business take steps to avoid penalties, fines and administrative fines?
Section 111	
	Is your business aware of the fees applicable to it under this act?

PEOPLE, PUNS AND PRODUCTS

MITSUBISHI APPOINTS NEW MD

Mitsubishi Motors South Africa has announced the appointment of its new Managing Director Thato Magasa. He is no stranger to the automotive industry and has worked in numerous roles within the Motus Group since he first joined the company in 2009. Following a short break in 2012, he returned to the Motus Group holding various roles at Mitsubishi Motors South Africa, including that of Operations Manager, and then moved to another senior role within the Motus Group – this time at Renault South Africa. Prior to this, Magasa had been the General Manager for Sales at Renault SA, after having completed a 12-month development programme within the Renault Group. He also holds a B-Com Accounting degree and acquired his MBA at GIBS in South Africa.



gain important insights on the interaction between people and the car for development of new safety, driver assistance and autonomous driving features.

VOLKSWAGEN PLANT CELEBRATES PRODUCTION MILESTONE

VWSA celebrated another production milestone recently, when the 400 000th unit of the current Volkswagen Polo rolled off the production line in Kariega (formerly Uitenhage). This achievement comes less than four years after the plant began manufacturing the current Polo model in September 2017. Of the 400 000 Polos manufactured locally since 2017, 73 786 vehicles were made for the local market and 326 214 were built for export. The Polos built in Kariega are exported to all right-hand drive markets worldwide, while VWSA also supplements production for left-hand drive markets.



VOLVO USES GAMING TECHNOLOGY TO DEVELOP SAFER CARS

Volvo Cars engineers call it the ultimate driving simulator, but it is not just an excuse for them to indulge their inner basement gamer. Instead, the Swedish company's ground-breaking mixed-reality simulator is used to make new strides in safety and autonomous driving technology. Using cutting-edge technology from the leading real-time 3D development platform Unity and Finnish virtual and mixed reality experts Varjo, the simulator involves driving a real car on real roads. It combines life-like, high definition 3D graphics, an augmented reality headset, and a full-body Teslasuit that provides haptic feedback from a virtual world, while also monitoring bodily reactions. This combination of software and hardware allows Volvo Cars engineers to endlessly simulate traffic scenarios on a real test track road while using a real car, all in total safety. Engineers can



TOYOTA COASTER BREAKS COVER IN SA

Toyota's medium-sized people mover, the Coaster, has made its debut on the local market. The Coaster falls between the LWB Quantum (16-seater) and Hino 300-based bus conversions. Powering the Coaster is a 4-litre, inline-four N04C turbodiesel engine that delivers 100 kW at 3 000 r/min and 353 Nm of peak torque at 1 600 r/min. This Hino-sourced powerplant is paired with a five-speed manual transmission driving the rear wheels. The Coaster features simple-to-use and robust switchgear around the driver. A tilt and telescopic steering wheel, multi-information display, 12-volt power outlet and an audio system



with Aux and USB functionality are included. The Toyota Connect in-car telematics and Wi-Fi system (with complimentary 15GB) is also part of the offering. Safety features include ABS, brake assist (BA) and electronic brake force distribution (EBD), as well as driver and passenger airbags.

NEW FERRARI PACKS A HYBRID PUNCH

The 296 GTB, the latest evolution of Maranello's mid-rear-engined two-seater berlinetta, was premiered recently during an online event broadcast on Ferrari's social media and web channels. It ushers in a revolution for Ferrari as it introduces a new 488 kW 120-degree V6 engine, coupled with an electric motor capable of delivering a further 122 kW. This is the first six-cylinder engine installed on a road car sporting the Prancing Horse badge.



NISSAN NAVARA GOES ON SALE

The new locally produced Nissan Navara is now available at dealerships, and with significant technical and cosmetic upgrades, it's a step change from the previous Navara. The major upgrade includes enhancements that ensure it meets the highest global quality standards and is adapted to local conditions. The 2021 Nissan Navara includes developments in styling, technology, safety and overall performance. The result is an improved driving experience, enhanced ride comfort and load carrying capacity that positions the Navara as the leading bakkie in its segment.



NEW COO FOR C2 TECHNOLOGIES GROUP

C2 Technologies Group recently announced a key new appointment, aimed at continuing to grow the business, both locally and abroad. Pedro Pereira has joined the executive team as the Chief Operations Officer, overseeing the entire business. Pereira has more than 17 years of experience in sales, marketing, and the motor industry in general. He has successfully managed the import and distribution of various vehicle brands, most recently Mitsubishi, and been involved in many market-leading IT projects. Pereira has an MBA from Wits Business School and a B-Com Marketing Degree from UNISA. He has also completed various Executive Leadership programs through GIBS.



CELEBRATING 125 YEARS OF DAIMLER TRUCKS

In 1896 Gottlieb Daimler presented his first truck, sporting iron-clad wooden wheels. In Germany no buyer could be found and in England where the vehicle was finally sold, a member of the crew had to walk ahead, waving a red flag to warn other road users. And yet this four-horsepower conveyance with a rear two-cylinder engine and a displacement of 1.06 litres, known as the Phoenix, was to spark an unparalleled success story in the transportation of cargo. It had little in common with a proper truck though. Strictly speaking it was a converted wagon typical of those then pulled through the streets by horses. Its chassis was fitted with leaf-springs that were mounted transversely at the front and helical springs at the rear. The suspension wasn't just necessary because of the poor condition of the roads, but also because the engine was very susceptible to vibrations. ●



CONSUMER PROTECTION FORUM

Lucious Bodibe
Public affairs
manager of the
MIOA



The Consumer Protection Forum (CPF) was established in the early 2000s by the Department of Trade and Industry & Competitions (Dtic), the Provincial Consumer Protection Authorities and the Regulators. The aim of forming this forum was to advance the interests of consumers and to ensure compliance by businesses within the Republic of South Africa, in line with all applicable Consumer Protection legislations.

The CPF grew from strength to strength and was further galvanised by the establishment of the accredited Ombud Schemes and other new legislated Regulators.

The CPF provides a platform in terms of which its members – including anyone within consumer protection environment – can consult, cooperate, seek counsel, and encourage a coordinated

approach by all government institutions and agencies dealing with consumer protection, in the interests and welfare of consumers, through co-ordinated strategies, agreements, and other interventions.

The CPF is chaired by the National Consumer Commission (NCC), and meets on a quarterly basis. It has three sub-committees namely:

- Policy, Research and Strategy Committee
- Education and Awareness Committee
- Compliance and Enforcement Committee

Each committee has a specific function and is accountable to the CPF. Though this forum hosts numerous professionals and experts, one of its housekeeping rules requires representatives to represent the views of their respective offices/ employers and not necessarily their own. The MIOA is a member of the CPF in good standing and makes a meaningful contribution towards its functionality.

From time to time, members of the CPF attend International Consumer Conferences to share knowledge and to acquaint themselves with international consumer laws, treaties and conventions. The MIOA participated in the 8th Annual African Dialogue, hosted by Consumer International and the National Consumer Commission (NCC), where the internationally acclaimed academia and consumer law experts were in attendance.

The MIOA continues to support all the CPF activities amid the pandemic. ●

