IFSA PRIVATE EQUITY

IFSA (PTY) LTD | FSP 43337

PAIA and POPIA Manual

Company registration number: 2000/005153/07. For enquiries relating to this policy, contact the Compliance Officer on 011 394 0260.

MANUAL FOR:

IFSA (PTY) LTD – 2000/005153/07 (the "Company")

PREPARED AND COMPILED IN TERMS OF:

The Promotion of Access to Information Act, Act 2 of 2002 ("PAIA") and the Protection of Personal Information Act, Act 4 of 2013 ("POPIA")

PREPARATION AND COMPILATION OF THIS MANUAL WAS DONE IN COMPLIANCE WITH SECTION 51 OF POPIA AND SECTION 17 OF POPIA

1. INTRODUCTION

1.1 General

PAIA aims to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

POPIA was enacted to give effect to the constitutional right of privacy by safeguarding personal information processed by a "responsible party" and prescribes, amongst others, certain obligations regarding information officers of "private bodies" to make the "private body" as accessible as reasonably possible.

Section 51 of PAIA specifically provides that the head of a "private body" must make a manual available which contains the information and details prescribed via sections 51(1)(a) through 51(1)(e) of the Act. Section 17 of POPIA provides that a "responsible party" must maintain the documentation of all processing operations under its responsibility as referred to in section 51 of PAIA.

In this context:

- a "private body" is defined, via both POPIA and PAIA, to include, amongst others, any former or existing juristic person (but excluding a "public body" as defined); and

- a "responsible party" is defined as a private body which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

The Company qualifies under the definition of "private body" and "responsible party", and as such this Manual was prepared and compiled in compliance with section 51 of PAIA and section 17 of POPIA.

1.2 Right Of Access

Section 50(1) of PAIA provides that any requester must be given access to any record of a “private body” if:

- that record is required for the exercise or protection of any rights;

- the requester complies with the procedural requirements of PAIA relating to a request for access to that record; and

- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of PAIA.

Section 23(1) of POPIA provides that a data subject, having provided adequate proof of identity, has the right to:

- request a “responsible party” to confirm, free of charge, whether or not the “responsible party” holds personal information about the data subject; and

- request from a “responsible party” the record or a description of the personal information about the data subject held by the “responsible party”, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

Section 23(4) of POIA determines that a “responsible party” may or must refuse, as the case may be, to disclose any information requested as contemplated above, to which the grounds for refusal of access to records set out in the applicable sections of Chapter 4 of Part 3 of PAIA apply.

Accordingly this Manual provides a reference to the records held by the Company and the process that needs to be adopted to access such records.

2. COMPANY AND OFFICER CONTACT DETAILS

IFSA (Pty) Ltd | Registration number: 2000/005153/07 | Financial Services Provider number: 43337. Requests for access to information, personal information queries and regulatory enquiries may be addressed to the Information Officer or Compliance Officer through the IFSA office: 011 394 0260.

The South African Human Rights Commission is required, in terms of section 10 of PAIA, to compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. Section 10 of PAIA further provides that the Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission.

For enquiries, any enquiries regarding the aforementioned guide should be directed to the South African Human Rights Commission or the Information Regulator at:

Information Regulator:

Postal Address: The Information Regulator (South Africa), P.O Box 31533, Braamfontein, Johannesburg, 2017.

Street Address: The Information Regulator (South Africa), JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Phone Number: (011) 877 3628

E-Mail: inforeg@justice.gov.za

Website: https://www.justice.gov.za/inforeg/

South African Human Rights Commission:

Postal Address: The South African Human Rights Commission Head Office, 27 Stiemens Street, Braamfontein.

Street Address: The South African Human Rights Commission Head Office, 27 Stiemens Street, Braamfontein.

Phone Number: 011 877 3600 // 011 877 3645

E-Mail: tsebulela@sahrc.org.za

Website: www.sahrc.org.za

The accessibility of the records listed below, may be subject to any ground for refusal contemplated in Chapter 4 of Part 3 of the Act, and may further be subject to the requester having provided sufficient details so as to enable proper and accurate identification of the requester.

The following is a list of records that are held at the Company's office. The Company's records are classified and grouped according to the following subjects and categories:

Administration: Attendance Registers

Memorandum of Incorporation

Correspondence

Constitutional/Founding Documents

Licenses, Permits and other Authorisations

Minutes of Management, Board, Shareholder, Employee and Staff Meetings

Records Relating to the appointment of Directors / Auditors / Secretaries / Public Officers and other officers

Securities Register

Statutory Returns and Records

Administrative Records

Internal Policies and Procedures

Human Resources: Conditions of Service

Employee Records

Employment Contracts

Employment Equity Records

General Correspondence

Industrial and Labour Relations Records

Information relating to Health and Safety Regulations and Incidents

Pension and Provident Fund Records

Performance Appraisals

Personnel Guidelines, Policies and Procedures

Remuneration Records and Policies

Salary Surveys

Skills Requirements

Staff Requirement Policies

Statutory Records

Training Records

Operations: Brochures on Company Information

Client and Customer Registry

Supplier Registry

Contracts

Product Records

General Correspondence

Information Relating to Sales

Information Relating to Development

Operational Records

Marketing and Future Strategies

Statutory Records

Internal Policies and Procedures

Finances: Annual Financial Statements

Banking Records

Bank Statements

Invoices

Asset Registers

Budgets and Projections

Feasibility Studies

Business Plans

Financial Transactions

General Correspondence

Insurance Information

Internal Audit/Review Information

Management Accounts

Purchase and Order Records

Stock Records

Tax Records and Returns (Company and Employee)

Records of payments made to SARS

Contracts

Statutory Records

Internal Policies and Procedures

Information Technology: IT Policies, Manuals and Procedures

Network Diagrams and Information

User Manuals

Statutory Records

Internal Policies and Procedures

Companies Act, Act 71 of 2008

Compensation for Occupational Injuries and Health Diseases Act, Act 130 of 1993

Consumer Protection Act, Act 68 of 2008

Electronic Communications and Transactions Act, Act 25 of 2002

Employment Equity Act, Act 55 of 1998

Financial Advisory and Intermediary Services Act, Act 37 of 2002

Financial Intelligence Centre Act, Act 38 of 2001

Income Tax Act, Act 58 of 1962

Insolvency Act, Act 24 of 1936

Intellectual Property Laws Amendments Act, Act 38 of 1997

Interception and Monitoring Prohibition Act, Act 127 of 1992

Labour Relations Act, Act 66 of 1995

National Credit Act, Act 34 of 2005

Occupational Health and Safety Act, Act 85 of 1993

PAIA

POPIA

Protection of Businesses Act, Act 99 of 1978

Skills Development Act, Act 97 of 1998

Skills Development Levies Act, Act 9 of 1999

Unemployment Contributions Act, Act 4 of 2002

Unemployment Insurance Act, Act 63 of 2001

Value Added Tax Act, Act 89 of 1991

The above is not an exhaustive list of statutes that may require the Company to keep records

5. INFORMATION REQUEST PROCEDURE

5.1 General

The Company's records may only be accessed by a requester once all of the prerequisite requirements for access have been met. This includes that:

- the requested record is required for the exercise or protection of any rights;

- the requester complies with the procedural requirements set out in PAIA and/or POPIA, as may be applicable, relating to a request for access to that requested record; and

- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of the Act.

5.2 Request Form

A requester must use the prescribed form to make a request for access to a record of the Company. A request for access in terms of PAIA and a request for access in terms of POPIA has the same prescribed form.

- substantially correspond with Form C of Annexure B to PAIA; and

- provide, indicate, specify, identify and/or state the disclosures/items required in section 53(2) of PAIA. This includes that the request form must be completed with enough particularity to at least enable the Company's information officer and/or deputy information officer(s) to identify: i) The Company record or records requested; ii) The full names and identity number of the requester; iii) The form of access required, if the request is granted; iv) The postal address or fax number of the requester; v) The right the requester is seeking to exercise or protect and vi) An explanation of why the requested record is required for the exercise or protection of the relevant right.

5.3 Submission and Processing

The completed request form must be submitted to the Company's information officer and/or deputy information officer(s), at their postal or physical address, fax number or electronic mail address recorded in 2 above.

Processing of any request for information will be subject to payment of any and all mandatory fees as per 7 below.

If the request is made on behalf of another, the requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Company's information officer and/or deputy information officer(s).

5.4 Decision and Reply

The successful completion and submission of a request form does not automatically allow or grant a requester access to the requested record.

The Company will, within 30 days of receipt of a request, decide whether to grant or decline the request and will give notice with reasons (if required) to that effect.

If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, he must state that manner and the necessary particulars, along with the relevant request form, in order to be so informed.

The 30 day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large volume of records, or the request requires a search for information held at another office of the Company and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be or become relevant.

6. DENIAL OF ACCESS

6.1 Grounds

PAIA provides a number of grounds on which a request for access to information could be refused. These grounds mainly protect the privacy of individuals and the confidential information of third parties.

Access to information could be refused in terms of Chapter 4 of Part 3 of PAIA on the following grounds (refer further the Company's POLICY ON LAWFUL PROCESSING OF PERSONAL INFORMATION - [ITEM NO. 2.1 OF THE COMPANY'S POPIA COMPLIANCE FRAMEWORK – MANDATORY ITEMS]:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that person;

- Mandatory protection of commercial information of third party, if the records contain: i) trade secrets of that third party; ii) financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; iii) Information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- Mandatory protection of the safety of individuals and the protection of property;

- Mandatory protection of records which would be regarded as privileged in legal proceedings;

- The commercial activities of the Company, which may include: i) Trade secrets of the Company; ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company; iii) information which, if disclosed, could put the Company at a disadvantage in negotiations or commercial competition; iv) a computer program which is owned by the Company and which is protected by copyright;

- The research information of the Company or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6.2 Remedies available when the Company denies a request for information

The Company does not have internal appeal procedures. Therefore, the decision made by the information officer and/or deputy information officer(s) is final. Requesters who are dissatisfied with a decision of the information officer and/or deputy information officer(s) will have to exercise external remedies at their disposal.

A requester or a third party, who is dissatisfied with the information officer and/or a deputy information officer's refusal to disclose information, or with the disclosed information, may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

7. INFORMATION OR RECORDS NOT FOUND

7.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the information officer andor deputy information officer(s) shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

7.2 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 information officer and/or deputy information officer(s) with every person who conducted the search.

7.3 The notice, as set out in 7.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA and/or POPIA.

7.4 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 information officer and/or deputy information officer(s) in accordance with any legal obligation or right to do so.

8. INFORMATION REQUESTED ABOUT A THIRD PARTY

8.1 Section 71 of PAIA makes provision for a request for information or records about a third party.

8.2 In considering such a request, the Company will adhere to the provisions of sections 71 to 74 of PAIA.

8.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of PAIA in terms of which the Company 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

9. FEES

9.1 General

The fees applicable are prescribed in terms of the Regulations to PAIA. There are two types of fees payable in terms of PAIA, namely Request Fees and Access Fees.

The Company’s information officer and/or deputy information officer(s) will withhold a record until the requester has paid the fees as indicated.

9.2 Request Fees

The non-refundable request fee is payable upon submission of any request for access to any record. This does not apply if the Company is mandated to respond and/or assist free of charge (see section 23 of POPIA for example).

The applicable request fee amounts to R50.00 (incl. VAT).

9.3 Access Fees

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of PAIA or an exclusion is determined by the Minister in terms of section 54(8).

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the Regulations to PAIA for this purpose, the Company’s information officer and/or deputy information officer(s) will notify the requester to pay as a deposit the prescribed portion of the access fee which

would be payable if the request is granted. If a deposit has been paid in respect of a request for access, which is refused, then the Company's information officer and/or deputy information officer(s) will repay the deposit to the requester.

The applicable access fees which will be payable are (incl. VAT):

For every photocopy of an A4-size page or part thereof R 1,25

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R 0,85

For a copy in a computer-readable form on compact disc R 79,80

A transcription of visual images for an A4-size page or part thereof R 45,60

For a copy of visual images R 68,40

A transcription of an audio record, for an A4-size page or part thereof R 22,80

For a copy of an audio record R 34,20

To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search) R 34,20

Where a copy of a record needs to be posted the actual postal fee is payable

This Manual is available at:

- The offices of the South African Human Rights Commission

- The Company's website at www.ifsaplan.co.za; and

- The Company's head office as set out in 2 above.

In respect of hard copies, any transmission costs or postage will be for the account of the requester.

The Company reserves the right to amend this Manual at any time. Unless otherwise stated, the current version of this Manual from time to time shall supersede and replace all previous versions of this Manual.

Version Date Description Approved By

1.0 30.06.2021 First Draft

SIGNATURE: _____

DATE: _____

CONTACT AND ENQUIRIES

IFSA (Pty) Ltd | Company registration: 2000/005153/07 | Financial Services Provider (FSP) number: 43337. For further information, policy-related enquiries, or to contact the Compliance Officer, please call the IFSA office on 011 394 0260.