

PAIA MANUAL

PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (ACT 2 OF 2000)

1. Definitions

- 1.1 **CEO** means Chief Executive Officer;
- 1.2 **DIO** means Deputy Information Officer;
- 1.3 **IO** means Information Officer;
- 1.4 **Minister** means Minister of Justice and Correctional Services;
- 1.5 **PAIA** means Promotion of Access to Information Act No. 2 of 2000 (as amended);
- 1.6 **POPIA** means Protection of Personal Information Act No.4 of 2013;
- 1.7 **Regulator** means Information Regulator; and
- 1.8 **Republic** means Republic of South Africa

2. Purpose of the PAIA manual

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Key contact details for access to information of Private Capital Consult (Pty) Limited

Information Officer: LE Ruwiel
Tel number: 021-9131375
E-mail: lruwiel@blcs.co.za

Dep Info Officer: Anton Hormann
Tel number: 021 913 9754
E-mail: anton@capital-consult.co.za

Private Capital Consult (Pty) Limited
Telephone Number: +27 (0) 21 913 9754
Website: www.capital-consult.co.za
Address: Section 137, Millennium Business Park, Montague Gardens, 7441

4. Guide on how to use PAIA and how to obtain access to the guide¹

- 4.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2 The Guide is available in each of the official languages and in braille.
- 4.3 The aforesaid Guide contains the description of-
- 4.3.1 the objects of PAIA and POPIA;
 - 4.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1 the Information Officer of every public body, and
 - 4.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 4.3.3 the manner and form of a request for-
 - 4.3.3.1 access to a record of a public body contemplated in section 11; and
 - 4.3.3.2 access to a record of a private body contemplated in section 50;
 - 4.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
 - 4.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1 an internal appeal;
 - 4.3.6.2 a complaint to the Regulator; and

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in 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 this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) that record is required for the exercise or protection of any rights;*
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁵ Section 14(1) of PAIA- *The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

⁶ Section 51(1) of PAIA- *The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

⁷ Section 15(1) of PAIA- *The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

⁸ Section 52(1) of PAIA- *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

⁹ Section 22(1) of PAIA- *The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

¹⁰ Section 54(1) of PAIA- *The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

¹¹ Section 92(1) of PAIA provides that –*“The Minister may, by notice in the Gazette, make regulations regarding-*

- (a) any matter which is required or permitted by this Act to be prescribed;*
- (b) any matter relating to the fees contemplated in sections 22 and 54;*
- (c) any notice required by this Act;*
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and*
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”*

- 4.3.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7 the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 4.3.10 the regulations made in terms of section 92 .4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5 The Guide can also be obtained-
- 4.5.1 upon request to the Information Officer;
- 4.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6 A copy of the Guide is also available in the following three official languages, for public inspection during normal office hours-
- 4.6.1 English
- 4.6.2 Afrikaans
- 4.6.3 SeSotho

5. Categories of records of Private Capital Consult which are available without a person having to request access

| Category of records | Types of the Record | Available on Website | Available upon request |
|----------------------|---|----------------------|------------------------|
| Financial Statements | Annual Financial Statements | X | X |
| Website | All other information freely available on Private Capital Consult's website | X | X |

6. Description of the records of Private Capital Consult which are available in accordance with any other legislation

| Category of Records | Applicable Legislation |
|--|--|
| Memorandum of Incorporation | Companies Act 71 of 2008 |
| Minutes of Meetings of Shareholders | Companies Act 71 of 2008 |
| AGM Notice | Companies Act 71 of 2008 |
| AGM Meeting recording | Market Practice |
| Board Committee Terms of Reference | King IV Code |
| Directors Biographies | Market Practice |
| Board and Executive Roles | King IV Code Companies Act |
| Board Composition | King IV Code Companies Act |
| Governance Framework | King IV Code Companies Act |
| Board Report | King IV Code |
| King IV Corporate Governance Code | King IV Code |
| Share Register and other statutory registers | Companies Act 71 of 2008 |
| Records of personal information | Protection of Personal Information Act 4 of 2013 |

7. Description of the subjects on which Private Capital Consult holds records and categories of records held on each category by Private Capital Consult

| Subjects on which the body holds records | Categories of records |
|---|--|
| Accounting | Formal Books of Account and Financial Statements, Source Documents. |
| Company Secretarial | Company Records |
| Client Records | Financial products and services Collective Investment Schemes Financial Advisory and Intermediary Services |
| People and Organisation | Recruitment, Training, Discipline |

8. Processing of personal information

8.1 Purpose of Processing Personal Information: Private Capital Consult is a financial services provider that provides a diverse range of financial products and services to its client base, delivering profitable solutions for clients. Staff and the organisation processes personal information for the purposes of management of recruitment for positions advertised as well as for the administration of human resource functions. The personal information of visitors, service providers and suppliers are processed for the purposes of managing our suppliers and service providers, preparation of contractual arrangements, to manage our technology resources and to grant access to our facilities and/or technology.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

| Categories of Data Subjects | Personal Information that may be processed |
|--|--|
| Clients, Potential Clients, Trustees, Beneficiaries, Founders and Directors/Authorized Signatories | Name, address, contact details, date of birth, place of birth, identity number, passport number, bank details, details about your employment, tax number and financial information; credit history; medical records for underwriting, claims and insurance purposes; nationality; citizenship; residency status; sensitive or special categories of personal information, such as criminal behaviour and biometric information such as images, fingerprints and voiceprints. |
| Service Providers and Suppliers | Names, registration number, VAT numbers, address, bank details, directors' information |
| Employees | Identification information (e.g., full name, surname, title and identification / passport number); jurisdiction information; contact information; date of birth; education history; current employment status and employment history; earnings/salary information; right to work information (including passport and visa details); background and general screening information; other information voluntarily disclosed by employees (including special personal information). |
| Visitors | Personal information e.g., first name, last name, email address, address, phone number, identification document, photograph and video recording. |

8.3 The recipients or categories of recipients to whom the personal information may be supplied

| Categories of Data Subjects | Category of personal information | Recipients or Categories of Recipients to whom the personal information may be supplied |
|------------------------------------|--|--|
| Clients | Contact details and/or information relating to account opening and products and services offered | Other entities or service providers acting on behalf of Private Capital Consult |
| Clients | Transactional information and payer of funds | Financial Institutions, Regulatory Bodies and Law Enforcement Agencies |
| Clients | Tax residency and tax information | Tax authorities |
| Clients | Trade information | External Trade Repositories |

| | | |
|-----------------------|---|--|
| Clients | Account information | Sureties and Guarantors, Regulatory Bodies and Law Enforcement Agencies |
| Client | Personal and account information | Agent or any other person acting on the client's behalf, an independent financial advisor or an introducer |
| Clients | Personal, financial and transactional information | Regulatory Bodies and Law Enforcement Agencies |
| Clients | Address and contact information | Courier Companies |
| Employees | Identity number and names, for criminal checks | Authorised Verification Agents |
| Employees | Personal and contribution information | Pension/Provident fund institutions |
| Employees | Personal and claim information | Insurance Companies |
| Employees | Personal, medical information | Benefit Providers |
| Clients and Employees | Personal, trade and account information | Administrators and Technology Systems Service Providers |
| Clients and Employees | Personal information and personal information relating to accounts/products/ services offered | Independent public accountants and auditors and authorised representatives of internal control functions such as audit, legal and information security |

8.4 Planned transborder flows of personal information

No transborder flow of personal information is planned.

8.5 General description of information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information.

Information is safeguarded in accordance with prevailing Private Capital Consult policies, standards and practices, which are in turn based on industry-accepted good practice, through controls such as:

- Restricting access based on business need and the principle of least privilege,
- Restricting mechanisms for accessing information systems and assets to only corporate-managed channels
- Strong user and administrator account authenticating
- Devaluing data in non-production environments• The implementation of Data Loss Prevention and Detection tools/ policies
- Secure asset disposal
- Enforcing endpoint security, including Malware protection, and data security policies on PCs and mobile devices with access to corporate information assets
- Using encrypted data transmission channels for external communications
- Performing routine vulnerability scans and security penetration tests
- Perimeter and network security controls
- Security incident monitoring and response
- Document protection and encryption

9. Availability of the manual

9.1 A copy of the Manual is available-

- on Private Capital Consult's website at www.plexuswaelth.co.za
- head office of Private Capital Consult for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. Updating of the manual

The Information Officer of Private Capital Consult will on a regular basis update this manual.

PRESCRIBED FEES

| No. | Description | Amount |
|------------|---|---|
| 1 | The request fee payable by every requestor | R140.00 |
| 2 | Photocopy printed black/white copy of A4 size page | R2.00 per page or part thereof |
| 3 | Printed copy of A4-size page | R2.00 per page or part thereof |
| 4 | For a copy in a computer-readable form on – (i) Flash Drive (to be provided by the requestor) (ii) Compact Disc - If provided by the requestor - If provided to the requestor | R40.00 R40.00 R60.00 |
| 5 | For a transcription of visual images per A4-size page | Service to be outsourced. Will depend on quotation from service provider. |
| 6 | Copy of visual images | |
| 7 | Transcription of an audio record per A4-size page | R24,00 |
| 8 | For a copy of an audio record on – (i) Flash Drive (to be provided by the requestor) (ii) Compact Disc - If provided by the requestor - If provided to the requestor | R40.00 R40.00 R60.00 |
| 9 | To search and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed the total cost of | R145.00 R435.00 |
| 10 | Deposit: If search exceeds 6 hours | One third of amount per request calculated in terms of 2 and 8 |
| 11 | Postage, e-mail or any other electronic transfer | Actual expense, if any. |

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

(Address)

E-mail address: _____

Fax number: _____

| | | | |
|--------------------------------|--|--|--|
| Request is made in my own name | | Request is made on behalf of another person. | |
|--------------------------------|--|--|--|

Mark with an "X"

PERSONAL INFORMATION

| | | | |
|--|--|-----------|--|
| Full names: | | | |
| Identity number: | | | |
| Capacity in which request is made (when made on behalf of another person): | | | |
| Postal Address: | | | |
| Street Address: | | | |
| E-mail Address | | Facsimile | |
| Tel. (B): | | Cellular: | |

PARTICULARS OF RECORD REQUESTED

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.)

| | |
|---|--|
| Description of record or relevant part of the record: | |
| Reference number, if available: | |
| Any further particulars of record: | |

TYPE OF RECORD

| | |
|---|--|
| Record is in written or printed form | |
| Record comprises virtual images (this includes photographs, slides, video recordings, computer generated images, sketches, etc) | |
| 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 | |

Mark the applicable box with an "X"

FORM OF ACCESS

| | |
|---|--|
| Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form) | |
| Written or printed transcription or virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc) | |
| Transcription of soundtrack (written or printed document) | |
| Copy of record on flash drive (including virtual images and soundtracks) | |
| Copy of record on compact disc drive (including virtual images and soundtracks) | |
| Copy of record saved on cloud storage server | |

Mark the applicable box with an "X"

MANNER OF ACCESS

| | |
|--|--|
| Personal inspection of record at registered address of public/private body (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) | |
| Postal services to postal address | |
| Postal services to street address | |
| Courier service to street address | |
| Facsimile of information in written or printed format (including transcriptions) | |
| E-mail of information (including soundtracks if possible) | |
| Cloud share/file transfer | |

Mark the applicable box with an "X"

Preferred language: (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)

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:

FEES

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

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:

| | | | | | |
|----------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|
| Postal address | <input type="checkbox"/> | Facsimile | <input type="checkbox"/> | Electronic communication | <input type="checkbox"/> |
|----------------|--------------------------|-----------|--------------------------|--------------------------|--------------------------|

Mark the applicable box with an "X"

Signed at _____ on this _____ day of _____ 20____

Name of requester / person on whose behalf request is made

Signature