



SYGNIA GROUP

PAIA MANUAL

V2 OF OCTOBER 2017

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1. VERSION CONTROL

Division Name	Group Compliance
This Version	V2 of October 2017
Approved by Group Risk and Compliance Committee	8 November 2017
Approved by Board of Directors	27 November 2017
Effective Date	1 December 2017

2. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa enshrines the right of access to information held by both public and private bodies. The Promotion of Access to Information Act (PAIA) was enacted to give effect to the right of access to information by detailing the ways in which information from public and private bodies can be accessed, and by providing grounds on which a public and private body could refuse such access.

The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa.

3. PURPOSE

The purpose of this Manual is to outline the procedure for requesting access to the records held by the Company in terms of PAIA.

4. SCOPE

This Manual applies to Sygnia Limited and all its subsidiary companies. Access to the records of any subsidiary company of Sygnia Limited may be requested from the Information Officer at the contact details contained in this Manual.

5. GOVERNANCE

This Manual is required to be approved by the Risk Committee who will then recommend the policy to the Board for approval.

6. IMPLEMENTATION AND COMMUNICATION

Group Compliance is responsible for publishing and distributing the Manual internally.

Group Marketing is responsible for publishing the Manual on Sygnia's website.

7. DEFINITIONS

For the purposes of this Policy/Procedure, the following definitions apply:

EMPLOYEES	Refers to all employees employed by the Group and includes but is not limited to, temporary, permanent and contracted employees or agents
INFORMATION OFFICER	The Information Officer (sometimes referred to as IO) is the person authorised to handle PAIA requests
PERSONAL INFORMATION	<p>Means information relating to an identifiable natural person, including, but not limited to –</p> <ul style="list-style-type: none">a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the personb) Information relating to the education or the medical, financial, criminal or employment history of the personc) Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particulars assigned to the persond) The biometric information of the persone) The personal opinions, views or preferences of the personf) 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 correspondenceg) The views or opinions of another individual about the person andh) 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, <p>But excludes information about an individual who has been dead for more than 20 years.</p>

RECORD	Any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from a public or private body refers to a record that is in that body's possession regardless of whether that body created the record
REQUESTER	The natural or juristic person requesting access to information. A requester also refers to the person making a request on behalf of somebody else
SYGNIA	Refers to the Sygnia Group
THE BOARD	Means the Board of Directors of the Company
THE COMPANY	Refers to the Sygnia Group
THE SYGNIA GROUP	Sygnia Limited and its respective subsidiary companies, collectively.
THIRD PARTY	Any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made

8. CONTACT DETAILS

The Chief Executive Officer has duly authorised the Information Officer to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act 2 of 2000.

Postal Address: P.O. Box 51591, Waterfront, 8002

Street Address: 7th Floor, The Foundry, Cardiff Street, Green Point, Cape Town, 8001

Tel No: 021 446 4955

Email: ngiles@sygnia.co.za

9. THE PAIA GUIDE

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages. It is required to be updated and maintained by the Information Regulator.

The current Guide is available for inspection from the offices of the South African Human Rights Commission or on its website at www.sahrc.org.za.

10. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION:

The Company maintains statutory records and information in terms of the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Collective Investment Schemes Control Act 45 of 2002

- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Markets Act 19 of 2012
- Income Tax Act 58 of 1962
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 21998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Trademarks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

11. RECORDS AVAILABLE PUBLICLY

The following records are available publicly without needing a request for access:

- Group Annual Financial Statements
- Group Annual Integrated Report
- Group Interim Audited Report
- Marketing Material

12. RECORDS HELD BY THE COMPANY

12.1. PURPOSE AND CATEGORIES OF RECORDS

The Company uses personal information in its possession in the following ways:

- Providing financial services and products
- Promoting Sygnia’s services and products
- Staff administration
- Keeping of accounts and records
- Complying with legal and regulatory requirements

Please note that recording the category of record in the Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

CATEGORY	RECORD	DATA SUBJECT
Regulatory and Administrative	Permits, Licenses or Authorities	Company
	Public Corporate Records	Company
	Minutes of Board or Committee Meetings	Company
	Internal correspondence (emails/memos)	Employees
	Insurance Policies held by Company	Company
	External correspondence (emails/memos)	Stakeholders
Human Resources	Employment Applications	Employees
	Employment Contracts	Employees
	Personal Information of Employees	Employees
	Medical Aid Records	Employees
	Employment Equity Plan	Company
	Pension Fund Records	Employees
	Disciplinary Records	Employees
	Salary Records	Employees
	Employee Benefit Records	Employees
	PAYE Records	Employees
	SETA Records	Employees
	Leave Records	Employees
Training Records	Employees	
Financial	Financial Statements	Company

	Financial and Tax Records	Company
	Management Accounts and Reports	Company
	Asset Register	Company
	Budgets	Company
	Cash Books and Ledgers	Company
	Banking Records and Statements	Company
Marketing	Market Information	Company
	Product Brochures	Company
	Advertisements	Company
	Marketing Strategies	Company
	Presentations	Company
Information Technology	IT Policies and Procedures	Company
	Network Diagrams	Company
	User Manuals	Company
Client	Client Database	Client
	Client Agreements	Client
	Client Correspondence	Client
	Client Instructions	Client
	Client Files	Client
Third Party	Rental Agreements	Third Party
	Non-disclosure Agreements	Third Party
	Letters of Intent	Third Party
	Supplier Contracts	Third Party
	Outsourcing Agreements	Third Party

12.2. TRANSBORDER FLOW OF INFORMATION

It may occur that personal information of data subjects is required to be shared with third parties in other countries. Such sharing will be done in compliance with the Protection of Personal Information Act (POPIA) and only if one of the following requirements is met:

- a) The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection that –
 - a. Effectively upholds principles for reasonable processing of the information that is substantially similar to the conditions for the lawful processing of personal information relating to a data subject as set out in POPIA and
 - b. Includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- b) The data subject consents to the transfer;
- c) The transfer is necessary for the performance of a contract between the data subject and the company in question, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- d) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party; or
- e) The transfer is for the benefit of the data subject, and –
 - a. It is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - b. If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

12.3. INFORMATION SECURITY

The Company employs up-to-date technology to ensure the confidentiality, integrity and availability of personal information in its possession. Measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Any outsourced service providers who may process personal information on behalf of the company are contracted to implement the necessary security controls.

13. PAIA PROCEDURE

Any person, known as the requester, is allowed to make a request under PAIA. The requester may be a natural person, who does not have to be a South African citizen or resident, a juristic person, or a person acting on behalf of a natural or juristic person.

Where a request for access has been received, the Information Officer will notify the requester of receipt and the prescribed fee (if any) that is payable prior to processing the request.

The Information Officer must then as soon as reasonably possible, but in any event within 30 days, after the request has been received in the prescribed format:

- Decide in accordance with PAIA whether to grant the request and
- Notify the requester of the decision in writing.

13.1. FORM C

The requester must complete Form C in Annexure A and submit this form to the Information Officer.

The form must:

- Provide enough information about the requester to make the requester easy to identify and include the contact details of the requester;
- Enough information about the record(s) requested to make it reasonably easy to identify;
- A description of the form or manner in which the records should be provided or made accessible;
- If, in addition to a written reply, the requester wishes to be informed of the decision in any other manner, to state that manner and the necessary particulars;

- State the right that the requester is seeking to exercise or protect, and provide an explanation of why the record is required for the exercise or protection of that right;
- If the request is made on behalf of another person, proof of the capacity in which the person making the request must be provided (known as the authorised person).

If an individual is unable to complete the prescribed form because of illiteracy or disability, such person may make the request orally.

13.2. FEES

Requesters are required to pay a fee when requesting access to record.

It is important to note that requesters who are requesting access to their personal information are exempt from paying the request fee, however, there may be administration costs associated with the retrieval of certain types of information records.

The fees for requesting as well as accessing records under PAIA are set out in the PAIA Guide.

14. RIGHT OF ACCESS

The Information Officer may only provide access to any record held by the Company to a requester if:

- The record is required for the exercise or protection of any right, and
- The Requester complies with the procedural requirements relating to a request for access to that record, and
- Access to that record is not refused in terms of any of the grounds for refusal listed below.

15. GROUNDS FOR REFUSAL

The Information Officer must assess whether there are any grounds for refusing a request for access. Where any grounds for refusal are found, request for access will generally not be granted.

Grounds for refusal include (but is by no means exhaustive):

- Protection of privacy of a Third Party who is a Natural Person: the disclosure would involve the unreasonable disclosure of personal information about a third party that is a natural person (including a deceased individual);
- Protection of commercial information of a Third Party;
- Protection of certain confidential information of a Third Party;
- Protection of safety of individuals and protection of property;
- Protection of information in legal proceedings;
- Protection of commercial information of a private body;
- Protection of research information.

16. RECOURSE

If a request for access is denied, the requester is entitled to apply to a court with appropriate jurisdiction for relief or lodge a complaint with the Information Regulator.

17. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If all reasonable steps have been taken to find a record requested and it cannot be found or does not exist, the requester will be notified by way of affidavit or affirmation.

18. AVAILABILITY OF THE MANUAL

This manual is available from Sygnia's offices and in electronic format at www.sygnia.co.za

19. NON-COMPLIANCE

Non-compliance with the requirements of PAIA is subject to regulatory penalties.

20. REVIEW

Group Compliance is responsible for updating and maintaining this Policy. It will be reviewed as and when any material changes to the information occur or updates to regulatory requirements.

21. LEGISLATIVE AND REGULATORY FRAMEWORK

This Manual should be read in conjunction with the following legislative framework:

- Promotion of Access to Information Act
- Protection of Personal Information Act

As well as the following guidance and standards:

- Section 10 Guide, South African Human Rights Commission, www.sahrc.org.za

And the following organisational policies and procedures:

- Protection of Personal Information Act Policy

ANNEXURE A: FORM C

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- | | |
|-----|--|
| (a) | 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. |
| (b) | If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios. |

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

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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 for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:							
	copy of record*		inspection of record				
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)							
	view the images		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;"></td> <td style="width: 40%; padding: 5px;">copy of the images"</td> <td style="width: 30%;"></td> <td style="width: 10%; padding: 5px;">transcription of the images*</td> </tr> </table>		copy of the images"		transcription of the images*
	copy of the images"		transcription of the images*				
3. If record consists of recorded words or information which can be reproduced in sound:							
	listen to the soundtrack audio cassette		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"></td> <td style="width: 50%; padding: 5px;">transcription of soundtrack* written or printed document</td> </tr> </table>		transcription of soundtrack* written or printed document		
	transcription of soundtrack* written or printed document						
4. If record is held on computer or in an electronic or machine-readable form:							

	printed copy of record*		printed copy of information derived from the record"		copy in computer readable form* (flash drive or compact disc)	
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE