

FinPlanCo (Pty) Ltd. – PAIA Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

1. LIST OF ACRONYMS AND ABBREVIATIONS

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

2. INTRODUCTION

- 2.1 PAIA was enacted to give effect to, among other things, section 32 of the Constitution of the Republic of South Africa, 1996, namely the right to access to information. Specifically, information held by the State and information held by any other person when that information is required for the exercise or protection of any right.
- 2.2 In terms of section 51 of PAIA, private institutions are obliged to compile a manual to facilitate the forementioned objective ("PAIA Manual").

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to -

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2 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;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 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;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 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;

- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 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
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF FINPLANCO (PTY) Ltd.

- 4.1 Chief Information Officer
 - Name: Wilhelm Gustave Tempelhoff
 - Tel: 011 431 0235
 - Email: info@finplanco.co.za
- 4.2 National or Head Office
 - Postal/Physical Address: Suite G5A MISA Centre, 12 Fir Drive Northcliff Ext. 2, Johannesburg, 2195.
 - Telephone: 011 431 0235
 - Email: info@finplanco.co.za
 - Website: www.finplanco.co.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1 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.
- 5.2 The Guide is available in each of the official languages and in braille.
- 5.3 The aforesaid Guide contains the description of-
 - 5.3.1 the objects of PAIA and POPIA;
 - 5.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.3.2.1 the Information Officer of every public body, and
 - 5.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 5.3.3 the manner and form of a request for-
 - 5.3.3.1 access to a record of a public body contemplated in section 11; and
 - 5.3.3.2 access to a record of a private body contemplated in section 50;
 - 5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
 - 5.3.6 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-
 - 5.3.6.1 an internal appeal;

- 5.3.6.2 a complaint to the Regulator; and
- 5.3.6.3 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;
- 5.3.7 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;
- 5.3.8 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 5.3.10 the regulations made in terms of section 92.
- 5.4 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.
- 5.5 The Guide can also be obtained-
 - 5.5.1 upon request to the Information Officer;
 - 5.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 5.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours: Afrikaans and English.

6. INFORMATION REQUESTS

- 6.1 In terms of Chapter 1 of Part 3, Section 50 of PAIA, any person may request access to information from the Company, and must be given access to same, provided that:
 - 6.1.1 The record is required for the exercise or protection of any rights;
 - 6.1.2 The requester complies with the procedural requirements as defined in PAIA for a request to access a record; and
 - 6.1.3 Access to a record is not refused on any ground for refusal as contemplated in Chapter 4 of Part 3 of PAIA.
- 6.2 In terms of Section 23 of the POPIA, a Data Subject, having provided adequate proof of identity, has the right to:
 - 6.2.1 Request to confirm, free of charge, whether or not the Company holds personal information about the Data Subject;
 - 6.2.2 Request the record, or a description of the personal information, held by the Company, including information about the identity of all third parties, or categories of third parties, who have, or have had access to the information –
 - 6.2.2.1 within a reasonable time;
 - 6.2.2.2 at a prescribed fee, if any;
 - 6.2.2.3 in a reasonable manner and format; and
 - 6.2.2.4 in a form that is generally understandable.

7. HOW TO REQUEST INFORMATION

- 7.1 Complete the relevant form that can be acquired from FinPlanCo's website or the revised Guide referred to in paragraph 5 above;

- 7.2 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the IO;
- 7.3 Submit the form to the IO or the DIO at the physical address or electronic mail address, as stated above;
- 7.4 The requester must pay the prescribed fee (as explained in paragraph 8 below) before any further processing can take place;
- 7.5 The Company will process the request within 30 days, unless the requestor has stated special reasons, which would satisfy the IO that circumstances dictate that the above time periods will not be complied with;
- 7.6 Records held by the Company may be accessed by requesters only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of the institution. There are two types of requesters:
 - 7.6.1 a Personal Requester: being a person seeking access to a record containing personal information about him/her/itself; and
 - 7.6.2 an Other Requester: This person is entitled to request access to information on third parties. However, the Company is not obliged to voluntarily grant access.

8. FEES

- 8.1 PAIA provides for two types of fees which can be established by reference to the Guide referred to above:
 - 8.1.1 A request fee, which will be a standard fee; and
 - 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the IO receives the request, he/she shall notify the requester to pay the prescribed request fee (if any), before any further processing of the request. The IO may withhold a record until the requester has paid the fees. If a deposit has been paid in respect of a request for access, which is refused, then the IO concerned must repay the deposit to the requester.
- 8.3 The prescribed fees can be found in the applicable form on FinPlanCo's website or in the Guide referred to in paragraph 5 above.

9. REFUSAL TO GRANT ACCESS TO RECORDS

- 9.1 The Company will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect;
- 9.2 The 30-day period within which the Company has to decide whether to grant or refuse the request, may be extended:
 - 9.2.1 for a further period of not more than 30 days if the request is voluminous, or
 - 9.2.2 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 Company will notify the requester in writing should an extension be required;
- 9.3 The main grounds to refuse a request for information are:

- 9.3.1 mandatory protection of the privacy of a third party who is a natural person, which would involve unreasonable disclosure of personal information of that natural person;
- 9.3.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 9.3.2.1 trade secrets of that third party;
 - 9.3.2.2 financial, commercial, scientific or technical information, other than trade secrets, of a third party which disclosure could likely cause harm to the financial or commercial interest of that third party;
 - 9.3.2.3 information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in contractual, or other, negotiations or prejudice that third party in commercial competition;
- 9.3.3 mandatory protection of confidential information of a third party if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of any agreement;
- 9.3.4 mandatory protection of the life or physical safety of individuals and the protection of property;
- 9.3.5 mandatory protection of records, which would be regarded as privileged from production in legal proceedings;
- 9.3.6 the protection of the commercial information of the institution, which may include –
 - 9.3.6.1 trade secrets of the institution;
 - 9.3.6.2 financial, commercial, scientific or technical information, other than trade secrets, which disclosure would likely cause harm to the financial or commercial interests of the institution; or
 - 9.3.6.3 information which, if disclosed could reasonably be expected to put the institution at a disadvantage in contractual or other negotiations or prejudice the institution in commercial competition; or
 - 9.3.6.4 a computer program which is owned by the institution, and which is protected by copyright;
- 9.3.7 mandatory protection of the research information of the institution or a third party, if its disclosure would be likely to expose the institution, the third party, the researcher or the subject matter of the research to serious disadvantage.
- 9.4 Requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.

10. CATEGORIES OF RECORDS OF FINPLANCO (PTY) LTD. WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The records of FinPlanCo which are available without a person having to request access, are available on www.finplanco.co.za, by calling 011 431 0235, or emailing info@finplanco.co.za, and include:

- PAIA Manual;
- BBBEE Certificate(s);

- Career Vacancy Advertisements;
- Complaint Resolution Policy(ies) and Procedure(s);
- Conflict of Interest Policy(ies) and Disclosure(s);
- Director Details: name, employment history, qualifications, and date of appointment;
- Financial Planner Details: name, address, contact details, qualifications, and specialisation;
- FSP Licence(s) and ancillary information;
- General Company Structure and Information;
- Privacy/POPIA Policy(ies) and Procedure;
- Information pertaining to the Company's products and services published on the Company website and generally available within the public domain;
- Newsletters;
- Promotional and marketing material published on the Company website and generally available within the public domain;
- Initial Information Gathering Forms issued to prospective clients.

11. DESCRIPTION OF THE RECORDS OF FINPLANCO WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

All records kept and/or information processed in terms of relevant legislation are available in accordance with said legislation and applies, but is not limited, to the following:

Category of Records	Applicable Legislation
<ul style="list-style-type: none"> • Employee details. • Labour relations reports. • Information regarding dismissals • Information on disability, race and religion. • Employee next of kin or emergency contact details. • Conflict-of-interest declarations. • Education information. • Health and safety records. • Pension and provident fund records. • Leave records. • Internal evaluations and performance records. • Disciplinary records. • Training records. • Background checks. 	<p>Basic Conditions of Employment Act 75 of 1997</p>
<ul style="list-style-type: none"> • Memorandum of incorporation. • Annual financial statements. • Share register. • CIPC company registration document. • CoR 14.3 registration certificate. • COR123.1. • Business application form. 	<p>Companies Act 71 of 2008</p>

<ul style="list-style-type: none"> • Certificate of incorporation. • Dealer application. • The details of all share trades by employees, directors and officers of the organisation. • Own-organisational title deeds. • Register of disclosures in terms of section 140(1A) of the Companies Act, 71 of 2008. • Regulated-company (as defined in Chapter 5, Parts B and C, of the Companies Act, 71 of 2008) register of disclosures. • Company rules. • Records of directors. • Copies of reports presented at annual general meetings. • Notices and minutes of shareholder meetings. • Resolutions and their supporting documents. • Copies of written communications generally sent to securityholders. • Minutes of meetings of directors, directors' committees, audit committees, shareholders. • Securities registers. • Record of company secretaries and auditors. 	
<ul style="list-style-type: none"> • Record of the earnings and other prescribed particulars of all employees. • Auction-related records. • Promotional-competition related records. 	Compensation of Occupational Injuries and Diseases Act 130 of 1993
<ul style="list-style-type: none"> • Promotion and marketing material • Terms and conditions • Direct marketing consent • Complaints process document 	Consumer Protection Act 68 of 2008
<ul style="list-style-type: none"> • Software licences 	Copyright Act 98 of 1978 (as amended by Act 2 of 2002)
<ul style="list-style-type: none"> • Business continuity management plans • Business impact assessment 	Disaster Management Act 57 of 2002
<ul style="list-style-type: none"> • Digital signatures • Transactional record • Electronic terms and conditions 	Electronic Communications and Transaction Act 25 of 2002
<ul style="list-style-type: none"> • Employment equity plans and targets 	Employment Equity Act 55 of 1998
<ul style="list-style-type: none"> • Employment work permits • Job advertisements 	Employment Services Act 4 of 2014

<ul style="list-style-type: none"> • Reports on foreign spend greater than R10 million to the South African Revenue Service (quarterly). • Cross-border transfer-of-funds applications and transactions. 	<p>Exchange Control Amnesty and Amendment Taxation Laws Act 12 of 2003</p>
<ul style="list-style-type: none"> • Learning history reports. • Registers of representatives, key individuals, qualifications completed by intermediaries and competences. • Records evidencing representatives' compliance with section 13(1)–(2) of FAIS. • Continued professional development (CPD) programme and activity records. • Records of financial and system procedures. • Records evidencing supervision actions undertaken, including evidence regarding the rendering of services under supervision, the method followed and Page 13 of 20 frequency thereof during the period under supervision. • Records evidencing the deployment of adequate technological resources to maintain client records and data integrity. • Records relating to conclusions regarding compliance with independent requirements, and the substance of relevant discussions that support those conclusions. • Records relating to giving advice, call recordings and product agreements. • Records relating to debarments of FAIS representatives and key individuals. • Records relating to business continuity plans. • Records relating to competency requirements (copies of Grade 12, FSCA recognised qualifications, class of business training, CPD and product-specific training). • Signed supervision agreements. • Representative letters of authority. • Key-individual authorisation letters. • Compliance reports. • FSP licence and addendum with conditions. 	<p>Financial Advisory and Intermediary Services Act 37 of 2002</p>

<ul style="list-style-type: none"> • Complaints management (contact details of the compliance officer). 	
<ul style="list-style-type: none"> • Identification and verification records • Client due-diligence records • Applications for credit or credit agreements • FICA RMCP document. 	Financial Intelligence Centre Act 38 of 2001
<ul style="list-style-type: none"> • IT3. • IRP5. • IT3a. • Monthly IRP5 files. • Unemployment Insurance Fund (UIF) files. • PAYE information. • SDL information. • VAT records. • Ledgers. • Cash books. • Journals. • Bank statements. • Deposit slips. • Invoices. • Other books of accounts. • Electronic representations of information. 	Income Tax Act 58 of 1991
<ul style="list-style-type: none"> • Disciplinary records, including outcomes. • Labour relations reports. • Arbitration awards. 	Labour Relations Act 66 of 1995
<ul style="list-style-type: none"> • Occupational Health and Safety Act 85 of 1993 • Occupational health and safety (OHS) reports including the following: Learning history report • OHS agreement • OHS appointment letters • Data centre procedure documents • Incident reports • Personal information for workmen's compensation Page • Personal information of visitors to our premises and branches 	Occupational Health and Safety Act 85 of 1993
<ul style="list-style-type: none"> • Corrupt or fraudulent employee, client or merchant activities. • Reports on corrupt and fraudulent activities to law enforcement agencies. 	Prevention of Organised Crime Act 121 of 1998
<ul style="list-style-type: none"> • POPIA Policy • Data transfer agreement • Privacy Notice 	Protection of Personal Information Act 4 of 2013

<ul style="list-style-type: none"> • Sector Education and Training Authority (SETA) reports (no unique identifiers). • Learning history reports. • Skills development levies. • Certificates of completion. 	Skills Development Act 97 of 1998
<ul style="list-style-type: none"> • Invoices. • Tax invoices. • Credit notes. • Debit notes. • Bank statements. • Deposit slips. 	Value-added Tax Act 89 of 1991

12. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY FINPLANCO.

The Categories of subjects that the Company holds records of and the type of records that the Company holds in respect of these subjects may include, but is not limited to:

Subjects on which the body holds records	Categories of records
Personnel records	Personal staff records, Salary records, Conditions of employment and other personnel-related contractual and quasi-legal records, UIF records, Tax records, Leave records, Training schedules and material
Customer-related documents	Records pertaining to customers / clients, Records pertaining to transactions
Financial records	Annual and interim reports, Management reports, VAT returns, Income tax returns and assessments, Invoices, Receipts, Brokerage notes on transactions in listed shares, Regional Services Council returns, SETA returns
Company records	Operational records, Databases, Information technology, Marketing records, Internal correspondence, Product records, Statutory records, Internal policies and procedures, Compliance records, Treasury-related records, Securities and equities, Records held by officials, Shareholder records, Board members, Incorporation documents, Minutes of meetings, Share allotment register, Fund prospectus, Company resolutions and statutory Company documentation, Shareholding in subsidiaries and other companies
Other parties	Contractors, Suppliers, Auditors, Attorneys, Joint ventures, Administrators, Related companies
Products and services	Asset Management Funds, Collective

	Investment Schemes, Investment Products, Structured Products, Stockbroking, Mandates and application forms, Performance histories
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13. PROCESSING OF PERSONAL INFORMATION

13.1 Purpose of Processing Personal Information

FinPlanCo processes personal information during the rendering of financial advisory and intermediary services to clients.

Data subject	Type of personal information	Purpose of collection
Employees	General information	To maintain contractual records and to file tax submission in respect of PAYE
Employees	Special personal information	To establish the risk to organisation/clients
Clients	General information – e.g. client name, ID number, age, gender, date of birth, nationality, occupation, lifestyle, health status and history, etc.	To verify client identity and create a client profile. To conform with the prevailing legislative requirements to effectively identify the client. To render our service to the client effectively.
Client	Contact information – telephone number, email address, physical address, etc.	To identify the client for applicable legislative purposes (eg. FIC Act or Anti-money laundering provisions). To be able to effectively render a service to our clients.
Client	Risk Preferences – risk profile, risk history, risk tolerance, etc.	To effectively render our services to the client by understanding their risk preferences and profile.
Client	Financial Information – Salary details, assets and liabilities, bank account details, expenses and income, etc.	To effectively render our services to the client by understanding their financial situation. Information may
Client	Contract information – details of existing policies and investment contracts.	To understand the client's financial situation and render our service to the client.
Client	Health information - Health status, health history, smoking status, etc.	During the course of our service to clients we may be required to provide them with details on your medical health status and history.

13.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto.

The Categories of Data Subjects on which the Company holds records and the type of records held on each Data Subject by the Company may include, but is not limited to:

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, employment status, information relating to the education and/or the medical, financial, criminal or employment history of the person
Service Providers	Email address, name, contact number
Employees / Prospective employees	Name, address, identity number, date of birth, employment status, tax reference number, residential address, email address, contact number(s), remuneration, race, gender, medical aid applications, CVs, language, qualifications, work history, pregnancy information, marital status, tax certificate, bank statement, medical aid membership number
Directors	Name, address, identity number, employment status, residential address, date of birth, gender, marital status, race,
VAT-registered entities / Juristic Representatives	Name, address, identity number, employment status, tax reference number, business/residential address, email address, contract number, remuneration, bank account statement
Financial Planners	Name address, contact details, loan agreement. Refer below for information normally included as part of a loan agreement.

13.3 The recipients or categories of recipients to whom the personal information may be supplied by law.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Identity number, registration number, name, transaction details	Financial Intelligence Centre
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

13.4 Planned transborder flows of personal information.

Generally, FinPlanCo prohibits the transfer of personal information from South-Africa to foreign countries. The transfer is however allowed within the scope of rendering financial services to our clients. This means that it is solely to perform according to the agreement between FinPlanCo and the data subject, pursuant to the implementation of FinPlanCo's financial planning recommendations or giving rise to the clients express wishes or instructions.

FinPlanCo ensures that the entity or person that receives the information is subject to similar laws (similar to POPIA or EU general data protection regulation ("GDPR")) or rules that effectively uphold the principles for reasonable processing of the information.

Personal information is also safeguarded and stored on a cloud service provided by Microsoft. Exchange Online Protection is provided in the European Union for example. The vast majority of the data is stored in South Africa however.

13.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information.

FinPlanCo (PTY) Ltd. has implemented various IT security measures to ensure that the integrity, confidentiality and availability of the information is maintained.

The security measures include but are not limited to:

- Firewall protection;
- Antivirus and Internet Security;
- Encryption of data at rest and hardcopy backups;
- Disaster recovery and business continuity plans;
- Cloud storage and backup;
- Multi-factor authentication where possible;
- Cyber security policies including password policy and acceptable use policies.

14. AVAILABILITY OF THE MANUAL

14.1 A copy of the Manual is available-

- 14.1.1 on www.finplanco.co.za;
- 14.1.2 head office of FinPlanCo for public inspection during normal business hours;
- 14.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 14.1.4 to the Information Regulator upon request.

14.2 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.

15. UPDATING OF THE MANUAL

15.1 The directors of FinPlanCo will on a regular basis update this manual.

Issued by

Wilhelm Gustave Tempelhoff
Director and Information Officer
FinPlanCo (PTY) Ltd.