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AFRICAN INDEPENDENT BROKERS MANUAL

**IN TERMS OF SECTION 51 OF THE
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
("PAIA")**

**UPDATED TERMS OF
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013
("POPIA")**

VERSION 2: JUNE 2021





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1. INTRODUCTION

This manual is applicable to African Independent Broker (Pty) Ltd ("AIB"). AIB conducts its business in the financial services industry.

2. PURPOSE OF PAIA

PAIA is an Act which gives effect to the constitutional right of access to information held by the State or by another person and which is required for the exercise or protection of any right. Any organisation which receives a request made in terms of PAIA is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released.

It is important to note that PAIA recognises certain limitations to the right of access to information, including, but not exclusively, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

POPIA was enacted in November 2013, to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.





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3. INFORMATION MANUAL

This Manual is compiled in accordance with section 51 of PAIA and the Schedule to POPIA. It is intended to give a description of the records held by and on behalf of AIB, to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information.

This Manual is available for public inspection:

- at the physical address of AIB, free of charge;
- on this website, free of charge; and
- on request by any person (along with payment of a prescribed fee).

4. CONTACT DETAILS

The responsibility for administration of, and compliance with, PAIA and POPIA have been delegated to the Information Officer.

Any person who wishes to request any information from AIB in order to protect or exercise a right may contact the Information Officer at the following contact details:

Information Officer:

Delmain Deyzel

Postal address:

Private Bag x7
Selcourt
Springs
1567

Physical address

64-66 Charterland Avenue,
Selcourt
Springs
1559

E-mail:

informationofficer@aiib.co.za

Websites:

www.africanindependent.co.za



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5. INFORMATION REGULATOR'S GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed.

The contact details of the Information Regulator are:

Physical address: **The Information Regulator**
33 Hoofd Street
Forum III, 3rd Floor Braampark
Braampark Office Park
Braamfontein, Johannesburg, 2017

Telephone: **+27 (0) 10 023 5200**

Complaints: complaints.IR@justice.gov.za
General enquires: infoereg@justice.gov.za



6. SCHEDULE OF RECORDS HELD BY AIB

Requests for access to documents held by AIB will be in accordance with PAIA. The following records are available to the requester from AIB's office:

Personnel Records

"Personnel" refers to any person who works for or provides services to or on behalf of AIB and receives, or is entitled to receive, remuneration and any other person who assists in carrying out or conducting the business of AIB. It includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Personnel records include:

- Records provided by a third party relating to AIB personnel
- Conditions of employment and other personnel-related contractual and quasi-legal records, including job applications;
- Internal evaluation records; and
- Correspondence and other internal records;

Customer-related records

"Customer" refers to any natural or juristic person that receives services from AIB. This includes prospective clients who ultimately do not become customers of AIB.

Customer related records include:

- Any records provided by a customer to a third party acting for or on behalf of AIB;
- Any records provided by a third party;
- Records generated by or within AIB pertaining to the customer;
- Transactional records and recorded call centre calls; and
- Correspondence with a client that is implicitly or explicitly of a private or confidential nature; and
- Financial, IT and Operational records .

Record pertaining to AIB's own affairs which include: -

- Financial records;
- Operational records;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records; and
- Internal Policies and procedures.

Other Party Records

AIB may possess records pertaining to other parties including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies, service providers.

Alternatively, such other parties may possess records which can be said to belong to AIB. The following records fall under this category: Personnel, Customer or Operational records which are held by another party as opposed to being held by AIB.

Records held by AIB pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

Records available in terms of other legislation

The requester may also request information which is available in terms of legislation, such as the following:

- The Companies Act 71 of 2008;
- Basic Conditions of Employment Act 75 of 1997;
- Competition Act 89 of 1998;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 of 1962;
- Value-added Tax Act 89 of 1991
- The Labour Relations Act 66 of 1995;
- Short Term Insurance Act 53 of 1998;
- The Financial Advisory and Intermediary Services Act 37 of 2002;
- Financial Intelligence Centre Act 38 of 2001;
- Occupational Health and Safety Act 85 of 1993;
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
- Electronic Communications and Transactions Act 25 of 2002,
- Unemployment Insurance Act 63 of 2001;
- Skills Development Act 97 of 1998; and
- Consumer Protection Act 68 of 2008.

The above is not an exhaustive list of statutes that may require AIB to keep records.



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7. PROCESSING DETAILS

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data are processed by AIB will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data are collected.

Purpose of the processing

AIB processes personnel data for business administration purposes and to the extent required by legislation and regulation. The processing of customer related records is as an integral part of AIB's commercial operations. Third party and other related party records are processed for business administration purposes.

Categories of Data Subjects

AIB holds information and records on the following category of data subject:

- Employees
- Customers
- Any third party such as contractors, suppliers of service providers

This list of categories of data subjects is non-exhaustive.

Recipients to whom Personal Information may be supplied

AIB may, depending on the nature of the data, supply information or records to the following categories of recipients:

- Regulators, Statutory oversight bodies or similar authority
- Any court, judicial forum, or ombudsman
- South African Revenue Services, or another similar authority
- Auditing and accounting bodies (internal and external)
- Anyone making a successful application for access in terms of PAIA

Security Measures

AIB takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information within AIB's possession. AIB further takes appropriate technical and organizational measures designed to ensure that personal data remain confidential and secure against unauthorized or unlawful processing and against accidental loss, destruction or damage.

8. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Prescribed Access Form

A request for access to an information held by AIB must be made in the prescribed form to AIB's Information Officer at the postal, physical address or e-mail address recorded above. See **Annexure A** for the prescribed form.

Requesters must provide sufficient particulars to enable the Information Officer to identify:

- a) the record/s requested;
- b) the identity number of the requester;
- c) the form of access which is required;
- d) specify a postal address or e-mail address of the requester;
- e) the right exercised or to be protected and why the record is required to protect or exercise the right;
- f) where they need to be informed of the decision on the request in any other manner, state that manner and particulars to be so informed; and
- g) if the request is made on behalf of a person, submit proof of their capacity to do so to the Information Officer's satisfaction.

Applicable Fees

The following type of fees may be payable:

- a) A request fee, being a standard fee; and
- b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.

Third Party Notification

AIB will take all reasonable steps to inform a third party to whom or which a requested record relates if the disclosure of that records would -

- involve the disclosure of personal information about that third party;
- involve the disclosure of financial, commercial or technical information of that third party, which disclosure would be likely to cause harm to the commercial or financial interests of that third party or information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or prejudice that third party in commercial competition; or
- constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

AIB will inform the third party as soon as reasonably possible, but in any event, within 21 days after that request is received. Within 21 days of being informed of the request, the third party may-

- make written or oral representations to the Information Officer why the request for access should be refused; or
- give written consent for the disclosure of the record to the requester.

AIB will notify the third party of the outcome of the request. If the request is granted, adequate reasons for granting the request will be given.



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The third party may lodge a complaint to the Information Regulator or an application with a court against the decision within 30 days after notice is given, after which the requester will be given access to the record after the expiry of the 30-day period.

9. NOTIFICATION OF DECISION

The Information Officer 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.

This prescribed 30-day period may be extended for a further period of not more than 30 days if the requested information cannot reasonably be obtained within the initial 30-day period.

The Information Officer will notify the requester in writing should an extension be required. The requester may lodge a complaint to the Information Regulator or an application with a court against the extension.



10. REMEDIES AVAILABLE WHEN A REQUEST FOR INFORMATION IS REJECTED

Internal Remedies

AIB does not have an internal appeal procedure. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

External Remedies

All complaints, by a requester or a third party, can be made to the Information Regulator or a court, in the manner prescribed below.

Complaints to the Information Regulator

The requester or third party may submit a complaint in writing to the Information Regulator, within 180 days of the decision, alleging that the decision was not in compliance with the provisions of PAIA. The Information Regulator will investigate the complaint and reach a decision - which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee established in terms of POPIA. The Information Regulator may serve an enforcement notice confirming, amending or setting aside the impugned decision, which must be accompanied by reasons.

Application to court

An application to court maybe brought in the ordinary course.



ANNEXURE A

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)
(Regulation 4)

PARTICULARS OF AIB'S INFORMATION OFFICER	
Requests can be submitted either via post, e-mail or fax and should be addressed to the Information Officer as indicated below:	
Contact person	
Postal Address	
Physical Address	
Phone Number	
Fax Number	
E-mail	
PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD	
<i>a) The particulars of the person who requested access to the record must be given below.</i>	
<i>b) The address and/or fax number in the Republic to which the information is to be sent must be given.</i>	
<i>c) Proof of capacity in which request is made, if applicable, must be attached</i>	
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	

PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE	
<i>This section must be completed ONLY if a request for information is made on behalf of another person</i>	
Full names and Surname	
E-mail address	
PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD (IF A LEGAL ENTITY)	
<i>a) The particulars of the person who requested access to the record must be given below</i>	
<i>b) The address and/or fax number in the Republic to which the information is to be sent must be given</i>	
<i>c) Proof of capacity in which request is made, if applicable, must be attached</i>	
Name of Entity	
Number:	
Postal Address	
Fax Number	
Telephone Number	
E-mail address	
PARTICULARS OF RECORD	
<i>a) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested</i>	
<i>b) If the provided space is inadequate please use a separate folio and attach it to this form. Please sign additional folios.</i>	
Description of record or relevant part of the record.	
Reference Number (if available)	
Any further particulars of record.	
Fees	
<i>a) A request for access to a record will be processed only after a request fee has been paid.</i>	
<i>b) You will be notified of the amount to be paid as the request fee</i>	
<i>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.</i>	
<i>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</i>	
Reason for exemption from payment of fees:	
FORM OF ACCESS TO RECORD	
Form in which record is required.	
Mark the appropriate box with an X	
NOTES	
<i>a) Compliance with your request in the specified form may depend on the form in which the record is available.</i>	
<i>b) Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.</i>	
<i>c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i>	



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1. If the record is in written or printed form

Copy of record Inspection of Record

2. If record consists of visual images

View the images Copy of Images Transcription of the images

3. If the record consists of recorded information that can be reproduced in sound

Listen to the soundtrack (audio) Transcription of soundtrack

4. If the record is held on computer or in an electronic or machine-readable form (this includes photographs, slides, video recordings, computer generated images, sketches, etc.)

Printed copy of record Printed copy of information derived from the record Copy in computer readable form

If you requested a copy or transcription of a record (above) do you wish the copy of transcription to be posted to you? Note that postage is payable by you.

YES	NO
-----	----

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.

In which language would you prefer the record: _____





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PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

1. Indicate the right to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or 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

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

Signed at _____ on this day of _____ 20 _____.

**SIGNATURE OF REQUESTOR/PERSON ON
WHOSE BEHALF REQUEST IS MADE**

