



1. INTRODUCTION

The Protection of Personal Information Act, 4 of 2013 ("POPIA") provides for protection principles **Maven Insight Capital (Pty) Ltd (FSP No. 51053) ("MIC")** must comply with to protect the Personal Information of all Data Subjects. Should a person require access to these Personal Information, then access is allowed in terms of the Promotion of Access to Information Act, 2 of 2000 ("PAIA").

PAIA gives effect to section 32 of the Constitution, that provides for access to these Personal Information if a person wants to exercise a right or to protect a right, subject to the procedural requirements laid down by PAIA.

Section 10 of POPIA provides that MIC must implement a Manual that must comply with section 14 and 51 of PAIA that should be made available to persons who want to access MIC's Personal Information.

2. PURPOSE

The purpose of the Manual is to provide details on records and information of MIC that are available and accessible once the requirements for access have been met; and sets out the procedures to be followed by a person that wants access to the Personal Information that are subject to protection and non-disclosure in terms of PAIA, if such person wants to exercise or to protect a right.

3. AVAILABLE INFORMATION

The information provided below is regarded as available information, however currently no notice has been published in terms of section 52(2) on the categories of records that will automatically be available without following the required processes as provided for in terms of this PAIA Manual.

Please note that the inclusion of any subject or category of records in this PAIA Manual does not mean that information or records falling within those subjects and/or categories will automatically be made available. Certain grounds of refusal may apply to a request for such record.

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3.1. APPLICABLE LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- The Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Financial Advisory and Intermediaries Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Services Board Act 97 of 1990
- Financial Services Ombud Schemes Act 37 of 2004
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Value Added Tax Act 89 of 1991

3.2. SUBJECTS AND CATEGORIES OF RECORDS HELD BY MAVEN INSIGHT CAPITAL (PTY) LTD

- Statutory Company Information

- Financial and Tax Records
- Banking Details
- Human Resources / Employment Records
- Licenses and authorisations
- Insurance
- Information Technology
- Policy documents
- Specific Agreements Relating to the Business Activities
- Legal proceedings
- Service level agreements with supplies and product providers
- Client's agreements / mandates
- FICA documentation

4. **DEFINITIONS**

The following definitions have the meanings as defined in terms of section 1 of POPIA and are detailed below:

Data Subject: means the person to whom the personal information relates.

Responsible Party: The entity which determines the purpose of and means for processing personal information.

Operator: The company or a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of the responsible party.

Personal Information: means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- 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 person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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 correspondence;
- the views or opinions of another individual about the person; and
- 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.

Processing: means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information.

5. **PROCEDURES TO FOLLOW TO ACCESS INFORMATION**

5.1. **REQUESTER**

5.1.1. Personal Requester: A Personal Requester is a requester who is seeking access to a record containing Personal Information about the Requester itself. Access will be granted by MIC subject to applicable legislation.

5.1.2. Other Requester: If a person other than the Personal Requester is seeking access to a record containing Personal Information, then MIC is not obliged to grant access to such record, unless such person fulfils the requirements for access as provided for in terms of PAIA.

5.2. FEES PAYABLE

The applicable fees are prescribed in terms of the Regulations promulgated under PAIA:

- 5.2.1.** Request fee: This does not apply if the request is for personal records of the person requesting – in this instance no fee is payable.
- 5.2.2.** Access fee: An access fee is payable prior to being granted access to the records in the form required.

5.3. REQUEST PROCEDURES

Access to records with Personal Information is subject to the procedural requirements contained in POPIA and PAIA.

- 5.3.1.** The requester must complete the prescribed form and payment of the required fee (only if it is an Other Requester) must be made.
- 5.3.2.** The completed and signed form together with proof of payment must be emailed to the Information Officer at the email address stated above.
- 5.3.3.** If a request is made on behalf of another person, the Requester must then submit proof of the capacity in which the Requester is making the request on behalf of the other person to the satisfaction of the Information Officer.
- 5.3.4.** All required information must be provided on the form and the information must be true complete and correct with enough particularity to enable the Information Officer to identify:
 - 5.3.4.1. the Requester's identity;
 - 5.3.4.2. contact details of the Requester;
 - 5.3.4.3. the requested record/s, and
 - 5.3.4.4. the form of access required by the Requester.
- 5.3.5.** A Requester may only request access to a record in order to exercise or protect a right and must clearly state what the nature of the right is so to be exercised or protected. The requester is further required to provide an explanation of why the requested record is required for the exercise or protection of that right.
- 5.3.6.** MIC will process a request to access a record within 30 (thirty) days of receipt of the completed form together with proof of payment, if applicable, unless the Requestor has stated exceptional reasons and circumstances together with proof, if applicable, that would satisfy the Information Officer that the time period not be complied with.
- 5.3.7.** MIC shall inform the Requester in writing whether access has been granted or denied together with reasons thereof.
- 5.3.8.** If the Requester requires access to the records in another manner, the Requester must state the manner and the particulars so required.

5.4. GROUNDS FOR REFUSAL

PAIA provides several grounds on which a request for access to information must be refused and a complete list of the grounds for refusal is available in Chapter 4 of PAIA.

These grounds mainly concern instances that may include where:

- the privacy and interests of other individuals are protected;
- such records are already otherwise publicly available;
- public interests are not served;
- the mandatory protection of commercial information of a third party;
- the mandatory protection of certain confidential information of a third party.

5.5. PROCESSING OF INFORMATION

- 5.5.1.** Personal information must be collected for a specific, explicitly defined and lawful purpose that is related to a function or activity of the business. MIC is required to process information related to various stakeholders, clients and third-parties. This information includes, personnel data, for example employee bank details, SARS information, and personal contact details; client data and data related to suppliers and third parties.
- 5.5.2.** Responsible Party is to ensure processing is lawful and done in a reasonable manner that does not infringe the privacy of the data subject.
- 5.5.3.** The processes used to collect, record, store, disseminate and destroy personal information is to ensure the integrity and safekeeping of personal information in MIC's possession. Responsible Party must take steps to prevent the information being lost or damaged or unlawfully accessed.
- 5.5.4.** The Responsible Party must take reasonably practical steps to ensure that the information is complete, accurate, not misleading; and updated where necessary to ensure information quality.

5.6. SECURITY:

- 5.6.1.** Responsible Party is required to secure the integrity of personal information by taking appropriate, reasonable technical and organisational measures to prevent:
 - 5.6.1.1. Loss, damage or unauthorised access
 - 5.6.1.2. Unlawful access to or processing of personal information
- 5.6.2.** The Responsible Party must take all reasonable measures to:
 - 5.6.2.1. Identify all reasonably foreseeable internal and external risks
 - 5.6.2.2. Establish and maintain appropriate safeguards against the risks
 - 5.6.2.3. Regularly verify that the safeguards are adequately implemented
 - 5.6.2.4. Ensure the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards

5.7. RECORD RETENTION:

- 5.7.1.** Personal information must be destroyed or deleted as soon as the purpose for collecting the information has been achieved.
- 5.7.2.** However, a record of the information must be retained if an organisation has used it to make a decision about the data subject. The record must be kept for a period long enough for the data subject to request access to it. This requirement is subject to other legislation, for example FAIS and FICA which provide for a period of 5 year to keep records.

6. INFORMATION REGULATOR DOCUMENTATION

Additional information can be found on the Information Regulators website at <https://inforegulator.org.za/>

Links to important documentation:

- 6.1.** Guide on how to use the Promotion of access to information Act 2 of 2000, as amended:

- 6.1.1.** English: https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf
- 6.1.2.** Afrikaans: https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-Afrikaans_20210905.pdf

- 6.2.** Form 1: Objection to the processing of personal information in terms of Section 11(3) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013): <https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf>
- 6.3.** Form 2: Request for Access to Record: <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>