

# PAIA Manual

CILSA Investments (PTY) Limited

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### Document Control

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### Document History

Version	Date	Status	Amended by	Summary of Changes
1.0	1 <sup>st</sup> October 2024	Draft	Andrew England, Compliance Technician	1 <sup>st</sup> draft

### Management approval

Document Version	Name	Position	Signed	Date
1.0	CILSA Board	All CILSA Directors	Board approval	15 <sup>th</sup> November 2024

Manual prepared in terms of section 51 of the Promotion of Access to Information Act, No 2 of 2000, for the following entities:

CILSA Investments (PTY) Limited

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## Introduction to PAIA Manual

This manual was compiled in accordance with the Promotion of Access to Information Act (“PAIA”) No. 2 of 2000 and to address the requirements of the Protection of Personal Information Act (“POPIA”) No. 4 of 2013.

PAIA and POPIA give effect to section 32 of the South African Constitution, which focuses on the right to access information i.e. everyone has the right of access to information held by the state or a CILSA Investments to enforce a culture of transparency and accountability.

Section 51 of POPIA requires that CILSA Investments (Pty) Limited (“CILSA Investments”), as a CILSA Investments, compile a manual giving information to the public regarding the records held and the procedures to be followed in requesting information.

## Contact details

CILSA Investments (Pty) Limited

Registration # 2006/013727/07

• VAT # 4600232500

• FSB # 44894

• Workman’s Compensation # 990000309271

CILSA Investments (Pty) Limited will deal with all requests relating to it. All requests for information in terms of this manual should be directed to:

The Information Officer,

Office NG101A

Great Westerford, 240 Main Road

Rondebosch 7700

South Africa

Telephone: +27 21 201 1070

Email: [clientsupport@capital-sa.com](mailto:clientsupport@capital-sa.com)

## The section 10 Guide on how to use the Act

The South African Human Rights Commission has compiled the guide contemplated in Section 10 of the Act which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide is available from their website ([www.sahrc.org.za](http://www.sahrc.org.za)).

## Purpose of Processing Personal Information

Chapter 3 of The Protection of Personal Information Act ("POPIA") provides for the minimum Conditions for Lawful Processing of Personal Information by CILSA Investments. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

**Accountability** – CILSA Investments has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.

**Processing limitation** - Personal Information must be collected directly from a Data Subject to the extent applicable; must only be Processed with the consent of the Data Subject and must only be used for the purpose for which it was obtained.

**Purpose specification** – Personal Information must only be Processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.

**Further Processing limitation** – further Processing of Personal Information must be compatible with the initial purpose for which the information was collected.

**Information quality** – CILSA Investments must ensure that Personal Information held is accurate regularly and that the integrity of the information is maintained by appropriate security measures.

**Openness** – there must be transparency between the Data Subject and the CILSA Investments.

**Security safeguards** – CILSA Investments must take reasonable steps ensure that adequate safeguards are in place to ensure that Personal Information is being Processed responsibly and is not unlawfully accessed.

**Data Subject participation** – the Data Subject must be made aware that their information is being Processed and must have provided their informed consent to such Processing.

## Types of Records

a) Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to CILSA Investments and the Financial Services Industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation, as listed below.

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Sector Regulation 9 of 2017
- Income Tax Act 58 of 1962
- The Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Unemployment Insurance Act 63 of 2001
- Value-added Tax Act 89 of 1991

b) Records available without requesting access in terms of the Act

CILSA Investments may, on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description submitted by notice in the Gazette.

CILSA Investments have not submitted any such description for publication in the Gazette. Certain records are however freely available on the Internet at <https://www.capital-iom.com/>.

c) Records available on request

We set out below the subjects and categories of records that are subject to access being denied as set out in the Act, available for the purposes of the Act:

Records are held on the following subjects:

- i. Personnel records;
- ii. Client-related records;
- iii. CILSA Investments records; and
- iv. Records in the possession of or pertaining to other parties.

**Personnel records**

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

Personnel records include the following:

- Any personal records provided to CILSA Investments by their personnel;
- Any records a third party has provided to CILSA Investments about any of their personnel;
- Conditions of employment and other personnel-related contractual and legally binding records;
- Internal evaluation records;
- Other internal records and correspondence
- Training schedules and material; and
- Payment records (and beneficiary payments), including banking details.

**Client-related records**

A client includes any natural or juristic entity, who receives services from CILSA Investments.

Client-related information includes the following:

- Any records a client has provided to a third party acting for or on behalf of CILSA Investments
- Any records a third party has provided to CILSA Investments; and
- Records generated by or within the CILSA Investments pertaining to the client, including transactional records and;
- correspondence with a client that is implicitly or explicitly of a private or confidential nature, including recorded telephone calls.

### CILSA Investments records

The following are considered to include but not to be limited to records, which pertain to the CILSA Investment's own affairs:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal policies and procedures;
- Treasury-related records;
- Securities and equities;
- Records held by officials of CILSA Investments;
- Administrative records, such as contracts and service-level agreements;
- Product records;
- Communication; and
- Human resources records.

### Other records

CILSA Investments may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records, which can be said to belong to the CILSA Investments.

The following records fall under this category:

- Personnel, client or CILSA Investments records which are held by another party as opposed to being held by CILSA Investments; and
- Records held by CILSA Investments 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.

### Requesting procedures

A person who wants access to the records of any of CILSA Investments must complete the necessary request form.

The request form can be accessed through [www.sahrc.org.za](http://www.sahrc.org.za). If a person needs assistance to obtain the form or on any other matter, please contact the Information Officer on +27 21 201 1070 or [clientsupport@capital-sa.com](mailto:clientsupport@capital-sa.com)

The completed request form must be sent to the postal address/email address provided in paragraph 1 and marked for the attention of the Information Officer.

The Information Officer will process the request and inform the requester of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalised.

#### Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	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: (iii) Flash drive (to be provided by requestor) (iv) Compact disc • If provided by 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.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for 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 a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."

All the pertinent sections must be completed fully, failing which the process will be delayed while the Information Officer obtains such additional information.

*NOTE: Access to certain records may be or must be denied on the grounds set out in the Act.*

The Access Request Form must contain enough details to enable the Information Officer to identify:

- the records requested
- the proof of identity of the requester
- the form of access required if the request is granted
- the email address, postal address or fax number of the requester

If the 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.

This information must be to the reasonable satisfaction of the Information Officer and the requester must clearly disclose the right they wish to protect.

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

The requester will be informed whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, the requester must state the manner and the particulars so required.

Mandatory grounds for refusal include but are not limited to:

- Information for the protection of the privacy of individuals;
- Information for the protection of commercial information and confidential information of third parties;
- Information privileged from production in legal proceedings;
- Commercial information of the company; and
- Research information
- Mandatory protection of the privacy of a third party who is a natural person, if supplying the information would involve the unreasonable disclosure of personal information of that natural person

Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets or intellectual property of that third party
- Financial, commercial, scientific or technical information, if the disclosure would likely cause harm to the financial or commercial interests of that third party
- Information disclosed in confidence by a third party to CILSA Investments, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation
- Mandatory protection of the safety of individuals and the protection of property

Mandatory protection of records that would be regarded as privileged in legal proceedings;

The commercial activities of CILSA Investments, which may include:

- Trade secrets of CILSA Investments
- Intellectual property of CILSA Investments
- Financial information that, if disclosed, could put CILSA Investments at a disadvantage in negotiations or commercial competition
- A computer program, algorithm, modelling or application that is owned by CILSA Investments and that is protected by copyright
- The research information of CILSA Investments or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage
- Requests for information that are clearly frivolous, or which involve an unreasonable diversion of resources.

### **Availability of the manual**

Copies of this manual are available for inspection, free of charge, at the offices of CILSA Investments.

Copies are also available from the South African Human Rights Commission and on our website.

### **Decision notification**

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.

The 30-day period, within which CILSA Investments has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the information cannot reasonably be obtained within the original 30-day period. The period may be extended if the request is for a large amount of information, or the request requires CILSA Investments to search for information held at another office of CILSA Investments. CILSA Investments will notify the requester in writing should an extension be sought.



### **Remedies when request refused**

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 six months of the decision, alleging that the decision was not compliant with the provisions of the legislation.

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. 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 may be brought in the ordinary course. For this purpose, any reference to an application to court includes an application to a relevant Magistrate's Court.

Copies of this manual are available for inspection, free of charge, at the offices of CILSA Investments.

## Annexure A – Request for Access Form

### 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]

**Please Note:** This form has been optimised for digital use to avoid as much paper waste as possible. Please download and save this file locally on your device that you are using and open with Adobe Acrobat.

You do not need a paid account, but you may need to configure your digital ID for signing (to do this, please follow the 'on screen' steps when using the signature option in Adobe Acrobat).

#### 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.

Title	<input type="text"/>
Forename(s)	<input type="text"/>
Surname	<input type="text"/>
Other/Maiden Name(s)	<input type="text"/>
Identity Number	<input type="text"/>
Postal Address	<input type="text"/>
Telephone No.	<input type="text"/>
Email	<input type="text"/>
Capacity in which request is made, when made on behalf of another person:	<input type="text"/>

#### 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.

Forename(s)	<input type="text"/>
Surname	<input type="text"/>
Other/Maiden Name(s)	<input type="text"/>
Identity Number	<input type="text"/>

### 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.

Forename(s)	<input type="text"/>
Surname	<input type="text"/>
Other/Maiden Name(s)	<input type="text"/>
Identity Number	<input type="text"/>

### 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 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. You will be notified of the amount required to be paid as the request fee. 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. 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 below, state your disability and indicate in which form the record is required.

Disability:

Please state the form in which record is required:

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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 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)  
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\* (stiffy 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?

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## 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 P L A C E on this D D / M M / Y Y Y Y

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE:

Notes: