



NEW ROAD CAPITAL

INVESTMENT MANAGEMENT

New Road Capital (Pty) Ltd Promotion of Access to Information Manual

Prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA").

Contents

New Road Capital (Pty) Ltd Promotion of Access to Information Manual.....	1
1. Purpose and Scope.....	2
2. Definitions.....	2
3. Administration of PAIA and POPIA	3
4. Records Available in Accordance with Other Legislation.....	3
5. Description of Subjects on which FSP NAME Holds Records and the Categories of Records Held on Each Subject	4
6. Processing Personal Information under POPIA	5
7. Decision Making Process	6

1. Purpose and Scope

One of the main requirements specified in PAIA is the compilation of a manual that provides information on both the categories and types of records held by the public or private body. In terms of PAIA, a private body includes any former or existing juristic person. Therefore, Imperial Holdings Limited is regarded as a “private body” and both the manual and requirements regarding access must be in compliance with the provisions of PAIA relevant to private bodies.

This document serves as the manual in terms of PAIA to provide a reference to the New Road Capital Group, its subsidiaries, and their divisions, as to the records held and the process that needs to be followed to request access to such records in terms of both PAIA and POPIA.

2. Definitions

“New Road Capital (Pty) Ltd”	Means New Road Capital (Pty) Ltd and its subsidiaries and divisions;
“employee”	means any person who works for or provides services to or on behalf of New Road Capital (Pty) Ltd, and receives or is entitled to receive remuneration;
“Guide”	means the guide published by the SAHRC in terms of section 10 of PAIA, as amended and updated by the Information Regulator from time to time;
“Information Regulator”	means the juristic person established under section 39 of POPIA;
“PAIA”	means the Promotion of Access to Information Act 2 of 2000 and any Regulations published thereunder, as amended from time to time;
“personal information”	has the same meaning as set out in section 1 of POPIA;
“POPIA”	means the Protection of Personal Information Act 4 of 2013 and any regulations, guidelines or codes of conduct published thereunder, as amended from time to time;
“requester”	means any person or entity requesting access to a record that is under the control of New Road Capital (Pty) Ltd;
“SAHRC”	means the South African Human Rights Commission;
“special personal information”	has the same meaning as set out in section 1 of POPIA;
“the head of New Road Capital (Pty) Ltd”	means the Chief Executive Officer of New Road Capital (Pty) Ltd, or any person duly authorised by him or her to carry out the duties ascribed to the “head” of a private body by PAIA;
“the manual”	means this manual which is published in accordance with section 51 of PAIA and “this manual” shall have the same meaning;
“the Minister”	means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

3. Administration of PAIA and POPIA

To enable ease of access to the information, the duly authorised contact person is detailed below to ensure that the requirements of both POPIA and PAIA are administered in a fair, objective and unbiased manner.

The duly appointed Information Officer of New Road Capital (Pty) Ltd is Garth Nash, the person to whom requests for access to records should be addressed. He can be contacted as follows:

Telephone: +27 (12) 880 2773
Email: info@newroadcapital.co.za

The South African Human Rights Commission (SAHRC) compiled a guide to facilitate the ease of the Act for a person requesting access to information. The guide is available from the SAHRC.

The South African Human Rights Commission
Phone Number: +27 (11) 877-3600
Website: www.sahrc.org.za

For all other queries or complaints relating to PAIA or POPIA, please contact:

The Information Regulator (South Africa)
Phone Number: +27 (12) 357 8544
Email: info@justice.gov.za or paia@justice.gov.za
Website: <http://www.justice.gov.za/infoereg>

4. Records Available in Accordance with Other Legislation

Certain records held by New Road Capital (Pty) Ltd are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out herein and these records may in certain instances only be accessed by the persons specified in the relevant legislation.

The legislation is as follows:

- Basic Conditions of Employment Act No 75 of 1997;
- Companies Act No. 61 of 1973;
- Companies Act No. 71 of 2008;
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993;
- Consumer Protection Act No. 68 of 2008;
- Employment Equity Act No. 55 of 1998;
- Financial Advisory and Intermediary Services Act No. 37 of 2002;
- Financial Intelligence Centre Act No. 38 of 2001;
- Financial Sector Regulations Act (Act No. 9 of 2017)
- Income Tax Act No. 58 of 1962;
- Labour Relations Act No. 66 of 1995;
- Occupational Health and Safety Act No. 85 of 1993;
- Skills Development Levies Act No. 9 of 1999;
- Skills Development Act No. 97 of 1998;
- Unemployment Contributions Act No. 4 of 2002;
- Unemployment Insurance Act No. 30 of 1966;
- Value-Added Tax Act No. 89 of 1991.

The Information Officer will take into consideration section 7 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.

5. Description of Subjects on which New Road Capital (Pty) Ltd Holds Records and the Categories of Records Held on Each Subject

CATEGORIES OF RECORDS	DESCRIPTION OF RECORDS HELD
Administration	Minutes of meetings of directors Resolutions of the directors of New Road Capital (Pty) Ltd Applicable statutory documents, including but not limited to, certificates of incorporation and certificates to commence business; Memorandum of Incorporation Statutory returns to relevant authorities Trademark documentation
Corporate Governance	Codes of Conduct Corporate social and investment records Minutes of meetings of committees and sub committees Executive committee meeting minutes Legal compliance records Policies
Finance	Accounting records Tax records VAT records PAYE records Debtors' records Creditors' records Insurance records Auditors' reports Interim and annual financial statements Bank statements and other banking records for business and trust accounts Invoices issued in respect of debtors and billing information Records regarding New Road Capital (Pty) Ltd's financial commitments Statistic SA returns
Human Resources	List of employees Statistics regarding employees Employment contracts Conditions of employment Information relating to prospective employees Personnel records including personal details, disciplinary records, performance and internal evaluation records Employee tax information Records of Unemployment Insurance Fund contributions Records regarding group life assurance and disability income protection Provident fund records Payroll records Health and safety records Workplace skills plans Codes of conduct Disciplinary code and procedure Grievance procedure Appeal procedure Remuneration policy Internal policies and procedures regarding dismissals, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, extended sick leave, study leave, salaries, overtime, bonuses, medical aid, health and safety, adoption leave and benefits, BEE procurement, loans, working parents, black economic empowerment, smoking, use of company

	resources including telephones, motor vehicles and computers, sexual harassment, HIV-Aids and Pro Bono policy. Training schedules and material Training records and statistics Training Agreements Learnership Programmes Correspondence relating to personnel
Operations	Supplier lists and details of suppliers Agreements with suppliers Access control records Insurance documentation Travel documentation Client transaction records in respect of services and products, as well as FAIS disclosure documents where applicable
Information Technology	Computer software Support and maintenance agreements Records regarding computer systems and programmes
Property	Asset registers Lease agreements in respect of immovable property Records regarding insurance in respect of movable property Records regarding insurance in respect of immovable property
Miscellaneous	Internal correspondence Policies required in terms of applicable licensing requirements

6. Processing Personal Information under POPIA

New Road Capital (Pty) Ltd collects and processes personal information for various purposes including but not limited to the following:

- to meet New Road Capital (Pty) Ltd's responsibilities to customers, employees, suppliers and other natural or juristic persons across our business segments;
- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests;
- to respond to customers/suppliers' enquiries and complaints;
- to inform customers of new products and/or services;
- to maintain employees', customers' and suppliers' records;
- for recruitment, employment and/or apprenticeship purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage New Road Capital (Pty) Ltd's premises and facilities;
- to transact with New Road Capital (Pty) Ltd's suppliers and business partners;
- to help New Road Capital (Pty) Ltd improve the quality of its products and/or services;
- to detect, prevent and report theft, fraud, money laundering and other crimes. This may include the processing of special personal information, e.g. alleged criminal behaviour, or the supply of false, misleading or dishonest information;
- to enforce and collect on any agreement when New Road Capital (Pty) Ltd needs to recover debts; and
- to identify other products and services which might be of interest to data subjects and to inform them about New Road Capital (Pty) Ltd's products and services

New Road Capital (Pty) Ltd may share the personal information of data subjects for any of the purposes outlined above with the following:

- The New Road Capital (Pty) Ltd, its subsidiaries and their divisions;
- New Road Capital (Pty) Ltd authorised service providers;
- any operators who perform services on behalf of New Road Capital (Pty) Ltd;
- any applicable medical aid funds, pension funds, provident funds, credit bureau, and/or recruitment companies;
- the Financial Sector Conduct Authority and the regulators appointed for the various financial sectors; and
- other industry regulators in order to comply with any regulation passed under the relevant legislation, or any legal process.

New Road Capital (Pty) Ltd has implemented reasonable technical and organisational measures for the protection of personal information processed by New Road Capital (Pty) Ltd and its operators (i.e. third parties that process personal information on behalf New Road Capital (Pty) Ltd).

New Road Capital (Pty) Ltd continuously implements and monitors technical and organisational security measures to protect the personal information in its possession and control against unauthorised access, accidental or wilful manipulation, loss or destruction.

New Road Capital (Pty) Ltd will take steps to ensure that its operators that process personal information on its behalf apply adequate safeguards as outlined above.

New Road Capital (Pty) Ltd has implemented reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information, and unlawful access to or processing of personal information.

7. Decision Making Process

7.1. In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requester by way of affidavit or affirmation, that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the requester would otherwise have been granted.

7.2. Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request; notify the requester of the decision as to whether or not to grant the request. If the request is:

7.2.1 Granted: the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.

7.2.2 Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.

7.3. The information officer may extend the period of 30 days by a further period not exceeding 30 days if:

7.3.1 The requester is for a large number of records or requires a search through a large number of records;

7.3.2 Consultation between divisions of New Road Capital (Pty) Ltd, or with another private body is required; or

7.3.3 The requester consents to the extension

The requester must be notified within the initial 30-day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.

The information officer's failure to respond to the requester within the 30-day period constitutes a deemed refusal of the request.

7.4. Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

- 7.5. If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the information officer.
- 7.6. New Road Capital (Pty) Ltd may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of New Road Capital (Pty) Ltd itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, and that it is necessary to protect the research information of a third party or New Road Capital (Pty) Ltd itself. Access to documents may also be refused on the basis of professional privilege.
- 7.7. Where a request is refused, a requester may lodge a complaint in writing with the Information Regulator, or apply to the High Court within 180 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The Court will determine whether the records should be made available or not.

ANNEXURE A

**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

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

Identity number:

Postal address:

Attention:

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:

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

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.**

Description of record or relevant part of the record:

Reference number, if available:

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 below, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____	Form in which record is required: _____ _____
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Mark the appropriate box with an X.

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
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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*
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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? 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.***

Indicate which right is to be exercised or protected:

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 of _____ 20__

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

FEES IN RESPECT OF PRIVATE BODIES

Action taken	Fee
Photocopy of an A4-size page or part thereof	R1.10
Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
For a copy in a computer-readable form on -	
stiffy disc	R7.50
compact disc	R70.00
Transcription of visual images, for an A4-size page or part thereof	R40.00
Copy of visual images	R60.00
Transcription of an audio record, for an A4-size page or part thereof	R20.00
Copy of an audio record	R30.00