



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").

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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

The Executive Directors of New Road Capital (Pty) Ltd is Garth Nash and Paul Fouché. Both Garth Nash and Paul Fouché are head of New Road Capital (Pty) Ltd for the purposes of PAIA.

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. His contact details are as follows:

Telephone: 012 880 2773
Email: garthn@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: inforeg@justice.gov.za or paia@justice.gov.za
Website: <http://www.justice.gov.za/inforeg>

4. Roles and Responsibilities

The Head of the Company is responsible for ensuring overall compliance with PAIA and POPIA within New Road Capital (Pty) Ltd. Duties include:

- Approving policies and frameworks to ensure lawful processing of personal information.
- Overseeing appointment of the Information Officer and Deputy Information Officer(s).
- Ensuring adequate resources for compliance and training.

The Information Officer, duly appointed in terms of section 56 of PAIA and section 55 of POPIA, shall:

- Develop and implement compliance frameworks under PAIA and POPIA.
- Facilitate access to records in terms of PAIA and respond to data subject requests under POPIA.
- Maintain the PAIA Manual and lodge it with the Information Regulator as required.
- Conduct Personal Information Impact Assessments and security risk assessments.

The South African Human Rights Commission previously compiled guides on the use of PAIA; however, these functions are now vested with the Information Regulator. The Regulator oversees complaints and enforces compliance with both PAIA and POPIA.

5. 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 requesty 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.

6. 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

	<p>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</p>
Operations	<p>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</p>
Information Technology	<p>Computer software Support and maintenance agreements Records regarding computer systems and programmes</p>
Property	<p>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</p>
Miscellaneous	<p>Internal correspondence Policies required in terms of applicable licensing requirements</p>

7. 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.

8. Retention and Destruction of Personal Information

Personal information will be retained only for as long as necessary to fulfil the purposes for which it was collected or as required by law. Upon expiry of the retention period, records will be securely destroyed or anonymised. Extensions to retention periods shall only occur where legal or legitimate business interests justify such extension.

9. Processing Limitations Procedures

Processing of personal information shall be limited to what is adequate, relevant, and not excessive in relation to the purposes for which it is processed. New Road Capital (Pty) Ltd will ensure:

- Lawful processing under contractual necessity, legal obligations, legitimate interests, or consent.

Availability of Records and Request Procedures

Records may be:

- Automatically available on the company website or public domain.
- Available on request under PAIA, subject to prescribed forms and fees.
- Restricted in terms of legislative provisions or third-party confidentiality.

10. Decision Making Process

- 10.1. 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.
- 10.2. 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:
 - 10.2.1 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.
 - 10.2.2 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.
- 10.3. The information officer may extend the period of 30 days by a further period not exceeding 30 days if:
 - 10.3.1 The requester is for a large number of records or requires a search through a large number of records;
 - 10.3.2 Consultation between divisions of New Road Capital (Pty) Ltd, or with another private body is required; or
 - 10.3.3 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.

- 10.4. 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.
- 10.5. 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.
- 10.6. 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.

- 10.7. 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.

11. Processing Purposes by Data Subject Category

Data Subject	Purpose of Processing info
Clients	<ul style="list-style-type: none"> • To provide financial services, • Comply with FAIS obligations, • Perform KYC checks, • Manage contractual relationships.
Suppliers	To facilitate: <ul style="list-style-type: none"> • Procurement, • Payments, • And compliance with tax and regulatory requirements.
Employees	To administer: <ul style="list-style-type: none"> • payroll, • performance management, • and legal obligations under labour law.
Contractors/Service Providers	<ul style="list-style-type: none"> • To manage agreements, • access control, • operational support.
Business Partners	<ul style="list-style-type: none"> • To manage joint ventures, • Compliance reporting.

12. Data Subject Rights

Data subjects have the right to:

- Consent to processing, object to processing, or withdraw consent at any time.
- Request correction or deletion of inaccurate, irrelevant, or excessive information.
- Request access to their personal information in accordance with section 23 of POPIA.

Valid consent must be voluntary, specific, informed, and unambiguous.

13. Security Measures for Protection of Personal Information

New Road Capital implements organisational and technical measures, including:

- Physical access controls, visitor logs, and secure storage facilities.
- Encryption, firewalls, and anti-virus software for IT systems.
- Role-based access control and authentication measures.
- Regular security risk assessments and incident response protocols.



14. Personal Information Breach Management

In the event of a breach, New Road Capital shall:

- Immediately investigate and contain the incident.
- Notify the Information Regulator and affected data subjects without undue delay.
- Implement remedial measures and maintain breach logs.

15. ANNEXURE A

The following forms and annexures are available as separate downloadable documents:

Form 2 - Request for Access to Records:	 InfoRegSA-PAIA-Form02-Reg7.pdf
Annexure B - Fee Schedule	 Form-3-PAIA - Fees Payable.pdf