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**PAIA MANUAL**

PERESEC SOUTH AFRICA PROPRIETARY LIMITED  
(AND THE PERESEC SA GROUP)

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LAST UPDATED: 01 NOVEMBER 2020

THIS MANUAL HAS BEEN PREPARED IN ACCORDANCE WITH  
SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

## **PERESEC SOUTH AFRICA PROPRIETARY LIMITED**

Registration number: 2018/416399/07

(the "Company" or "Peresec")

This manual applies to Peresec South Africa Proprietary Limited its South African subsidiaries, their divisions, trusts and partnerships in which a Peresec entity is the general partner and partnerships in which a Peresec entity has at least a 50% partnership interest (hereafter collectively referred to as the "Peresec group"). A list of these entities is available on request.

### **1. INTRODUCTION**

The Promotion of Access to Information Act, 2000 (the "Act") gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

### **2. NATURE OF BUSINESS**

The Company is a holding company of the Peresec group which is a financial services group, the core South African operating companies of which are -

- Peresec Prime Brokers Proprietary Limited;
- Peresec Derivatives Proprietary Limited;
- Peresec Fund Platform Proprietary Limited; and
- Peresec SA Nominees Proprietary Limited.

**3. CONTACT DETAILS**

<b>Name of body</b>	Peresec South Africa Proprietary Limited
<b>Head of body</b>	Tshepo Maseko
<b>Information Officer</b>	Sean Peters
<b>Physical Address</b>	Katherine Towers, 1 Park Lane, Wierda Valley, Sandton, 2196
<b>Postal Address</b>	PO Box 55312, Northlands, 2196
<b>Telephone Number</b>	+27 11 722 7330
<b>Email address</b>	<a href="mailto:seanp@peresec.co.za">seanp@peresec.co.za</a>
<b>Website</b>	<a href="http://www.peresec.com">www.peresec.com</a>

**4. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

<b>Postal Address</b>	Private Bag 2700 Houghton 2041
<b>Telephone Number</b>	+27 11 877 3600
<b>Facsimile Number</b>	+27 11 403 0625
<b>Website</b>	<a href="http://sahrc.org.za">sahrc.org.za</a>

**5. ACCESS TO RECORDS HELD BY THE PERESEC GROUP**

Records held by the Peresec group may be accessed on request only once the requirements for access have been met.

A requester is any person making a request for access to a record of the Peresec group and in this regard, the Act distinguishes between two types of requesters:

**Personal Requester**

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the Company.

**Other Requester**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by the Company.

**6. REQUEST PROCEDURE**

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record.

A requester must complete the prescribed form enclosed herewith in Annexure A and submit same as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail address stated herein.

The prescribed form must be filled in with enough detail to at least enable the information officer to identify:

- the record or records requested;
- the identity of the requester;
- what form of access is required; and
- the postal address, e-mail address or fax number of the requester.

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

The Company will process a request within 30 (thirty) days, unless the requester has stated special reasons which satisfy the information officer that circumstances dictate that this time period not be complied with and that a shorter time period is appropriate.

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

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 to the satisfaction of the information officer.

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

## **7. DECISION**

The Company will, within 30 (thirty) days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect.

The 30 (thirty) day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large quantity of information or the request requires a search for information held at another office of the Company (other than the head office) and/or the information cannot reasonably be obtained within the original 30 (thirty) day period. The information officer will notify the requester in writing should an extension be necessary.

## **8. FEES**

The Act provides for two types of fees:

- a request fee, (which will be a standard fee); and
- an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable.

When a request is received by the information officer of the Company, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure; including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The information officer shall be entitled to withhold a record until the requester has paid the fee or fees as indicated.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation , and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

**9. REMEDIES AVAILABLE IF THE COMPANY REFUSES A REQUEST FOR INFORMATION**

**Internal Remedies**

The Company does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requesters will have to exercise such external remedies at their disposal if a request is refused and the requester is not satisfied with the response provided by the information officer.

**External Remedies**

A requester that is dissatisfied with the information officer's refusal to disclose information may, within 30 (thirty) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

**10. LIST OF APPLICABLE LEGISLATION, REGULATIONS, CODES, STANDARDS, RULES, DIRECTIVES, CHARTERS, CIRCULARS AND NOTES**

Records of the Company and other members of the Peresec group may be kept by or on behalf of the Company in accordance with the legislation, regulations, codes, standards, rules, directives, charters, circulars and notes listed in Annexure B attached hereto, as amended from time to time, (some of which may not be applicable to the Company), as well as with other legislation that may apply to the Company and any other members of the Peresec group from time to time.

## **11. SCHEDULE OF RECORDS**

The following is a schedule of the records /documents kept by the Company and/or other members of the Peresec group

### **Companies Act records**

- Documents of incorporation
- Memorandum and articles of association
- Minutes of board of directors meetings
- Minutes of shareholder meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share register and other statutory registers

### **Financial records**

- Annual financial statements
- Tax returns
- Accounting records
- Banking records
  - Bank statements
  - Electronic banking records
- Asset register
- Rental agreements
- Invoices

### **Income tax records**

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Regional services levies
  - Skills development levies
  - UIF
  - Workmen's compensation

**Personnel documents and records**

- Employment contracts
- Employment equity plan
- Medical aid records
- Pension fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training manuals

**12. AVAILABILITY OF THE MANUAL**

The manual is available for inspection, on reasonable prior notice, at the office of the Company free of charge. Copies of the manual of the Company are also available from the SAHRC and the Company's website.

**13. SIGNED**



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**TSHEPO MASEKO  
CHAIRMAN**

**DATE:**





**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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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:

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**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:
Mark the appropriate box with an <b>X</b> .	
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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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
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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. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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

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**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?

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Signed at ..... this day..... of .....year .....

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

**ANNEXURE B****LIST OF APPLICABLE LEGISLATION, REGULATIONS, CODES, STANDARDS, RULES, DIRECTIVES, CHARTERS, CIRCULARS AND NOTES**

	<b>Investment management, advice and administration</b>
1	Administration of Estates Act 66 of 1965
2	ASISA Standard on Living Annuities
3	ASISA Standards Applicable to Collective Investment Scheme Industry
4	Civil Union Act 17 of 2006
5	Code for responsible investing in South Africa (Crisa)
6	Collective Investment Schemes Control Act 45 of 2002 and subordinate legislation
7	Divorce Act 70 of 1979
8	Financial Advisory and Intermediary Services Act 37 of 2002 and subordinate legislation
9	Financial Institutions (Protection of Funds) Act 28 of 2002
10	Financial Intelligence Centre Act 38 of 2001 and subordinate legislation
11	Financial Markets Act 19 of 2012 and subordinate legislation
12	Financial Services Board Act 97 of 1990
13	Financial Services Ombud Schemes Act 37 of 2004
14	FSB Directives and Circulars (Not legislation)
15	Insurance Act 19 of 2017 and regulations made under the Act
16	Inspection of Financial Institutions Act 80 of 1998
17	Intestate Succession Act 81 of 1989
18	JSE Ltd Rules and Directives

19	Maintenance of Surviving Spouse Act 27 of 1990
20	Matrimonial Property Act 88 of 1985
21	Pensions Funds Act 24 of 1956 and subordinate legislation
22	Trust Property Control Act 57 of 1989
23	Wills Act 7 of 1953
	<b>Banking and Exchange Control</b>
24	Banks Act 94 of 1990
25	Currencies and Exchanges Act 9 of 1993
26	Exchange Control Regulations
	Employer-Employee
27	Basic Conditions of Employment Act 75 of 1997
28	Compensation for Occupational Injuries and Diseases Act 130 of 1993
29	Employment Equity Act No 55 of 1998
30	Labour Relations Act 66 of 1995
31	Occupational Health and Safety Act 85 of 1993
32	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
33	Protected Disclosures Act 26 of 2000
34	Skills Development Act 97 of 1998
35	Skills Development Levy Act 9 of 1999
36	Unemployment Insurance Act 63 of 2001
37	Unemployment Insurance Contributions Act 4 of 2002

38	Tobacco Products Control Act of 1993
	<b>Revenue</b>
39	Amnesties/Voluntary Disclosures Programs
40	Estate Duty Act 45 of 1995
41	Income Tax Act 58 of 1962 and subordinate legislation
42	SARS Director Circulars and Notes
43	Securities Transfer Tax Act 25 of 2007
44	Securities Transfer Tax Administration Act 26 of 2007
45	Tax Administration Act 28 of 2011
46	Value Added Tax Act 89 of 1991
	<b>General</b>
47	Broad-based Black Economic Empowerment Act 53 of 2003 and Financial Services Charter
48	Companies Act 71 of 2008 and subordinate legislation
49	Competitions Act 89 of 1998
50	Constitution of RSA Act 108 of 1996
51	Consumer Affairs (Unfair Business Practices) Act 71 of 1988
52	Consumer Protection Act 68 of 2008
53	Copyright Act 98 of 1978
54	Electronic Communications and Transactions Act 25 of 2002
55	Insolvency Act 24 of 1936
56	King Code of Conduct for Corporate Governance (not legislation)

57	Long-Term Insurance Act 52 of 1998 and subordinate legislation
58	Prevention and Combating of Corrupt Activities Act 12 of 2004
59	National Credit Act 34 of 2005
60	Prevention of Organised Crime Act 121 of 1998
61	Promotion of Access to Information Act 2 of 2000
62	Promotion of Administrative Justice Act 3 of 2000
63	Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
64	Protection of Personal Information Act 4 of 2013
65	Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
66	Trade Marks Act 194 of 1993
	<b>Offshore</b>
67	Foreign Account Tax Compliance Act ( FATCA)
68	US Investment Advisers Act 1940 ( amended by Dodd Frank Act)
69	Handbook for Financial Services Businesses on Countering Financial Crime and Terrorist Financing
70	UK Bribery Act 2010
71	The Protection of Investors (Bailiwick of Guernsey) Law, 1987
72	The Licensees (Code of Business Rules 2014)
73	The Authorised Collective Investment Schemes (Class B) Rules 2013 (the Class B Rules)
74	Company Securities (Insider Dealing) (Bailiwick of Guernsey) Law, 1996
75	Data Protection (Bailiwick of Guernsey) Law, 2001 (Consolidated text)



76	Licensees (Capital Adequacy) Rules 2010
77	Prospectus Rules 2007
78	Code of Corporate Governance
79	Principles of Conduct of Finance Business
80	The General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) (European Union)