

PROMOTION OF ACCESS TO INFORMATION POLICY

SECTION 51 MANUAL

For internal use

Approved by the Governing Body: 7 June 2021

Updated : 30 June 2021

Table of Contents

| | |
|--|-----------|
| 1. DEFINITIONS | 3 |
| 2. BACKGROUND AND APPLICABILITY | 4 |
| 3. PURPOSE | 4 |
| 4. WHO MAY REQUEST INFORMATION FROM THE COMPANY | 5 |
| 5. REQUEST PROCEDURE | 5 |
| 6. THIRD PARTY INFORMATION | 7 |
| 7. FEES PAYABLE BY REQUESTER | 7 |
| 8. DECISIONS ON ACCESS | 9 |
| 9. GROUNDS FOR REFUSAL OF REQUEST | 10 |
| 10. TYPES OF RECORDS AVAILABLE WITHOUT FORMAL REQUEST | 12 |
| 11. REMEDIES AVAILABLE TO THE REQUESTER ON REFUSAL | 12 |
| 12. REGULATORY DISCLOSURE | 13 |
| FORM A: INFORMATION REQUEST | 14 |

1. DEFINITIONS

In this manual the following terms and expressions shall have the meanings assigned to it, and if required, any other term or expression shall be interpreted in accordance with PAIA and POPIA:

- 1.1. **Company** – Means Structured Investment Products South Africa (Pty) Ltd a company duly incorporated within the Republic of South Africa under registration number 2016/218894/07, trading as SIP Nordic South Africa, an authorised financial services provider (FSP 51065).
- 1.2. **Constitution** – Means the Constitution of the Republic of South Africa, No. 108 of 1996.
- 1.3. **Information Officer** – Means the person designated as the Information Officer of the Company in accordance with the provisions of POPIA.
- 1.4. **Information Regulator** – Means the regulator established in terms of Section 39 of POPIA.
- 1.5. **PAIA** – Means the Promotion of Access to Information Act, No 2 of 2000.
- 1.6. **Personal Information** – Means information relating to a person's:
 - 1.6.1. Race, gender, 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;
 - 1.6.2. Education, medical, financial, criminal or employment history;
 - 1.6.3. Unique identifying numbers including identity/registration/passport numbers and numbers allocated to a person by companies and institutions, for e.g. bank account, client or member account numbers;
 - 1.6.4. Contact particulars including physical address, phone numbers, email and other social media addresses or handles and GPS locations;
 - 1.6.5. Private communications and opinions;
 - 1.6.6. Any other information connected to a person that says something about the person, for e.g. biometric information, personal preferences, idiosyncrasies and names on lists like credit black lists.
- 1.7. **POPIA** – Means the Protection of Personal Information Act, No 4 of 2013.
- 1.8. **Requester** – Means any third party requesting information or records from the Company.

2. BACKGROUND AND APPLICABILITY

- 2.1. Section 32 of the Constitution provides that everyone has the right of access to any information held:
 - 2.1.1. by the state; and
 - 2.1.2. by another person that is required for the exercise or protection of any rights.
- 2.2. PAIA, was assented to on 3 February 2000 to give effect to this constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any right.
- 2.3. Where a request is made in terms of PAIA, the private or public body to which the request is made is obliged to release the information, except where PAIA, as read with POPIA, expressly provides that the information must not be released. PAIA sets out the requisite procedural issues attached to such request.
- 2.4. POPIA governs the processing, meaning the collection, use, dissemination, management, storage and protection, of all Personal Information by responsible persons.
- 2.5. As a result the Company has approved and implemented a POPIA policy and this PAIA Manual and procedures to be adhered to when processing a request for information by a Requester.
- 2.6. This Manual applies to all employees of the Company, regardless of seniority or status, and includes those persons on secondment or contracted to the Company.
- 2.7. This Manual must be read with the Company's POPIA Policy were required.

3. PURPOSE

- 3.1. This Manual is intended to foster a culture of transparency and accountability within the Company, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.
- 3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of PAIA in order for them to exercise their rights in relation to public and private bodies.

3.3. Section 9 of PAIA however recognises that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to limitations aimed at the reasonable protection of:

3.3.1. privacy of a party as further protected in terms of POPIA;

3.3.2. commercial confidentiality; and

3.3.3. effective, efficient and good governance;

in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4. This Manual further provides for a uniform procedure for a Requester to request information from the Company.

4. WHO MAY REQUEST INFORMATION FROM THE COMPANY

4.1. Any person, who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of PAIA states that a Requester must be given access to any record of a private body if:

4.1.1. that record is required for the exercise or protection of any rights;

4.1.2. that person complies with the procedural requirements in PAIA relating to a request for access to that record; and

4.1.3. access to that record is not refused in terms of any ground for refusal contemplated in PAIA.

4.2. There are two types of Requesters, being:

4.2.1. A personal Requester who is a Requester who is seeking access to a record containing Personal Information about the Requester. The Company will provide the requested information, or give access to any record with regard to the Requester's Personal Information.

4.2.2. The other Requester is a Requester (other than a personal Requester) who is entitled to request access to information on third parties. However, the Company is not obliged to voluntarily grant access. The Requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

5. REQUEST PROCEDURE

- 5.1. In accordance with the terms of section 53 of PAIA, a request for access to a record of the Company must be made in the prescribed form (attached hereto as “Form A: Information Request”) addressed to the Information Officer at the address, telephone number or electronic mail address given below. The form requires the Requester to provide the following information:
 - 5.1.1. sufficient information to enable the Information Officer to identify the Requester;
 - 5.1.2. sufficient information to enable the Information Officer to identify the record(s) requested;
 - 5.1.3. the form of access required;
 - 5.1.4. the Requester’s physical and postal addresses, fax number or email address;
 - 5.1.5. identification of the right sought to be exercised or protected;
 - 5.1.6. an explanation on why the record is required to exercise or protect that right;
 - 5.1.7. the manner in which the Requester wishes to be informed of the decision on the request, if in a manner in addition to written notification; and
 - 5.1.8. if the request is made on behalf of a person, the submission of proof of the capacity in which the Requester makes the request, to the satisfaction of the Information Officer.
- 5.2. Form A must be addressed to the Information Officer at any one of the following:

Email Address: info@sipnordic.co.za
Postal Address: Spaces, 4th Floor Sunclare Building, 21 Dreyer Street, Claremont, 7780
- 5.3. If a Requester is unable to complete Form A for any reason, such a person may make the request orally or in person to:

Telephone number: +27 21 013 3613
Physical Address: Spaces, 4th Floor Sunclare Building, 21 Dreyer Street, Claremont, 7780
- 5.4. The request will be properly recorded and be kept in the Information Register.
- 5.5. The Company will process the request within 30 days, unless the Requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 5.6. Note that all of the information as listed above should be provided in the request, failing which the process will be delayed while the Information Officer requests such additional information.

The prescribed periods will not commence until all pertinent information has been furnished to the Information Officer by the Requester.

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

6. THIRD PARTY INFORMATION

- 6.1. In the event of information being requested that relates to third parties that is in the Company's possession, such requests will be dealt with in accordance with the provisions of sections 71 to 74 of PAIA.
- 7.2. The attention of the Requester is drawn to the provisions of Chapter 5, Part 3 of PAIA in terms of which the Company is obliged to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 7.3. The manner in which this is done must be in the fastest means reasonably possible but in any event within 21 (twenty one) days, and if orally, the Company must thereafter give the third party a written confirmation of the notification.
- 7.4. The third party may within 21 (twenty one) days thereafter either make representation to the Company as to why the request should be refused; alternatively grant written consent to the disclosure of the record.
- 7.5. The third party must be advised of the decision taken by the Company on whether to grant or decline the request, and must also be advised of his/ her/ its right to appeal against the decision by way of application to the Information Regulator or court within 30 days after the notice.
- 7.6. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the Information Officer by referring the matter to the Information Regulator or High Court.

7. FEES PAYABLE BY REQUESTER

- 7.1. Payment of fees is regulated in terms of Section 54 of PAIA. The Regulations to PAIA provide for two types of fees:

- 7.1.1. A request fee: This is a R50 (fifty Rand) non-refundable administration fee paid by all Requesters with the exclusion of personal Requesters. It must be paid before the request is considered.
- 7.1.2. An access fee: This fee is paid by all Requesters only when access is granted. This fee is intended to reimburse the Company for the costs involved in searching for a record and preparing it for delivery to the Requester as set out below.
- 7.2. The Information Officer shall give written notice to a Requester, other than a personal Requester, of the request fee and amount to be paid before the request may be further processed.
- 7.3. If, in the Information Officer's opinion, the search for a record or preparation of the record for disclosure will require more than six hours, the Company may require the Requester to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the Requester.
- 7.4. The Requester has a right to complain to the Information Regulator or apply to court against the payment of the request fee or deposit, and the Information Officer shall advise of the procedure of the application if required.
- 7.5. The Company shall withhold a record until the Requester has paid the fees.
- 7.6. If a deposit has been paid in respect of a request for access, which is refused, then the Company shall repay the deposit to the Requester.
- 7.7. The access fees payable by a requester are as follows:
 - 7.7.1. For every photocopy of an A4-size page or part thereof: R1,10.
 - 7.7.2. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0,75.
 - 7.7.3. For a copy in a computer-readable form on compact disc: R70,00.
 - 7.7.4. For a transcription of visual images, for an A4-size page or part thereof: R40,00.
 - 7.7.5. For a copy of visual images: R60,00.
 - 7.7.6. For a transcription of an audio record, for an A4-size page or part thereof: R20,00.
 - 7.7.7. For a copy of an audio record: R30,00.

- 7.7.8. To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
- 7.7.9. The actual cost incurred for postage if the record must be posted.

8. DECISIONS ON ACCESS

- 8.1. In accordance with Section 55 of PAIA, the Company will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Company must notify the Requester by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed a refusal of the request. If, however, the record is later found, the Requester must be given access if the request would otherwise have been granted.
- 8.2. Section 56 of PAIA provides that the Company must, within 30 (thirty) days of receipt of a correctly completed request, notify the Requester of its decision as to whether the request has been granted or not.
- 8.3. If the request is:
 - 8.3.1. 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 the Information Regulator or court against such fee, and the form in which access will be given.
 - 8.3.2. Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of PAIA or POPIA relied upon, and provide the procedure to be followed should the Requester wish to apply to the Information Regulator or court against the decision.
- 8.4. The Company may extend the period of 30 (thirty) days by a further period not exceeding 30 (thirty) days, if:
 - 8.4.1. the request is for a large number of records or requires a search through a large number of records;
 - 8.4.2. the request requires a search for records located in a different office of the Company not situated in the same city;
 - 8.4.3. consultation between divisions of the Company, or with another private body, is required; or
 - 8.4.4. the Requester consents to the extension.

- 8.5. The Requester must be notified within the initial 30 (thirty) day period, in writing, of the extension, together with reasons therefor, and the procedure involved should the Requester wish to apply to the Information Regulator or court against the extension.
- 8.6. Any failure of the Company to respond to the Requester within the 30 (thirty) day period, barring an extension, constitutes a deemed refusal of the request.

9. GROUNDS FOR REFUSAL OF REQUEST

- 9.1. Notwithstanding compliance with section 50 of PAIA, a request may be declined in accordance with one of the prescribed grounds in terms of PAIA, namely:
 - 9.1.1. Section 63 of PAIA prohibits the unreasonable disclosure of the Personal Information of third parties to Requesters. This includes the Personal Information of deceased persons.
 - 9.1.2. Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
 - 9.1.2.1. trade secrets;
 - 9.1.2.2. financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - 9.1.2.3. information supplied in confidence by the third party, the disclosure of which would reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 9.1.3. Section 53 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 9.1.4. In terms of section 66, the Company must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
 - 9.1.4.1. endanger the life or physical safety of an individual;

- 9.1.4.2. prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property; or
- 9.1.4.3. prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 9.1.5. Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 9.1.6. Section 68 pertains to records containing information about the Company itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. The Company may refuse access to a record if the record:
 - 9.1.6.1. contains trade secrets of the Company;
 - 9.1.6.2. contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Company;
 - 9.1.6.3. contains information which, if disclosed, could reasonably be expected to put the Company at a disadvantage in contractual or other negotiations, or prejudice the Company in commercial competition; or
 - 9.1.6.4. consists of a computer program owned by the Company.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 9.1.7. Section 69 prohibits the disclosure of information about research where disclosure is likely to expose a third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the Company itself.
- 9.2. Notwithstanding any of the above-mentioned provisions, Section 70 provides that a record must be disclosed if its disclosure would:
 - 9.2.1. reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
 - 9.2.2. the public interest in the disclosure clearly outweighs the harm.

10. TYPES OF RECORDS AVAILABLE WITHOUT FORMAL REQUEST

10.1. In accordance with section 52 of PAIA, the following records are available to the public without a request in terms of this Manual:

10.1.1. All investment fund fact sheets.

10.1.2. All marketing material and applications forms relating to services provided by the Company.

10.1.3. Trademarks, if any.

10.1.4. The Company staff office contact particulars.

10.2. Records that are available in accordance with the current South African legislation, to the extent that a relevant act is applicable to the Company and makes disclosure of records compulsory, are not automatically available without a request in terms of this Manual. The Information Officer will take into consideration the provisions of the specific act and the provisions of this Manual to decide on whether or not access to any of the information should be given to the Requester.

11. REMEDIES AVAILABLE TO THE REQUESTER ON REFUSAL

11.1. The Company does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the Requester is not satisfied with the answer supplied by the Information Officer.

11.2. A Requester that is dissatisfied with the Information Officer's refusal to grant access to any information may, within 30 (thirty) days of notification of the decision complain to the Information Regulator or apply to court for relief.

11.3. A third party dissatisfied with the Information Officer's decision to grant a request may, within 30 (thirty) days of notification of the decision, apply to the Information Regulator or court for relief.

11.4. It should be noted that notwithstanding any provision in PAIA, the Information Regulator or the court may examine the record(s) in question. No record may be withheld from the Information Regulator or court on any grounds. However, the Information Regulator or court may not disclose the contents of the record(s).

11.5. The Information Regulator or court is empowered to grant any order that is just and equitable, including:

11.5.1. confirming, amending or setting aside the Information Officer's decision;

11.5.2. requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specified period; or

11.5.3. granting an interdict, interim or special relief, declaratory order or compensation or costs.

12. REGULATORY DISCLOSURE

12.1. This Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in PAIA. A Requester is advised to familiarise him/ her/ itself with the provisions of PAIA before lodging any request with the Company.

12.2. Should any person have uncertainty in relation to the provisions of PAIA, such queries can be referred to the Information Regulator. The contact particulars of the Information Regulator are:

General Queries Email: info@justice.gov.za

Complaints Email: complaints@justice.gov.za

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017

FORM A: INFORMATION REQUEST

| | |
|--|--|
| A. To | |
| Attention: The Information Officer | |
| Via Email: info@sipnordic.co.za or | |
| Via Mail: Spaces, 4 th Floor Sunclare Building, 21 Dreyer Street, Claremont, 7780 or | |
| Via meeting: Spaces, 4 th Floor Sunclare Building, 21 Dreyer Street, Claremont, 7780 or | |
| Via Telephone: +27 21 013 3616 | |
| B. Particulars of the Requester | |
| (i) The particulars of the person who requests access to the record must be recorded below | |
| (ii) Furnish an email, address and/or fax number in the Republic to which information must be sent | |
| (iii) Proof of the capacity in which the request is made, if applicable, must be attached | |
| Full names & surname: | |
| Identity number: | |
| Postal address: | |
| Fax number: | |
| Telephone number: | |
| Email address: | |
| Capacity: | |
| C. Particulars of person on whose behalf request is made | |
| This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person | |
| Full names & surname: | |
| Identity number: | |
| D. Particulars of Record | |
| (i) Provide full particulars of the record to which access is requested, including the reference number if that is | |
| (ii) If the provided space is inadequate, please continue on a separate page and attach to this form. Please sign any additional pages | |
| Description of record: | |
| Reference number if any: | |
| Any further particulars: | |
| E. Fees | |

- (i) 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
- (ii) You will be notified of the amount required to be paid as the request fee
- (iii) 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
- (iv) If you qualify for exemption of the payment of any fee, please state the reason therefor

Reason for exemption:

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 hereunder, please state your disability and indicate in which form the record is required

Disability:

Form in which required:

Mark the appropriate gold box with an "X"

- (i) Your indication as to the required form of access depends on the form in which the record is available
- (ii) Access in the form requested may be refused in certain circumstances, In such a case you will be informed of access will be granted in another form
- (iii) 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:

- view the images
- copy of the images
- transcription of the images

3) If the record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack
- transcription of the soundtrack

4) If the record is held on computer or in an electronic or machine-readable form:

- printed copy of record
- copy in computer readable form

Please indicate the preferred method of delivery

- Email
- Post
- Fax

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 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 the request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof 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?

I. Signature page

Signed at:

Date:

Signature of Requester / Person on whose behalf request is made: