

PAIA MANUAL

1. INTRODUCTION

- 1.1. We are a registered financial services provider which is approved by the SARB and FSCA.
- 1.2. Section 51 of PAIA requires that we, as a private body, compile a manual for the purpose of informing the public of the procedure which must be followed when requesting information from us for the purposes of exercising or protecting rights.
- 1.3. We are committed to compliance with PAIA and endeavour to comply with the above.
- 1.4. The terminology contained herein is derived from the **Glossary of Terms** available on the Website on which this Manual was obtained.

2. APPLICATION AND PURPOSE

- 2.1. The purpose of this Manual is to:
 - 2.1.1. provide a list of all records held by Kastelo;
 - 2.1.2. set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
 - 2.1.3. define the manner and form in which a request for information must be submitted; and
 - 2.1.4. comply with the additional requirements imposed by POPIA.
- 2.2. We are therefore striving towards the promotion of a culture of transparency and accountability within Kastelo to ultimately give effect to your right to information.

3. KASTELO'S DETAILS

Full registered name:	Kastelo (Pty) Ltd (Registration number: 2020/163836/07) (FSP number: 51074)
Registered address:	Watershed 17 Dock Road Victoria & Alfred Waterfront Cape Town 8002 South Africa
Physical address:	155 Loop Street Cape Town 8000 South Africa
Postal address:	155 Loop Street Cape Town 8000 South Africa

Contact number:	(+27) 021 180 2548
Information Officer:	Nicholas Burke (Designated PAIA Official)
Deputy Information Officer:	Duan Craffert
Email address for information requests:	info@kastelo.co.za

4. SAHRC GUIDE

4.1. Section 10 of PAIA requires the SAHRC to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA. The guide may be viewed on the SAHRC's website: www.sahrc.org.za

4.2. The guide will contain the following information:

- 4.2.1. The objects of PAIA;
- 4.2.2. Particulars of the information officer of every public body;
- 4.2.3. Particulars of every private body as are practicable;
- 4.2.4. The manner and form of a request for access to information held by a body;
- 4.2.5. Assistance available from both the information officers and the SAHRC, in terms of PAIA;
- 4.2.6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
- 4.2.7. Schedules of fees to be paid in relation to requests for access to information; and
- 4.2.8. Regulations made in terms of PAIA.

4.3. Any enquiries regarding this guide should be directed to the SAHRC:

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Tel: 011 484 8300
Fax: 011 484 7149
Website: <http://www.sahrc.org.za>

5. AUTOMATICALLY AVAILABLE RECORDS

Sections 51(1)(c) and 52(2) of the PAIA are not applicable as there have been no voluntary disclosure in terms thereof.

6. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

6.1. Information is available in terms of certain provisions of the following legislation to the persons or entities specified in:

- 6.1.1. Basic Conditions of Employment Act, 75 of 1997;

- 6.1.2. Companies Act, 71 of 2008;
- 6.1.3. Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 6.1.4. Consumer Protection Act, 68 of 2008;
- 6.1.5. Electronic Communications and Transactions Act, 25 of 2002;
- 6.1.6. Employment Equity Act, 55 of 1998;
- 6.1.7. Financial Advisory and Intermediary Services Act, 37 of 2002;
- 6.1.8. Financial Intelligence Centre Act, 38 of 2001;
- 6.1.9. Income Tax Act, 58 of 1962;
- 6.1.10. Labour Relations Act, 66 of 1995;
- 6.1.11. National Credit Act, 34 of 2005;
- 6.1.12. Occupational Health and Safety Act, 85 of 1993;
- 6.1.13. Protection of Personal Information Act, 4 of 2013;
- 6.1.14. Tax Administration Act, 28 of 2011;
- 6.1.15. Unemployment Insurance Act, 63 of 2001;
- 6.1.16. Value-added Tax Act, 89 of 1991; and
- any such other competent statutes as may be applicable from time to time.

7. INFORMATION REQUESTS

- 7.1. PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of any rights, that the person complies with the procedural requirements as set forth in PAIA as relates to access to records and that access is not refused in terms of any ground for refusal as contemplated in PAIA.
- 7.2. Information will therefore not be furnished unless a person provides sufficient particulars to enable us to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right.
- 7.3. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 7.4. The PAIA Official has been tasked with receiving and coordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA. The PAIA Official will liaise with Kastelo's legal division on all requests of this nature.

8. PROCESSING OF PERSONAL INFORMATION (POPIA)

In terms of POPIA, Personal Information must be processed for a specified purpose. The purpose for which data is processed by Kastelo will depend on the nature of the data and the particular Data Subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to our [Privacy Policy](#) for further information.

8.1. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION COLLECTED BY KASTELO

8.1.1. EMPLOYEES

- 8.1.1.1. Name and contact details;
- 8.1.1.2. Identity number as well as a copy of his/her identity document and/or passport;
- 8.1.1.3. Employment history and references;
- 8.1.1.4. Banking and financial details;
- 8.1.1.5. Details of payments to third parties (i.e. deductions from salary);
- 8.1.1.6. Employment contracts;
- 8.1.1.7. Medical aid records (where applicable);
- 8.1.1.8. Pension fund records (where applicable);
- 8.1.1.9. IRP5 certificates of employees;
- 8.1.1.10. Remuneration/salary records;
- 8.1.1.11. Performance appraisals;
- 8.1.1.12. Disciplinary records;
- 8.1.1.13. Leave records;
- 8.1.1.14. Training records;
- 8.1.1.15. Qualifications;
- 8.1.1.16. Parental status;
- 8.1.1.17. Marital status;
- 8.1.1.18. Disability status; and
- 8.1.1.19. Criminal records.

8.1.2. CLIENTS (including persons who provide their Personal Information when creating a Kastelo Account)

- 8.1.2.1. Full names;
- 8.1.2.2. Postal and/or street address;
- 8.1.2.3. Contact numbers and/or e-mail address;

- 8.1.2.4. Employment history;
- 8.1.2.5. Age;
- 8.1.2.6. Gender;
- 8.1.2.7. Marital status;
- 8.1.2.8. Nationality;
- 8.1.2.9. Language;
- 8.1.2.10. Financial information;
- 8.1.2.11. Identity or passport number;
- 8.1.2.12. Source of wealth/source of funds (where applicable).

8.1.3. COMMERCIAL COUNTERPARTIES

- 8.1.3.1. Name and contact details;
- 8.1.3.2. Registration details (e.g. registration number);
- 8.1.3.3. Identity and/or company information and directors' information;
- 8.1.3.4. Banking and financial information;
- 8.1.3.5. Information about products or services; and
- 8.1.3.6. Other information not specified, that is reasonably required to be processed for business operations.

8.2. RECIPIENTS OR CATEGORIES WITH WHOM PERSONAL INFORMATION MAY BE SHARED

- 8.2.1. We will only share Personal Information where legally justified to do so. We may share Personal Information, *inter alia*:
 - 8.2.1.1. internally within Kastelo;
 - 8.2.1.2. with credit bureaux, tax authorities, financial institutions, authorised dealers, banks, financial services providers, and other regulatory industry bodies to meet regulatory requirements; and
 - 8.2.1.3. with service providers, vendors and other third parties where commercially or regulatorily meritorious or necessary.

9. PURPOSES OF PROCESSING PERSONAL INFORMATION

9.1. EMPLOYEE PURPOSES

- 9.1.1. Verification of the information provided by a job candidate throughout the recruitment process;
- 9.1.2. General personnel administration, where applicable such as processing of payroll, medical benefits, provident funds, or other benefits;

- 9.1.3. Disciplinary action;
- 9.1.4. Training;
- 9.1.5. Know-Your-Employee regulatory requirements; and/or
- 9.1.6. Any other reasonably required purpose relating to the employment or possible employment relationship.

9.2. CLIENTS

- 9.2.1. Completing necessary checks and verifying information in compliance with KYC, AML, and CFT sanctions screening standards;
- 9.2.2. To deliver goods and services to Clients, as well as to handle account management and upkeep for Clients;
- 9.2.3. To interact with Clients and address their questions and complaints;
- 9.2.4. To prevent fraudulent or unauthorised use of our products and services;
- 9.2.5. To better manage our business and Clients' relationships with us; or
- 9.2.6. To facilitate intermediation with and to third party service providers.

9.3. BUSINESS RELATIONSHIPS

- 9.3.1. Verifying information and performing required checks;
- 9.3.2. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- 9.3.3. Payment;
- 9.3.4. Complying with relevant regulatory or other obligations;
- 9.3.5. Reporting; and/or
- 9.3.6. Any other reasonably required purpose relating to our commerce.

10. INFORMATION SECURITY MEASURES

- 10.1. The following general processes and procedures are implemented as measures to protect the integrity and confidentiality of Personal Information:
 - 10.1.1. general awareness and training programs;
 - 10.1.2. secure systems and devices;
 - 10.1.3. undertakings from third-party suppliers who have access to personal information;
 - 10.1.4. information security policies and processes; and
 - 10.1.5. process for reporting risks identified or security breaches.

11. RECORDS WHICH SHOULD BE FORMALLY REQUESTED

11.1. INTERNAL RECORDS

- 11.1.1. Memorandum of incorporation;
- 11.1.2. Financial records;
- 11.1.3. Intellectual Property;
- 11.1.4. Marketing records;
- 11.1.5. Internal correspondence;
- 11.1.6. Internal policies and procedures; and
- 11.1.7. Minutes of meetings.

11.2. CLIENT RELATED RECORDS

- 11.2.1. Contracts with the Client and between the Client and other persons; and
- 11.2.2. Any and all information, data and/or records classified as Personal Information.

11.3. THIRD-PARTY RECORDS

Records held by us pertaining to other parties, including financial records, correspondence, contractual records and records provided by the other party.

11.4. INFORMATION TECHNOLOGY RECORDS

- 11.4.1. System event logs;
- 11.4.2. Systems maintenance checklists; and
- 11.4.3. ICT policies and procedure manuals.

12. REQUEST PROCEDURES

12.1. REQUEST FOR RECORD

- 12.1.1. Any such person who requests access to a record or information held by Kastelo is to make such a request in the prescribed form, along with the prescribed fee (see clause 12.3, if applicable) to Kastelo's PAIA Official or sent to Kastelo's physical address.
- 12.1.2. The prescribed form may be viewed at **Schedule A**.

12.2. PARTICULARITY

The request to access information must be completed with sufficient particularity so as to allow us to ascertain, at a minimum, the following:

- 12.2.1. The requestor's identity, which must be accompanied by an acceptable proof of identity such as a certified copy thereof;

- 12.2.2. The record, information or document requested;
- 12.2.3. Form of access required (if request is granted);
- 12.2.4. The email address of the requester; and
- 12.2.5. Confirmation that the record is required in order to exercise or protect a right, as well as details of the nature of the right to be exercised or protected.
- 12.3. FEES
 - 12.3.1. There are two categories of fees which are payable in terms of PAIA:
 - 12.3.1.1. A request fee, which is R140; and
 - 12.3.1.2. An access fee, which is calculated by taking into account reproduction costs, search and preparation costs, as well as fees attributable to postage and/or delivery.
 - 12.3.2. PAIA entitles Kastelo to levy a charge to recover the cost of processing a request and providing access to records.
 - 12.3.3. The fees may be viewed at **Schedule B**.
 - 12.3.4. When a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.
 - 12.3.5. If a request fee has been paid in respect of a request which is refused, Kastelo shall repay such fee to the requester.
- 12.4. TIMELINE
 - 12.4.1. Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.
 - 12.4.2. The PAIA Official shall inform the requester of the decision, as well as any fees payable (if applicable) in the prescribed form.
 - 12.4.3. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.
- 12.5. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION
 - 12.5.1. There are various grounds upon which a request for access to a record may be refused. These grounds include:
 - 12.5.1.1. The protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
 - 12.5.1.2. The protection of commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - 12.5.1.3. If disclosure would result in the breach of a duty of confidence owed to a third party;
 - 12.5.1.4. If disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;

- 12.5.1.5. If the record was produced during legal proceedings, unless that legal privilege has been waived;
- 12.5.1.6. If the record contains trade secrets, financial or sensitive information or any information that would put Kastelo at a disadvantage in negotiations or prejudice it in commercial competition;
- 12.5.1.7. If the record contains information about research being carried out or about to be carried out on behalf of a third party or by Kastelo; and/or
- 12.5.1.8. If all reasonable steps were taken by Kastelo to find a requested record and there are reasonable grounds to believe that the record cannot be found or does not exist.
- 12.5.2. Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if:
 - 12.5.2.1. it would reveal a substantial contravention of, or failure to comply with the law; or there is an imminent and serious public safety or environmental risk; or
 - 12.5.2.2. the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

13. REFUSAL OF ACCESS REMEDIES

- 13.1. If the PAIA Official decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.
- 13.2. A requester or a third party affected by the request for access may, within 30 (thirty) days of the PAIA Official's decision, appeal such decision by applying for relief to the High Court, or any other court with competent jurisdiction, by requesting the applicable form.

14. UPDATING AND AVAILABILITY OF THIS MANUAL

This Manual will be updated, if necessary, on an annual basis and will be placed on our Website at www.kastelo.co.za.

15. SUPPLEMENTARIES

The following documents, schedules and/or forms shall be considered to be incorporated into this manual:

- 15.1. **Schedule A:** Request For Access To Record of Private Body
- 15.2. **Schedule B:** Outcome of Request and Fees Payable