

CITRINE FUND MANAGERS (Ptd) Ltd ("Citrine")

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2
of 2000 (as amended)**

1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. PURPOSE OF PAIA MANUAL

The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. This PAIA manual provides an outline of the types of records and the personal information (PI) held by CITRINE and sets out the procedure to request access to these records and personal information, the requirements which such request must meet, as well as the grounds for refusal or partial refusal of such request.

This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This manual informs requesters of procedural and other requirements that a request must meet as prescribed by PAIA and POPIA. A requester has the right to submit a request, after providing adequate proof of identity and after payment of any fee required by law (if applicable) under Annexure B.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

3.1. Chief Information Officer

Name: Lindy Siwela
Tel: 010 020 6187
Email: lindy@citrinefundmanagers.co.za

3.2 Access to information general contacts

Email: info@citrinefundmanagers.co.za

3.3 Head Office

Postal Address: Tower 1B, 4th Floor, The Marc, 129 Rivonia Rd, Sandton, 2196
Physical Address: 4th Floor, The Marc, 129 Rivonia Rd, Sandton, 2196
Telephone: 010 020 6187
Email: info@citrinefundmanagers.co.za
Website: www.citrinefundmanagers.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

- 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6.2. a complaint to the Regulator; and
- 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

4.6 A copy of the Guide is also available for public inspection during normal office hours.

5. CATEGORIES OF RECORDS HELD BY CITRINE

The categories of records held by Citrine are listed below, according to the respective divisions. A category of record in this manual does not imply that a request for access to such a record would be granted. All requests for access will be evaluated on a case-by-case basis by the Information Officer or Deputy Information Officer

5.1 Company Secretarial and Legal

- Statutory company records;
- Minutes and related meeting information;
- Records of executive, board and shareholder decisions, and related documentation;
- General agreement documentation;
- Securities and equities;
- Terms of reference for board and board committees ;
- Shareholder information;
- Legally privileged material;
- Internal legal opinions;
- Legal policies and procedures

5.2 Human Resources

- Personal records provided by employees;
- records provided by a third party relating to employees;
- conditions of employment and other employee-related contractual and quasi-legal records;
- internal evaluation records and other internal records;
- correspondence relating to employees;
- training schedules and material; and
- records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Employment Equity Act 55 of 1998;
- Amount of remuneration paid or due by him to the employee;
- The amount of employee's tax deducted or withheld from the remuneration paid or due;
- The income tax reference number of that employee;

5.3 Compliance

- Compliance policies and procedures;
- Regulatory licences;
- Regulatory and industry body reports;
- Compliance reports;
- Complaints register;
- Gifts register;
- Training register;
- Conflict of Interest register;
- Fit and proper documentation of Representatives & Key Individuals

5.4 Marketing

- Any promotional material for public viewing;
- product information

5.5 Finance

- Accounting records;
- Financial statements
- Finance related policies and procedures
- Asset register
- Bank statements
- Tax, VAT and PAYE records

5.6 Information Technology

- Information technology policies and procedures;
- Disaster recovery plan and tests;
- System security tests

6. RECORDS AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

Information may also be available in terms of, among others, the following legislation:

- Basic Conditions of Employment Act No. 75 of 1997.
- Broad-Based Black Economic Empowerment Act No. 53 of 2003.
- Companies Act No. 71 of 2008.
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993.
- Competition Act No. 89 of 1998.
- Copyright Act No. 98 of 1978.
- 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 Markets Act No. 19 of 2012.
- Income Tax Act No. 58 of 1962.
- Insolvency Act No. 24 of 1936.
- Insurance Act No. 18 of 2017.
- Labour Relations Act No. 66 of 1995.
- Long-Term Insurance Act No. 52 of 1998.

- Occupational Health and Safety Act No. 85 of 1993.
- Pension Funds Act No. 24 of 1956 and the Policyholder Protection Rules and Pension Fund Regulations.
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004.
- Prevention of Organised Crime Act No. 121 of 1998.
- Protected Disclosures Act No. 26 of 2000.
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act No. 33 of 2004.
- Short-Term Insurance Act No. 53 of 1998.
- Skills Development Act No. 97 of 1998.
- Trust Property Control Act No. 57 of 1988.
- Unemployment Insurance Act No. 30 of 1966.
- Value-Added Tax Act No. 89 of 1991.

7. REQUESTS TO ACCESS RECORD

7.1. TYPES OF REQUESTERS

A requester is any person making a request for access to a record held by Citrine. There are two types of requesters:

- (1) Personal requester; and
- (2) Other requester.

7.1.1. PERSONAL REQUESTER

A personal requester is a requester who is seeking access to a record that relates to their personal information (as defined in PAIA and POPIA).

Subject to the provisions of this manual, PAIA, POPIA and other applicable laws, Citrine will provide the requested information or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested will be charged as indicated in Annexure A.

7.1.2. OTHER REQUESTER

This requester (other than a personal requester) is entitled to request access to information on third parties. The requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

If a public body lodges a request, the public body must be acting in the public interest and provide details of the public interest that it is seeking to protect/rely on.

7.2. REQUEST PROCEDURE

7.2.1. SUBMITTING A REQUEST TO ACCESS A RECORD

The following procedural requirements serve as guidelines for requestors. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.

The requester must submit:

- (1) the prescribed form enclosed in Annexure 1-Form A;
- (2) proof of identity of the requester;
- (3) proof of capacity in which the requester is making the request and proof of authorisation to make that request (if applicable); and
- (4) payment of request fee and deposit (if applicable).

The prescribed form must be completed with sufficient detail to at least enable the information officer to identify –

- the record requested and the requester;
- which form of access is required;
- a postal address or fax number of the requester in the Republic;
- the right the requester is seeking to exercise or protect and the reason why the requested record is required for the exercise or protection of that right; and
- the manner in which the requester wishes to be notified of the request.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated. This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This right of access only applies to records in existence at the time of request.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, which must then be reduced into writing by the person assisting the requester.

7.2.2. PAYMENT OF PRESCRIBED FEES (IF APPLICABLE)

There are two types of fees in terms of PAIA:

- (1) a request fee, which will be a standard fee; and
- (2) an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the information officer, 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 the search for the record has been made 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 of PAIA 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 withhold a record until the requester has paid the fees as indicated in Annexure B.

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 more than the prescribed hours to search for and prepare the record for disclosure including planning 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 concerned will repay the deposit to the requester.

7.2.2. NOTIFICATION OF DECISION REGARDING REQUEST TO ACCESS RECORDS

CITRINE will, within 30 business days (excludes weekends and public holidays), but not less than 21 days, after receipt of the request and payment of the prescribed fee, decide whether to grant or decline the request and notify the requester in the manner indicated by the requester in Annexure A.

Subject to the provisions in PAIA, in respect of extensions, Citrine will process the request within 30 days from when the request is received and the fee is paid, or within any extension timeline, unless the requester has stated special reasons which would satisfy the information officer that circumstances dictate that the above time periods could not be complied with. Only in exceptional circumstances can this timeline be less than 21 days. Citrine cannot decide to shorten the period of 21 days where a requester (other than a personal requester) has requested access to information on a third party.

7.3. DECISION REGARDING REQUEST TO ACCESS

7.3.1. DECISION TO GRANT ACCESS

If the request for access is granted the notice of decision to grant access must state –

- the access fee (if any);
- the form in which access will be given; and
- that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure for lodging the application.

7.3.2. DECISION TO REFUSE ACCESS

If the request for access is refused the notice of decision to refuse access must –

- state adequate reasons for the refusal, including the provisions of any Act relied on;
- exclude, from any such reasons, any reference to the content of the record; and
- state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

The main grounds for CITRINE to refuse a request for records relates to the mandatory protection –

- of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of PI of that natural person;
- of the commercial information of a third party, if the record contains –
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to CITRINE if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- of confidential information of third parties if disclosing such would or could constitute a breach of the duty of confidence owed to a third party in terms of any agreement;
- of the safety of individuals and the protection of property;
- of records which would be regarded as privileged in legal proceedings;
- of the commercial activities of the group, which may include –
 - trade secrets of CITRINE;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of CITRINE;
 - information which, if disclosed, could put CITRINE at a disadvantage in negotiations or commercial competition;
 - a computer programme which is owned by the group, and which is protected by copyright.
- of the research information of CITRINE or a third party, if its disclosure would disclose the identity of CITRINE the researcher or the subject matter of the research and would place the research at a serious disadvantage.

8. PROCESSING OF PERSONAL INFORMATION

8.1 CITRINE will collect, use, and share your personal information in accordance with its Privacy Policy. This policy is available upon request from the Information Officer or Deputy Information Officer.

8.2 In terms of POPIA you may, upon proof of identity, request CITRINE to confirm, free of charge, all of the personal information that it holds about you. To exercise this right, please contact our Information Officer or Deputy Information Officer.

8.3 You may request a record, or a description of the personal information held by CITRINE about you, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to your personal information. You may be required to pay a fee for this service. The Information Officer or Deputy Information Officer will provide you with a written estimate of the payable amount before providing the service, including the banking details that the fees must be paid into.

8.4 You may object at any time, free of charge, to the processing of personal information by CITRINE, on reasonable grounds, unless legislation provides for such processing.

8.5 You may request CITRINE to correct the personal information held about you if it is inaccurate, irrelevant, excessive, outdated, incomplete, misleading or has been obtained unlawfully.

8.6 If you wish CITRINE to destroy or delete a record of personal information about you that we are no longer authorised to retain in terms of POPIA, please submit your request to the Information Officer or Deputy Information Officer.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 at the head office of CITRINE for public inspection during normal business hours;

9.1.2 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.3 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

ANNEXURE A – FORM 1
REQUEST FOR ACCESS TO RECORD FORM

Note:

- (1) Proof of identity must be attached by Requester.
- (2) If request is made on behalf of another person, proof of such authorisation, must be attached to this form

To:

Email address:

Mark with an "X"

	Request is made in my own name
	Request is made on behalf of another person

B. PARTICULARS OF PERSON REQUESTING ACCESS TO RECORD

Full name and surname	
Identity number	
Telephone number	
Fax number	
E-mail address	
Postal address	
Physical address	
Capacity in which request is made, when made on behalf of another person:	

C. PARTICULARS OF PERSON OF WHOSE BEHALF THE REQUEST IS MADE

<i>This section must be completed only if a request for information is made on behalf of another person</i>	
Full name and surname	
Identity number	

<i>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. If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.</i>	
Description of record or relevant part of the record	
Reference number (if available)	
Any further particulars of record	

(a) A request for access to a record, other than a record containing PI about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount of the request fee.

(c) The fee payable for access to a record depends on the form in which the access is required, and the reasonable time required to search for and prepare a record.

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 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 "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 the record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	View the images
	Transcription of the images*
	Copy of the images*

3. If the 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 the 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)

5. If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

A postal fee 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 of 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 requested record is required for the exercising or protection of the right:

H. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

<i>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.</i>
How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ on this _____ day of
20 _____.

_____.

SIGNATURE OF REQUESTER/PERSON

ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

PRESCRIBED FEES

REPRODUCTION FEES	
For every photocopy of an A4-size page or part thereof	R1.10
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
A transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
A transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00
REQUEST FEES: Where a requester submits a request for access to personal information held by CITRINE on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable upfront before CITRINE will further process the request received.	
ACCESS FEES: An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of PAIA or an exclusion is determined by the Minister in terms of Section 54 (8). The applicable access fees which will be payable are:	
For every photocopy of an A4-size page or part thereof	R1.10
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
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
A transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
A transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search.)	R30.00
Where a copy of a record needs to be posted	The actual postal fee is payable.

DEPOSITS:

Where CITRINE receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request believes the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

NOTE:

Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.