

# PAIA

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## FXNOVUS (PTY) LTD – Information Manual

Published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000

### INFORMATION MANUAL

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## 1. INTRODUCTION

This information manual is compiled in accordance with the Promotion of Access to Information Act, 2000 (“PAIA”) which gives effect to section 32 of the Constitution and provides that everyone has a right to access information held by the State or private bodies when that information is required for the exercise or protection of any rights. This manual provides an outline of the types of records held by FXNOVUS (PTY) LTD (hereinafter called the “Company”, or “we” or “us” or “FXNOVUS”) and explains how one may submit requests for access to these records in terms of the Act. Requesters are referred to the guide in terms of section 10 of the PAIA Act which is available from the South African Human Rights Commission (“SAHRC”) website [www.sahrc.org.za](http://www.sahrc.org.za).

Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission:

PAIA Unit;

The Research and Documentation Department:

Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 2. DEFINITIONS

**PAIA** means the Promotion of Access to Information Act 2 of 2000.

**POPI** means the Promotion of Personal Information Act 4 of 2013.

**Information Regulator** means the Regulator established in terms of Section 39 of POPI.

**Person** means a natural person or juristic person.

**Private body** means:

- a natural person who carries or has carried on any trade, business or profession, but only in such capacity a partnership which carries or has carried on any trade, business or profession; or
- any former or existing juristic person, but excludes a public body

**Public body** means:

- any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- any other functionary or institution when:
  - exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
  - exercising a public power or performing a public function in terms of any legislation.

**Head**, in relation to, a private body means:

- in the case of a natural person, that natural person or any person duly authorised by that natural person;
- in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- in the case of a juristic person:
  - the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
  - the person who is acting as such or any person duly authorised by such acting person.

**Information Officer** means the head of a private body.

**Deputy Information Officer** means the person to whom any power or duty conferred or imposed on an Information Officer by POPI has been delegated.

**Requester** in relation to a private body, means any person, including, but not limited to public body or an official thereof, making a request for access to a record of the organisation or a person acting on behalf of such person.

**Personal Requester** means a requester seeking access to a record containing personal information about the requester.

**Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: information relating to the race, gender, sex, 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 of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person, the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

**Request for access** means a request for access to a record of the organisation in terms of section 50 of PAIA.

**Record** means any recorded information regardless of the form or medium, in the possession or under the control of the organisation irrespective of whether or not it was created by the organization.

**Data Subject** means the person to whom personal information relates.

**Third Party** in relation to a request for access to a record held by the organisation, means any person other than the requester.

**Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or making available in any other form, or merging, linking, as well as restriction, degradation, erasure or destruction of information.

### 3. AVAILABILITY OF THIS MANUAL

The requester, can access this Manual on our website [fxnovus.com](http://fxnovus.com) or by requesting a copy by e-mail from the Company's Information Officer or Deputy Information Officer:

Nr 1 Casino Road, Foundershill, Office G31 Modderfontein Estate, Johannesburg, 1609 South Africa  
Telephone: +27581802177

E-mail: [info@fxnovus.com](mailto:info@fxnovus.com)

#### **4. RECORDS HELD BY THE COMPANY**

The Company maintains records on the following categories and subject matters. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

##### **4.1. Internal records**

The following are records pertaining to FXNOVUS (PTY) LTD own affairs:

- Financial records.
- Operational records.
- Intellectual property.
- Marketing records.
- Internal correspondence.
- Statutory records.
- Internal policies and procedures; and
- Records held by officials of FXNOVUS (PTY) LTD

##### **4.2. Employee records**

- Employee refers to any person who works for or provides services to or on behalf of FXNOVUS (PTY) LTD and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for FXNOVUS (PTY) LTD. This includes, without limitation, heads of departments, managers, all permanent, temporary, and part- time staff as well as contract workers. Personnel records include the following:
- Any personal records provided to FXNOVUS (PTY) LTD by their personnel.
- Any records a third party has provided to FXNOVUS (PTY) LTD about any of their personnel.
- Conditions of employment and other personnel-related contractual and quasi-legal records; Internal evaluation records; and
- Other internal records and correspondence.

##### **4.3. Client Records**

Client includes any natural or juristic entity, who receives services from the Company. Client- related information includes the following:

- Personal details of clients
- Account opening documents

- Investment or transactional details
- FICA documents
- Correspondences

## **5. APPLICABLE LEGISLATION**

- Basic Conditions of Employment Act, 75 of 1997
- Collective Investment Schemes Control Act, 45 of 2002
- Companies Act 71 of 2008
- Compensation of Occupational Injuries & Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Electronic Communications and Transactions Act 2 of 2000
- Employment Equity Act 55 of 1998
- Financial Advisory & Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Market Act 19 of 2012
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Constitutional Democracy against Terrorist and related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levy Act 97 of 1999
- South African Reserve Bank Act 90 of 1989
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001



- Value Added Tax Act 89 of 1991

## **6. STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST**

The following steps must be considered before submitting a request:

### **6.1. Are you entitled to use the Act to request access?**

Please take note of section 7(1) of the Act which states:

This Act does not apply to a record of a public body or a private body if

- a) that record is requested for the purpose of criminal or civil proceedings.
  - b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
  - c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.
- If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in.
  - FXNOVUS (PTY) LTD reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

### **6.2. Does the information requested exist in the form of a record?**

Please note that the Act only applies to records that are in existence at the time of us receiving your request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made.

### **6.3. Is the record in the possession or under the control of FXNOVUS (PTY) LTD.?**

The Act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by FXNOVUS (PTY) LTD or at some point in FXNOVUS (PTY) LTD possession (but no longer in FXNOVUS (PTY) LTD control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

## **7. PROCESS FOR REQUESTING INFORMATION**

- All clients are allowed to access their own information without having to go through this formal information request process.
- Clients must send their request in writing, e.g. email

- FXNOVUS (PTY) LTD will verify the identity of the relevant client prior to providing the requested information.
- All clients should contact the Client Relations department to access their information.
- This process may not be used to obtain information for the use in any legal action.
- Records for legal action should be obtained using the rules and procedures for discovery of information that are defined for legal proceedings. FXNOVUS (PTY) LTD has the right to claim all expenses and other damages that result from a request that breaks the above mentioned law.
- The process only applies to records that exist at the time of the request for information. It does not require the company to create a record which does not exist at the time the request is made.
- Provided that none of the restrictions mentioned above apply, any person wishing to access a record, in terms of the Act, that is not freely available, are required to file a request using the prescribed form (Annexure 1). The form may be obtained from the Information Officer or Compliance Officer at the contact details contained within this document. The completed form is to be submitted to the Information Officer together with the details of the authority to request the information and payment of any applicable request fees as prescribed in the fee structure below (Annexure 2).
- A request made on behalf of another person should be accompanied by proof of the capacity or authority to request the information.
- Failure to fully complete the prescribed form will result in delaying the process while the company requests further information.

## **8. HOW TO SUBMIT A REQUEST FOR ACCESS**

You may submit a request as follows:

### **8.1. Request Form**

Please complete the request form in Annexure 1 to this Manual and forward to the Information Officer, specified above. In the Request Form, you need to provide sufficient information to enable us to adequately identify

- The record or records requested.
- The identity of the requester.
- Which form of access is required, if the request is granted.
- The postal address or fax number of the requester.

### **8.2. Description of the right**

The right which you are seeking to protect or enforce by means of the records requested must be adequately described. The courts have indicated that access to the records must be necessary for the exercise or protection of the right so stated. It is important to note that FXNOVUS (PTY) LTD Information Officer may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act.

### **8.3. Representatives**

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of FXNOVUS (PTY) LTD Information Officer.

### **8.4. Prescribed fee**

The prescribed access fee, if applicable, as provided for in Annexure 2 below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request.

The Act provides for two types of fees, namely:

- 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.

a) The requester, other than a personal requester, seeking access to a record containing personal information, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.

b) If the search for and 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 will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

c) The Information Officer may withhold a record until the requester has paid the fees as indicated in Annexure 2.

d) A requester whose request 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.

e) You may ask for a refund of the deposit if your request for access is refused.

## 9. CONSIDERING YOUR REQUEST

A. Subject to the provisions in the Act in respect of extension of time periods, FXNOVUS (PTY) LTD will process the request within 30 days, unless you have stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

B. You will be informed in writing whether access has been granted or denied.

C. The main grounds for FXNOVUS (PTY) LTD to refuse a request for information relate to the

- mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- mandatory protection 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 FXNOVUS (PTY) LTD., if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of records which would be regarded as privileged in legal proceedings;
- the commercial activities of FXNOVUS (PTY) LTD., which may include
- trade secrets of FXNOVUS (PTY) LTD.;
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of FXNOVUS (PTY) LTD.;
- information which, if disclosed could put FXNOVUS (PTY) LTD at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by FXNOVUS (PTY) LTD., and which is protected by copyright.
- The research information of FXNOVUS (PTY) LTD or a third party, if its disclosure would disclose the identity of FXNOVUS (PTY) LTD, the researcher or the subject matter of the research would place the research at a serious disadvantage.

## 10. YOUR REMEDIES

FXNOVUS (PTY) LTD does not have internal appeal procedures. As such, the decision made by the Information Officer is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief.

## **ANNEXURE 1: REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

This annexure must accompany the cover letter addressed to the Information Officer.

### **A. Particulars of FXNOVUS (PTY) LTD**

FXNOVUS (PTY) LTD Information Officer.

Nr 1 Casino Road, Foundershill, Office G31 Modderfontein Estate, Johannesburg, 1609 South Africa

Telephone: +27581802177

E-mail: [info@fxnovus.com](mailto:info@fxnovus.com)

### **B. Particulars of person requesting access to the record**

- a) The particulars of the person who requests access to the record must be given below.
- b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which the request is made, when made on behalf of another person:

\_\_\_\_\_

\_\_\_\_\_

### **C. Particulars of person on whose behalf request is made**

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

### **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/s, 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. 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 the additional folios.

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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**G. 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 \_\_\_\_\_ 202\_\_

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Signature of requester / person on whose behalf request is made

FOR FXNOVUS PROSPERITY (PTY) LTD INTERNAL USE ONLY

Reference number:

Information Officer:

Request fee (if any): R.....

Deposit (if any): R.....

Access fee: R.....

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SIGNATURE OF INFORMATION OFFICER (or duly authorised representative)



## ANNEXURE 2: FEES IN RESPECT OF PRIVATE BODIES

### Description Rand 1.

1. The fee for a **copy of the manual** as contemplated in regulation 9(2) (c) - for every photocopy of an A4-size page or part thereof: R1, 10.
2. The fees for **reproduction** referred to in regulation 11 (1) are as follows:
  - a) For every photocopy of an A4-size page or part thereof 1,10
  - b) 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 c) For a copy in a computer-readable form on
    - i. Stiffy disc: R7,50
    - ii. Compact disc: R70,00
  - d) For a transcription of visual images,
    - i. for an A4-size page or part thereof: R40,00
    - ii. For a copy of visual images: R60,00
  - e) For a transcription of an audio record,
    - i. for an A4-size page or part thereof: R20,00
    - ii. For a copy of an audio record: R30,00
3. The **request fee** payable by a requester, other than a personal requester, referred to in regulation 11(2): R50,00
4. The **access fees** payable by a requester referred to in regulation 11 (3) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R1,10
  - (b) 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
  - (c) For a copy in a computer-readable form on
    - i. Stiffy disc R7,50
    - ii. Compact disc R70,00
  - (d) For a transcription of visual images
    - i. For an A4-size page or part thereof R40,00

ii. For a copy of visual images R60,00

(e) For a transcription of an audio record

i. For an A4-size page or part thereof R20,00

ii. For a copy of an audio record R30,00

(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation;

5. For purposes of section 54 (2) of the Act, the following applies:

a. Six hours as the hours to be exceeded before a deposit is payable; and

b. One third of the access fee is payable as a deposit by the requester

6. The actual postage is payable when a copy of a record must be posted to a requester

### **ANNEXURE 3: DEPUTY INFORMATION OFFICER APPOINTMENT**

In terms of the Protection of Personal Information Act the head of a private body is the designated Information Officer for that private body. The Information Officer may delegate any power or duty conferred or imposed in terms of POPI to the Deputy Information Officer.

The organisation has appointed a Deputy Information Officer to facilitate any requests to access records held by the organisation. This delegation does not prohibit the person who made the delegation from exercising power concerned or performing the duty concerned himself or herself. The delegation may at any time be withdrawn or amended in writing by the person who made the delegation.

The Deputy Information Officer need not have any specific qualifications but must have a thorough knowledge of the organisation's functional departments and business processes. The Deputy Information Officer has the authority to approach all staff members of the organisation and to request all records held by the organisation. Where a manager is of the opinion that access to a record should not be granted to the Deputy Information Officer, reasons for this decision shall be given to the Information Officer who will make a final decision on the matter.

Together with the Information Officer, the Deputy Information Officer is responsible for:

- Publishing and proper communication of the manual i.e. creating policy awareness
- The facilitation of any request for access
- Providing adequate notice and feedback to the requester
- Determining whether to grant a request for access to a complete/full record or only part of a record
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format
- Reviewing the policy for accuracy and communicating any amendments

## FXNOVUS (PTY) LTD

FXNOVUS is a South Africa Investment Firm, authorized and regulated by the Financial Sector Conduct Authority (FSCA) of South Africa, with FSP License Number 50963. FXNOVUS (PTY) LTD registration number is 2020 / 183344 / 07.

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