



PAIA and POPI Manual

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

This manual applies to Solopho Investments (Pty) Ltd Registration number:
2018/266187/07
(the "Company")

1 July 2021

Registered office address: Highcliff Office Park Corner Wilhelmina and, Christiaan de Wet Rd, Constantia Kloof, Roodepoort

Introduction

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

The Protection of Personal Information Act, 2013 (the “POPI Act”) provides for:

- promote the protection of Personal Information processed by public and private bodies.
- certain conditions to establish minimum requirements for the processing of Personal Information.
- to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of the POPI Act and the PAIA Act
- to provide for the issuing of codes of conduct
- to provide for the rights of persons regarding unsolicited electronic communications and automated decision making
- to regulate the flow of Personal Information across the borders of the Republic and
- to provide for matters connected therewith.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

The POPI Act gives Data Subjects¹ the right to, in the prescribed manner, request a Responsible Party to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully or destroy or delete a record of Personal Information about the Data Subject that the Responsible Party is no longer authorised to retain access and/or request the correction or deletion of any Personal Information held about them that may be inaccurate, misleading or outdated.

The Company endorses the spirit of the PAIA Act and POPI Act and believes that this Manual will assist requesters in exercising their rights. The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

This PAIA Manual was compiled in terms of Section 51 of the PAIA Act to facilitate access to records held by the Company. It contains information required by a person wishing to exercise any right, contemplated by the PAIA Act. It is available in English. A copy of this Manual is available to the public in a PDF (“Portable Document Format”) version on the Company website or on request from the Deputy Information Officer referred to in this Manual.

Nature of the business

Solopho Investments Pty Ltd is a South African based company that was incorporated with the aim of bridging the gap between accounting and investments solutions for businesses according to their special needs. It was incorporated in 2018 and we believe in value, professionalism, and transparency.

Contact Details

Name of body: Solopho Investments Pty Ltd

Head of body: Pholoso Futhane (Managing Director)

Information Officer: Pholoso Futhane

Physical Address: Highcliff Office Park
 Corner Wilhelmina and, Christiaan de Wet Rd,
 Constantia Kloof,
 Roodepoort
 1709

Telephone Number: +27 82 367 8939

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Email address: info@solophoinvestments.co.za

Website address: www.solophoinvestments.co.za

SCOPE: This Manual has been prepared in respect of the Company Group of Companies, which includes the following related entities:

Solopho Investments Pty Ltd

Solopho Properties Pty Ltd

Guide Of The South African Human Rights Commission

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

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Documents kept by Solopho Investments Pty Ltd

Companies Act Records:

- All trust deeds.
- Documents of Incorporation
- Index of names of Directors
- Memorandum of Incorporation
- Minutes of meetings of the Board of Directors
- Minutes of meetings of Shareholders
- Proxy forms
- Register of debenture holders.
- Register of directors' shareholdings.
- Share certificates
- Share Register and other statutory registers and/or records and/or documents.
- Special resolutions/Resolutions passed at General and Class meetings.

Records relating to the appointment of:

- Auditors
- Directors
- Prescribed Officer.
- Public Officer and
- Secretary

Financial Records:

- Accounting Records
- Annual Financial Reports
- Annual Financial Statements
- Asset Registers
- Bank Statements
- Banking details and bank accounts

Banking Records

- Debtors / Creditors statements and invoices
- General ledgers and subsidiary ledgers
- General reconciliation
- Invoices
- Proof of payments
- Policies and procedures
- Rental Agreements and
- Tax Returns

Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes.
- Records of payments made to SARS on behalf of employees.
- All other statutory compliances:
- VAT
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

Personnel Documents and Records

- Accident books and records
- Address Lists
- Disciplinary Code and Records
- Employee benefits arrangements rules and records
- Employment Contracts
- Employment Equity Plan
- Forms and Applications
- Grievance Procedures
- Leave Records
- Medical Aid Records
- Payroll reports/ Wage register
- Pension Fund Records
- Safety, Health and Environmental records
- Salary Records
- SETA records
- Standard letters and notices

Training Manuals

- Training Records
- Workplace and Union agreements and records.

Procurement Department

- Standard Terms and Conditions for supply of services and products
- Contractor, client, and supplier agreements
- Lists of suppliers, products, services, and distribution and
- Policies and Procedures

Sales Department • Customer details

- Credit application information
- Information and records provided by a third party.

Marketing Department

- Advertising and promotional material

Risk Management and Audit

- Audit reports
- Risk management frameworks and
- Risk management plans.

Safety, Health and Environment

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans
- Inquiries, inspections, examinations by environmental authorities

IT Department

- Computer / mobile device usage policy documentation
- Disaster recovery plans
- Hardware asset registers
- Information security policies/standards/procedures
- Information technology systems and user manuals
- Information usage policy documentation
- Project implementation plans
- Software licensing and
- System documentation and manuals.

Corporate Social Responsibility (CSR)

- CSR schedule of projects/record of organisations that receive funding.
- Reports, books, publications, and general information related to CSR spend.
- Records and contracts of agreement with funded organisations.

Legal and Regulatory Affairs Department

- Information gathered during the investigation and adjudication of complaints.
- Record of proceedings of all Professional Conduct cases

- Record of all litigation matters
- Schedule of all Regulations
- Charge sheets
- Record of matters resolved through Mediation.
- Inspection Reports and
- Outcomes of Professional Conduct cases and Prelim Committees Resolutions.

Human Resources Division

- Employment contracts
- Employment Equity Plan (if applicable)
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records.
- Policies
- Training records and
- Training Manuals.

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Adept Advisory will consider access.

Solopho Investments Pty Ltd.'s records and information are available in accordance with the following legislation, including but not limited to:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008 (As amended)
- Copyright Act 98 of 1978
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Currency and Exchanges Act 9 of 1933
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002 (as amended)
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Intellectual Property Laws Amendment Act 38 of 1997
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access of Information Act 2 of 2000

- Short Term Insurance Act 53 of 1998
- Trademarks Act 194 of 1993
- Unemployment Insurance Act 30 of 19964
- Value Added Tax Act 89 of 1991

Access to records held by Solopho Investments Pty Ltd

Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requesters:

Personal Requester

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

Other Requester

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

Request Procedure

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in Appendix 1 and submit same as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail address stated herein. The prescribed form must be filled in with enough particularity to at least enable the information officer to identify:

- The record or records requested
- The identity of the requester
- What form of access is required; and
- The postal address or fax number of the requester.

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

The Company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this time is not complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

Decision

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

Fees

The Act provides for two types of fees:

A request fee, (which will be a standard fee) and an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the information officer of the Company, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The information officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure including deciding to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

Purpose of Processing

Solopho Investments Pty Ltd uses the Personal Information under its care in the following ways:

- Administration of the register for Registered Practitioners
- Managing the Continuing Professional Development ("CPD") database of practitioners
- Staff administration
- Keeping of accounts and records
- Complying with tax laws and other applicable laws
- Any other relevant administrative purposes in terms of any other law, code or standard.

GROUNDINGS FOR REFUSAL TO ACCESS RECORDS

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party. A complete list of the grounds for refusal is available in Chapter 4 of the Act.

The Company has the right to refuse access to information on one or more of the following grounds:

- Mandatory protection of the privacy of a third party who is a natural person, if such disclosure would involve the unreasonable disclosure of Personal Information about a third party, including a deceased individual, subject to the provisions of section 63 (2).
- 16.2. Mandatory protection of the commercial information of a third party, if the record contains:
 - (a) Trade secrets of that party.
 - (b) Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party.
 - (c) Information disclosed in confidence by a third party if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
 - (d) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- 16.3. Mandatory protection of certain confidential information of third party, where the head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- Mandatory protection of the safety of individuals and the protection of property, where such disclosure could endanger the life or physical safety of an individual, or prejudice or impair the security of:
 - (a) a building, structure, or any system
 - (b) a means of transport, or
 - (c) any other property.

- Mandatory protection of records, which would be regarded as privileged from production in legal proceedings.
- Commercial information of private body, in that a request for access to a record may be refused if the record contains:
 - (a) trade secrets, financial, commercial, scientific or technical information of the institution, which disclosure, could likely cause harm to the financial or commercial interest of the institution.
 - (b) Information which, if disclosed could prejudice or put the institution at a disadvantage in
 - (c) negotiations or commercial competition; and PAIA and POPI Manual – 01 April 2020 Page 12 of 18
 - (d) A computer program which is owned by the institution, and which is protected by copyright.
- Mandatory protection of research information of the institution. A request will be refused if this disclosure would disclose the identity of the institution, the researcher, or the subject matter of the research and would place the researcher at a serious disadvantage.
- Mandatory disclosure in public interest. Despite any of the protections mentioned above, the director of the Company shall grant a request for access to a record if:
 - (a) the disclosure of the record would reveal evidence of-
 - (i) a substantial contravention of, or failure to comply with, the law; or
 - (ii) imminent and serious public safety or environmental risk; and
 - (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

APPEAL - REMEDIES [section 57(1)]

The Company does not have an internal appeal procedure. As such, the decision made by the Deputy Information Officer of the Company 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 Deputy Information Officer of the Company.

If a requester is aggrieved by the refusal of the Deputy Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Deputy Information Officer's decision, apply to court for appropriate relief.

The court will review the request and decide whether in fact the Deputy Information Officer of the Company should give the requester the information requested or not. A court hearing an application in terms of the PAIA Act may grant any order that is just and equitable including orders:

- (a) confirming, amending or setting aside the decision which is the subject of the application.
- (b) requiring the Deputy Information Officer of the Company or relevant authority of a public body or the head of a private body to take such action or to refrain from taking such action, as the court considers necessary within the period mentioned in the court order;
- (c) granting an interdict, interim or specific relief, a declaratory order or compensation; or
- (d) granting an order as to costs.

Particulars of right to be exercised or protected.

If the provided space is inadequate, please continue 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:

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

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? Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE