

PAIA and POPIA Manual

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pegasyscapital.com



Pegasys Capital Partners (Pty) Ltd

+27 21 461 5476

info@pegasyscapital.com

1st Floor, 4 Church Square, Spin Street, Cape Town, 8000, South Africa



1. Introduction

This manual applies to Pegasys Capital Partners Proprietary Limited (“PCP”) and has been prepared by PCP in accordance with Section 51 of the Promotion of Access to Information Act, 2000 (“PAIA”) and to address the requirements of the Protection of Personal Information Act, 2013 (“POPIA”).

2. Section 51 of PAIA

2.1. Section 51(1)(a) – Contact Details of PCP

For the purposes of this manual, any person wishing to contact PCP can do so by using the contact details as specified below:

Name of Company:	Pegasys Capital Partners Proprietary Limited
Physical address:	Pegasys, 1 st Floor, 4 Church Square, Spin Street, Cape Town, 8001
Postal address:	P.O. Box 557, Cape Town, 8000
Telephone:	+27 (21) 4615476
Facsimile:	+27 86 663 8373
Managing Director:	Daniel Acres
Information Officer:	Daniel Acres
Deputy Information Officer:	Wendy Valodia
E-mail:	info@pegasyscapital.com
Website:	http://www.pegasyscapital.com

The responsibility for administration of, and compliance with the Act is that of the Information Officer and Deputy Information officer of PCP.

2.2. Section 51(1)(b) – South African Human Rights Commission Guide

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act. Requesters are referred to the **Guide in terms of Section 10** which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.

The Guide is available from the SAHRC. The contact details of the Commission are:

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

2.3. Section 51(1)(c) - Applicable Legislation

As per Section 51(1) (c), records in terms of any other legislation are kept and made available in accordance with the applicable legislation, as it is applied to the specific environment in which PCP operates. Records of the Company's and other legal entities in which the Company has a direct controlling interest or an indirect controlling interest through its shareholders may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company and/or its other entities from time to time:

- ✚ Basic Conditions of Employment Act, 75 of 1997
- ✚ Broad-Based Black Economic Empowerment Act 53 of 2003
- ✚ Conduct of Financial Institutions Bill, 2017
- ✚ Companies Act, 71 of 2008
- ✚ Competition Act 89 of 1998
- ✚ Compensation for Occupational Injuries and Diseases Act 130 of 1993
- ✚ Copyright Act 98 of 1978
- ✚ Electronic Communications and Transactions Act 25 of 2002
- ✚ Employment Equity Act, 55 of 1998
- ✚ Financial Advisory and Intermediary Services Act, 37 of 2002
- ✚ Financial Intelligence Centre Act, 38 of 2001
- ✚ Financial Sector Regulation Act 9 of 2017
- ✚ Income Tax Act, 95 of 1967
- ✚ Labour Relations Act, 66 of 1995
- ✚ Occupational Health & Safety Act, 85 of 1993
- ✚ Pension Funds Act 24 of 1956
- ✚ Prevention and Combating of Corrupt Activities Act 12 of 2004
- ✚ Prevention of Organised Crime Act 121 of 1998
- ✚ Protection of Businesses Act 99 of 1978
- ✚ Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- ✚ Protection of Personal Information Act 4 of 2013
- ✚ Short Term Insurance Act 53 of 1998
- ✚ Skills Development Act, 9 of 1999
- ✚ Tax Administration Act 28 of 2011
- ✚ Unemployment Insurance Act, 63 of 2001
- ✚ Value Added Tax Act, 89 of 1991
- ✚ The Co-operatives Act 14 of 2005
- ✚ The Fund-Raising Act 107 of 1978
- ✚ Trust Property Control Act 57 of 1988



Such records will be made available to only those individuals/entities authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

2.4. Section 51(1)(d) - Schedule of Records

2.4.1. AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

Records falling within this category will be made available to the requestor without the need for making a request in terms of the Act. Such records are:

- ✚ All records available on the PCP website www.pegasyscapital.com which includes records in respect of the following:
 - What We Offer
 - Where We Are Represented
 - Sectors in Which We Operate
 - Our Team
 - Overview of the Pegasys Group
 - Contact Details
 - Legal Notices
 - Privacy Policy
 - Cookies Policy
 - This Manual
- ✚ PCP marketing material and brochures.

2.4.2. SUBJECT AND CATEGORIES OF RECORDS HELD BY THE COMPANY

Set out below is a number of categorised records that are, subject to access being denied, available in terms of PAIA. Please note that a requestor is not automatically allowed access to these records and a request for access to any of the records listed here may be refused in accordance with sections 62 to 69 of the Act.

Records	Subject
Companies Act Records	<ul style="list-style-type: none">• B-BBEE Compliance• Corporate Policies and Procedures• Contracts and Agreements• Property Records• Legal and Contractual Records• General Correspondence• Company and Share Registration Records• Statutory Records, inclusive of:<ul style="list-style-type: none">○ Documents of incorporation○ Memorandum and Articles of Association○ Documentation lodged with the Registrar of Companies○ Notices to members○ Minutes of Board of Directors meetings○ Resolutions of members



	<ul style="list-style-type: none"> ○ Register of directors and officers ○ Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
Financial Records	<ul style="list-style-type: none"> • Accounting records • Audit and Annual Financial Statements • Income Tax Returns • VAT Returns • Correspondence with South African Revenue Services (SARS) • Management Accounts • Accounting Records • Banking Records • Bank Statements • Electronic banking records • Asset Register • Insurance • Rental Agreements • Purchasing records • Invoices
Income Tax Records	<ul style="list-style-type: none"> • Documents issued to employees for income tax purposes • PAYE Records • Records of payments made to SARS on behalf of employees • Tax Clearance Certificate • All other statutory compliances: <ul style="list-style-type: none"> - Value Added Tax - Skills Development Levies - Unemployment Insurance Fund - Workman's Compensation
Personnel Documents and Records	<ul style="list-style-type: none"> • Employee Records <ul style="list-style-type: none"> ○ Employee Names ○ Employee addresses ○ Employee identity numbers ○ Letters of appointment ○ Employment contracts ○ Payroll records ○ Leave records ○ Correspondence with employees ○ Standard terms and conditions of employment ○ Disciplinary records • Employment Equity Plan • SETA records • Disciplinary records • CV's • Copies of staff qualifications • Pension/Provident Fund records • PAYE records • Skills Development • Training records and manuals • Policies
Operational and Client Records	<ul style="list-style-type: none"> • Project records • Client company/trading details-vat numbers, company registration details etc. • Client agreements and contracts • Tenders and bid related documentation • Time and expense records • Billing records • Client files



	<ul style="list-style-type: none">• Client correspondence
Information Technology	<ul style="list-style-type: none">• Central Computer Repository documentation (e.g. backups, log files, audit trails, etc.)• General correspondence• Software licences
Insurance	<ul style="list-style-type: none">• General Insurance• Professional Indemnity Insurance• Public Liability Insurance
Marketing	<ul style="list-style-type: none">• Market Information• Product Brochures and Pitch Packs
Supplier Records	<ul style="list-style-type: none">• Rental agreements• Non-Disclosure Agreements• Supplier Contracts

The above categories may be amended from time to time in accordance with new and revised legislation.

2.5. Section 51(1)(e) - Access Request Procedure

In the event that a person or entity requires access to information as contemplated in the Act, all requests for information must be directed to the Information Officer at the address or electronic mail address of PCP provided in section 2.1 above.

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:

2.5.1. 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.

2.5.2. 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.

2.5.3. REQUEST PROCEDURE

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. The Requester must use the prescribed access request form ([Appendix Form C](#)) to make the request for access to a Record 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, 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 e-mail address of the requester.

A requester must state that he or she requires the information in order 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 period not be 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.

2.5.4. 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.

It is important to note that the successful completion and submission of an **access request form** does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

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 designated person of the private body.

A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.



2.6. Section 51(1)(f) - Prescribed Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

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 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 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. 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

The appointed designated person of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

After the designated person of the private body has made a decision on the request, the requester must be notified in the required form.

If the request is granted, then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The prescribed fees relating to a request to access information are as per Section 54(7), Section 54(2) and Section 54(7) of Regulation 11(3) and can be found on the www.sahrc.org.za website [here](#).

2.7. Grounds for Refusal of Access to Records

The main grounds for refusal of a request for information are:

- ✚ 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 party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;



- Information disclosed in confidence by a third party to PCP, if the disclosure could put that third party to 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 could be regarded as privileged in legal proceedings;
- ✚ The Commercial Activities of PCP which may include:
 - Trade secrets of PCP;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of PCP.

2.8. Remedies Available If Request for Information Is Refused

2.8.1. INTERNAL REMEDIES

The Company does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

2.8.2. EXTERNAL REMEDIES

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

3. Processing of Personal Information

PCP respects your rights when we collect and process your personal information, including your right to be reasonably protected against the unlawful collection, retention, sharing and use of your personal information.

3.1. Purpose of Processing

PCP collects, uses and shares personal information in and through a number of its operational systems and processes for the purposes of supplying goods and services to its clients, and in its dealings with its suppliers, service providers, potential and current business partners, employees and potential employees.

The Company uses the Personal Information under its care in the following ways:

- ✚ our legitimate interests in the effective delivery of services to you and in the effective and lawful operation of our businesses and the legitimate interests of PCP, our clients and business (provided these do not interfere with your rights);



- our legitimate interests in developing and improving our businesses, services and offerings (provided these do not interfere with your rights);
- to satisfy any requirement of law, regulation or professional body of which we are a member;
- to perform our obligations under a contractual arrangement with you or a client; or
- where no other processing condition is available, if you have agreed to us processing your personal information for the relevant purpose.

3.2. Categories of Data Subjects and their Personal Information

The Company may possess records relating to suppliers, shareholders, contractors, service providers, employees, and clients:

Entity Type	Personal Information Processed
Clients – Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Clients – Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence
Contracted Service Providers and Subcontractors	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners, Entity name, registration number, income tax number, tax information, contact details for representative persons, BBB-EE certificates, invoices, contractual documentation, contact details, date of birth, age, marital status, race, employment history, CVs, education history, banking details, income tax reference number.
Employees / Directors	ID number, contact details, physical and postal address, date of birth, age, marital status, race, disability information, employment history, criminal/background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information (including medical aid, pension/provident fund information), details related to employee performance, disciplinary procedures, employee disability information, employee pension and provident fund information, employee contracts, employee performance records, payroll records, electronic access records, physical access records,



	health and safety records, training records, employment history, time and attendance records;
New Job Applicants	Name, surname, address, contact details, email address, telephone number, details of qualifications, skills, experience and employment history, information about your current level of remuneration, including benefit entitlements, CV, criminal background checks, references.

3.3. Transborder Flows of Personal Information

The Company does transfer personal information to another country for the purposes of rendering services to our employees, clients, business partners and any other third party.

The Company will take the necessary steps to ensure that any services providers and third-party operators are bound by laws, that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

3.4. Sharing of Personal Information

The Company may share personal information with:

- ✚ other companies forming part of the Company's group of companies located inside and outside of South Africa;
- ✚ services providers who perform services on behalf of the Company; and
- ✚ third party suppliers.

3.5. Our security measures to protect personal information.

The Company takes the security of your data seriously and therefore reasonable technical and organisational measures have been implemented to protect personal information. The Company has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is not accessed except by our employees in the proper performance of their duties. The Company will take steps to ensure that third party providers who process personal information on behalf of the Company apply adequate safeguards as required in terms POPIA.

4. Availability of the Manual

A copy of this manual is available to the public in electronic format and/or hard copy at the following locations:

- ✚ PCP's website (<http://www.pegasyscapital.com>)
- ✚ PCP's office (at the address listed under contact details of PCP).
- ✚ At the Human Rights Commission



The information manual is available on request for inspection during office hours at the offices of PCP, on our website above as well as on request from the designated contact person referred to in this manual.

5. Changes to this Manual

This manual may change and you should therefore review it regularly before using our services or products, or when accessing and using our website(s).

REVISION HISTORY

Date Updated	Update Details	Updated By
25/06/2021	New version	Daniel Acres

6. Disclaimer

Pegasys Capital Partners (Pty) Ltd (“PCP”) is a limited liability private company, duly incorporated in the Republic of South Africa, with registration number 2020/242170/07. This document contains proprietary confidential information of PCP, the disclosure and use of which is strictly prohibited, without the prior written approval of PCP. The information contained in this document does not constitute advice and PCP does not accept any liability for any damage, loss or expense that may arise from any reliance that is placed on the information herein.



FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

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. |

(d) Full names and surname:

(e) Identity number:

(f) Postal address:

(g) Fax number:

(h) Telephone number:

E-mail address:

Capacity in which 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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:
- 2 Reference number, if available:
- 3 Any further particulars of record:

E. Fees

- | | |
|-----|--|
| (a) | A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be <i>notified of</i> the amount required to be paid as the request fee. |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption. |



Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request 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 for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images		copy of the images"		transcription of the images*
3. If 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 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)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES NO

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all 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:



H. 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**