



PAIA Manual

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

## Version control

Version no.	Update date	Date tabled at Risk Committee#	Purpose of changes*	Details of revisions to document
1.0	30 Sept		New PAIA manual template from Information Regulator (new regulator)	Draft 1- Aligns PAIA to POPIA

*\*For example: Annual policy and procedures review, changes in legislation, ad hoc update*

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## List of Acronyms

“DIO”	Deputy Information Officer;
“IO“	Information Officer;
“Minister”	Minister of Justice and Correctional Services;
“PAIA”	Promotion of Access to Information Act No. 2 of 2000( as Amended);
“POPIA”	Protection of Personal Information Act No.4 of 2013;
“Regulator”	Information Regulator; and
“Republic”	Republic of South Africa

## Overview

### **Purpose**

The Promotion of Access to Information Act (PAIA) was enacted in 2000. Its purpose is to promote the constitutional right of access to information to foster a culture of transparency and accountability in South Africa.

PAIA aims to encourage an open democracy in which individuals from all walks of life are empowered to engage with government and participate in decisions that affect their lives. In the context of a financial service provider, investors are entitled to reasonable information from the entity they have entrusted their investments to.

The PAIA Manual is useful for the public to:

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- check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- know the description of the records of the body which are available in accordance with any other legislation;
- access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the recipients or categories of recipients to whom the personal information may be supplied;
- know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### **ACCESS TO RECORDS (Section 51(1)(b))**

- 1.1. The Promotion of Access to Information Act (“PAIA”), grants a requester access to certain records of a private body if the said records are required to exercise or

protect any rights of the requester. Should a public body lodge such a request, it must be acting in the public interest.

1.2. Any request for information in terms of PAIA, must be made in accordance with the prescribed form and manner, at the rates provided.

1.3. The contact details of the Information Regulator are as follows:

Postal Address: : P.O Box 31533, Braamfontein, Johannesburg, 2017

E-mail address : [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

Website : <https://justice.gov.za/infoereg/>

1.4. If your PAIA request is denied, or there is no response from a public or private body for access to records, a complaint can be lodged with [PAIAComplaints@infoeregulator.org.za](mailto:PAIAComplaints@infoeregulator.org.za).

## 2. FORM OF A REQUEST FOR INFORMATION (Section 51(1)(e))

2.1. A requester must use the prescribed form “Form 2” (available in Annexure A of the regulations to PAIA) to request access to the information as per 5.2. above.

2.2. Form 2 of Annexure A of the regulations to PAIA can be accessed at the following URL: <https://www.justice.gov.za/infoereg/legal/20210827-gg45057gon757-PAIAreulations.pdf>

2.3. The request must be addressed to the responsible person as indicated in section 2.

2.4. The requester must provide sufficient detail on Form 2 to enable the contact person of the company to establish who is requesting the said information as well as what information is being requested and in what format.

2.5. The requester must provide sufficient detail in respect of his/her contact details and if the requester wishes to be informed of the decision of the company in any manner (in addition to written) the manner and particulars thereof.

- 2.6. Lastly, the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 2.7. After the company has decided on the request, the requester must be notified in the required form.
- 2.8. 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 hour to search and prepare the record for disclosure.

### **3. PRESCRIBED FEES (Section 51(1)(f))**

- 3.1. A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee.
- 3.2. Every other requester, who is not a personal requester, must pay the required request fee, as prescribed from time to time.
- 3.3. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted). A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 3.4. Records may be withheld until the fees have been paid.
- 3.5. Fees applicable in respect of private bodies are as per Annexure B of the regulations to PAIA, available at the following URL<sup>1</sup>:

<https://www.justice.gov.za/inforeg/legal/20210827-gg45057gon757-PAIAregulations.pdf>

### **Scope**

PAIA applies to all people in the republic, including non-nationals.

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<sup>1</sup> As from 1 July 2021, the [Information Regulator](#) has taken over the regulation of PAIA from the SAHRC. This information may, therefore, be updated in due course.

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# Key contact details for access to information of Capensis Capital

## Chief Information Officer (IO)

Name: Hendrik Pieter Vermaak  
Telephone number: 021 276 3450  
Email: [henno@capensiscapital.com](mailto:henno@capensiscapital.com)

## Deputy Information Officer (DIO)

Name: Simone Blanckenberg  
Telephone number: 021 276 3450  
Email: [Simone.blanckenberg@granate.co.za](mailto:Simone.blanckenberg@granate.co.za)

## Business General contact details

Postal Address: P.O Box 51868, Waterfront, 8002, South Africa  
Physical Address: 2nd floor, Josephine Mill, 13 Boundary Road, Newlands. 7700  
Telephone number: 021 276 3450  
Email: [info@capensiscapital.com](mailto:info@capensiscapital.com)  
Website: <http://www.capensiscapital.com/home.html>



# Guidance on how to use PAIA and how to obtain access to the guide

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.

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

The aforesaid Guide contains the description of-

1. the objects of PAIA and POPIA;
2. the postal and street address, phone and fax number and, if available, electronic mail address of:
  - the Information Officer of every public body, and
  - every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
3. the manner and form of a request for-
  - access to a record of a public body contemplated in section 11; and
  - access to a record of a private body contemplated in section 50<sup>2</sup>;
4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
5. the assistance available from the Regulator in terms of PAIA and POPIA;

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<sup>2</sup> 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.
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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-
  - an internal appeal;
  - a complaint to the Regulator; and
  - 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;
7. the provisions of sections 14 and 51<sup>3</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
8. the provisions of sections 15 and 52<sup>4</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
9. the notices issued in terms of sections 22 and 54<sup>5</sup> regarding fees to be paid in relation to requests for access; and
10. the regulations made in terms of section 92<sup>6</sup>.

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.

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<sup>3</sup> 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.

<sup>4</sup> 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

<sup>5</sup> 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.

<sup>6</sup> 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.”

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The Guide can also be obtained-

- upon request to the Information Officer;
- from the website of the Regulator  
<https://www.justice.gov.za/inforeg/>

A copy of the Guide is also available in the following 4 official languages, for public inspection during normal office hours-

- English & isiZulu

## Categories of records which are available without a person having to request access

*These documents are available without a person having to request access by completing Form C per PAIA protocols.*

Category of records	Types of the Record	Available on Website	Available upon request
Regulatory	FSCA license- Capensis Capital	Yes	Yes
Client related	Investor letters	Yes	Yes
FAIS related	Regulatory policies: 1. Conflicts of interest Policy 2. Complaints Resolution Policy	Yes	Yes
Promotion of Access to Information Act	PAIA Manual	Yes	Yes

Protection of Personal Information Act	Privacy Policy	Yes	Yes
Client related	Fee calculation		Yes

## Description of Records available in accordance with other legislation

Category of Records	Applicable Legislation
Memorandum of incorporation CIPC related documents	Companies Act 71 of 2008
FAIS required policies Competence register Form A- Liquidity Calculation	Financial Advisory and Intermediary Services Act, No. 37 of 2002
ITA 34- Tax return	Income Tax Act, No. 95 of 1967
VAT201 reports	Value Added Tax Act, No. 89 of 1991
FICA Related documents which include personal information of clients	Financial Intelligence Centre Act, No. 38 of 2001
PAIA Manual	Promotion of Access to Information Act 2 of 2000

The above documents would only be available on reasonable request, should there be personal information involved, it would only be given to the specific person.

While we have made every effort to identify all applicable legislation, we cannot guarantee that the list is complete. If you are aware of any legislation we have omitted, please contact the deputy Information Officer.

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## Description of Subjects on categories of records held by Capensis

This table describes the subjects in respect of which Capensis holds records and the categories of records held on each subject.

Subjects on which the Company holds records	Categories of records
Strategic Documents, Plans, Proposals	Business Plan Audit & Risk committee minutes Board meeting minutes
Client	Personal information : Contact details and Mailing list Client Monthly Investment Statements Invoices and fee calculations
Secretarial	Shares related documents Share registers Annual returns
Finance	Annual Financial Statements Monthly Management accounts Budgets & guestimates
Compliance : FAIS related documents	Business related policies including: -Governance Framework -Risk Management (including risk register)

Subjects on which the Company holds records	Categories of records
	-Internal control policy
Compliance: FICA related documents	Personal information for all related parties' part of the FICA process for: -Ultimate beneficial owners -Directors of a legal entity -Authorized signatories and persons acting on behalf of the UBO/ Client.
Operational	Daily trade related information

## Processing of Personal Information

### Purpose of processing Personal Information

Capensis will use your personal information only for the purposes for which it was collected and agreed with you. Unless otherwise stated specifically, the information may be used for the following purposes:

- to administer a service to you
- to gather contact information
- to respond to your requests

We may use your personal information to inform you of products or services available from Capensis. When collecting information that might be used to contact you about our products and services, we give you the opportunity to opt-out from receiving such communication. In addition, each email communication we send includes an unsubscribe link, allowing you to stop delivery of that type of communication. If you choose to unsubscribe, we will remove you from the relevant mailing list within 14 business days.

Capensis does not sell, re-sell or distribute your personal information for re-sale.

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**Description of the categories of Data Subjects and of the information or categories of information relating thereto**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, and bank details
Director & Shareholder	Names, address, registration number or identity numbers, employment states

**The recipients or categories of recipients to whom the personal information may be supplied**

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
name, address, registration numbers or identity numbers, contact information, gender, employment status and bank details	SA Stockbrokers Capital
name, address, registration numbers or identity numbers, contact information, gender, employment status and (might include bank details)	External Compliance Officer (they sometimes also perform mock FAIS & FICA audits as required by legislation)

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<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
All creditor invoices with banking details, names and address	External Auditors
Authorised signer personal details on Investment Mandates regarding fees	External Auditors
Employee & Shareholder personal details, names, address, registration numbers, identity numbers, contact information, employment title	External Auditors

**Planned transborder flows of personal information**

Capensis does not plan a transborder flow of any personal information.

**General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

Please refer to the Privacy Policy published in Capensis website:  
<https://www.capensiscapital.com/>



## Availability of the Manual

A copy of this Manual is made available-

- on <https://www.capensiscapital.com/>
- to any person upon request and upon the payment of a reasonable prescribed fee should one need a printout; and
- to the Information Regulator upon request.

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.

## Updating of the Manual

The IO and Deputy IO will on a regular basis update this Manual.

Issued by



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**Hendrik Pieter Vermaak: Information Officer**  
**Director**

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