

PROMOTION OF ACCESS TO INFORMATION MANUAL

INTERACTIVE PORTFOLIOS

(PTY) LTD 1947/027603/07

PAIA MANUAL

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

**DATE OF COMPILATION: 28/10/2021
DATE OF REVISION: 10/03/2026**

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1. PURPOSE OF THE PAIA MANUAL

The Promotion of Access to Information Act 2 of 2000 ("PAIA" or "the Act") gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. The Protection of Personal Information Act 2013 has amended the PAIA and also requires from private bodies to disclose certain information through the relevant organisation's PAIA Manual.

Specifically, section 51(1) of the Act, read with the Protection of Personal Information Act of 2013, requires a private body to compile a manual that must contain information as specified and required by both PAIA and POPI. In addition, the PAIA manual must set out the formal procedure that a person must follow in order to request to view, update or delete personal information held by the private body.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g., any company, close corporation or business trust).

This organisation falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. In general, the limitations relate to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held and the process that must be adopted to access such records.

2. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|-------------|--|
| 2.1 | "DIO" | Deputy Information Officer; |
| 2.2 | "IO" | Information Officer; |
| 2.3 | "Minister" | Minister of Justice and Correctional Services; |
| 2.4 | "PAIA" | Promotion of Access to Information Act No.2,2000 (as Amended); |
| 2.5 | "POPIA" | Protection of Personal Information Act No.4 of 2013; |
| 2.6 | "Regulator" | Information Regulator; and |
| 2.7 | "Republic" | Republic of South Africa |

All requests for access to information (other than information that is available to the public) must be addressed to the Chief Information Officer named in Section 3 of this Manual.

3. BUSINESS AND CONTACT DETAILS

Chief Information Officer:	Mr Wayne Rosenberg
Position:	CEO
Postal Address:	N/A
Physical Address:	Unit 3C, Ground Floor, 3 Melrose Boulevard, Birnam, 2196, Johannesburg
Phone Number:	010 745 1666 082 443 3590
Email Address:	info@interactiveportfolios.co.za
Website:	www.interactiveportfolios.co.za
Deputy Information Officer:	Mr Michael Messias
Position:	Compliance Officer
Postal Address:	N/A
Physical Address:	Suite 1203A, Ridge 8, 39 Vuna Close, Rideway, Umhlanga, 4319
Phone Number:	010 745 1667 062 358 5894
Email Address:	info@interactiveportfolios.co.za
Website:	www.interactiveportfolios.co.za

4. THE PROMOTION OF ACCESS TO INFORMATION ACT (THE ACT)

- 4.1 The Act 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.
- 4.2 Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulations 6 and 7 of the Act.
- 4.3 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.
- 4.4 The Guide can also be obtained-
 - 4.4.1 upon request to the Information Officer;
 - 4.4.2 from the website of the Regulator <https://info regulator.org.za>

The contact details of the Regulator are:

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

General Enquiries: enquiries@info regulator.org.za

Should your PAIA request be denied or there is no response from a public or private bodies for access to records you may use this email address to lodge a complaint.

PAIAComplaints@info regulator.org.za

Should you feel that your personal information has been violated, you may use this e-mail address to lodge a complaint.

POPIAComplaints@info regulator.org.za

5. RECORDS AVAILABLE IN TERMS OF SECTION 52(2) OF THE ACT

Not applicable.

6. RECORDS THAT ARE HELD AT THE OFFICES OF THE BUSINESS

Operations	<p>Brochures and Company Information</p> <p>Client and Customer Registry</p> <p>Contracts</p> <p>General Correspondence</p> <p>Information relating to Work-In-Progress</p> <p>Marketing material and Future Strategies</p> <p>Policies and Procedures</p>
Financial Records	<ul style="list-style-type: none"> - Accounting Records - Annual Financial Statements - Asset Register - Banking Records - Contracts - Financial Transactions - General Correspondence - Insurance Information - Management Accounts - Tax Records (Company and Employee)
Information Technology	<ul style="list-style-type: none"> - IT policies and Procedures
Special information processed	<ul style="list-style-type: none"> - Offences / alleged offences - Criminal proceedings, outcomes & sentences
Possible Recipients of Personal Information	<ul style="list-style-type: none"> - Banks and other financial institutions. - Ombudsman and regulatory authorities - Regulatory, statutory and government bodies - Third party verification agencies and credit bureau

Categories of Data Subjects	Personal Information that may be processed
Natural Persons - Clients/customers/financial planners - Representatives/Agents - Contractors	- Names - Physical and postal addresses - Date of birth - ID number - Tax related information - Nationality - Gender - Confidential correspondence - Email address - Telephone number
Service Providers	names, registration number, vat numbers, address and bank details
Employees - Existing and former employees - Contractors, agents, temporary and casual employees	name, address, qualifications, registration numbers or identity numbers, bank details, tax related information, nationality, confidential correspondence, email address, contact telephone numbers
Juristic Persons	- Names of contact persons - Name of Legal Entity - Registration Number - Physical and Postal address and contact details - Founding documents - Tax related information - Authorised signatories, beneficiaries, ultimate beneficial owners

7. RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

- 7.1 Interactive Portfolios retains records and documents in terms of the legislation listed below.
- 7.2 Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information.
- 7.3 A request to access must be done in accordance with the prescriptions of the Act.
- Basic Conditions of Employment Act, No 75 of 1997;

- Broad-Based Black Economic Empowerment Act, No 75 of 1997;
- Collective Investment Schemes Control Act, No 45 of 2002
- Companies Act, No 71 of 2008;
- Competition Act, No.71 of 2008;
- Copyright Act, No 98 of 1978;
- Electronic Communications Act, No 36 of 2005;
- Electronic Communications and Transactions Act, No 25 of 2002;
- Employment Equity Act, No 55 of 1998;
- Financial Advisory and Intermediary Services Act, No 37 of 2002
- Financial Intelligence Centre Act, No 38 of 2001;
- Income Tax Act, No 58 of 1962;
- Intellectual Property Laws Amendment Act, No 38 of 1997;
- Labour Relations Act, No 66 of 1995;
- Occupational Health & Safety Act, No 85 of 1993;
- Pension Funds Act, No 24 of 1956;
- Prevention of Organised Crime Act, No 121 of 1998;
- Promotion of Access to Information Act, No 2 of 2000;
- Protection of Personal Information Act, No. 4 of 2013;
- Unemployment Insurance Act, No 30 of 1996
- Value Added Tax Act, No 89 of 1991

Whilst every care was taken to provide a comprehensive list of applicable legislation, this list may be incomplete. To this end, this list shall be updated accordingly as and when Interactive Portfolios receives new information to this effect.

If a Requester believes that a right of access to a record exists in terms of other legislation not listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

The accessibility of documents and records requested as a result of other legislation, may be subject to the grounds of refusal, set out in this Manual.

8. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing

- Fulfilling statutory obligations in terms of applicable legislation

- Historical record keeping, research and recording statistics necessary for fulfilling service offered to our clients and to fulfill our business objectives
- Keeping of accounts and records
- Obtaining information necessary to provide contractually agreed services to a customers and clients
- Resolving and tracking complaints
- Staff administration
- Verifying information provided to us

8.2 Categories of Data Subjects

- Clients and client's employees, representatives, agents, contractors and service providers
- Existing and former employees (including contractors, agents, temporary and casual employees)
- Our stakeholders

9. **TRANS-BORDER / CROSS BORDER FLOWS OF PERSONAL INFORMATION**

It may be required from time to time need to share personal information of data subjects with third parties in other countries. Any sharing of personal information of data subjects with third parties in other countries will be done only if the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection which effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in the Protection of Personal Information Act and the data subject consents to the transfer.

Any such transfer will have to be shown to be necessary for the performance of a contract between the data subject and the recipient in question, or for the implementation of precontractual measures taken in response to the data subject's request.

10. **GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES**

Up to date technology is employed to ensure the confidentiality, integrity and availability of the Personal Information under our care.

Measures include:

- Acceptable usage of personal information
- Access control to personal information
- Computer and network security including Firewalls, Virus protection software and update protocols
- Governance and regulatory compliance
- Internal process to report security breach or anticipated security breach
- Investigating and reacting to security incidents.
- Logical and physical access control

- Monitoring access and usage of private information
- Physical security
- Retention and disposal of information
- Secure communications
- Security in the outsourcing of any activities or functions through appropriate contracts
- Training of staff members

We continuously establish and maintain appropriate, reasonable technical and organisational measures to ensure that the integrity of the Personal Information which may be in our possession or under our control, is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures applicable.

11. INFORMATION REQUEST PROCEDURE

11.1 The requester must use the prescribed form/s to make the request for access to a record. The prescribed forms are attached to this document as:

- *Form 02: Request for Access to Record [Regulation 7]- Public & Private Bodies.*
- *Form 03: Outcome of request and of fees payable [Regulation 8]- Public & Private Bodies.*

These forms are also available from the Chief Information Officer named in Section 3 above. Alternatively, they are available from the website of the Information Regulator at <https://inforegulator.org.za/popia-forms/>

11.2 The request must be made to the Chief Information Officer named in Section 3 above. This request must be made to the address or electronic mail address of the business. Records held by Interactive Portfolios may be accessed by request only once the prerequisite requirements for access have been met.

11.3 A requester is any person requesting access to information. There are two types of requesters:

a. Personal Requester

A personal requester is a requester who is seeking access to information containing personal information about the requester.

Interactive Portfolios will voluntarily provide the requested information or give access to any record concerning the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged (if applicable).

b. Other Requester

This requester is entitled to request access to information on third parties.

In considering such a request, the Information Officer will take all reasonable steps to inform the third party to whom the requested record relates of the request. iii. The Information officer will inform the third party that he/she may make a written or oral representation stating why the request should be refused or, where required, give written consent for the disclosure of the Information.

The requester must fulfil the prerequisite requirements, including the payment of a request and access fee.

- 11.4 The requester must provide sufficient detail on the request form to enable the Chief Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- 11.5 The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- 11.6 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Chief Information Officer aforesaid.
- 11.7 The prescribed request fee must be attached.
- 11.8 We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.
- 11.9 Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.
- 11.10 Access will be granted to a record only if the following criteria are fulfilled:
 - 11.10.1 The record is required for the exercise or protection of any right; and
 - 11.10.2 the requestor complies with the procedural requirements set out in the Act relating to a request; and
- 11.11 Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

12. DENIAL OF ACCESS

- 12.1 Interactive Portfolios is entitled to refuse a request for information in terms of the Act.
- 12.2. Access to information may be subject to the grounds of refusal.
- 12.3. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.
- 12.4. The main grounds for Interactive Portfolios to refuse a request for information are:

- 12.4.1. mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
- 12.4.2 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- 12.4.3 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
- 12.4.4 mandatory protection of the commercial information of a third party (section 64) if the record contains:
- i. trade secrets of the third party;
 - ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - iii. information disclosed in confidence by a third party to Interactive Portfolios if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 12.4.5 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- 12.4.6 mandatory protection of the safety of individuals and the protection of property (section 66);
- 12.4.7 mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).
- 12.5. Requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 12.6. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 12.7. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.
- 12.8. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act.
- 12.9. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.
- 12.10 Access to any record may be refused under certain limited circumstances. These include:
- The protection of personal information from unreasonable disclosure concerning any natural person;
 - The protection of commercial information held concerning any third party (for example trade secrets);

- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put Interactive Portfolios (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Interactive Portfolios (Pty) Ltd
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Interactive Portfolios (Pty) Ltd

12.11 If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

13. PRESCRIBED FEES (SECTION 51 (1) (f))

13.1. The Act provides for two types of fees, namely:

- a. **A request fee**, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- b. **An access fee**, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

13.2. When a request is received by the Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before processing of the request.

- 13.3. If the search for the information has been made and the preparation of the record for disclosure, including an 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.
- 13.4. If the preparation of the record requested requires more than the prescribed hours 6 (six), a deposit of a third of the payable access fee shall be paid.
- 13.5. The Information Officer shall withhold a record until the requester has paid the requested fees.
- 13.6. A requester whose request for access to information has been granted must pay an access fee that is calculated to include, where applicable, the request fee, processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 13.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.
- 13.8. Where Interactive Portfolios has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question.
- 13.9. Where a requester submits a request for access to information about a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.
- 13.10. An access fee is payable where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or exclusion is determined by the Minister in terms of section 54(8).

A requester may query the payment of the requested fee and/or deposit with the Information Officer.

Should the requester find the decision unsatisfactory, he/she may lodge an application with a court.

13.11. The Fee Schedule is as follows:

FEE TYPE	DESCRIPTION	FEE
Request Fee		
	Fees for requesting records	R50
Access Fee		
	Information in an A4 size page photocopy or part thereof	R1.10
	A printed copy of an A4-size page or part thereof	R0.75

	A copy in computer-readable format, for example: Compact disc	R70
	A transcription of visual images, in an A4-size page or part thereof	R40
	A copy of visual images	R60
	A transcription of an audio record for an A4-size page or part thereof	R20
	A copy of an audio record	R30
	Search and preparation of the record for disclosure. Excluding the first hour reasonable required for the search and preparation	R30 per hour
	Postage Fee	Actual fee incurred

14. DECISION

- 14.1. Interactive Portfolios will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give written notice with reasons to that effect.
- 14.2. The 30 (thirty) day period within which Interactive Portfolios must decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another location and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 14.3. Interactive Portfolios will notify the requester in writing should an extension be sought.

15. REMEDIES FOR REFUSAL OF A REQUEST

- 15.1. Internal Remedies
- a. Interactive Portfolios does not have internal appeal procedures as the decision made by the Information Officer is final.
 - b. A requester will need to exercise external remedies should the request for information be refused, and they are not satisfied with the decision by the Information Officer.
- 15.2. External Remedies a. A requestor and/or third party that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of receipt of notification of the decision apply to the High Court with jurisdiction, for relief.
- 15.3. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development.

16. AVAILABILITY AND UPDATING OF THIS MANUAL

A copy of this Manual may be obtained from the Information Officer referred to in Section 3 above.

Any transmission costs or postage required in respect of hard copies of the Manual, will be for the account of the requester.

Interactive Portfolios will update this Manual at such intervals as may be deemed necessary.

A handwritten signature in black ink, appearing to read 'W. Rosenberg', with a long, sweeping underline that extends to the left and then curves back under the signature.

W ROSENBERG