

# Promotion of Access to Information (PAIA) Manual

in accordance with Section 51 of the Promotion of Access to Information Act No. 2 of 2000

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## For more information

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## 1. INTRODUCTION

The Protection of Personal Information Act, 4 of 2013 (“POPIA”) provides for protection principles that Mergence Investment Managers (“MIM”) must comply with to protect the Personal Information of all Data Subjects. Should a person require access to this Personal Information, then access is allowed in terms of the Promotion of Access to Information Act, 2 of 2000 (“PAIA”).

PAIA gives effect to section 32 of the Constitution which provides for access to this Personal Information if a person wants to exercise a right or to protect a right, subject to the procedural requirements laid down by PAIA.

Section 10 of POPIA provides that MIM must implement a Manual that must comply with section 14 and 51 of PAIA that should be made available to persons who want to access MIM’s Personal Information.

This POPIA Manual is available for inspection by contacting the MIM and the South African Human Rights Commission (SAHRC) at the contact details provided below.

## 2. PURPOSE

- 2.1. This purpose of the Manual is to:
  - provide details on records and information of MIM that are available and accessible once the requirements for access have been met; and
  - set out the procedures to be followed by a person that wants access to the Personal Information that are subject to protection and non-disclosure in terms of POPIA, if such person wants to exercise or to protect a right.
- 2.2. The Manual is available for inspection at MIM’s offices at no cost and also on the website [www.mergence.co.za](http://www.mergence.co.za).

## 3. AVAILABLE INFORMATION

The information provided below is regarded as available information, however currently no notice has been published in terms of section 52(2) on the categories of records that will automatically be available without following the required processes as provided for in terms of the POPIA Manual.

Please note that the inclusion of any subject or category of records in the POPIA Manual does not mean that information or records falling within those subjects and/or categories will automatically be made available. Certain grounds of refusal may apply to a request for such record.

<b>Company Name</b>	Mergence Investment Managers (Pty) Ltd (MIM)
<b>Registration no</b>	2004/021426/07



<b>Managing Director</b>	Sholto Dolamo	<b>Key Individual</b>	Fabian De Beer
<b>Structure</b>	MIM forms part of a group of companies.		
<b>Functions</b>	MIM provides financial services to South African clients and is an authorised Financial Services Provider for Category I (Advice and Intermediary Services all product categories) and Category II (Discretionary financial services) in terms of the Financial Advisory and Intermediary Services Act of 2002.		
<b>Postal address</b>	PO Box 8275, Roggebaai, 8012		
<b>Business/ Street Address</b>	2 <sup>nd</sup> Floor, Cape Town Cruise Terminal, Duncan Road, V&A Waterfront, Cape Town, South Africa, 8001		
<b>Phone Number</b>	+27 21 433 2960	<b>Website</b>	www.mergence.co.za
<b>Information Officer</b>	Fabian De Beer	<b>Email address</b>	fabian@mergence.co.za
<b>Deputy Information Officer/s</b>	John Afordofe	<b>Email address</b>	john@mergence.co.za
<b>SA Human Rights Commission (SAHRC) Guide</b>	The SAHRC Guide can be obtained from the SA Human Rights Commission at no cost: <u>Address:</u> PAIA Unit, The Research & Document Department, Private Bag x2700, Houghton, 2041 <u>Tel:</u> +27 11 877 3600; <u>Facsimile:</u> +27 11 403 0625; <u>Website:</u> <a href="http://www.sahrc.org.za">www.sahrc.org.za</a>		

#### APPLICABLE LEGISLATION

MIM's operations and information are available in accordance with the following legislation, including but not limited to:

- Basic Conditions of Employment Act 75 of 1997
- The Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Collective Investment Schemes Control Act 45 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediaries Services Act 37 of 2002
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Intelligence Centre Act 38 of 2001
- Financial Markets Act 19 of 2012
- Financial Sector Regulation Act 9 of 2017
- Financial Services Ombud Schemes Act 37 of 2004
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995



- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 63 of 2001
- Value Added Tax Act 89 of 1991

**SUBJECTS AND CATEGORIES OF RECORDS HELD BY MIM**

<b>Statutory Company Information</b>	<ul style="list-style-type: none"> <li>- Memorandum of Incorporation.</li> <li>- Certificate of Incorporation.</li> <li>- Records of all subsidiary companies.</li> <li>- The shares register.</li> <li>- Shareholders' agreements.</li> <li>- Minutes of general meetings of the shareholders.</li> <li>- Register or list of directors.</li> <li>- Internal resolutions.</li> <li>- A list of persons authorised to bind MIM.</li> <li>- Statutory registers, and a register of directors' interests in contracts.</li> </ul>
<b>Financial and Tax Records</b>	<ul style="list-style-type: none"> <li>- Accounting records, books, and documents.</li> <li>- Annual financial statements</li> <li>- Auditor's details.</li> <li>- External auditors' reports.</li> <li>- Tax returns.</li> <li>- PAYE records.</li> <li>- Skills Development Levies records.</li> <li>- Other documents and agreements relating to taxation.</li> </ul>
<b>Banking Details</b>	<ul style="list-style-type: none"> <li>- Bank facilities and account details.</li> <li>- Bank statements.</li> <li>- Guarantees given by, or in respect of MIM.</li> </ul>
<b>Human Resources / Employment Records</b>	<ul style="list-style-type: none"> <li>- List of employees and/or contractors.</li> <li>- Contracts of employment with directors, officers, and employees.</li> <li>- Services agreements with independent contractors and outsource partners.</li> <li>- Documents relating to employee benefits.</li> <li>- Compensation or redundancy payments.</li> <li>- Personnel files.</li> <li>- Employee code of conduct.</li> <li>- Employment equity plan.</li> <li>- Procedural agreements and policies.</li> <li>- Disciplinary records and documentation pertaining to disciplinary proceedings.</li> <li>- CCMA records.</li> <li>- Training manuals.</li> <li>- Confidentiality agreements.</li> </ul>



<b>Licenses and authorisations</b>	<ul style="list-style-type: none"> <li>- Regulatory, licenses, consents, approvals, and certificates.</li> <li>- Applications for licenses.</li> <li>- Registrations and declarations of permits.</li> </ul>
<b>Insurance</b>	<ul style="list-style-type: none"> <li>- Insurance policies taken out for the benefit of MIM and its employees.</li> <li>- Claims records.</li> </ul>
<b>Immovable and movable property</b>	<ul style="list-style-type: none"> <li>- Agreements for the lease or sale of land and/or other immovable property by MIM.</li> <li>- Agreements for the lease or sale of movable property by MIM.</li> <li>- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.</li> </ul>
<b>Information Technology</b>	<ul style="list-style-type: none"> <li>- Computer software support and maintenance agreements.</li> <li>- Website development, support, and maintenance agreements.</li> <li>- Computer software license agreements.</li> <li>- Agreements in respect of computer hardware used by MIM.</li> <li>- Agreements with Internet Service Providers and other telecommunications entities.</li> <li>- Leased line agreements.</li> <li>- Other documentation pertaining to computer systems and computer programs held by MIM.</li> <li>- Individual contracts in respect of usage of cellular telephones.</li> </ul>
<b>Specific Agreements Relating to the Business Activities (Third party agreements)</b>	<ul style="list-style-type: none"> <li>- Service Level Agreements [SLA] (incorporating Indemnity, confidentiality, and non-disclosure agreements).</li> <li>- Agreements relating to transactions.</li> <li>- Presentations to clients.</li> <li>- Operator agreements.</li> </ul>
<b>Miscellaneous agreements</b>	<ul style="list-style-type: none"> <li>- Loans from third parties (including banks).</li> <li>- Loans to third parties.</li> <li>- Suretyship agreements.</li> <li>- Agency, management, and distribution agreements.</li> <li>- Agreements in terms of which MIM is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity to which MIM is a party.</li> </ul>
<b>Policy documents</b>	<ul style="list-style-type: none"> <li>- Relevant policies governed by the applicable laws and regulations and business activities in which the company operates.</li> </ul>
<b>Procedures</b>	<ul style="list-style-type: none"> <li>- Standard operating procedures.</li> <li>- Disciplinary procedures.</li> <li>- Debarment procedures.</li> </ul>
<b>Legal proceedings</b>	<ul style="list-style-type: none"> <li>- Records relating to legal proceedings (where this arises).</li> <li>- Records relating to arbitration matters.</li> </ul>



<b>Clients</b>	<ul style="list-style-type: none"><li>- Agreements with clients.</li><li>- Service Level Agreements.</li><li>- Broker Agreements.</li><li>- Business strategies.</li><li>- Client Mandate.</li><li>- Discretionary Mandate.</li><li>- Applications.</li><li>- Investment Risk Profiles.</li><li>- Complaints and outcomes.</li><li>- Assets under management records.</li><li>- Financial records.</li><li>- FICA documentation.</li><li>- Contact lists.</li><li>- Agendas and minutes of meetings.</li><li>- Product brochures.</li><li>- Marketing plans.</li><li>- Letters/sheets.</li><li>- Client briefs.</li><li>- Client emails.</li><li>- Telephone recordings.</li><li>- Registers.</li><li>- Client presentations.</li></ul>
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## 4. PROCEDURES TO FOLLOW TO ACCESS INFORMATION

### 4.1. REQUESTER

#### 4.1.1. Personal Requester

A Personal Requester is a requester who is seeking access to a record containing Personal Information about the Requester itself. Access will be granted by MIM subject to applicable legislation.

#### 4.1.2. Other Requester

If a person other than the Personal Requester is seeking access to a record containing Personal Information, then MIM is not obliged to grant access to such record, unless such person fulfils the requirements for access as provided for in terms of PAIA.

### 4.2. FEES PAYABLE

The applicable fees are prescribed in terms of the Regulations promulgated under PAIA:

#### 4.2.1. Request fee

This does not apply if the request is for personal records of the person requesting – in this instance no fee is payable.



#### **4.2.2. Access fee**

An access fee is payable prior to being granted access to the records in the form required. These fees are prescribed in Part III of Annexure A as defined in Government Gazette Notice No. 187, Regulation 11.

#### **4.3. REQUEST PROCEDURES**

- Access to records with Personal Information is subject to the procedural requirements contained in PAIA.
- A Requester must complete the prescribed form enclosed herewith in Appendix 1 and payment of the required fee (only if it is an Other Requester) must be made.
- The completed and signed Appendix 1 form together with proof of payment must either be posted, submitted per hand or be emailed to the Information Officer at the email address stated above.
- 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.
- 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 on behalf of the other person to the satisfaction of the Information Officer.
- All required information must be provided on the Appendix 1 form and the information must be true complete and correct with enough particularity to enable the Information Officer to identify:
  - the Requester's identity;
  - contact details of the Requester;
  - the requested record/s, and
  - the form of access required by the Requester.
- A Requester may only request access to a record in order to exercise or protect a right and must clearly state what the nature of the right is so to be exercised or protected. The requester is further required to provide an explanation of why the requested record is required for the exercise or protection of that right.
- MIM will process a request to access a record within 30 (thirty) days of receipt of the completed Appendix 1 form together with proof of payment, if applicable, unless the Requestor has stated exceptional reasons and circumstances together with proof, if applicable, that would satisfy the Information Officer that the time period not be complied with.
- MIM shall inform the Requester in writing whether access has been granted or denied together with reasons thereof.
- If the Requester requires access to the records in another manner, the Requester must state the manner and the particulars so required.





#### 4.4. GROUNDS FOR REFUSAL

PAIA provides several grounds on which a request for access to information must be refused and a complete list of the grounds for refusal is available in Chapter 4 of PAIA.

These grounds mainly concern instances that may include where:

- the privacy and interests of other individuals are protected;
- such records are already otherwise publicly available;
- 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.



## APPENDIX 1 | REQUEST FOR INFORMATION FORM

A. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION			
Full Names & Surname:			
Identification Number:		Mobile no.	
Other contact no:		Fax no.	
Email address:			
Postal address:		Postal code	
B. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE			
*Only complete this section if a request for information is made on behalf of another person.			
Full Names & Surname/ Legal entity name:			
Identification/ Registration no.			
C. PARTICULARS OF REQUESTED INFORMATION			
*Provide full particulars of the information to which access is requested. If the provided space is not sufficient, please continue on a separate page and attach it to the form. Any additional pages submitted must be signed.			
D. FORMAT IN WHICH INFORMATION IS REQUESTED			
*Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.			



<b>E. RIGHT TO BE EXERCISED OR PROTECTED</b>	
*Indicate: 1. What right is to be exercised and/or protected and 2. Why the information is required to protect and/or to exercise this right.	
<b>What right is to be protected</b>	
<b>Why the information is required</b>	
<b>F. NOTICE OF APPROVAL / REJECTION OF REQUEST</b>	
<u>Please note:</u> You will be notified via email and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:	
<b>G. PAYMENT DETAILS (Only applicable to Other Requesters)</b>	
Kindly make payment of the amount of R_____ into the following bank account and attach proof of payment to this form.	
<b>Account name:</b> Mergence Investment Managers <b>Bank:</b> Standard Bank <b>Account no:</b> 07 01 96 222 <b>Branch code:</b> 020909	
<b>H. SIGNATURE</b>	
Signed at: _____ on this _____ day of _____ 20____	
_____	_____
Name of person submitting the request	Signature of person submitting the request