

Promotion of Access to Information

Manual prepared in terms of Section 51 of The Promotion of Access to Information Act, No 2 of 2000

1 July 2021

Prescient

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1. Preamble

Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) is an act that was passed to give effect to the constitutional right, held by everyone in South African, of access to information which is held by the State or by another person and which is required for the exercise or protection of any right.

Where a request is made in terms of PAIA, the body to which the request is made is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released. It is important to note that PAIA recognises certain limitations to the right of access to information aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Protection of Personal Information Act 4 of 2013 (“POPIA”) promotes the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

This manual is compiled in accordance with section 51 of PAIA and the relevant schedule in POPIA.

This manual is available for inspection at our offices, Block B Silverwood, Silverwood Lane, Steenberg Office Park, Cape Town, 7945, alternatively on our website at www.prescient.co.za

2. Entities in Scope

The following Prescient Holdings (Pty) Ltd group entities, hereinafter referred to as the “Entities”, fall within the scope of this manual:

- Prescient Holdings (Pty) Ltd
- Prescient South Africa (Pty) Ltd
- Prescient Investment Management (Pty) Ltd
- Prescient Investment Management Retail (Pty) Ltd
- Prescient Online (Pty) Ltd
- Prescient Fund Services (Pty) Ltd
- Prescient Nominees (Pty) Ltd
- Prescient Analytics (Pty) Ltd
- Prescient Profile (Pty) Ltd
- Prescient Management Company (RF) (Pty) Ltd
- Prescient Securities (Pty) Ltd
- Cornerhouse Nominees (Pty) Ltd
- Prescient Capital Markets (Pty) Ltd
- Prescient Khawuleza (Pty) Ltd
- Prescient Global Limited Prescient Global Funds ICAV
- Prescient Investment Management China Limited
- Prescient Financial Services Group Limited
- Prescient Private Fund Manager (Shanghai) Limited
- Prescient Fund Services Ireland Limited

Retirement funds offered by Prescient:

- Prescient Umbrella Pension Fund
- Prescient Umbrella Provident Fund
- Prescient Preservation Pension Fund
- Prescient Preservation Provident Fund
- Prescient Retirement Annuity Fund

Entities registered by the Financial Services Conduct Authority (“FSCA”) as authorised financial services providers:

- Prescient Investment Management (Pty) Ltd
- Prescient Fund Services (Pty) Ltd

- Prescient Securities (Pty) Ltd

Prescient Fund Services (Pty) Ltd is the duly appointed administrator of the Prescient Preservation Pension Fund, the Prescient Preservation Provident Fund and the Prescient Retirement Annuity Fund.

3. Particulars of the Section 51 Manual

3.1. Key contact details for access to information queries

Prescient will deal with all requests relating to any of the entities as set out in the manual and PAIA read together with POPIA. All requests for information in terms of this manual must be directed to the Delegated Information Officer (Nadia Galloway) at:

Prescient Holdings (Pty) Ltd	Telephone: +27 - 21 – 700 3600
Block B Silverwood	Fax: +27 - 21 – 700 3700
Silverwood Lane	Informationofficer@prescient.co.za
Steenberg Office Park	Website: www.prescient.co.za
Tokai	
7945	
PO Box 31142	
Tokai 7966	

3.2. Information regulator’s guide

A Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed.

Postal Address: The Information Regulator (South Africa)	Telephone Number: +27 (0) 10 023 5207
33 Hoofd Street	Fax Number: (011) 403-0668
Forum III, 3rd Floor Braampark	Complaints email: complaints.IR@justice.gov.za
P.O Box 31533	General enquiries email: inforeg@justice.gov.za
Braamfontein, Johannesburg, 2017	

3.3. Types of records available

All records kept and made available in terms of legislation applicable to the Entities listed in this Manual and the Financial Services Industry in general, as it applies to the specific environment in which the Entities operate, are available in accordance with the said legislation.

A requester may also request information that is available in terms of other legislation.

- Basic Conditions of Employment Act, 75 of 1997
- Collective Investment Schemes Control Act 45 of 2002
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transaction 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
- Foreign Account Tax Compliance Act
- Income Tax Act 58 of 1991
- Insolvency Act 24 of 1936
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- 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 Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Securities Services Act 36 of 2004
- Skills Development Levies Act 9 of 1999
- Trademarks Act 194 of 1993
- Unemployment Insurance Act 30 of 1996
- Value-added Tax Act 89 of 1991

3.4. Categories of records

The following categories of records are available for the purposes of PAIA, subject to grounds for refusal to the access thereof. Records are maintained on the following subjects:

Personnel Records

"Personnel" refers to any person who works for or provides services to or on behalf of Prescient and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Prescient and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Correspondence relating to personnel;
- Internal evaluation records and other internal records; and
- Training schedules and material.

Client Related Records

A "client" refers to any natural or juristic entity that receives services from Prescient.

- Records provided to the Entities by the Client;
- Records provided to the Entities by an intermediary;
- Records provided to the Entities by a third party;
- Records provided to the Entities by a third party acting for or on behalf of the Entities;
- Records generated by or within the Entities relating to the client.

Records of the Entities listed above:

- Financial records;
- Operational records;
- Information technology;
- Communication;
- Administrative records, such as contracts and service level agreements;
- Product records;
- Statutory records;
- Internal Policies and procedures; and
- Human resources records.
- Officials;
- Consultants; and
- Service Providers.

4. Processing of Personal Information

4.1. Purpose of processing

The Entities process the Personal Information ("PI") under their care for example (not an exhaustive list):

- Personnel records for administration and payroll purposes.
- Client related personal information in line with the administration client agreements and products in a manner that meets the service level agreement between the client and the Entities, regulatory/compliance and operational requirements. This includes sharing PI internally amongst the Entities for the efficient servicing and/or managing and administration of client investments and/or agreements (which may involve the use of PI to assist with the enforcement of any agreements or policies).
- Keeping and maintaining of financial, client and operational records. Including sharing PI with third
- Parties that provide the Entities with professional or record keeping services.
- To help identify data subjects when they contact the Entities and for communicating with data
- Subjects (including for the purposes of sending required reports and other information and responding to data subject requests).
- To enable the Entities to trace clients (or their beneficiaries' whereabouts) when necessary.
- To help the Entities detect and prevent fraud, money laundering and financial crimes. This includes the recording of calls for regulatory purposes and providing PI to third parties who assist with the verification of client information or the obtaining of additional information as is needed for the Entities to meet regulatory obligations.

Using PI to meet the contractual, legal and regulatory obligations of the Entities, including providing PI to third parties, such as local and/or international governmental, regulatory & non-regulatory bodies, law enforcement agencies and any other person with whom the Entities are required, by law, to share the Information.

4.2. Categories of data subjects

The Entities holds information and records on the following category of data subject, including but not limited to:

- Employees / personnel of the Entities;
- Clients of the Entities;
- Any third party with whom the Entities conducts its business services;
- Contractors of the Entities;
- Suppliers of the Entities;
- Service providers of the Entities

4.3. Recipients to whom personal information will be supplied

Depending on the nature of the data, The Entities may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data (i.e. the National Credit Regulator in terms of the National Credit Act 34 of 2005);
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act 89 of 1998);
- South African Revenue Services, or another similar authority;
- A contracted third party who requires this information to provide a healthcare service to an employee or any dependant/s on the employee's health plan;
- Third parties with whom the Entities have a contractual relationship for the retention of data (for example, a third party archiving services);
- Research/ academic institutions;
- Auditing and accounting bodies (internal and external);
- Anyone making a successful application for access in terms of PAIA;

4.4. Planned transborder flows of personal information

The Entities may transfer personal information to a third party who is in a foreign country in order to administer certain services but may only do so subject to the provisions of POPIA. Thus, internal cross-border transfers, as well as external cross-border transfers of information are envisaged, subject to the provisions of POPIA.

4.5. Security measures

The Entities have put in place requisite information security measures to ensure the confidentiality, integrity and availability of personal information in the Entities possession. The Entities takes appropriate technical and organizational measures designed to ensure that personal data remain confidential and secure against unauthorized or unlawful processing and against accidental loss, destruction or damage.

5. Ground for refusal of access to records

- 5.1 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;
- 5.2 Mandatory protection of the commercial information of a third party, if the record contains:
 - 5.2.1 Trade secrets of that third party
 - 5.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to financial or commercial interests of that third party; and
 - 5.2.3 Information disclosed in confidence by a third party to Prescient, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 5.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- 5.4 Mandatory protection of the safety of individuals and the protection of property;
- 5.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 5.6 The commercial activities of the Entities, which may include:
 - 5.6.1 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Entities;
 - 5.6.2 Information which, if disclosed, could put Prescient at a disadvantage in negotiations or commercial competition;
 - 5.6.3 A computer program which is owned by the Entities and which is protected by copyright.

- 5.7 The research information of the Entities or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 5.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6. Request Procedure

- 6.1 A requester requiring access to information held by the Entities must complete the prescribed Form C found on our website.
- 6.2 Submit the completed form to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 3 of this manual and pay a request fee and a deposit, if applicable.
- 6.3 The prescribed form must be completed with enough particularity to at least enable the Entities to identify:
- 6.3.1 The record or records requested;
 - 6.3.2 The identity number of the requester;
 - 6.3.3 The form of access required, if the request is granted;
 - 6.3.4 The e-mail, postal address, or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Entities will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Entities that circumstances dictate that the above time periods could not be complied with.
- 6.6 The requester will 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/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of Prescient.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee if applicable, before any further processing can take place.

Access to records held by Prescient

Records held by the Entities may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of or held by the Entities. There are two types of requesters:

6.10 Personal Request

A personal requester is a requester who is seeking access to a record containing personal information about the requester. The Entities will voluntarily 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.

6.11 Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Entities is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

7. Decision

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

8. Remedies available when Prescient refuses a request for information

8.1 Internal Remedies

The Entities does not have internal appeal procedures. Therefore, the decision made by the Entities is final. Requesters who are dissatisfied with a decision of the Entities will have to exercise external remedies at their disposal.

8.2 External Remedies

A requester or a third party, who is dissatisfied with P the Entities refusal to disclose information or the disclosed information may within 30 days of notification of the decision, applies to the Constitutional Court, the High Court or another court of similar status for relief.

Annexure 1: Fees

1. Fees

- 1.1. The Act provides for two types of fees, namely:
 - 1.1.1. A request fee, which will be a standard fee; and
 - 1.1.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 1.2. When the request is received by the Entities, the officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 1.3. If the search for the record has been made 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 Entities will notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted. Prescient will withhold a record until the requester has paid the fees as indicated in table below.
- 1.4. 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 requested form.
- 1.5. If a deposit has been paid in respect of a request for access, which is refused, then Prescient will repay the deposit to the requester.

Reproduction Fees

Where a private body 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 reproduction of the record in question. [Refer to clause 3.2 of the manual].

The applicable fees for reproduction as referred to above are:

For every photocopy of an A4-size page or part thereof	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.85
For a copy in a computer-readable form on - stiffer disc	8.55
- compact disc	79.80
For a transcription of visual images, for an A4-size page or part thereof	46.60
For a copy of visual images	68.40
For a transcription of an audio record, for an A4-size page or part thereof	22.80
For a copy of an audio record	34.20

Request Fees:

Where a requester submits a request for access to information held by a private body on a person other than the requester himself/herself, a request fee in the amount of R 50.00 is payable up-front before the private body will further process the request received.

Access Fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable are:

For every photocopy of an A4-size page or part thereof	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.85
For a copy in a computer-readable form on - stifty disc	8.55
For a copy in a computer-readable form on - compact disc	79.80
For a transcription of visual images, for an A4-size page or part thereof	46.60
For a copy of visual images	68.40
For a transcription of an audio record, for an A4-size page or part thereof	22.80
For a copy of an audio record	34.20
To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
Where a copy of a record needs to be posted the actual postage fee is payable.	

Deposits:

Where a private body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

Where a copy of a record needs to be posted the actual postage fee is payable.

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