



KHULASANDE CAPITAL
PAIA MANUAL
V1-2021



Contents

KHULASANDE CAPITAL PAIA MANUAL.....	2
1. DEFINITIONS.....	2
2. DESCRIPTION OF THE ACT.....	3
3. PURPOSE OF THE ACT	4
4 INFORMATION OFFICER DETAILS.....	5
5 INFORMATION REQUESTING PROCESS.....	5
6. KHULASANDE CAPITAL’S INFORMATION	7
7. RECIPIENTS OF PERSONAL INFORMATION	8
8 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST	9
9 REFUSAL OF ACCESS TO RECORDS.....	9
10 REMEDIES AVAILABLE WHEN KHULASANDE CAPITAL REFUSES A REQUEST	11
11 AVAILABILITY OF THE MANUAL	11
12 RECORDS AVAILABLE IN ACCORDANCE WITH SOUTH AFRICAN LEGISLATION	11



KHULASANDE CAPITAL PAIA MANUAL

The “PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) 2 OF 2000 Manual” is a working document that must be reviewed periodically.

This Manual is approved by Khulasande Capital’s CEO/ The Board and has been e-mailed to all employees for the following Khulasande Capital group entities:

- a) Khulasande Capital Partnership II
- b) Khulasande Capital III (Pty) Ltd, registration number 2018/434642/07
- c) Khulasande Capital Trust (“KCT”), registration number Masters Ref no: IT001780/2018T

The above companies, partnerships and trusts are hereinafter referred to as “Khulasande Capital”

The Manual will be reviewed on an annual basis. Any amendments will be captured and edited on the document, and then approved and released via e-mail by Khulasande Capital’s CEO.

1. DEFINITIONS

1.1 ‘Client’ refers to any natural or juristic entity that receives services from Khulasande Capital

1.2 ‘Person’ means a natural person or a juristic person

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

1.4 ‘Private body’ means:

- 1.4.1 a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- 1.4.2 a partnership which carries or has carried on any trade, business or profession;
- 1.4.3 any former or existing juristic person; or
- 1.4.4 a political party,
but excludes a public body;

1.5 ‘Public body’ means

- 1.5.1 any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or



- 1.5.2 any other functionary or institution when
 - a. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - b. exercising a public power or performing a public function in terms of any legislation;
- 1.6 **'Record'** of, or in relation to, Khulasande Capital, means any recorded information
 - 1.6.1 irrespective of form;
 - 1.6.2 in the possession or under the control of Khulasande Capital; and
 - 1.6.3 whether or not it was created by Khulasande Capital;
- 1.7 **'Request for access'** means a request for access to a record of Khulasande Capital in terms of section 5
- 1.8 **'Requester'**, means any person, including, but not limited to:
 - 1.8.1 a public body or an official thereof, making a request for access to a record of Khulasande Capital or
 - 1.8.2 a person acting on behalf of the person contemplated above
- 1.9 **'Third Party'** in relation to a request for access to a record of Khulasande Capital, means any person (including, but not limited to a public body) other than the requester, must be seen as a 'natural person'.

2. DESCRIPTION OF THE ACT

- 2.1. The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was sanctioned on 3 February 2000 to give 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.
- 2.2. A responsible party may or must refuse to disclose any information requested in terms of the subsections of the Act to which the grounds for refusal apply (Chapter 4 of Part 3 of Act).
- 2.3. The Minister may, by notice in the *Gazette*, make regulations regarding
 - 2.3.1. any matter which is required or permitted by this Act to be prescribed;
 - 2.3.2. any matter relating to the fees considered in sections 22 and 54;
 - 2.3.3. any notice required by this Act;
 - 2.3.4. any administrative or procedural matter necessary to give effect to the provisions of this Act.



- 2.4. Any regulation in terms of subsection (1) must, before publication in the Gazette, be submitted to Parliament.
- 2.5. Any regulation in terms of subsection (1) which
 - 2.5.1. relates to fees; or
 - 2.5.2. may result in financial expenditure for the State, must be made by the Minister acting in consultation with the Minister of Finance.
- 2.6. Any regulation in terms of subsection (1) may provide that any person who contravenes a provision thereof or fails to comply therewith is guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding two years.
- 2.7. The Manual prepared under section 51 of PAIA is prepared for all the Khulasande Capital group entities.

3. PURPOSE OF THE ACT

- 3.1 The PAIA act aims to promote a culture of transparency and accountability, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.
- 3.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.
 - 3.2.1 Section 9 of the Act however recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - a) Limitations aimed at the reasonable protection of privacy;
 - b) Commercial confidentiality; and
 - c) Effective, efficient and good governance in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.
- 3.3 This Act sets out to provide a generic manual to deal with the requests in a conforming manner, which will enable the requestors to obtain the records which they are entitled to in a quick, easy and accessible manner.
- 3.4 Should anyone require greater clarity on or assistance with PAIA, queries should be directed to:



The Information Regulator (South Africa) PAIA Unit

Postal address: SALU Building
316 Thabo Sehume Street Pretoria
0001

Telephone: +27 (0)12 406 4818

Fax: +27 (0)86 500 3351

Website: <http://www.justice.gov.za/infoereg/>

E-mail: infoereg@justice.gov.za

4 INFORMATION OFFICER DETAILS

Sthembile Nkabinde - Khulusande Capital's CEO

Telephone: 011 286-7000

E-mail: enquiries@khulasande.co.za

Physical & postal address: 100 Grayston Drive, Sandton, 2196

Zola Tsotsotso - Deputy Information Officer

Telephone: 011 286-7000

E-mail: enquiries@khulasande.co.za

Physical & postal address: 100 Grayston Drive, Sandton, 2196

5 INFORMATION REQUESTING PROCESS

- 5.1 A person who wants access to the records of any of the identified entities must request so, in writing, from the Information Officer or the Deputy Information Officer at the postal or physical address, telephone number or electronic mail address as stated above.
- 5.2 The completed request form must include the following:
 - 5.2.1 The record(s) requested
 - 5.2.2 The identity of the requester;
 - 5.2.3 Which form of access to the records is required, should the request be granted;
The postal address and/or contact number of the requester.



- 5.2.4 An explanation as to the right the requester wishes to exercise or protect, by requesting the desired information/record.
- 5.2.5 If the request is made for another person, then the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- 5.2.6 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Information Officer.

5.3 The requester must pay the prescribed fee(s) before any further processing can take place.

5.3.1 The prescribed fees are as below:

Item	Price
1) Information in an A4-size page photocopy or part thereof	R1.10
2) A printed copy of an A4-size page photocopy or part thereof	R0.75
3) A transcription of visual images, in an A4-size page photocopy or part thereof	R40.00
4) A copy of visual images	R60.00
5) A transcription of an audio record for an A4-size page or part thereof	R20.00
6) A copy of an audio record	R30.00

- 5.4 The Information Officer will process the request and inform the requester of the fees (if any and if so,) that are payable and of the different procedures that must be followed until the request is finalised.
- 5.5 Khulasande Capital will process the request within 30 days unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 5.6 The requester shall be informed whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, they must state the manner and the particulars so required.
- 5.7 If the request is granted, the Information Officer will notify the requester in which form they will provide the records requested (e-mail or postal).
- 5.8 The requester may lodge a complaint to the Information Regulator or an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging a complaint to the Information Regulator or the application.



6. KHULASANDE CAPITAL'S INFORMATION

Below are the types of records that are available at Khulasande Capital

6.1 Records available in terms of any other legislation

All records kept and made available according to legislation applicable to any of the entities listed above and the financial services industry in general, as it applies to the specific environment in which it operates, are available in line with the said legislation.

6.2 Records available without requesting access in terms of the Act

Khulasande Capital as a private body together with its subsidiaries may, on a voluntary basis, submit to the Minister of Justice and Correctional Services ("Minister") a description of records, which are automatically available without a person having to request access as set out in PAIA. The Minister may publish any description so submitted by notice in the Government Gazette. No submissions have been made at this stage by Khulasande Capital for publication in the Government Gazette. Certain records are however freely available on the internet at (www.khulasande.co.za)

6.3 Company records

The following are records pertaining to Khulasande Capital's own affairs:

6.3.1 Finance and accounting records

6.3.2 Human resources strategy

6.3.3 Shareholders

6.3.4 Intermediaries

6.3.5 Operational records

6.3.6 Technology

6.3.7 Compliance and risk

6.3.8 Subsidiary

6.3.9 Contractors Directors

6.4 Personal Information kept by Khulasande Capital

6.4.1 Clients/ portfolio companies/ beneficiaries - Juristic persons information: any identifying number, registration number, tax information, symbol, e-mail address, physical address, telephone number, location information, online identifier or contact details for representative persons. (Client Due Dilligence documents used to verify the identitiy and details of customers)



- 6.4.2 Advisors/ brokers - Includes license numbers, physical addresses, contact details, compliance officer details
- 6.4.3 Directors - ID numbers, name, other FICA documentation used to verify identity and details of directors
- 6.4.4 Employees - Includes ID number, contact details, physical and postal address, date of birth, marital status, race disability information, employment history, criminal/ background checks, fingerprints, CV's, education history, banking details, income tax reference number, remuneration and benefits information (including medical aid, pension/ provident fund information), details related to employee performance, disciplinary information.
- 6.4.5 Consultants/ Contractors - Dependant on the nature of the consultant or contract but may include any details under "Employees" or "Service Providers" categories
- 6.4.6 Service Providers, including outsourced/hosted services, auditors - Includes company registration details, income tax and VAT registration details, BEE certificates, payment details including bank accounts, invoices, contractual agreements, addresses, contact details

7. RECIPIENTS OF PERSONAL INFORMATION

- 7.1 Client information is/may be provided to:
 - 7.1.1 Brokers / advisers / intermediaries
 - 7.1.2 Group companies
 - 7.1.3 Shareholders
 - 7.1.4 Third-party service providers to uphold contractual obligations or service clients
- 7.2 Employee information is/may be received or provided to:
 - 7.2.1 Pension/ provident funds and/or their trustees
 - 7.2.2 Medical aid funds
 - 7.2.3 Recruitment companies
 - 7.2.4 Credit bureaux
 - 7.2.5 Information security
- 7.3 Khulasande Capital strives to uphold good information security practices and has policies, procedures and technological controls to ensure that the following areas of information security are addressed:



- 7.3.1 Physical and environmental security controls
 - 7.3.2 Network security controls
 - 7.3.3 Logical access controls to systems and data including password controls
 - 7.3.4 Protection from viruses and other malware
 - 7.3.5 Patch management and security updates
 - 7.3.6 Acceptable usage of information assets, including mobile devices
 - 7.3.7 Business continuity management and IT disaster recovery procedures
 - 7.3.8 Induction training to all new staff members
- 7.4 In addition to the implementation of these measures, Khulasande Capital regularly employs the expertise of independent third parties to review and identify gaps within their environment, so that they can strengthen internal controls.

8 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

- 8.1 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in Khulasande Capital's possession, but it cannot be found or does not exist, Khulasande Capital's CEO will, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 8.2 This affidavit will state all steps taken to find the record in question or steps taken to prove if the record exists or not, including all communications involved with every person (if any others) who conducted the search if they did so on behalf of Khulasande Capital's CEO.
- 8.3 For the purposes of this guide, the notice in terms of subsection 9.1 is regarded as a refusal for access to the record involved.
- 8.4 If, after notice is given in terms of subsection 9.1, the record in question is found, the requester concerned must be given access to the record unless access is refused on a ground for refusal contemplated in Section 10.

9 REFUSAL OF ACCESS TO RECORDS

The main grounds for Khulasande Capital to refuse a request for information relates to the:

- 9.1 Compulsory protection of the privacy of a third party who is a natural person/juristic, which would involve the unreasonable disclosure of personal information of that natural person/juristic, Including a deceased individual.



- 9.2 Compulsory protection of the commercial information of a third party, if the record contains:
 - 9.2.1 trade secrets of the third party;
 - 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 9.2.3 information disclosed in confidence by a third party to Khulasande Capital, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 9.3 Compulsory protection of confidential information of third parties if it is protected in terms of any agreement;
- 9.4 Compulsory protection of the safety of individuals and the protection of property;
- 9.5 Compulsory protection of records which would be regarded as privileged in legal proceedings;
- 9.6 The commercial activities of Khulasande Capital, which may include:
 - 9.6.1 trade secrets of Khulasande Capital;
 - 9.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Khulasande Capital;
 - 9.6.3 information which, if disclosed could put Khulasande Capital at a disadvantage in negotiations or commercial competition;
 - 9.6.4 a computer program which is owned by Khulasande Capital, and which is protected by copyright.
 - 9.6.5 the research information of Khulasande Capital or a third party, if its disclosure would disclose the identity of Khulasande Capital, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
 - 9.6.6 requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 9.7 Compulsory protection of research information of a third party, and protection of research information of Khulasande Capital
- 9.8 Khulasande Capital's CEO will grant a request for access to a record of the body contemplated in section 9.1 – 9.7 **if:**
 - 9.8.1 the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or
 - 9.8.2 the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.



10 REMEDIES AVAILABLE WHEN KHULASANDE CAPITAL REFUSES A REQUEST

- 10.1 Internal Remedies - Khulasande Capital does not have internal appeal procedures, as the Information Officer is at the highest executive level available. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.
- 10.2 External Remedies
- 10.2.1 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.
- 10.2.2 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, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.
- 10.2.3 The requester will be given access to the record after the expiry of the applicable period contemplated above, unless a complaint to the Information Regulator or an application with a court is lodged within that period.
- 10.2.4 If the head of Khulasande Capital decides to grant the request for access concerned, he must give the requester access to the record concerned after the expiry of 30 days after the notice is given, unless a complaint to the Information Regulator or an application with a court is lodged against the decision within that period.

11 AVAILABILITY OF THE MANUAL

The manual is available for review on the Khulasande Capital website www.khulasande.co.za
Their clients may also contact them directly if they wish to request their PAIA manual

12 RECORDS AVAILABLE IN ACCORDANCE WITH SOUTH AFRICAN LEGISLATION

- 12.1 Financial Advisory and Intermediary Services Act 37 of 2002 FICA



- 12.2 Companies Act 71 of 2008
- 12.3 The Promotion of Access to Information Act, No 2 of 2000
- 12.4 Protection of Personal Information Act 4 of 2013
- 12.5 Income Tax Act
- 12.6 Value Added Tax Act 89 of 1991
- 12.7 Basic Conditions of Employment Act 75 of 1997
- 12.8 Constitution Of the Republic of South Africa, 1996
- 12.9 Employment Equity Act 55 of 1998
- 12.10 Tax Administration Act 28 of 2011
- 12.11 Broad-based Black Economic Empowerment Act 53 of 2003