



## PAIA & POPIA MANUAL

### 1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 (“PAIA”) gives effect to section 32 of the Constitution, that provides for access to information if a person wants to exercise a right or to protect a right, subject to the procedural requirements laid down by PAIA. For this purpose, PAIA requires that **Belmont Asset Management** must implement a manual in terms of Section 51 of PAIA setting out the procedures to be followed to have access to Information which procedures are set out in this Manual.

The Protection of Personal Information Act, 4 of 2013 (“POPIA”) on the other hand provides for 8 protection principles that **Belmont Asset Management** must comply with to protect the Personal Information of all Data Subjects. **Belmont Asset Management** must implement a Manual that must comply with section 14 and 51 of PAIA and is required to make it available to persons who want to access FSP’s Personal Information. Should a person having a right to the Personal Information, require access to these Personal Information, then access is allowed by following the procedures laid down by PAIA and as set out in this Manual.

### 2. PURPOSE

The purpose of the Manual is to:

- provide details on records and information of **Belmont Asset Management** that are available and accessible once the requirements for access have been met; and
- sets out the procedures to be followed by a person that wants access to information, (including POPIA Personal Information) that are subject to protection and non-disclosure, if such person wants to exercise or to protect a right; and
- provide a guide on POPIA legislation how **Belmont Asset Management** processes Personal Information.

### 3. AVAILABILITY OF THE MANUAL

The Manual is made available in terms of Section 4 of the Regulations to POPIA:

- on **Belmont Asset Management**’s website, [www.belmontasset.co.za](http://www.belmontasset.co.za)
- by contacting the Information Officer at the contact details provided below. A fee will be levied if copies of the Manual is required and as provided for in terms of Appendix 3.
- at the offices of FSP for inspection during normal business hours at no cost.

#### **4. INTRODUCTION TO THE COMPANY AND TYPE OF BUSINESS**

**Name:** Belmont Asset Management (Pty) Ltd

**Registration No.** 1994/004586/07

**FSP No.** 680

**Type of business:** Belmont Asset Management does not form part of a group of companies and is authorised in South Africa as a Category II Financial Services Provider (“FSP”) with the Financial Sector Conduct Authority (“FSCA”), with a FSP no. 680 in terms of the Financial Advisory & Intermediary Services Act 37 of 2002 (“FAIS”).

#### **5. COMPANY CONTACT DETAILS (PAIA Section 51(1)(a))**

Designated and authorised persons:

- **CEO:** Mr. Paul William Beachy Head
- **Directors:** Mrs. Carol Lucy Lotz and Mr. Thomas Andre de Moyencourt

Contact details:

- **Postal address:** 21 Pear Lane Constantia, 7806, Cape Town, SA
- **Business address:** 21 Pear Lane Constantia, 7806, Cape Town, SA
- **Telephone Number:** (021) 794 4329
- **Website:** [www.belmontasset.co.za](http://www.belmontasset.co.za)

Information and Deputy Information Officers:

- **Information Officer:** Thomas Andre de Moyencourt, [tom@belmontasset.co.za](mailto:tom@belmontasset.co.za)

#### **6. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (“SAHRC”) GUIDE (PAIA Section 51(1)(b))**

- PAIA 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.
- Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the rates provided for in in terms of the PAIA Regulations.
- 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.
- The SAHRC Guide is available from the SAHRC with contact details:
  - **Postal Address:** Private Bag 2700, Houghton, 2041
  - **Telephone Number:** +27-11-877 3600
  - **Fax Number:** +27-11-403 0625
  - **Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

#### **7. PUBLICATION AND AVAILABILITY OF INFORMATION AND RECORDS**

##### **7.1 Applicable Legislation:**

The legislation applicable to FSP are contained in Appendix 1 of this Manual. **Belmont Asset Management** may be required to obtain information and keep records in terms of these legislation and depending on the relevant legislation requirements, FSP may also be required to make certain information or Records publicly available, allow disclosure of information or Records subject to certain conditions or may be

prevented to disclose information or Records. The Requester's right of access to information or a Record must be dealt with taking into consideration the applicable legislation requirements.

## 7.2 Available Records (PAIA Section 51(1)(d))

Examples of record Categories and available Records that are applicable to **Belmont Asset Management** are contained in Appendix 2 of this Manual. The inclusion of a category or examples of Records does not mean that the Information and Records falling within those categories will automatically be made available to a Requester.

Records may be available as follows:

- Freely if publicly available e.g. information and records available on **Belmont Asset Management's** website;
- Made available but subject to Copyright;
- Made available but subject to limited disclosure.

Note that a person may only request information from **Belmont Asset Management** as a Private Body if the requested information is required for the exercise or protection of a right. Certain grounds of refusal may also apply as indicated below in paragraph 8.4 to a request for such record.

## 8. FORM OF REQUEST TO ACCESS INFORMATION AND RECORDS (PAIA Section 51(1)(e))

### 8.1 Requester

- 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 **Belmont Asset Management** subject to applicable legislation.

- Other Requester:

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

### 8.2 Request for Information Procedures

The procedures to follow are as follows:

- A Requester must complete and sign the prescribed form enclosed herewith in Appendix 4 together with payment of the required fee (only if it is an Other Requester).
- The completed and signed 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.
- **Belmont Asset Management** 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.
- **Belmont Asset Management** 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.

### 8.3 Fees Payable

The applicable fees that are prescribed in terms of the PAIA Regulations are as follows:

- A non-refundable prescribed request fee is payable up on submission of any request for access to any record before a request will be processed.
- The fees above do not apply if the request is for personal records of the person requesting – in this instance no fee is payable.
- If the preparation of the record requested requires more than the prescribed hours (currently 6 hours), 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.
- Records may be withheld until the fees have been paid by the Requester.
- Fees are subject to confirmation by the Regulator in the Government Gazette and any applicable fees or changes will be upfront disclosed to Requesters.
- A List of the current Fees payable are set out in **Appendix 3**.

### 8.4 Grounds for refusal of a Request

Chapter 4 of PAIA provides for several grounds on which a request for access to Personal Information must be refused.

These grounds may include where:

- the privacy and interests of other individuals are protected, including a deceased person, where disclosure would be unreasonable;
- such records are already otherwise publicly available;
- the public interests are not served;
- the mandatory protection of commercial information of a third party/ company which include trade secrets, financial, commercial or technical information that may cause harm if disclosed and information that could put a third party/ Company in disadvantage in contractual/ other negotiations or commercial competition or computer programs owned by a company protected by copyright and intellectual property laws;

- the mandatory protection of certain confidential information of a third party;
- the mandatory protection of confidential information of third parties if it is protected in terms of an agreement;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of Records that are privileged in legal proceedings
- research information of a third party/ Company if disclosure would put the research or researcher in disadvantage.
- Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

## 8.5 Information or Records not found

If information or Records cannot be found despite reasonable and diligent searches by **Belmont Asset Management**, then the Information Officer must provide the Requester with a notice in the form of an affidavit setting out the measures taken to locate the document and the inability to locate it.

## 8.6 Remedies available to a Requester if access is refused

The decision made by the Information Officer is final and Requesters must exercise external remedies if the Request for access to Information or Records is refused. A Requester may however apply to a court for relief within 180 days of notification of the decision for appropriate relief as provided for in terms of sections 56(3) (c) and 78 of PAIA.

## 9. POPIA GUIDE AND PROCESSING OF PERSONAL INFORMATION BY THE FSP

POPIA provides for minimum protection principles for the lawful processing of Personal Information by FSP. A POPIA Guide setting out how Personal Information will be processed by FSP is contained in Appendix 5 of this Manual.

### 9.1 Objection to process Personal Information

- A person that wants to object to the processing of Personal Information in terms of section 11(1)(d) to (f) of POPIA, must complete, sign and submit to the Information Officer the Form contained Appendix 6 of this Manual.
- Affidavits or other documentary proof may be submitted with the Form in support of the objection.

### 9.2 Request for a) correction or deletion of Personal Information; or for b) destruction or deletion in possession of unauthorised person of Personal Information

- A Person that wants to submit a request to rectify, delete or destroy Personal Information in terms of section 24 of POPIA, must complete, sign and submit to the Information Officer the Form contained in Appendix 7 of this Manual.
- A request for the correction or deletion of the Personal Information of a Data Subject can be addressed to the Responsible Party in possession or control of the Personal Information.
- A request for the destruction or deletion of a Record of Personal Information about the Data Subject can be addressed to a Responsible Party in possession or control of the Record who are no longer authorised to retain such Record.
- Affidavits or other documentary proof may be submitted with the Form in support of the request.

### 9.3 Complaints in terms of POPIA

- A Person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the Personal Information of a Data Subject.
- A Responsible Party or Data subject may, in terms of section [63](#)(3), further submit a complaint to the Regulator in the prescribed manner and form if he/ she/ it is aggrieved by the determination of an adjudicator.
- The contact details of the Information Regulator are as follows:
  - **Business address:** JD House, 27 Stiemens street, Braamfontein, Johannesburg, 2001
  - **Postal address:** P O Box 31533, Braamfontein, Johannesburg, 2017
  - **E-mail:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)
  - **Website:** [www.justice.gov.za](http://www.justice.gov.za)

## APPENDIX 1 APPLICABLE LEGISLATION

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### \*THE LEGISLATION APPLICABLE TO THE FSP INCLUDES:

- Basic Conditions of Employment Act 75 of 1997
- 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 Board Act 97 of 1990
- Financial Services Ombud Schemes Act 37 of 2004
- Financial Supervision of the Road Accident Fund Act 8 of 1993
- Friendly Societies Act 25 of 1956
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Protection of Personal Information Act 4 of 2013
- Short-term Insurance Act 53 of 1998
- 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

\*Note that although **Belmont Asset Management** used its best endeavours to provide a list of the latest applicable legislation, it may not be a complete or updated list due to constant changes in legislation. Kindly consult with the Information Officer regarding the applicability of any legislation.

## APPENDIX 2 AVAILABLE RECORDS

Except for public Records that may be available on **Belmont Asset Management's** website, the following type of records are available on request in terms of PAIA.

*RECORD CATEGORIES	*EXAMPLES OF RECORDS
<b>Public Affairs</b>	<ul style="list-style-type: none"> <li>• Media Releases,</li> <li>• Public Company Information,</li> <li>• Website Information</li> <li>• Public policies and manuals</li> <li>• Publications/articles</li> </ul>
<b>Secretarial, Corporate Governance, Legal and Compliance</b>	<ul style="list-style-type: none"> <li>• Statutory Company Records</li> <li>• Shareholder Agreements and certificates</li> <li>• Corporate structure and associations Documents of Incorporation</li> <li>• Shareholder/ Board/ Executive decisions</li> <li>• Meeting minutes</li> <li>• Business Agreements</li> <li>• Intellectual Property</li> <li>• Management Information</li> <li>• Statutory Returns</li> <li>• Company policies and manuals</li> <li>• Compliance strategies, reports and records</li> <li>• Market information and strategies</li> <li>• Business development strategies</li> </ul>
<b>Financial</b>	<ul style="list-style-type: none"> <li>• Accounting records</li> <li>• Auditor records</li> <li>• Financial Statements</li> <li>• Banking details</li> <li>• PAYE records</li> <li>• Tax records</li> <li>• Assets and liabilities</li> </ul>
<b>Human Recourses/ Employment</b>	<ul style="list-style-type: none"> <li>• Employment records and agreements</li> <li>• Training records</li> <li>• Personal information</li> <li>• Competence and due diligence assessments</li> <li>• Leave records</li> </ul>
<b>Operations and Marketing</b>	<ul style="list-style-type: none"> <li>• Client agreements and database</li> <li>• Communications and correspondence</li> <li>• Fees structures</li> <li>• Service providers and service agreements</li> <li>• Investment performance records</li> <li>• Brand information</li> <li>• Insurance agreements and records</li> </ul>
<b>Client Services</b>	<ul style="list-style-type: none"> <li>• Compliance records</li> <li>• Client advice and review records</li> <li>• FICA documents</li> <li>• Emails and communications</li> <li>• Complaints and claims records</li> </ul>
<b>Information Technology</b>	<ul style="list-style-type: none"> <li>• IT service agreements, systems and facilities</li> <li>• Back-up and restore records</li> <li>• Emails</li> </ul>

\*Note that although **Belmont Asset Management** used its best endeavours to provide a list of records, it may not be a complete or updated list due to constant changes in legislation or business operations. Kindly contact the Information Officer if you have any queries about Records.



**APPENDIX 3  
LIST OF FEES PAYABLE**

The following Fees are payable in respect of Private Bodies (other than personal requests) in terms of Part III of the PAIA Regulations published in the Government Gazette:

<b>General</b>	
An upfront <b>Request fee</b> before a request will be processed in terms of Regulation 11(2)	R50.00
Fees for the <b>manual</b> as contemplated in Regulation 9(2)(c) payable for every photocopy of an A4-size page or part thereof.	R1.10
<b>Reproduction fees</b> referred to in Regulation 11(1) are as follows:	
Every photocopy of an A4-size page or part thereof	R1.10
Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Computer-readable form on: <ul style="list-style-type: none"> <li>• stifty disc</li> <li>• compact disc</li> </ul>	R7.50 R70.00
Visual images: <ul style="list-style-type: none"> <li>• For a transcription of visual images, for an A4-size page or part thereof</li> <li>• For a copy of visual images</li> </ul>	R40.00 R60.00
Audio records: <ul style="list-style-type: none"> <li>• For a transcription of an audio record, for an A4-size page or part thereof</li> <li>• For a copy of an audio record</li> </ul>	R20.00 R30.00
<b>Access fees</b> referred to in Regulation 11(3):	
Every photocopy of an A4-size page or part thereof	R1.10
Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Computer-readable form on: <ul style="list-style-type: none"> <li>• stifty disc</li> <li>• compact disc</li> </ul>	R7.50 R70.00
Visual images: <ul style="list-style-type: none"> <li>• For a transcription of visual images, for an A4-size page or part thereof</li> <li>• For a copy of visual images</li> </ul>	R40.00 R60.00
Audio records: <ul style="list-style-type: none"> <li>• For a transcription of an audio record, for an A4-size page or part thereof</li> <li>• For a copy of an audio record</li> </ul>	R20.00 R30.00
To search for and prepare the record for disclosure, the fee for each hour or part of an hour reasonably required for such search and preparation.	R30.00
For purposes of section 54(2), the following applies: <ul style="list-style-type: none"> <li>• 6 hours as the hours to be exceeded before a deposit is payable</li> <li>• 1/3<sup>rd</sup> of the access fee is payable as a deposit by the requester</li> </ul>	
Actual postage is payable when a copy of a record must be posted to a Requester.	

**APPENDIX 4**  
**REQUEST FOR INFORMATION FORM**

The following proof must be submitted together with the completed and signed Request for Information Form below to the Information Officer:

1. Proof of payment of fees (if applicable);
2. Certified copy of the Requester's identity document;
3. Supporting documentation (only if applicable).

<b>1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION</b>			
<b>Full Names &amp; Surname:</b>			
<b>Identification Number:</b>		<b>Cell phone no.</b>	
<b>Other contact no:</b>		<b>Fax no.</b>	
<b>Email address:</b>			
<b>Postal address:</b>		<b>Postal code</b>	
<b>2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE</b>			
*Only complete this section if a request for information is made on behalf of another person.			
<b>Full Names &amp; Surname/ Legal entity name:</b>			
<b>Identification/ Registration no.</b>			
<b>3. PARTICULARS OF REQUESTED INFORMATION</b>			
*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.			
<b>4. FORMAT IN WHICH INFORMATION IS REQUESTED</b>			
*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>5. 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>6. NOTICE OF APPROVAL / REJECTION OF REQUEST</b>			
<u>Please note:</u> You will be notified via e-mail 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>7. PAYMENT DETAILS (Only applicable to Other Requesters and not to Personal Requesters)</b>			
Kindly make payment of the amount of R_____ into <b>Belmont Asset Management's</b> bank account and attach proof of payment to this form.			
<b>8. SIGNATURE</b>			
Signed at: _____ on this _____ day of _____ 20____			
_____		_____	
Name of person submitting the request		Signature of person submitting the request	

**APPENDIX 5**  
**POPIA GUIDE AND PROCESSING OF PERSONAL INFORMATION BY FSP**

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**1. DEFINITIONS**

- **Data Subject:** means the person to whom the personal information relates.
- **Responsible Party:** means the entity which determines the purpose of and means for processing Personal Information.
- **Operator:** means the company or a person who processes personal information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of the Responsible Party.
- **Personal Information:** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
  - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - information relating to the education or the medical, financial, criminal or employment history of the person;
  - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - the biometric information of the person;
  - the personal opinions, views or preferences of the person;
  - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - the views or opinions of another individual about the person; and
  - the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
  - Special Personal Information includes:
    - religious or political beliefs
    - race or ethnic origin
    - trade union membership
    - political opinions
    - health, sexual life
    - criminal behaviour.
- **Processing:** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:
  - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - dissemination by means of transmission, distribution or making available in any other form; or
  - merging, linking, as well as restriction, degradation, erasure or destruction of information.
- **Direct Marketing:** means the use of personal information for the purposes of direct marketing by means of any form of electronic communication.

**2. THE 8 PROTECTION PRINCIPLES APPLICABLE TO RESPONSIBLE PARTIES**

**Belmont Asset Management** is a Responsible Party in terms of POPIA and has Data Protection Policies and procedures in place for the protection of all Personal Information. **Belmont Asset Management** implemented the required controls and employs up to date technology to ensure the protection, confidentiality, integrity and availability of the Personal Information that it processes.

**The application of the 8 Protection Principles within the FSP as Responsible Party to ensure the protection of Personal Information are set out below:**

**2.1. Accountability:**

This principle contemplates the assigning of responsibility by the Responsible Party to oversee and ensure compliance with the POPIA requirements.

- The Board appointed an Information Officer (“IO”) and a Deputy Information Officer (“DIO”) who must register with the Information Regulator who is responsible to implement and oversee POPIA within the Responsible Party.
- The Responsible Party is responsible to audit the processes used to collect, record, store, disseminate and destroy Personal Information: in particular, ensure the integrity and safekeeping of Personal Information in possession or under control.
- The Responsible Party must take steps to prevent the information being lost or damaged, or unlawfully processed or accessed.
- The Responsible Party must ensure that staff is properly trained on a regular basis to ensure that they understand their responsibilities and the consequences of non-compliance with POPIA.

**2.2. Processing Limitation:**

Personal Information may only be processed by the Responsible Party:

- if it is done lawfully
- in a manner that does not infringe the privacy of the Data Subject.
- if adequate, relevant and not excessive given the purpose
- if consent was obtained or it was necessary. If consent was obtained from the Data Subject, then such consent must be voluntary and specific.

**2.3. Purpose Specification:**

- Purpose Specification is important to determine the scope within which Personal Information may be processed by a Responsible Party.
- The Responsible Party is required to:
  - define the purpose of the Personal Information gathering and processing clearly;
  - collect only the necessary information;
  - indicate that it is collected for a specific, explicitly defined and lawful purpose; and
  - be clear to whom the information is transferred.
- Personal information must be destroyed, deleted or ‘de-identified’ as soon as the purpose for collecting the information has been achieved. This requirement may be subject to other legislation such as FAIS and FICA with 5-year record keeping requirements applicable to the financial services industry.
- There are further restrictions on the transfer of Personal Information out of South Africa and to transfer Personal Information back into South Africa. The applicable restrictions will depend on the laws of the country to whom the data is transferred or from where the data is returned. The Responsible Party is required to assess the applicable laws.

**2.4. Further Processing limitation:**

Once the Responsible Party has identified and obtained consent for specific, legitimate and explicitly defined purposes, then Personal Information cannot be processed contrary to the purpose for which it was collected. The processing of such Personal Information may only occur insofar as it is necessary for the fulfilment of the purpose. If information is received via a third party for further processing, then this further processing must be compatible with the purpose for which the data was initially collected, otherwise further consent must be obtained.

## **2.5. Information quality:**

The Responsible Party must ensure and maintain the quality of the Personal Information that it processes. It must therefore:

- take reasonably practicable steps to ensure that the Personal Information is complete, accurate and updated
- consider obtaining a warranty from Data Subjects to ensure that the Personal Information is correct and updated.

## **2.6. Openness required:**

The Responsible Party is required to notify the Information Regulator of the applicable data subject groups that the information is used for e.g. financial services category. The Responsible Party has a duty to process Personal Information in a fair and transparent manner and must take steps to notify the Data Subject whose Personal information is being processed that this is being done together with reasons.

The Data Subject must be informed about the purpose and from what source his Personal Information was obtained:

- the name and address of the company processing the Personal Information
- whether the provisioning of the Personal Information is voluntary or mandatory

## **2.7. Security safeguards:**

Personal Information should be kept secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure. The Responsible Party is required to secure the integrity of personal information by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised access and unlawful access or processing of Personal Information.

The Responsible Party must take all reasonable measures to:

- Identify all reasonably foreseeable internal and external risks
- Establish and maintain appropriate safeguards against the risks
- Regularly verify that the safeguards are adequately implemented
- Ensure the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards

The Responsible Party must oversee an Operator who processes data on his/her behalf. The Responsible Party must be aware of the following:

- The Operator must treat information confidentially
- The Responsible Party must ensure that the operator establishes and maintains appropriate security safeguards
- ALL processing by an operator must be governed by a written contract
- In the event of security breaches, the Responsible Party must notify the Regulator and the data subject

## **2.8. Participation:**

POPIA allows for Data Subjects to make certain requests, free of charge, to organisations that holds their Personal Information. Data Subjects may request access to or records of their Personal Information and/or request the correction or deletion of any Personal Information held by it. Data Subjects may also request that inaccurate, misleading or outdated Personal Information be updated and has the right to know the identity of all third parties that have had access to their information.

### 3. EXCLUSIONS

POPIA protection does not apply to the following information:

#### 3.1. The processing of personal information:

- in the course of a purely personal or household activity;
- that has been de-identified to the extent that it cannot be re-identified again;
- by or on behalf of a public body —
  - which involves national security, including activities that are aimed at assisting in the identification of the financing of terrorist and related activities, defense or public safety; or
  - the purpose of which is the prevention, detection, including assistance in the identification of the proceeds of unlawful activities and the combating of money laundering activities, investigation or proof of offences, the prosecution of offenders or the execution of sentences or security measures, to the extent that adequate safeguards have been established in legislation for the protection of such personal information;
- by the Cabinet and its committees or the Executive Council of a province; or
- relating to the judicial functions of a court referred to in section 166 of the Constitution of the Republic of South Africa, 1996.

3.2. “**Terrorist and related activities**” for purposes of subsection (1)(c), means those activities referred to in section 4 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004).

3.3. Data Subject consent is not required, in instances where it would prejudice a **lawful purpose or the information is publicly available**.

### 4. PROCESSING OF PERSONAL INFORMATION WITHIN FSP

**Belmont Asset Management** is Processing the Personal Information of its Data Subjects as follows:

<b>Purpose of processing:</b>	<ul style="list-style-type: none"> <li>• Rendering of financial services to clients</li> <li>• Provisioning of value-added services to clients</li> <li>• Marketing of services to potential clients</li> <li>• Proposals to Clients on service offerings</li> <li>• Maintain accounts and records</li> <li>• Support and manage employees</li> <li>• Crime detection, prevention, investigation and prosecution</li> <li>• Assessment and processing of claims</li> </ul>	<ul style="list-style-type: none"> <li>• Fraud prevention &amp; detection</li> <li>• Market research and statistical analysis</li> <li>• Compliance with regulatory requirements</li> <li>• Due diligence assessments</li> <li>• Client relationship management</li> <li>• Purposes expressly agreed or authorized by the Client or Employees</li> <li>• Purposes notified to the Client or Employees</li> </ul>
<b>Data subject categories:</b>  <b>Includes Natural and Juristic</b>	<u>Includes Natural persons and Legal entities:</u> <ul style="list-style-type: none"> <li>• Clients and their clients</li> <li>• Shareholders</li> <li>• Board members</li> <li>• Directors</li> <li>• Employees</li> <li>• Consultants</li> <li>• Complainants</li> <li>• Enquirers</li> <li>• Trustees</li> <li>• Employers and employees of other organisations</li> </ul>	<ul style="list-style-type: none"> <li>• Associated companies</li> <li>• Holding companies and Subsidiary Companies in the group</li> <li>• External companies / contractors</li> <li>• Suppliers and service providers</li> <li>• Clients and their members / policyholders / subscribers</li> <li>• Individuals captured by CCTV images / video</li> <li>• Individuals who have indicated an interest in financial products</li> <li>• Regulators</li> </ul>

<p><b>Types/ classes of information processed</b></p>	<ul style="list-style-type: none"> <li>• Personal details</li> <li>• Business activities</li> <li>• Financial Products</li> <li>• Compliance records</li> <li>• Business operations</li> <li>• Compliance assessment outcomes</li> <li>• Opinions</li> <li>• Communications</li> <li>• Personal views / preferences</li> </ul>	<ul style="list-style-type: none"> <li>• Education &amp; employment details</li> <li>• Racial / ethnic origin</li> <li>• Offences / alleged offences</li> <li>• Religious or other beliefs</li> <li>• Physical / mental health details</li> <li>• Criminal proceedings, outcomes &amp; sentences</li> <li>• Family details</li> <li>• Financial details</li> </ul>
<p><b>Who the information may be shared with</b></p>	<p>Its sometimes necessary to share Personal Information with individuals and/or with other organisations. Where this is necessary, FSP is required to comply with all aspects of POPIA. The following are types of organisations <b>Belmont Asset Management</b> may need to share some of the Personal Information it processes. Only where it is necessary or required Personal Information may be shared with:</p> <ul style="list-style-type: none"> <li>• Associates/ Representatives of the person whose Personal Information we are processing</li> <li>• Employment and recruitment agencies</li> <li>• Financial organisations</li> <li>• Healthcare, social and welfare organisations</li> <li>• Regulatory authorities</li> <li>• Police / courts where necessary</li> <li>• Business associates</li> </ul>	<ul style="list-style-type: none"> <li>• Claimants / beneficiaries</li> <li>• Claims investigators</li> <li>• Suppliers and service providers</li> <li>• Industry bodies</li> <li>• Ombudsman</li> <li>• Legal Advisors, Compliance Officers, advocates or attorneys</li> <li>• Auditors</li> <li>• IT Services Providers</li> <li>• Debt collection and tracing agencies</li> <li>• Other companies associated with FSP</li> <li>• Holding Companies or subsidiary companies in the group</li> <li>• Persons making an enquiry / complaint</li> <li>• Private investigators</li> <li>• Educators and examining bodies</li> <li>• Pension fund administrators</li> <li>• Security organisations</li> </ul>
<p><b>Cross border flows of Personal Information</b></p>	<p>It may be necessary to share Personal Information of Data Subjects with third parties in other countries subject to compliance with POPIA. This will only be done if one of the following requirements are met:</p> <ul style="list-style-type: none"> <li>• the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that— <ul style="list-style-type: none"> <li>• 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 POPIA; and</li> <li>• includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to thirdparties who are in a foreign country;</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• the Data Subject consents to the transfer;</li> <li>• the transfer is necessary for the performance of a contract between the data subject and the company in question, or for the implementation of pre- contractual measures taken in response to the data subject’s request;</li> <li>• the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party; or</li> <li>• the transfer is for the benefit of the Data Subject, and— <ul style="list-style-type: none"> <li>• it is not reasonably practicable to obtain the consent of the data subject to that transfer; and</li> <li>• if it were reasonably practicable to obtain such consent, the Data Subject would be likely to give it.</li> </ul> </li> </ul>

<b>Information Security measures in respect of Data</b>	<ul style="list-style-type: none"> <li>• Access control to Data to prevent unauthorised access by individuals</li> <li>• Media control to prevent unauthorized manipulation by Media</li> <li>• Data memory control to prevent unauthorised alteration of Data</li> <li>• User control to ensure measures to prevent unauthorised disclosure and access by unauthorised persons</li> <li>• Access control to only allow certain authorised individuals access to Data</li> </ul>	<ul style="list-style-type: none"> <li>• Transmission control to enable the verification and tracing of locations with required permissions/ authorisation to which Data are transferred</li> <li>• Transport control to prevent Data from being read, altered or intercepted by unauthorised persons</li> <li>• Organisation control to ensure compliance with POPIA and this Manual</li> </ul>
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**5. OPERATOR RESPONSIBILITIES WHEN PROCESSING PERSONAL INFORMATION FOR A RESPONSIBLE PARTY**

**5.1. Duties of an Operator:**

- All Information processed by an operator must be treated in the following manner:
  - The Responsible party must be aware of the Operators processing.
  - The Operator must treat information confidentially.
  - The Responsible party must ensure that the Operator establishes and maintains appropriate security safeguards.
  - In the event of security breaches, the Operator via the Responsible party must notify the Regulator and the data subject.
  - The processing by an operator must be governed by a written contract between the Responsible party and the Operator.
- The contents of the contract between Operator and Responsible Party must detail at least the following:
  - the legitimate grounds for collecting and using personal data collected,
  - the lawful purpose for which data are being collected,
  - the limit of processing and prohibiting of further processing,
  - the extent of information that is required to prevent any excessive information collection,
  - the information retention periods and requirements applicable together with destruction processes and procedures,
  - The right of individuals to request such information and query the use thereof,
  - The security measures required to prevent the unauthorised or unlawful processing of personal data or access to personal data, including accidental loss or destruction or damage to personal data.

**6. DEALING WITH SPECIAL PERSONAL INFORMATION**

If an objection is received from a Data Subject to process the Special Information, then this information may not be supplied to 3rd parties without the Data Subject’s consent.

- **Religious or Philosophical Beliefs processing** may take place by Spiritual or religious organisations & institutions, provided that the information concerns data subjects belonging to such organisations; if it is necessary to achieve their aims and principles; or to protect the spiritual welfare of the data subjects.
- **Race processing** may be carried out to Identify data subjects when this is essential and to Comply with laws or measures designed to protect or advance persons disadvantaged by unfair discrimination.
- **Trade Union Membership processing** may take place by a trade union to which the data subject belongs, or the trade union federation to which the trade union belongs, if the processing is necessary to achieve the aims of the trade union/trade union federation.



- **Political Persuasion processing** may take place by an institution founded on political principles if such processing is necessary to achieve the aims or principles of the institution.
- **Health or Sexual Life processing** must be confidential and may take place by:
  - Medical practitioners, healthcare institutions
  - Insurance companies, medical aid scheme providers
  - Schools
  - Institutions of probation, child protection or guardianship
  - Pension funds and employers if processing is necessary for:
    - Implementation of laws/pension regulations
    - Re-integration/support for workers or persons entitled to benefit in connection with sickness/work incapacity
- **Criminal behaviour processing** may take place by:
  - Bodies charged by law with applying criminal law
  - Responsible parties who have obtained the information in accordance with the law
  - Responsible parties who process the information for their own lawful purposes to; o assess an application by a data subject in order to take a decision about or provide a service to that data subject to protect their legitimate interests in relation to criminal offences.
- **General Exemptions**  
 The Regulator may authorise processing of any information, which will not be in breach of POPIA, if the public interest includes:
  - the legitimate interests of State security
  - the prevention, detection and prosecution of offences
  - important economic and financial interests of the State or a public body
  - historical, statistical or research activity.

## 7. DIRECT MARKETING BY MEANS OF UNSOLICITED ELECTRONIC COMMUNICATIONS

Direct marketing is prohibited unless you have consent, or the target is already a customer. You may only approach a person for consent once and if they have not previously withheld such consent and may only use the information for the initial purpose why it was obtained for.

Any communication for the purpose of direct marketing must contain:

- Details of the identity of the sender,
- The address or other contact details to which the recipient may send a request to opt-out.

**APPENDIX 6**  
**OBJECTION TO PROCESS PERSONAL INFORMATION FORM**

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The following proof must be submitted together with the completed and signed Objection to Process Personal Information Form to the Information Officer:

- Certified copy of the Requester's identity document;
- Affidavit and supporting documentation (only if applicable).

<b>1. DETAILS OF DATA SUBJECT</b>	
<b>Name(s) and surname/ registered name of data subject:</b>	
<b>Unique Identifier/ Identity Number</b>	
<b>Residential, postal or business address:</b>	
<b>Contact number(s):</b>	
<b>Fax number / E-mail address:</b>	
<b>2. DETAILS OF RESPONSIBLE PARTY</b>	
<b>Name(s) and surname/ registered name of data subject:</b>	
<b>Residential, postal or business address:</b>	
<b>Contact number(s):</b>	
<b>Fax number / E-mail address:</b>	
<b>3. PROVIDE DETAILED REASONS FOR: THE OBJECTION TO PROCESS PERSONAL INFORMATION IN TERMS OF SECTION 11(1)(d) to (f) OF POPIA</b>	
Signed at: _____ on this _____ day of _____ 20____	
Signature of Data Subject/ Designated Person _____	

**APPENDIX 7**

**REQUEST FOR A) CORRECTION OR DELETION OF PERSONAL INFORMATION OR B) DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION FORM**

The following proof must be submitted together with the completed and signed Form to the Information Officer:

- Certified copy of the Requester’s identity document;
- Affidavit and supporting documentation (only if applicable)

<b>Mark the applicable Request below with an “X”:</b>	
<b>1. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION</b>	
<b>2. REQUEST FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION</b>	
<b>1. DETAILS OF DATA SUBJECT</b>	
Name(s) and surname/ registered name of Data Subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>2. DETAILS OF RESPONSIBLE PARTY</b>	
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>3. PROVIDE DETAILED REASONS FOR:</b>	
<b>1. CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) OF POPIA, THAT IS IN POSSESSION OR UNDER CONTROL OF THE RESPONSIBLE PARTY;</b> OR <b>2. DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) OF POPIA, WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b>	
Signed at: _____ on this _____ day of _____ 20__	
_____ Signature of Data Subject/ Designated Person	