

Policy:

PAIA & POPIA Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act. For use by anyone seeking to obtain information from Sukuma Capital proprietary limited ("**Sukuma**") and staff responding to such requests.

1. Control

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(Add a row for each version and summarise the key changes in it. Retain only the latest 3 rows.)

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2. Glossary

Term	Meaning
FAIS	Financial Advisory And Intermediary Services Act
FIC	Financial Intelligence Centre
FICA	Financial Intelligence Centre Act
FSCA	Financial Services Conduct Authority
IO	Information Officer
PAIA	Promotion of Access to Information Act
POPIA	Protection of Personal Information Act
Regulator	Information Regulator

3. Purpose

This PAIA manual is useful for the public to:-

1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
3. know the description of the records of the body which are available in accordance with any other legislation;
4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
8. know the recipients or categories of recipients to whom the personal information may be supplied;
9. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. Contact details

CEO & IO: Brent Combrink
Email: use the web site 'Contact us' form
Web site: www.sukuma.capital

5. How to use this manual

1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised guide on how to use PAIA ("**Guide**") in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
2. The Guide is available in each of the official languages and in braille.
3. The aforesaid Guide contains the description of:-
 - 3.1. the objects of PAIA and POPIA;
 - 3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:-
 - 3.2.1. the IO of every public body, and
 - 3.2.2. every Deputy IO of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 3.3. the manner and form of a request for:-
 - 3.3.1. access to a record of a public body contemplated in section 11; and
 - 3.3.2. access to a record of a private body contemplated in section 50³;
 - 3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:-
 - 3.6.1. an internal appeal;
 - 3.6.2. a complaint to the Regulator; and

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 3.7. the provisions of sections 14 and 51⁴ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 3.8. the provisions of sections 15 and 52⁵ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 3.9. the notices issued in terms of sections 22 and 54⁶ regarding fees to be paid in relation to requests for access; and
- 3.10. the regulations made in terms of section 92⁷.
4. The Guide can also be obtained-
- 4.1. upon request to the IO;
- 4.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
5. A copy of the Guide is also available in English, for public inspection during normal office hours.

6. Availability of Sukuma's records

6.1 Records available without a PAIA request

Category of record	Type of record	Available on web site	Available on request
Company registration	CIPC no. and registration certificate	No	Yes
Registration with regulatory authority	FSP licence no. and FSCA registration certificate Credit provider no. and NCR registration certificate	Yes	Yes
Tax references	Tax numbers and SARS registration certificates	No	Yes

⁴ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁵ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁶ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

⁷ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Category of record	Type of record	Available on web site	Available on request
FIC registration	Organisation ID	No	Yes

6.2 Records available in terms of other legislation

Category of record	Applicable legislation
Company registration	Companies Act
PAIA manual	PAIA
Clients, counterparties and suppliers	FAIS FICA Protection Of Constitutional Democracy Against Terrorist And Related Activities Act Prevention Of Organised Crime Act

6.3 Subjects and categories of records held

- Business plans & related strategic documents.
- Project records.
- Policies, SOPs & workflow designs.
- All internal management records e.g. budgets, financial reports, tax, marketing, sales, HR, staff records, IT, suppliers, assets.
- Contracts, transactions and related source documents, contact information and key interactions with external parties.
- Correspondence with external parties.

7. Processing of personal information

7.1 Purpose of processing personal information

- To comply with FAIS, FICA and related legislation.
- To provide services and information in the ordinary course of business to clients (including prospective clients), suppliers and regulatory bodies.
- To maintain up to date records of parties engaging with Sukuma e.g. staff, clients, suppliers.

7.2 Categories of data subjects and related information

Categories of data subjects	Personal information that may be processed
Clients	name, contact info, registration numbers or identity numbers, employment status, correspondence, bank details
Service providers	names, registration number, VAT numbers, contact info, trade secrets, correspondence, bank details
Employees	address, qualifications, sex, correspondence, bank details
Regulatory bodies	names, contact info, correspondence, bank details

7.3 Recipients to whom personal information may be supplied

Category of personal information	Recipients to whom personal information may be supplied
Identity number and names, for criminal checks	SAPS
Qualifications, for qualification verifications	South African Qualifications Authority
Credit- and payment history, for credit information	Credit bureaus
Regulatory bodies	E.g. FSCA, FIC, NCR amongst others in compliance with applicable legislation

8. How to request information from Sukuma

1. In compliance with PAIA and POPIA, a request for access to information may be submitted by using the contact details available in the "Contact details" section on page 3.
2. The requester must provide sufficient detail regarding the information requested.
3. The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required in relation to a right to be protected.
4. The IO will decide as is reasonably possible whether or not to grant the request as soon.
5. If the IO fails to respond within thirty days after a request has been submitted, the request can be deemed, in terms of PAIA, to have been refused.
6. Where access is granted, the IO will advise the requester of the fee to be paid for access to the information and estimated response date to provide the information.
7. If a record or information cannot be found or if the records do not exist, the IO will advise the requester.
8. Sukuma may refuse to grant access on certain grounds, including amongst other reasons, that the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege, to protect Sukuma's or a third party's confidential information, to protect the safety of individuals or property.

9. Protection of personal information

9.1 Context

Chapter 3 of POPIA provides for the minimum conditions for lawful "processing"* of "personal information"* by a "responsible party"* (*given POPIA's definitions of such terms). These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

Sukuma requires personal information relating to both natural and legal persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by Sukuma. Thus, Sukuma is a

responsible party for the purposes of POPIA and will ensure that the personal information of a "data subject" (as defined in POPIA), amongst other things as prescribed by POPIA:-

1. is processed lawfully, fairly and transparently, including providing appropriate information to a data subjects when their data is collected by Sukuma, in the form of privacy or data collection notices, and including Sukuma's legal basis (for example, but not limited to, consent) to process personal information;
2. is processed only for the purposes for which it was collected;
3. will not be processed for a secondary purpose;
4. is adequate, relevant and not excessive for the purposes for which it was collected;
5. is accurate and kept up to date;
6. will not be kept for longer than necessary;
7. is processed in accordance with integrity and confidentiality principles, including physical and organisational measures to ensure that personal Information is subject to appropriate security when stored, used and communicated by Sukuma in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
8. is processed in accordance with the rights of data subjects, where applicable.

9.2 Data subject rights

Data subjects have the right to:-

1. be notified that their personal information is being collected by Sukuma. The data subject also has the right to be notified in the event of a data breach;
2. know whether Sukuma holds personal information about them and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;
3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
4. object to Sukuma' use of their personal information and request the deletion of such personal information (deletion would be subject to Sukuma' record keeping requirements);
5. object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

9.3 International personal information flows

Sukuma does not transmit personal information of any data subject outside of South Africa.

9.4 Information security measures to ensure confidentiality, integrity and availability of information

- Password protected access to only authorised staff.
- Staff are allowed access to only the information they need to perform their duties.
- Data and records are stored with online service providers and are backed up daily.
- Data and disaster recovery procedures are tested thoroughly and regularly each year.
- Regular training of and communications to staff to maintain vigilance against security risks, e.g. methods of social hacking and phishing scams, amongst others.

10. Availability of this manual

1. A copy of this manual is available:-
 - 1.1. on Sukuma's web site;
 - 1.2. to any person upon request and upon Sukuma's receipt of a reasonable prescribed fee; and
 - 1.3. to the Regulator upon request.
2. A fee for a copy of this manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

11. Review and maintenance of this manual

Sukuma's CEO will ensure this manual is reviewed and updated on a regular basis.

Issued by:

Brent Combrink

CEO and IO, for and on behalf of Sukuma Capital pty ltd