



PAIA and POPIA Manual
NMG Risk Managers
(Pty) Ltd.

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000) AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013



CONTENTS

1.	DEFINITIONS	3
2.	INTRODUCTION	5
3.	PURPOSE OF THE MANUAL	6
4.	CONTACT DETAILS REQUIRED UNDER SECTION 51 (1) (a) OF THE ACT	6
5.	THE SOUTH AFRICAN INFORMATION REGULATOR'S GUIDE.....	6
6.	RECORDS WE HOLD	7
6.1.	Companies Records	7
6.2.	Business Records	7
6.3.	Financial Records.....	8
6.4.	Income Tax Records.....	8
6.5.	Personnel Records	8
6.6.	Insurance Records	9
6.7.	Client Records.....	9
6.8.	Marketing Department.....	9
6.9.	Published information	9
6.10.	Policies	9
6.11.	Procurement Records	9
6.12.	Agreements or contracts	10
6.13.	IT Department	10
7.	ACCESS TO RECORDS HELD BY THE COMPANY	10
8.	GROUND FOR REFUSAL	11
9.	REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED	11
9.1.	Internal Remedies	11
9.2.	External Remedies.....	11
10.	PROCESSING OF PERSONAL INFORMATION	12
10.1.	Purpose of Processing	12
10.2.	Categories of Data Subjects and their Personal Information	12
10.3.	Categories of Recipients for Processing of Personal Information	13
10.4.	Actual or Planned Transborder Flows of Personal Information.....	14
10.5.	General Description of Information Security Measures	14
11.	LIST OF APPLICABLE LEGISLATION	14
12.	UPDATE OF THE MANUAL	15
13.	AVAILABILITY OF THE MANUAL	15
14.	DOCUMENT APPROVAL	16

1. DEFINITIONS

In this manual, unless the context requires otherwise:

- 1.1. **“Access fee”** means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be.
- 1.2. **“Court”** means –
 - (a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution of the Republic of South Africa, 1996; or
 - (b) (i) a High Court or another court of similar status; or
 - (ii) a Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the Minister; by notice in the Gazette and presided over by a magistrate or an additional magistrate designated in terms of section 91A of PAIA, within whose area of jurisdiction –
 - (aa) the decision of the Information Officer or relevant authority of a public body or the head of a private body has been taken;
 - (bb) the public body or private body concerned has its principal place of administration or business; or
 - (cc) the requester or third party concerned is domiciled or ordinarily resident.
- 1.3. **“Data Subject”** means the identifiable living human being or juristic person to whom or to which the Confidential Information or Personal Information relates.
- 1.4. **“Information”** means any Data relating to the Data Subject and includes reference to Personal Information.
- 1.5. **“Information Regulator”** means the Information Regulator appointed in terms of POPIA.
- 1.6. **“Law”** means common law, legislation, regulations, and any subsidiary legislation prevailing from time to time in the Republic of South Africa as well subordinate legislation, such as Conduct Standards, issued under the Financial Sector Regulation Act.
- 1.7. **“Manual”** means this Manual and all annexures, which may be amended from time to time.
- 1.8. **“NMG”** means NMG Risk Managers (Pty) Ltd.
- 1.9. **“PAIA”** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- 1.10. **“Person”** means the person to whom the personal information relates and can include clients, staff and/or company information.
- 1.11. **“Personal Information”** information relating to an identifiable natural person, including, but not limited to—

- (a) 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;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views, or preferences of the person;
- (f) 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;
- (g) the views or opinions of another individual about the person; and
- (h) 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,

but excludes information about an individual who has been dead for more than 20 years;

- 1.12. **“Personal requester”** means a requester seeking access to a record containing personal information about the requester.
- 1.13. **“POPI”** means the Protection of Personal Information Act, 2013 (Act No 4 of 2013).
- 1.14. **“Private Body”** means –
- (a) a natural person who carries or has carried on any trade, business, or profession, but only in such capacity;
 - (b) a partnership which carries or has carried on any trade, business, or profession; or
 - (c) any former or existing juristic person; but excludes a public body.
- 1.15. **“Processed and Processing”** means the automated or non-automated activity of collecting, recording, organising, storing, updating, distributing, and deleting Personal Information. *Process* has a corresponding meaning.
- 1.16. **“Public Body”** means –
- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere; or
 - (b) any other functionary or institution when –

- (i) exercising a power or performing any in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any other legislation.
- 1.17. **“Record”** means any recorded information –
- (a) regardless of the form or medium;
 - (b) in the possession or under the control of that public or private body respectively; and
 - (c) whether or not it was created by that public or private body, respectively.
- 1.18. **“Responsible Party”** is depending on the context, the Fund, or the Employer, which decides principally the purpose (‘why’) and in certain instances, the means (‘how’) for Processing Personal Information.
- 1.19. **“Request for access”** means a request for access in relation to -
- (a) a public body, means a request for access to a record of a public body in terms of section 11 of PAIA; or
 - (b) a private body, means a request for access to a record of a private body in terms of section 50 of PAIA.
- 1.20. **“Requester”** in relation to –
- (a) a public body, means –
 - (i) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
 - (ii) a person acting on behalf of the person referred to in subparagraph (i);
 - (b) a private body, means –
 - (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - (ii) a person acting on behalf of the person contemplated in subparagraph (i);

2. INTRODUCTION

NMG Risk Managers (Pty) Ltd (“NMG”) is an authorised Financial Services Provider in terms of the Financial Advisory Services and Intermediary Services Act. NMG’s FSP license number is FSP 31103.

The Promotion of Access to Information Act, No 2 of 2000 (the “PAIA Act”) was enacted on 3 February 2000. The Act gives effect to the constitutional right of access to information held by another person and that is required for the exercise or protection of any rights. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the PAIA and POPI Acts.

3. PURPOSE OF THE MANUAL

- 3.1. This manual has been prepared in accordance with section 51 of the PAIA Act as read with the POPI Act. It provides an overview of the records (information and documents) held by NMG and details of how such records may be accessed, including in relation to giving effect to the rights granted under the POPI Act in terms of which a Data Subject may access its Personal Information, object to processing and request the correction of any of its Personal Information held by NMG.
- 3.2. Requests shall be made in accordance with the prescribed procedures, at the rates described.
- 3.3. The manual is also intended to foster a culture of transparency and accountability and to treat our customers fairly.

4. CONTACT DETAILS REQUIRED UNDER SECTION 51 (1) (a) OF THE ACT

- 4.1. Requests for information must be directed to:

Designated Head of Company	
Information Officer:	Geoff Baars
Physical Address:	9 th Floor, 19 Ameshoff Street, Braamfontein, 2001
Postal Address:	PO Box 3075, Randburg, 2125
Telephone Number:	011 509 3000
E-mail Address:	compliance@nmg.co.za
Website:	www.nmg-group.com

Authorised Information Officer:	
Name:	Siphamandla Buthelezi
Telephone number:	011 509 3000
E-mail address:	sbuthelezi@nmg.co.za

5. THE SOUTH AFRICAN INFORMATION REGULATOR'S GUIDE

- 5.1. The Act grants a person access to records of a private organisation, 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.
- 5.2. Requests in terms of the PAIA Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the PAIA Act.

- 5.3. The contact details for the Information Regulator are:
 JD House, 27 Stiemens Street P.O Box 31533
 Braamfontein, Johannesburg, 2001 Braamfontein, Johannesburg, 2017

Website: <https://eservices.inforegulator.org.za/default.aspx> **Complaints email:** helpdesk@inforegulator.org.za

6. RECORDS WE HOLD

We hold the following categories of records:

Company records	Business records
Financial records	Insurance records
Personnel records	Policies and directives
Contracts	Regulatory documents
Published information	Client information
Reference materials	

All records held by NMG that are not automatically available must be requested using the process outlined in the “How to request access” section of this manual

6.1. Companies Records

This section refers to all our records related to the incorporation and administration of NMG. Some of these records may be available from BizPortal via BizProfile, a search tool for all companies registered on the Companies and Intellectual Property Commission (“CIPC”).

All trust deeds	Not automatically available
Written Resolutions	Not automatically available
Documents of Incorporation	BizPortal
Memorandum of Incorporation;	BizPortal
Minutes of Board of directors and/or Shareholders meetings	Not automatically available
Proxy forms	Not automatically available
Records relating to the appointment of directors, auditors, company secretary, public officers, or other officers (or their resignation/termination)	BizPortal
Share register and other statutory registers	Not automatically available
Share certificates	Not automatically available

6.2. Business Records

Operational records	Not automatically available
Databases	Not automatically available
Published works	Not automatically available
Internal correspondence	Not automatically available
Product records	Not automatically available

6.3. Financial Records

Accounting Records	Not automatically available
Annual Financial Statements	Not automatically available
Asset Registers	Not automatically available
Bank Statements (including electronic and other banking records)	Not automatically available
Banking details	Automatically available on request
Various invoices, e.g., Debtors / Creditors invoices and statements, procurement, and any other invoices.	Not automatically available
Financial procedures	Not automatically available
Tax records	Not automatically available
Any other documents relating to the taxation of the Company	Not automatically available
Rental Agreements	Not automatically available
Payroll records	Not automatically available

6.4. Income Tax Records

PAYE Records	Not automatically available
Corporate tax records	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Records of payments made to SARS on behalf of employees	Not automatically available
VAT Records	Not automatically available
Regional Services Levies	Not automatically available
Skills Development Levies	Not automatically available
UIF	Not automatically available
Workmen's Compensation	Not automatically available

6.5. Personnel Records

List of employees	Not automatically available
Employee personal information	Not automatically available
Conditions of Employment and other employee-related contractual and quasi-legal records	Not automatically available
Disciplinary Code and Records	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Employment Contracts	Not automatically available
Employment Equity Plan	Not automatically available
Grievance Procedures	Not automatically available
Leave records	Not automatically available
Medical aid records	Not automatically available
Pension and Provident Fund Records	Not automatically available

Remuneration Records	Not automatically available
SETA records	Not automatically available
General employee correspondence	Not automatically available
Training records and manuals	Not automatically available
Evaluation documents	Not automatically available
MIE screening	Not automatically available
Other statutory records	Not automatically available
CCMA records	Not automatically available

6.6. Insurance Records

Insurance policies held by the company	Not automatically available
Register of all immovable property owned by the company	Not automatically available

6.7. Client Records

Customer details	Not automatically available
Contact details of clients, lead, or prospects	Not automatically available
Correspondence with the clients	Not automatically available
Sales records	Not automatically available
Transactional information	Not automatically available
Marketing records/proposals	Not automatically available
Information and records provided by a third party	Not automatically available

6.8. Marketing Department

Advertising and promotional material	Not automatically available
--------------------------------------	-----------------------------

6.9. Published information

Internal newsletters and circulars	Not automatically available
External newsletters and circulars	Automatically available

6.10. Policies

Internal policies relating to employees and the company	Not automatically available
External policies relating to clients and other third parties.	Not automatically available

6.11. Procurement Records

Standard Terms and Conditions for supply of services and products	Not automatically available
Contractor, client, and supplier agreements	Not automatically available
Lists of suppliers, products, services, and distribution	Not automatically available
Policies and Procedures	Not automatically available

6.12. Agreements or contracts

Standard Agreements	Not automatically available
Contracts concluded with clients	Automatically available
Non-Disclosure Agreements	Not automatically available
Letters of intent MOU's	Not automatically available
Third party contracts	Not automatically available
Office management contracts	Not automatically available
Supplier contracts	Not automatically available

6.13. IT Department

Computer / mobile device usage policy documentation;	Not automatically available
Disaster recovery plans;	Not automatically available
Hardware asset registers;	Not automatically available
Information security policies/standards/procedures;	Not automatically available
Information technology systems and user manuals	Not automatically available
Information usage policy documentation;	Not automatically available
Project implementation plans;	Not automatically available
Software licensing; and	Not automatically available
System documentation and manuals.	Not automatically available

7. ACCESS TO RECORDS HELD BY THE COMPANY

NMG has authorised and designated its Information Officer to deal with all matters relating to the PAIA Act to comply with our obligations in terms of the PAIA Act.

- To request access to a record, please complete Form 2 which is available from the Information Regulator's website at <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>.
- The person requesting information must submit the completed form, together with the payment of the relevant fee as prescribed by the Information Regulator. The fees are available from the Information Regulator's website at <https://inforegulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>. The requester may lodge an application to the court against the tender or payment of the request fees
- Sufficient detail must be provided on the request form to enable the designated head of NMG to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

- 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 to the satisfaction of the designated head of the private body.
- A requester who seeks access to a record containing Personal Information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- After the designated head of the private body has decided on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

8. GROUNDS FOR REFUSAL

In terms of the PAIA Act, NMG has the right to reject any request for information submitted in terms of Section 62 to 70 of Chapter 4 of the PAIA Act.

NMG will notify the requester in writing whether the request has been approved within 30 calendar days from the date of receipt of the official request. If NMG cannot trace any record linked to the requester, the requester will be informed in writing thereof.

9. REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED

9.1. Internal Remedies

NMG does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

9.2. External Remedies

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. 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, courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

10. PROCESSING OF PERSONAL INFORMATION

10.1. Purpose of Processing

NMG uses the Personal Information (as defined under the Protection of Personal Information Act, 2003 (“POPIA”) under its care in the following ways:

- Administration of collective investment schemes
- Rendering service according to instructions given by clients
- Support recruitment and management of staff
- Keeping of accounts and records
- Complying with tax laws
- Support sales and marketing activities
- Support engagement with suppliers
- Support engagement with general public
- Support engagement with investors and the media

10.2. Categories of Data Subjects and their Personal Information

NMG may possess records relating to suppliers, shareholders, contractors service providers, staff, and clients:

Entity Type	Personal Information Processed
Clients: Natural Persons	<ul style="list-style-type: none"> • Names; • Contact details; • Physical and postal addresses; • Date of birth; • ID number; • Tax related information; • Nationality; • Gender; • Confidential correspondence.
Clients – Juristic Persons/Entities	<ul style="list-style-type: none"> • Names of contact persons; • Name of Legal Entity; • Physical and Postal address • Contact details; • Financial information; • Registration Number; • Founding documents; • Tax related information; • Authorised signatories, • Beneficiaries, • Ultimate beneficial owners.
Clients – Foreign Persons/Entities	<ul style="list-style-type: none"> • Names; • Contact details; • Physical and postal addresses; • Date of birth; • Passport number; • Tax related information; • Nationality; • Gender; • Confidential correspondence.

Entity Type	Personal Information Processed
Intermediary/Advisor	<ul style="list-style-type: none"> • Names of contact persons; • Name of Legal Entity; • Contact details; • Physical and Postal address; • Financial information; • Registration Number; • Founding documents; • Tax related information; • Authorised signatories, • Beneficiaries, • Ultimate beneficial owners.
Contracted Service Providers	<ul style="list-style-type: none"> • Names of contact persons; • Name of Legal Entity; • Contact details; • Physical and Postal address; • Financial information; • Registration Number; • Founding documents; • Tax related information; • Authorised signatories, • Beneficiaries, • Ultimate beneficial owners.
Employees/Directors	<ul style="list-style-type: none"> • Gender; • Pregnancy; • Marital Status; • Colour; • Age; • Language; • Education information; • Financial Information; • Employment History; • ID number; • Contact details; • Physical and Postal address; • Opinions; • Criminal behaviour; • Well-being.

10.3. Categories of Recipients for Processing of Personal Information

NMG may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to clients
- Conducting due diligence checks;
- Administration of various pension and provident funds;
- Regulatory authorities;
- Law enforcement
- Tax authorities
- Financial institutions

- Medical Schemes

NMG may supply the Personal Information as required by law to regulatory authorities, law enforcement and tax authorities

10.4. Actual or Planned Transborder Flows of Personal Information

Personal Information may only be transferred out of the Republic of South Africa if the:

- (a) recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the “Conditions for Lawful Processing” as contained in POPIA; or
- (b) Data Subject consents to the transfer of their Personal Information; or
- (c) transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- (d) transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- (e) the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

10.5. General Description of Information Security Measures

NMG employs up-to-date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure
- Outsourced Service Providers who process Personal Information on behalf of NMG are contracted to implement security controls.

11. LIST OF APPLICABLE LEGISLATION

Records of NMG’s and other legal entities in which NMG has a direct controlling interest or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of NMG in accordance with the following legislation (some of which legislation may not be applicable), as well as with other legislation that may apply to NMG and/or its subsidiaries from time to time:

- Basic Conditions of Employment Act 57 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Collective Investment Schemes Control Act 45 of 2002
- Companies Act 71 of 2008 and applicable Regulations
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978

- Currencies and Exchanges Act 9 of 1993
- Electronic Communications 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Exchange Control Amnesty and Amendment Taxation Laws Act of 2003
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Services Board Act 97 of 1990
- Income Tax Act 58 of 1962
- Insider Trading Act 135 of 1998
- Inspection of Financial Institutions Act 80 of 1998
- Insurance Act 27 of 1943
- Labour Relations Act 66 of 1995
- Long-Term Insurance Act No 52 on 1998
- Medical Schemes Act 131 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act No 24 of 1956
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equity and Prevention of Unfair Discrimination Act No. 4 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Personal Information Act 4 of 2013
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Securities Transfer Tax Act 25 of 2007
- South African Reserve Bank Act No 90 of 1989
- Trademarks Act 194 of 1993
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

12. UPDATE OF THE MANUAL

The manual will be updated annually or whenever NMG make material changes to the current information.

13. AVAILABILITY OF THE MANUAL

The manual is available for inspection, on reasonable prior notice, at the office of NMG free of charge and is available at www.nmg-group.com.

14. DOCUMENT APPROVAL

Geoff Baars
Chief Executive Officer

19 September 2024
Date