



PAIA and POPIA Manual

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

This manual applies to Cedar Healthcare Consultants (Pty) Ltd

Registered address:

9th Floor, 19 Ameshoff Street, Braamfontein 2001

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1. INTRODUCTION

Cedar Healthcare Consultants (Pty) Ltd (“Cedar”) is an authorised Financial Services Provider in terms of the Financial Advisory Services and Intermediary Services Act. Cedar’s FSP license number is FSP 22138.

The Promotion of Access to Information Act, No 2 of 2000 (the “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 Act.

2. PURPOSE OF THE MANUAL

- 2.1. The manual is not only designed to comply with the provision of the Act, but also any request for information a requester may have under the Act and that is required for the exercise of protection of any right. Such a request may however be subject to justifiable limitations.
- 2.2. The manual is also intended to foster a culture of transparency and accountability and to treat our customers fairly.

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

- 3.1. Requests for information to any of the legal entities listed on page 2 of this manual must be directed to:

Designated Head of Company	
Information Officer:	Lesiba Jacob Mathekg
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.cedar.co.za

Authorised Information Officer:	
Name:	Craig Jimmy Chidrawi
Telephone number:	011 509 3000
E-mail address:	crchidrawi@nmg.co.za

4. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

- 4.1. The Act 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.
- 4.2. Requests in terms of the 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 Act.

- 4.3. 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 Guide is available from the SAHRC.
- 4.4. The contact details for the Commission are:

<p>The South African Human Rights Commission: PAIA Unit (the Research and Documentation Department)</p> <p>Private Bag 2700, Houghton, 2041 Telephone: +27 11 484-8300 Fax: +27 11 484-7146 Website: www.sahrc.org.za E-mail: PAIA@sahrc.org.za</p>	<p>From 1 July 2021 the contact details will change to: Information Regulator South Africa JD House, 27 Stiemens Street Braamfontein, Johannesburg, 2001</p> <p>P.O Box 31533 Braamfontein, Johannesburg, 2017 General enquiries email: infoereg@justice.gov.za.</p>
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5. RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the company to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

6. CATEGORIES OF RECORDS HELD BY THE COMPANY: SECTION 51 (1) (E)

General information about Cedar can be accessed via the internet on www.cedar.co.za, which is available to all persons who have access to the internet.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

All information held by Cedar is classified and grouped according to records relating to the following subjects and categories:

6.1. Companies Act Records

- All trust deeds;
- Dividend Resolutions
- Documents of Incorporation;
- Index of names of members of Close Corporation;
- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Shareholders;
- Proxy forms
- Register of debenture-holders;
- Register of directors' shareholdings;
- Research and development;
- Share certificates; and
- Share and asset Register and other statutory registers and/or records and/or documents;
- Special resolutions/Resolutions passed at General and Class meetings.

Records relating to the appointment of

- Auditors;
- Directors;
- Prescribed Officer.
- Public Officer; and
- Secretary;

6.2. Financial Records

- Accounting Records
- Annual Financial Reports;
- Annual Financial Statements
- Asset Registers;
- Bank Statements (including electronic banking records)
- Banking details and bank accounts;
- Banking Records
- Databases;
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Invoices;
- Operational records;
- Paid Cheques
- Policies and procedures;
- Procurement invoices;
- Rental Agreements; and
- Tax Returns.

6.3. Income Tax Records

- PAYE Records
- Tax Returns
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT Records
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

6.4. Personnel Documents and Records

- Accident books and records;
- Address Lists;
- Conditions of Employment and other employee-related contractual and quasi-legal records'
- Disciplinary Code and Records;
- Documents issued to employees for income tax purposes
- Employee benefits arrangements rules and records;

- Employment Contracts;
- Employment Equity Plan
- Forms and Applications;
- Grievance Procedures;
- Internal Company Records;
- Leave Records;
- Medical Aid Records;
- Payroll reports/ Wage register;
- Pension Fund Records;
- Personal records provided by employees of the Company;
- Records provided by individuals other than employees;
- Safety, Health and Environmental records;
- Salary Records;
- SETA records
- Standard letters and notices
- Training Manuals;
- Training Records;
- Workplace and Union agreements and records.

6.5. Procurement Records and Agreements

- Standard Terms and Conditions for supply of services and products;
- Contractor, client and supplier agreements;
- Lists of suppliers, products, services and distribution; and
- Policies and Procedures.

6.6. Sales Department

- Customer details
- Credit application information
- Information and records provided by a third party

6.7. Marketing Department

- Advertising and promotional material

6.8. Risk Management and Auditing

- Audit reports;
- Risk management frameworks; and
- Risk management plans.

6.9. Health and Safety Documents

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans
- Inquiries, inspections, examinations by environmental authorities

6.10. IT Department

- Computer / mobile device usage policy documentation;
- Disaster recovery plans;

- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals
- Information usage policy documentation;
- Project implementation plans;
- Software licensing; and
- System documentation and manuals.

7. PROCESSING OF PERSONAL INFORMATION

7.1. Purpose of Processing

The Company uses the Personal Information 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

7.2. Categories of Data Subjects and their Personal Information

The Company 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;

Entity Type	Personal Information Processed
	<ul style="list-style-type: none"> • Date of birth; • Passport number; • Tax related information; • Nationality; • Gender; • Confidential correspondence.
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.

7.3. Categories of Recipients for Processing of Personal Information

The Company 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

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

7.4. Actual or Planned Transborder Flows of Personal Information

Cross-border flows of Personal Information Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- 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
- Data Subject consents to the transfer of their Personal Information; or
- transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- 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
- 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.

7.5. General Description of Information Security Measures

The Company 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 the Company are contracted to implement security controls.

8. LIST OF APPLICABLE LEGISLATION

Records of the Company’s and other legal entities in which the Company has a direct controlling interest or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company 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 Levy Act 9 of 1999
- Securities Transfer Tax Act 25 of 2007
- South African Reserve Bank Act No 90 of 1989
- Trade Marks 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

9. ACCESS TO RECORDS HELD BY THE COMPANY

The requester must complete Form C and submit this form together with a request fee, to the head of Cedar. The form must be submitted to the head of Cedar at his address, fax number, or electronic mail address as stated earlier in this manual.

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head 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 [s 53(2)(a) and (b) and (c)].
- 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 [s 53(2)(d)].
- 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 [s 53(2)(f)].
- 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 [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body has made a decision 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 [s 54(6)].

10. GROUNDS FOR REFUSAL

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

11. REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED

11.1. Internal Remedies

The Company 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.

11.2. 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.

12. AVAILABILITY OF THE MANUAL


The manual is available for inspection, on reasonable prior notice, at the office of the Company free of charge and is available on the web site of the company at www.cedar.co.za.

13. APPROVAL

Signed on behalf of the company on this 16 day of July 2021.

Lesiba Jacob Mathekga

Name



Signature

14. FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. (a) For every photocopy of an A4-size page or part thereof R1,10
 - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0, 75
 - c. (c) For a copy in a computer-readable form on - (i) stiffy disc R 7, 50; (ii) compact disc R 70,00
 - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) are as follows:
 1.
 - (a) For every photocopy of an A4-size page or part thereof R 1,10;
 - (b) For every printed copy of an A4-size page or part; thereof held on a computer or in electronic or machine-readable form R 0,75;
 - (c) For a copy in a computer-readable form on - (i) stiffy disc R 7,50; (ii) compact disc R 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copyof an audio record R 30,00
 - (f) To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation.
 2. For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 3. The actual postage is payable when a copy of a record must be posted to a requester.

15. FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

A. Particulars of Private Body

The Head (name of body)	
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B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname	
Identity number	
Postal address	
Fax number	
Telephone number	
E-mail address	
Capacity in which request is made, when made on behalf of another person:	

C. Particulars of person on whose behalf request is made

*This section must be completed **ONLY** if a request for information is made on behalf of another person.*

Full names and surname	
Identity number	

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*

The requester must sign all the additional folios.

1. Description of record or relevant part of the record:	
2. Reference number, if available:	
3. Any further particulars of record:	

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:	

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability	
Form in which record is required	

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate choice with an X.

1. If the record is in written or printed form:

- copy of record
- inspection of record

2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

- view the images copy of the images
- transcription of the images

- 3. If record consists of recorded words or information which can be reproduced in sound:**
- listen to the soundtrack (audio file)
 - transcription of soundtrack (written or printed document)
- 4. If record is held on computer or in an electronic or machine-readable form:**
- printed copy of record
 - printed copy of information
 - derived from the record
 - copy in computer readable form
 - (stiffy or compact disc)
- 5. If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.**
- YES
 - NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ on this _____ day of _____ 20 _____

**SIGNATURE OF REQUESTER/PERSON ON
 WHOSE BEHALF REQUEST IS MADE**