



BP BERNSTEIN PTY LTD
“BP Bernstein”

**MANUAL in terms of THE PROMOTION OF ACCESS TO
INFORMATION ACT (No.2 of 2000) (the “Act”)**

Applies only to BP Bernstein

Policy owner	Amy Schultz
Applicable	Executive and Non-Executive Directors, all Employees
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Copies of this manual are available for inspection, free of charge, at the offices of BP Bernstein. Alternatively, the manual can be downloaded from BP Bernstein’s website: www.bpbernstein.co.za. For a description of how BP Bernstein processes personal information, refer to the BP Bernstein Privacy Statement located at www.bpbernstein.co.za.

The Company’s registered office address is : Unit 7, 1 Parade on Kloof
Oriel, Bedfordview, 2007
Johannesburg, South Africa

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1. Key Definitions

Commission: South African Human Rights Commission.

Constitution: The Constitution of the Republic of South Africa Act, No. 108 of 1996.

Data Subject: A person to whom personal information relates.

Deputy Information Officer: The person to whom any power or duty imposed on an Information Officer by POPIA has been delegated.

Head: A “Head” encompasses the following:

In the case of a natural person, that person or their duly authorised representative(s).

In the case of a partnership, any of the partners or their duly authorised representative(s).

In the case of a juristic person, the CEO, a person acting in a capacity equivalent to the CEO or their authorised representative(s).

Information Officer: The Head of a Private Body or to whom the head of the private body has delegated such a role to.

Minister: The Cabinet member responsible for the administration of justice.

PAIA: The Promotion of Access to Information Act of 2000.

Person: A natural person.

Personal Information: Information relating to a living person or juristic person which can include, but is not limited to:

Race.

Gender.

Sexual affiliation and activity.

Pregnancy.

Marital status.

National, ethnic, or social groups.

Age.

Physical and mental Health.

Disability status.

Personal/Private correspondence.

Religious and personal beliefs (including matters of conscience).

Language.

Birth dates.

ID numbers.

Physical and email addresses.

Contact numbers.

Personal/Private correspondence; and

Biometric information.

POPIA: The Protection of Personal Information Act of 2013.

Private Body: A “Private Body” encompasses the following:

- A person who carries on a business, trade or profession in his/her personal capacity.
- A partnership which carries on a business, trade or profession.
- Any former or existing juristic person, specifically excluding Public Bodies.

Processing: Any activity or set of operations (whether automatic or manual) concerning a person’s personal information. This will include 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.

Public Body: A “Public Body” encompasses the following:

- A governmental or provincial department.
- A local municipality.
- Any institution performing duties in terms of the Constitution.
- Any institution exercising public power and performing a public function in terms of the law.

Record: A record of information in the possession of a Public or Private Body.

Regulator: The Information Regulator established in terms of POPIA.

Requester: Any person acting in their own capacity or as a representative of a Public Body making a Request for Access.

Request for Access: A request for access to a record of an organization in terms of section 50 of PAIA.

Third Party: In relation to a request for information, a “third party” is any person other than the requester.

2. Introduction

The Promotion of Access to Information Act, No.2 of 2000 ("the Act") is an Act that was passed to give effect to the constitutional right held by South African citizens, of access to any information held by the State or by another person, which is required for the exercise or protection of any right.

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 the requester is a public body as defined, the public body must be acting in the public interest.

Where a request is made in terms of the Act, the body to which the request is made is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released.

It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

All requests shall be considered in accordance with the prescribed procedures and fees as outlined in PAIA and in this manual.

3. Purpose

This manual is compiled in accordance with Section 51 of the Act. It is intended to:

- give a description of the records held by and on behalf of the Company.
- to stipulate grounds for refusal of access to any such records.
- to outline the procedure to be followed and the fees payable when requesting access to any of these records.

in the exercise of the right of access to information with a view of enabling requestors to obtain records which they are entitled to in a quick, easy and accessible manner.

4. Grounds for Refusal

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party.
 - Financial Commercial, Scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - Information disclosed in confidence by a third party to the Company if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of the Company, which may include:
 - Trade secrets of the Company; or
 - Information which, if disclosed, could put the Company at a disadvantage in negotiations or commercial competition.
- The research information of the Company's or a third party, if it is disclosed, would reveal the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious advantage; or
- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

5. Scope and Contact details

The scope of this manual applies to BP Bernstein Pty Ltd, an authorised member of the Johannesburg Stock Exchange Ltd, regulated by the Johannesburg Stock Exchange Ltd.

Details of the Information Officer as registered with the Information Regulator is provided below:

Information Officer: Francesco Sturino	
Physical Address:	Unit 7, 1 Parade on Kloof, Oriel, Bedfordview, 2007, Johannesburg, South Africa
Postal Address:	P.O BOX 61339, Marshalltown, 2107 Johannesburg, South Africa
Telephone Number:	0114793400
Email:	fran@bpbernstein.co.za

Deputy Information Officer: Antonina Sturino	
Physical Address:	Unit 7, 1 Parade on Kloof, Oriel, Bedfordview, 2007, Johannesburg, South Africa
Postal Address:	P.O BOX 61339, Marshalltown, 2107 Johannesburg, South Africa
Telephone Number:	0114793400
Email:	ina@bpbernstein.co.za

6. Note about the Information Regulator

POPIA establishes an Information Regulator (IR). In terms POPIA, the Information Regulator is an independent body that is accountable to the National Assembly of Parliament. What can the IR do:

- receive complaints from both requesters and third parties in terms of PAIA.
- Has the powers to investigate complaints relating to non-compliance with POPIA and PAIA.

Please note the following:

- all powers and responsibilities currently being performed by the Commission in terms of PAIA will be taken over by the IR once that office has been established i.e. all section 32 reports, section 14 manuals and section 51 manuals will have to be submitted to the IR.
- as of the 1st of April 2021, the Information Regulator of South Africa relocated offices. Their new contact details are as follows:
 - Woodmead North Office Park, 54 Maxwell Dr, Woodmead, Johannesburg, 2191
 - P.O Box 31533, Braamfontein, Johannesburg, 2017
 - Complaints email: PAIAComplaints@inforegulator.org.za
 - General enquiries email: enquiries@inforegulator.org.za
- For further information on the IR, please consult the IR website at the following link - <https://inforegulator.org.za/>

7. The PAIA Guide

The Information Regulator is required in terms of the Act to compile a guide in every official language, containing information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act, for the purposes of exercising Constitutional Rights, in a manner that is easily comprehensible to any such person.

Such a guide can be accessed at this link - <https://inforegulator.org.za/paia-guidelines/>

8. Request Procedure

The person requesting access to information held by the Company must compile the prescribed form, enclosed herewith as “**Annexure 4 (Form C)**”, and submit it to the Information Officer at the postal or physical address, or electronic mail address as provided and pay a request fee and a deposit, if applicable.

The requester must take care to complete the prescribed form with enough care to at least enable the Information Officer to identify the following:

- The records requested.
- The identity number of the person requesting the records.
- The contact details of the person requesting the records.
- The form of access required if the request is granted.
- The right to exercise and/or to protect and specify the reasons why the records required will enable the person to protect and/or exercise the right.

Where a request for information is being made on behalf of another person, the requester must submit sufficient and adequate proof that the person has obtained the necessary authorisation to do so.

In terms of section 11 below, the Information Officer must, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to the requester.

For requests, other than (personal requests), the requester must take note of the fees that may be applicable (as described in section 10 - <https://inforegulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>) and that these are to be paid prior to the requested information. If there is any waiver of fees, this will be at the sole discretion of the Information Officer.

9. Prescribed Fees

The following applies to requests (other than personal requests):

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- If the preparation of the record requested requires more than the prescribed six (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.
- The fee structure is available on the website of the Information Regulator at [Form-3-PAIA.pdf \(inforegulator.org.za\)](https://inforegulator.org.za/Form-3-PAIA.pdf)

10. Decision Process

The Information Officer will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The requestor will be informed in writing whether access has been granted or denied. If, in addition, the requestor requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requestor must pay the prescribed fee, before any further processing can take place.

Note that the 30 day period in which the Company has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office or 3rd party service provider of the Company and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requestor in writing should an extension be sought.

10.1 Remedies available to the requester

10.1.1 Internal Remedies:

The Company's does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requestors who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal, as detailed below.

10.1.2 External Remedies:

A requestor or a third party, who is dissatisfied with an Information Officer's refusal to disclose information, or the disclosed information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

The requester may make use of the following form which can be accessed from the Information Regulators website at [InfoRegSA-PAIA-Form05-Reg10-1.pdf \(inforegulator.org.za\)](https://www.inforegulator.org.za/InfoRegSA-PAIA-Form05-Reg10-1.pdf).

ANNEXURE 1 – Legislation applicable to the Company

Records available in terms of any legislation

All records kept and made available in terms of legislation applicable to the entity listed in this Manual and the Financial Services Industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation.

Please note that this is not an exhaustive list and that some of the legislation may not be applicable to the Company, as well as with other legislation that may apply to the Company from time to time:

No.	Applicable Act/Legislation
1.	Basic Conditions of Employment Act 57 of 1997
2.	Broad-based Black Economic Empowerment Act 53 of 2003
3.	Companies Act 71 of 2008
4.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
5.	Employment Equity Act 55 of 1998
6.	Financial Intelligence Centre Act 38 of 2001
7.	Financial Advisory and Intermediary Services Act 7 No 37 of 2002
8.	Financial Institutions (Protection of Funds) Act 28 of 2001
9.	Financial Markets Act, 19 of 2012
10.	Financial Services Board Act 97 of 1990
11.	Financial Sector Regulation Act No. 9 of 2017
12.	Income Tax Act 58 of 1962
13.	Labour Relations Act 66 of 1995
14.	Occupational Health and Safety Act 85 of 1993
15.	Prevention of Organised Crime Act 121 of 1998
16.	Prevention and Combating of Corrupt Activities Act 12 of 2004
17.	Promotion of Access to Information Act 2 of 2000
18.	Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
19.	Skills Development Act 97 of 1998
20.	Skills Development Levy Act 9 of 1999
21.	Securities Transfer Tax Act 25 of 2007
22.	Unemployment Insurance Act and Contributions Act 4 of 2002
23.	Value Added Tax Act 89 of 1991

ANNEXURE 2 – Records kept by the Company.

Records available without requesting access in terms of the act

The Company may on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description submitted in the Gazette. For the moment any information that the Company chooses to make publicly available, it will do so by publishing such information to its website.

COMPANY RECORDS – available from the CIPC website

Company incorporation
Names of directors
Records relating to the appointment of directors / auditor / secretary / public officer and other officers

RECORDS AVAILABLE ON COMPANY WEBSITE

Public Product Information
Public Corporate Records
Media Releases
Published Newsletters
Any other information made available on the Company's website

Records available on request

Below, we set out the subjects and categories of records that are subject to access being denied as set out in the Act, available for the purpose of the Act:

- The recording of a category or subject matter in this Manual does not imply that a request for access to such records would be granted.
- All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.
- Records pertaining to the Company's own affairs and which are operational in nature. Operational information is defined as information needed for the day to day running of the organisation, and which is of little or no use to persons outside of the Company. Operational information is limited to the staff of the Company directly involved with the management of such records, unless otherwise published on the Company's website.

COMPANY'S OWN/INTERNAL AFFAIRS

The purpose of these records are for the Company's internal business requirements and could be held either in electronic or physical form. The Company considers the following information as confidential and relates to trade secrets, confidential information in general which relates to the Business and/or the Company, contractual arrangements between the Company and the Company's associates as well as the

agreement between the Company and the Employee, financial information of the Company as well as the Clients, but not limited to these.

Access to records relating to the Company's Confidential information will not be provided.

1. COMPANY SECRETARIAL RECORDS

- a. Salaries of directors
- b. Minutes of Board and Director meetings
- c. Board agendas and attendance registers
- d. Share Register and other statutory registers.

2. FINANCIAL RECORDS

- a. Financial statements, Accounting records, Audit records
- b. Documents relating to taxation of the company.
- c. Management accounts
- d. Financial Agreements and Leases
- e. Banking Details and banking records

3. INSURANCE POLICES/RECORDS

- a. Insurance Policies held by the Company.
- b. Insurance claims and arrangements
- c. Register of all fixed assets owned/rented by the Company.

4. MARKETING RECORDS

- a. Marketing Information and Strategies
- b. Product Brochures
- c. Advertisements
- d. Product/Service Sales Records

5. SYSTEMS, SOLUTIONS, INFORMATION TECHNOLOGY RECORDS

- a. Intellectual property pertaining to solutions and products developed.
- b. Usage of solutions and products

6. COMPANY ADMINISTRATION RECORDS

- a. Policies and procedures - Internal relating to employees and the company.
- b. Policies and Procedures - External relating to clients and other third parties
- c. Licenses or Authorities

7. AGREEMENTS OR CONTRACTS

- a. Standard Agreements
- b. Contracts concluded with customers.
- c. Third party and Supplier contracts (such as Service Level Agreements etc.)
- d. Rental Agreements
- e. Non-Disclosure Agreements
- f. Financial records of 3rd parties

- g. Correspondence with 3rd parties

HUMAN RESOURCES / EMPLOYEE RECORDS

Personnel refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. Personnel information/records related to employment shall remain strictly confidential in order to protect the constitutional rights of individuals. Personnel records, which may be held in electronic or physical form, include the following are not automatically available:

Employment applications
List of Employees and organisational structure
Personal information of employees and internal evaluation
Employee contracts of employment and other personnel-related contractual and quasi-legal records
Employee salaries and benefits payable, travel claims, PAYE records, SETA records
Leave records and Training records
Disciplinary code and records
Other internal records and correspondence
Any records a third party has provided to THE COMPANY about any of their personnel

CUSTOMER INFORMATION/RECORDS

A client includes any natural or juristic entity, who receives services from the Company. Client related information, which may be held in electronic or physical form, are not automatically available includes but is not limited to the following:

Customer Details/Database
Contact details of customers
Client instructions
Account opening documents
FICA documents
Investment and transactional details/records
Communications with customers
Any records a client has provided to a third party acting for or on behalf of the Company
Any records a third party has provided to the Company

ANNEXURE 3 – Fee Structure for Information Requests

Request Fees	
Payable by a requester to facilitate the request application for access to information records. Please note: no fee is payable if the requester submits an application regarding their own information. This fee is only payable by third parties.	R50
Reproduction of Documents	
Photocopy of an A4 page or part thereof	R1.10
Digital copy of an A4 page or part thereof in machine-readable form	R0.75
Transcription of visual images	R40
Copy of visual images	R60
Transcription of an audio record	R20
Copy of an audio record	R30
Computer Readable Format	
All information requested in electronic format will be delivered through email at no additional charge	R0
Postage	
Postage fees will be charged when the requested records must be posted to the requester. Charges may vary depending on postal services used, speed of delivery and requester location.	

Exemption of the Request Fee

The requester may lodge an application with a court against the payment of the request fee if the requester believes the fee is not required.

ANNEXURE 4 – Request for Access to Information Records – Form C

FORM 2 REQUEST FOR ACCESS TO RECORD [Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

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Mark with an "X"

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			

Full names of person on whose behalf request is made <i>(if applicable)</i> :				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>				
Description of record or relevant part of the record:				
Reference number, if available				
Any further particulars of record				

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	

Preferred language

(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

Indicate which right is to be exercised or protected

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

FEES

- a) *A request fee must be paid before the request will be considered.*
- b) *You will be notified of the amount of the access fee to be paid.*
- 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

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer