



MANUAL
of
Fundi Capital (Pty) Limited
Registration Number 1996/003961/07
and its subsidiaries

Prepared in terms of Section 51 of the Promotion of Access to Information Act, No. 2
of 2000 as amended (the “Act”)

As amended by the

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)

Table of Contents

1.	Introduction.....	3
2.	Overview of Fundi Capital	3
3.	Information Required in Terms of Section 51(1)(a) of the Act.....	3
4.	Particulars in Terms of the Section 51 Manual	3
5.	Contact Details.....	4
6.	The Act: Section 51(1)(b)	4
6.1.	The Guide Referred to in Section 10 of the Act	4
6.2.	Company Records – Classification Key.....	5
7.	Applicable Legislation: Section 51(1)(d)	6
8.	Schedule of Records Available: Section 51(1)(d).....	7
9.	The categories of personal information held by Fundi	8
10.	The purpose of processing of personal information by Fundi	8
11.	Procedure for Requests for Access: Section 51(1)(e).....	9
12.	Information security measures to protect personal information.....	10
13.	Trans-border flows of personal information.....	10
14.	Personal information received from third parties	11
15.	Prescribed Fees: Section 51(1)(f).....	11
16.	Grounds for Refusal of Access to Records: Section 63 to 69 of the Act and the Protection of Personal Information Act, No. 4 of 2013	12
17.	Remedies	13
18.	Availability of the Manual.....	13
19.	FORM C	14
A.	Particulars of private body	14
B.	Particulars of person requesting access to the record.....	14
C.	Particulars of person on whose behalf request is made.....	14
D.	Particulars of record	14
E.	Fees.....	15
F.	Form of access to record	15
G.	Particulars of right to be exercised or protected	16
H.	Notice of decision regarding request for access	16

1. Introduction

The Promotion of Access to Information Act (the “Act”), together with all relevant legislation, provides for the right of access to information held by public and private bodies when such information is requested for the exercise of protection of any rights.

This manual is to assist any potential requesters with the procedural and other requirements that a request for information must meet as prescribed by the Act.

2. Overview of Fundi Capital

Fundi is South Africa’s leading education finance and Fund Management Specialist. Positioned at the epicentre of technology, education and financial services. Fundi is a specialist in B2B education finance for your staff as well as cashless solutions for your business. We also provide fund management services to institutions at all levels, as well as Fund Management solutions for Corporate Bursary programmes. As its tailings business grew, Fundi Capital added other core businesses to its portfolio of operations. The Fundi Capital Group of companies now comprises four complementary businesses. Construction, Tailings RSA, Tailings Africa & International and Mineral Processing with centralised support services provided by Group Services.

3. Information Required in Terms of Section 51(1)(a) of the Act

Registered Office

Corner Hendrik Potgieter Road & 14th Ave
 Weltevreden Park
 1751

Bankers

Standard Bank

Auditors

Nexia SAB & T, KPMG

Legal Advisors

Waldeck Attorneys, Webber Wentzel & Shultz- Demarthe Attorneys

4. Particulars in Terms of the Section 51 Manual

This manual has been compiled in accordance with the Act and applies to all the entities identified in **Error! Reference source not found.** below.

The Information Officer (Chief Executive Officer) of Fundi Capital Holdings has delegated his powers in terms of the Act to the Deputy Information Officer, who will handle all requests in terms of the Act on his behalf.

5. Contact Details

The Chief Executive Officer is the Information Officer.

All queries in terms of PAIA should be made to:

Information Officer (Chief Executive Officer)
 Fundi Capital
 Corner Hendrik Potgieter Road & 14th Ave
 Weltevreden Park
 1751

Telephone: +27 11 670 6100
 Email: support@fundi.co.za

6. The Act: Section 51(1)(b)

6.1. The Guide Referred to in Section 10 of the Act

In terms of Section 10 of the Act, the South African Human Rights Commission has compiled a guide to help people who wish to exercise any rights granted in the Act. The Guide is available for inspection, *inter alia*, at the offices of the Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Physical address: 29 Princess of Wales Terrace
 cnr York and St Andrews Street
 Parktown, 2193

Postal address: Private Bag X2700
 Houghton, 2041

Telephone: +27 11 877 3600
 Fax: +27 11 403 0625
 Website: www.sahrc.org.za
 Email: dmalesa@sahrc.org.za

All queries relating to PAIA or POPIA may be directed to the Information Regulator, at:

The Information Regulator

Physical address: JD House,
 27 Stiemens Street,

Postal address: Braamfontein,
 Johannesburg, 2001
 P.O Box 31533,
 Braamfontein,
 Johannesburg, 2017

Website: <https://justice.gov.za/inforeg>
 Email: inforeg@justice.gov.za

6.2. Company Records – Classification Key

Classification No.	Access	Classification (PAIA Section)
1	May be disclosed	Public Access Document
2	May not be disclosed	Request after commencement of criminal or civil proceedings (s7)
3	May be disclosed	Subject to copyright
4	Limited Disclosure	Personal information that belongs to the requester of that information {s61}.
5	May not be disclosed	Unreasonable disclosure {s63(1)}
6	May not be disclosed	Likely to harm the commercial or financial interests of third party {s64(a), s64(b)}
7	May not be disclosed	Likely to harm the Company or third party in contract or other negotiations {s64(c)}
8	May not be disclosed	Would breach a duty of confidence owed to a third party in terms of an agreement {s65}
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property {s66}
10	May not be disclosed	Legally privileged document {s67}
11	May not be refused	Environment testing / investigation which reveals public safety/ environment risks {s64(2); s68(2)}
12	May not be disclosed	Commercial information of a private body {s68}
13	May not be disclosed	Likely to prejudice research and development information of the Company or a third party {s69}
14	May not be refused	Disclosure in public interest {s70}

7. Applicable Legislation: Section 51(1)(d)

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant Act is applicable and which therefore makes disclosure of records compulsory):

- Auditing Profession Act, No. 26 of 2005
- Basic Conditions of Employment Act, No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, No. 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation of Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Consumer Affairs Act, No. 23 of 1999
- Consumer Protection Act, No. 68 of 2008
- Credit Agreements Act, No. 75 of 1980
- Criminal Procedure Act, No. 51 of 1977
- Customs and Excise Act, No. 91 of 1964, Section 101 and Regulation 1.04 - Government Gazette No 4040 R17770 dated 5 October 1973.
- Debt Collectors Act, No. 114 of 1998
- Education Laws Amendment Act, 2007
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Financial Advisory and Intermediary Services Act, No. 37 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Health Act, No. 63 of 1977 (Amended) and regulations
- HPCSA Booklet 14, Guidelines on the keeping of patient Records 2008
- Income Tax Act, No. 58 of 1962
- Insolvency Act, No. 24 of 1936
- Intellectual Property Laws Amendment Act, No. 38 of 1997
- Labour Relations Act, No. 66 of 1995
- National Student Financial Aid Scheme Act 56 of 1999
- Occupational Health and Safety Act, No. 85 of 1993
- Pension Fund Act, No. 24 of 1956, Section 30L
- Promotion of Access to Information Act, No. 2 of 2000
- Protection of Personal Information Act, No. 4 of 2013
- Public Finance Management Act No. 1 of 1999
- Regulation of Interception of Communications and Provision of Communication-Related Information Act, No. 70 of 2002
- SARS Notice 787

- Securities Transfer Tax Administration Act, No. 26 of 2007
- Skills Development Act, No. 97 of 1997
- Skills Development Levies Act, No. 9 of 1999
- Tax Administration Act, No. 28 of 2011
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991

Although we have used our best endeavours to supply a complete list of applicable legislation, the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall immediately update the list.

8. Schedule of Records Available: Section 51(1)(d)

Statutory

- Memoranda of Incorporation
- Company Registers
- Statutory Records and Returns
- Agreements
- Trademarks and Patents
- Title Deeds

Finance and Accounting

- Accounting Records
- Policies and Procedures
- Banking Details and Bank Statements
- Financial Statements
- Income Tax
- Loan records
- Balance sheets and income statements

Human Resources

- Policies and Procedures
- Employment Equity Plans
- Pension and Provident Fund Scheme details
- Skills Development Plans
- Records and Reports

Operations

- Policies and procedures
- Reports and supporting documentation
- Contractor, merchant, institution, student, funders, bursars, client and supplier agreements and information
- Student registration information
- Student funding records
- Student results and administration

- Debt management records
- Environmental, Health and Safety records
- Supplier onboarding and management records
- Project management
- Marketing campaigns
- Bursary support records
- Loan management records

Information Technology

- System documentation and manuals
- Policies and procedures
- Project, disaster recovery and implementation plans

9. The categories of personal information held by Fundi

- Names
- Addresses
- Identity numbers
- Contact details
- Student cell numbers, user names, passwords and PINs
- Company names
- VAT numbers
- Banking details
- Financial status
- ICT reports
- Employee information
- Student information
- BBEEE status
- Payslips
- Credit reports
- SARS compliance reports
- Certificates

10. The purpose of processing of personal information by Fundi

We process personal information for a variety of purposes, including but not limited to the following:

- to provide or manage any information, products and/or services requested by data subjects;
- to help us identify data subjects when they contact Fundi
- to maintain customer records;
- for recruitment purposes;
- for employment purposes;
- for apprenticeship purposes;
- for travel purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;

- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners;
- to help us improve the quality of our products and services;
- to help us detect and prevent fraud and money laundering;
- to help us recover debts;
- to carry out analysis and customer profiling; and
- to identify other products and services which might be of interest to data subjects and to inform them about our products and services.

11. Procedure for Requests for Access: Section 51(1)(e)

- The requester must complete Form C and submit this form together with a request fee, to the Information Officer at his physical or postal address, or electronic mail address.
- The form must:
 - provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the requester;
 - indicate which form of access is required;
 - specify a postal address or electronic mail address of the requester in the Republic;
 - identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;
 - if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, state that manner and the necessary particulars to be informed in the other manner;
 - if the request is made on behalf of another person, submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- The Information Officer will process the request within 30 days after receiving the request. The Information Officer may request an extension for a period of no more than 30 additional days for specific reasons, which include the request involving (1) a large volume of documents, (2) consultation with other public or private entities, or (3) if the requester has granted the extension in writing.
- The Information Officer will notify the requester in writing whether or not the application for access has been denied or granted. In the event that the application is refused, the requester will be given adequate reasons for the refusal and will be informed that the requester may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such an application.
- Please note that the correct completion and submission of a Request for Access form does not automatically entitle or allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in Part 3 Chapter 4 of the Act.

- Please further note that if it is reasonably suspected that an applicant has obtained access to a record on the basis of the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such applicant.
- In the event that a request for access is successful, an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act.
- If the Information Officer has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to locate the record.
- If access is requested to a record that contains information about a third party, the Information Officer is obliged to attempt to contact the third party to inform them of the request. This enables the third party the opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event of the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

12. Information security measures to protect personal information

- Reasonable technical and organisational measures have been implemented for the protection of personal information processed by Fundi and its operators. In terms of the POPI Act, operators are third parties that process personal information on behalf of Fundi.
- We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.
- We will take steps to ensure that operators that process personal information on behalf of Fundi apply adequate safeguards as outlined above.

13. Trans-border flows of personal information

- We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.
- We will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the POPI Act.
- We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 11.

14. Personal information received from third parties

- When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Fundi Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

15. Prescribed Fees: Section 51(1)(f)

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

- A requester is required to pay the prescribed fee of R50.00 (fifty rand) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee that would be payable if the request were granted);
- A requester 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 fees for accessing records of a private body are as follows:

Activity	Fee
Copy per A4 Page	R1.10
Printing per A4 page	R0.75
Copy on a CD	R70.00
Transcription of visual images per A4 page	R40.00
Copy of a visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation

- Postage fees have to be paid by the requester for the delivery of their records.
- The fee structure is also available on the website of the South African Human Rights Commission at www.sahrc.org.za.

16. Grounds for Refusal of Access to Records: Section 63 to 69 of the Act and the Protection of Personal Information Act, No. 4 of 2013

Access to certain records must be denied on the grounds set out in the Act. This includes:

- Mandatory protection of the privacy of a third party who is a natural person, including a deceased individual;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information and confidential information of a third party;
- Mandatory protection of the safety of individuals, and protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Mandatory protection of research information of a third party.

Access to records may be denied in the case of

- Commercial information if the record:
 - contains trade secrets
 - contains financial, commercial, scientific or technical information, the disclosure of which would be likely to harm the commercial or financial interests of the company
 - contains information, the disclosure of which would reasonably be expected to put the company at a disadvantage in contractual or other negotiations, or to prejudice the company in commercial competition; or
 - is a computer programme owned by the Company?
- “Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources”.

All the protections afforded to information as detailed above falls away if the release of the information is in the public interest. In this way, the public interest test overrides all the other grounds of refusal of access to information.

The following test must be applied by the Information Officer before refusing to allow access to information that falls within the categories for non-disclosure listed above. If these conditions are met, then the information must be disclosed on the grounds of public interest.

Does the information demonstrate a serious breach of a law?

OR

Do the records in question contain information relating to an imminent and serious public safety or environmental risk?

AND

Does the public interest in disclosing the information clearly outweigh the potential harm?

17. Remedies

The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised person in section 5, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

18. Availability of the Manual

Copies of this manual are available for inspection at the offices of Fundi Capital Holdings, free of charge. Copies are also available from the Information Regulator, the South African Human Rights Commission and from the website at www.fundi.co.za.

Updated on

**INFORMATION OFFICER
(CHIEF EXECUTIVE OFFICER)**

19. FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head: _____

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

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

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>a. Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>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.</p> <p>c. The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>		
1. If the record is in written or printed form:		
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record	
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)		
<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images"	<input type="checkbox"/> transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:		
<input type="checkbox"/> listen to the soundtrack audio cassette	<input type="checkbox"/> 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)	
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..... this day of 20.....

 SIGNATURE OF REQUESTER / PERSON ON
 WHOSE BEHALF REQUEST IS MADE