ash accounting & management Services cc
Professional Accountants and Auditors (SA)

1995/012823/23

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# PAIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act of 2000 (as amended) (PAIA) and The Protection of Personal Information Act, 4 of 2013 (POPIA)

**DATE OF COMPILATION:** August 2023

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Policy statement and manual of Protection of Personal, Information and the Retention of Documents for Ash Accounting & Management Services CC.

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## A: PROTECTION OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

### 1. PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 Ash Accounting & Management Services CC

### 1.1. INTRODUCTION

Ash Accounting & Management Services CC is a company functioning within the financial sector, that is obligated to comply with The Protection of Personal Information Act 4 of 2013. POPI requires Ash Accounting & Management Services CC to inform their clients as to the manner in which their personal information is used, disclosed and destroyed.

Ash Accounting & Management Services CC is commitment to protecting its client's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

The Policy sets out the manner in which Ash Accounting & Management Services CC deals with their client's personal information as well as stipulates the purpose for which said information is used. The Policy is made available on Ash Accounting & Management Services CC's website https://ashaccounting.co.za and by request from Ash Accounting & Management Services CC office. The Policy is

### 1.2. PERSONAL INFORMATION COLLECTED

Section 9 of POPI states that "Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive."

Ash Accounting & Management Services CC collects and processes client's personal information pertaining to the client's insurance needs.

The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, Ash Accounting & Management Services CC will inform the client as to the information required and the information deemed optional. Examples of personal information we collect include, but is not limited to:

- The Client's Identity number, name, surname, address, postal code, marital status, and

number of dependants;

- Description of the client's residence, business, assets; financial information, banking details,

etc-.

- Any other information required by Ash Accounting & Management Services CC, suppliers and Insurers in order to provide clients with an accurate analysis of their Insurance needs.

Ash Accounting & Management Services CC also collects and processes the client's personal information for marketing purposes in order to ensure that our products and services remain relevant to our clients and potential clients.

Ash Accounting & Management Services CC aims to have agreements in place with all product suppliers, insurers and third party service providers to ensure a mutual understanding with regard to the protection of the client's personal information. Ash Accounting & Management Services CC suppliers will be subject to the same regulations as applicable to Ash Accounting & Management Services CC. With the client's consent, Ash Accounting & Management Services CC may also supplement the information provided with information Ash Accounting & Management Services CC receives from other providers in order to offer a more consistent and personalized experience in the client's interaction with Ash Accounting & Management Services CC. For purposes of this Policy, clients include potential and existing clients.

**1.3. THE USAGE OF PERSONAL INFORMATION**

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed.

This may include:

Financial needs analysis;

Quotation and application purposes;

Obtaining information from the financial services exchange (Astute) or any other financial institution; and

For administration purposes.

Selling of insurance related product/s

In connection with legal proceedings;

Providing Ash Accounting & Management Services CC services to clients, to render the services requested and to maintain and constantly improve the relationship;

Providing communication in respect of Ash Accounting & Management Services CC and regulatory matters that may affect clients; and

In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for Ash Accounting & Management Services CC processing of Personal Information:

- The client's consents to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship;

- The necessity of processing: in order to conduct an accurate analysis of the client's needs for purposes of amongst other credit limits, insurance requirements, etc.
- Processing complies with an obligation imposed by law on Ash Accounting & Management Services CC;
- The Financial Advisory and Intermediary Services Act ('FAIS') requires Financial Service

Provider's ('FSPs') to conduct a needs analysis and obtain information from clients about their needs in order to provide them with applicable and beneficial products;

- Processing protects a legitimate interest of the client — it is in the client's best interest to have a full and proper needs analysis performed in order to provide them with an applicable and beneficial product or service.
- Processing is necessary for pursuing the legitimate interests of Ash Accounting & Management Services CC or of a third party to whom information is supplied — in order to provide Ash Accounting & Management Services CC clients with products and or services both Ash Accounting & Management Services CC and any of our product suppliers require certain personal information from the clients in order to make an expert decision on the unique and specific product and or service required.

**1.4. DISCLOSURE OF PERSONAL INFORMATION**

- Ash Accounting & Management Services CC may disclose a client's personal information to any of the Ash Accounting & Management Services CC. Staff members and approved product supplier/s or third-party service providers whose services or products clients elect to use. Ash Accounting & Management Services CC has agreements in place to ensure compliance with section 3 of the FAIS Code of Conduct regarding confidentiality and privacy conditions.
- Ash Accounting & Management Services CC may also share client personal information with, and obtain information about clients from third parties for the reasons already discussed above.
- Ash Accounting & Management Services CC may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect **Ash Accounting & Management Services CC rights.**

**1.5. SAFEGUARDING CLIENT INFORMATION**

It is a requirement of POPI to adequately protect personal information. Ash Accounting & Management Services CC will continuously review its security controls and processes to ensure that personal Information is secure.

1.5.1. Ash Accounting & Management Services CC INFORMATION OFFICER is MOSEFE MASEMOLA whose details are available below and who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI. She is assisted by SHAKIRA MOOSA who will function as the Ash Accounting & Management Services CC deputy Information Officer;

1.5.2. Each new employee will be required to sign an EMPLOYMENT CONTRACT containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

1.5.3. Every employee currently employed within Ash Accounting & Management Services CC will be required to sign an addendum to their EMPLOYMENT CONTRACTS containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

1.5.4. Ash Accounting & Management Services CC archived client information is stored off site at MODIKO TECHNOLOGIES which is also governed by POPI, access to retrieve information is limited to authorized personal.

1.5.5. All electronic files or data are BACKED UP by SERVICE PROVIDER IF ANY IT which is also responsible for system security that protects third party access and physical threats. MODIKO TECHNOLOGIES is responsible for Electronic Information Security;

**1.6. ACCESS AND CORRECTION OF PERSONAL INFORMATION**

Clients have the right to access the personal information holds by Ash Accounting & Management Services CC about them. Clients also have the right to ask Ash Accounting & Management Services CC to update, correct or delete their personal information on reasonable grounds.

Once a client objects to the processing of their personal information, Ash Accounting & Management Services CC may no longer process said personal information. Ash Accounting & Management Services CC will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

1.6.1. The details of Ash Accounting & Management Services CC Information Officer are as follows:

Information Officer : Mosefe Masemola

Telephone Number : 012 348 0561

Cell Number : 082 509 1115

Fax Number : 086 762 7743

E-Mail Address : mmasemola@mosefe.co.za

Physical Address: Menlyn Corporate Park, 4th Floor, Suite G1 , Menlyn Maine

Waterkloof Glen, Ext 2

Pretoria 0181

**2. AMENDMENTS TO THIS POLICY**

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year. Clients are advised to access Ash Accounting & Management Services CC website periodically to keep abreast of any changes. Where material changes take place, clients will be notified directly or changes will be stipulated on the Ash Accounting & Management Services CC website.

**B: POLICY ON THE RETENTION & CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS**

**1. PURPOSE**

1.1. To exercise effective control over the retention of documents and electronic transactions:

1.1.1. as prescribed by legislation; and

1.1.2. as dictated by business practice.

1.2. Documents need to be retained in order to prove the existence of facts and to exercise rights the Company may have. Documents are also necessary for defending legal action, for establishing what was said or done in relation to business of the Company and to minimize the Company's reputational risks.

1.3. To ensure that the Company's interests are protected and that the Company's and clients' rights to privacy and confidentiality are not breached.

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1.4. Queries may be referred to the Company.

**2. SCOPE & DEFINITIONS**

2.1. All documents and electronic transactions generated within and/or received by the Company.

2.2. Definitions:

2.2.1. Clients includes, but are not limited to, shareholders, debtors, creditors as well as the affected personnel and/or departments related to a service division of the Company.

2.2.2. Confidential Information refers to all information or data disclosed to or obtained by the Company by any means whatsoever.

2.2.3. Constitution: Constitution of the Republic of South Africa Act, 108 of 1996.

2.2.4. Data refers to electronic representations of information in any form.

2.2.5. Documents include books, records, security or accounts and any information that has been stored or recorded electronically, photographically, magnetically, mechanically, electromechanically or optically, or in any other form.

2.2.6. ECTA: Electronic Communications and Transactions Act, 25 of 2002.

2.2.7. Electronic communication refers to a communication by means of data messages.

2.2.8. Electronic signature refers to data attached to, incorporated in, or logically associated with other data and which is intended by the user to serve as a signature.

2.2.9. Electronic transactions include e-mails sent and received.

2.2.10. PAIA: Promotion of Access to Information Act, 2 of 2000.

**3. ACCESS TO DOCUMENTS**

3.1. All Company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances (also see clause 4.2 below):

3.1.1. where disclosure is under compulsion of law;

3.1.2. where there is a duty to the public to disclose;

3.1.3. where the interests of the Company require disclosure; and

3.1.4. where disclosure is made with the express or implied consent of the client.

**4. DISCLOSURE TO 3RD PARTIES**

4.1. All employees have a duty of confidentiality in relation to the Company and clients.

4.1.1. Information on clients: Our clients' right to confidentiality is protected in the Constitution and in terms of ECTA. Information may be given to a 3rd party if the client has consented in writing to that person receiving the information.

4.1.2. Requests for company information:

• These are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like the Company, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party.

• In terms hereof, requests must be made in writing on the prescribed form to the Company Secretary, who is also the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee.

• The Company's manual in terms of PAIA, which contains the prescribed forms and details of prescribed fees, is available on the intranet and the Ash Accounting & Management Services CC website PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

4.1.3. Confidential company and/or business information may not be disclosed to third parties as this could constitute industrial espionage. The affairs of the Company must be kept strictly confidential at all times.

4.2. The Company views any contravention of this policy very seriously and employees who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

**5. STORAGE OF DOCUMENTS**

**5.1. HARD COPIES**

**5.1.1. Documents are stored in an archive different location.**

**5.1.2. Companies Act, No 71 of 2008:**

–– With regard to the Companies Act, No 71 of 2008 and the Companies Amendment Act No 3 of 2011, hard copies of the documents mentioned below must be retained for 7 years:

• Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;

• Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities;

• Copies of reports presented at the annual general meeting of the company;

• Copies of annual financial statements required by the Act;

• Copies of accounting records as required by the Act;

• Record of directors and past directors, after the director has retired from the company;

• Written communication to holders of securities and

• Minutes and resolutions of directors' meetings, audit committee and directors' Committees

–– Copies of the documents mentioned below must be retained indefinitely:

• Registration certificate;

• Memorandum of Incorporation and alterations and amendments;

• Rules;

• Securities register and uncertified securities register;

• Register of company secretary and auditors and

• Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) – Register of disclosure of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued.

**5.1.3. Consumer Protection Act, No 68 of 2008:**

–– The Consumer Protection Act seeks to promote a fair, accessible and sustainable market place and therefore requires a retention period of 3 years for information provided to a consumer by an intermediary such as:

• Full names, physical address, postal address and contact details;

• ID number and registration number;

• Contact details of public officer in case of a juristic person;

• Service rendered;

• Intermediary fee;

• Cost to be recovered from the consumer;

• Frequency of accounting to the consumer;

• Amounts, sums, values, charges, fees, remuneration specified in monetary terms;

• Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided;

• Record of advice furnished to the consumer reflecting the basis on which the advice was given;

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• Written instruction sent by the intermediary to the consumer;

**5.1.4. Financial Advisory and Intermediary Services Act, No 37 of 2002:**

–– Section 18 of the Act requires a retention period of 5 years, except to the extent that it is exempted by the registrar for the below mentioned documents:

• Known premature cancellations of transactions or financial products of the provider by clients;

• Complaints received together with an indication whether or not any such complaint has been resolved;

• The continued compliance with this Act and the reasons for such noncompliance;

• And the continued compliance by representatives with the requirements referred to in section 13(1) and (2).

• The General Code of Conduct for Authorized Financial Services Provider and

• Representatives requires a retention period of 5 years for the below mentioned documents:

• Proper procedures to record verbal and written communications relating to a financial service rendered to a client as are contemplated in the Act, this Code or any other Code drafted in terms of section 15 of the Act;

• Store and retrieve such records and any other material documentation relating to the client or financial services rendered to the client;

• And keep such client records and documentation safe from destruction;

• All such records must be kept for a period after termination to the knowledge of the provider of the product concerned or in any other case after the rendering of the financial service concerned.

**5.1.5. Financial Intelligence Centre Act, No 38 of 2001:**

–– Section 22 and 23 of the Act require a retention period of 5 years for the documents and records of the activities mentioned below:

• Whenever an accountable transaction is concluded with a client, the institution must keep record of the identity of the client;

• If the client is acting on behalf of another person, the identity of the person on whose behalf the client is acting and the clients authority to act on behalf of that other person;

• If another person is acting on behalf of the client, the identity of that person and that other person's authority to act on behalf of the client;

• The manner in which the identity of the persons referred to above was established;

• The nature of that business relationship or transaction;

• In the case of a transaction, the amount involved and the parties to that transaction;

• All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;

• The name of the person who obtained the identity of the person transacting on behalf of the accountable institution;

• Any document or copy of a document obtained by the accountable institution.

- These documents may also be kept in electronic format.

**6. DESTRUCTION OF DOCUMENTS**

6.1. Documents may be destroyed after the termination of the retention period specified in in terms of the required legislations.

**7. SOURCES**

7.1. Companies Act, 61/1973;

7.2. Financial Intelligence Centre Act, 38/2001;

7.3. Basic Conditions of Employment Act, 75/1997;

7.4. Unemployment Insurance Act, 63/2001;

7.5. Unemployment Insurance Contributions Act, 4/2002;

7.6. National Credit Act, 34/2005;

7.7. POPI, 4/2013

7.8. FAIS, 37/2002

7.9. Companies Amendment Act 3/2011

7.10. Companies Regulations 2011;