



Section 51 Manual in terms of The Promotion of Access to Information Act, (Act 2 of 2000)

Incorporating additional requirements of

The Protection of Personal Information Act, (No 4 of 2013)

Enigma Financial Services Manual to Accessing Information ("Manual")

This Manual has been prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA") and updated in the light of the Protection of Personal Information Act 4 of 2013 ("POPIA").

1. INTRODUCTION

This manual is for Enigma Financial Services (Pty) Ltd, registration number 2022/391077/07. Enigma Financial Services is an authorised financial services provider with license number FSP 53041.

2. PURPOSE OF PAIA AND POPIA PAIA is

an act that was passed to give effect to the constitutional right, held by everyone in South African, of access to information which is held by the State or by another person and which is required for the exercise or protection of any right. Where a request is made in terms of PAIA, 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 PAIA recognises certain limitations to the right of access to information, including, but not exclusively, 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.

POPIA was enacted in November 2013, to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.



3. INFORMATION MANUAL

One of the main requirements specified in PAIA is the compilation of an information manual that provides information on both the types and categories of records held by a private body. This document serves as Enigma Financial Services information manual. This Manual is compiled in accordance with section 51 of PAIA and the Schedule to POPIA. It is intended to give a description of the records held by and on behalf of Enigma Financial Services, 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 requesters to obtain records which they are entitled to in a quick, easy and accessible manner.

This Manual is available for public inspection:

- at the physical address of Enigma Financial Services, recorded in paragraph 4 below, free of charge; and
- on the Enigma Financial Services website, free of charge; and
- on request by any person (along with payment of a prescribed fee). The Manual is available from the designated Information Officer, whose details appear below.

4. CONTACT DETAILS OF THE INFORMATION OFFICER OF Enigma Financial Services

The responsibility for administration of, and compliance with, PAIA and POPIA has been delegated to the Information Officer.

Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officer as follows:

- Information Officer: Marius Johannes du Bruyn
- Physical Address: 450 Jacqueline Drive, Garsfontein, Pretoria 0181
- Telephone: 012 035 1698 • E-mail Address: marius@enigmafs.co.za
- Website: www.enigmafs.co.za



5. INFORMATION REGULATOR'S GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed.

- Postal Address: The Information Regulator (South Africa) 33 Hoofd Street Forum III, 3rd Floor Braampark P.O Box 31533 Braamfontein, Johannesburg, 2017
- Telephone Number: 010 023 5207 • Fax Number: (011) 403-0668
- Complaints email: complaints.IR@justice.gov.za
- General enquiries email: infoereg@justice.gov.za

6. AUTOMATIC DISCLOSURE

A private body may, on a voluntary basis, make available a description of categories of records that are automatically available without a person having to request access in terms of PAIA. The only fee for access to these records may be a prescribed fee for reproduction.

- Brochures.
- Trade circulars.
- Pamphlets.
- Newsletters.

7. TYPES AND CATEGORIES OF RECORDS

Records held in accordance with other legislation:

A requester may also request information that is available in terms of other legislation, such as:

- Competition Act 89 of 1998.
- The Companies Act 71 of 2008.
- The Financial Advisory and Intermediary Services Act 37 of 2002.



- Short-term Insurance Act 53 of 1998.
- The Labour Relations Act 66 of 1995.
- Employment Equity Act 55 of 1998.
- Basic Conditions of Employment Act 75 of 1997.
- Compensation for Occupational Injuries and Diseases Act 130 of 1993.
- Employment Equity Act 55 of 1998.
- Financial Intelligence Centre Act 38 of 2001.
- Income Tax Act 58 of 1962.
- Occupational Health and Safety Act 85 of 1993.
- Unemployment Insurance Act 63 of 2001.
- Value-added Tax Act 89 of 1991.
- Consumer Protection Act 68 of 2008.
- National Credit Act 34 of 2005.
- Financial Sector Regulation Act of 2017.
- Financial Services Board Act 97 of 1990.
- Financial Services Ombud Schemes Act 37 Of 2004.
- Insurance Act 18 of 2017

The above is not an exhaustive list of statutes that may require Enigma Financial Services to keep records of. Subject categories of records: The information is classified and grouped according to records relating to the following subjects and categories:

Personnel records

"Personnel" refers to any person who works for or provides services to or on behalf of Enigma Financial Services and receives, or is entitled to receive, remuneration and any other person who assists in carrying out or conducting the business of Enigma Financial Services. It includes, without limitation, directors (executive and non-executive), all permanent, temporary and parttime staff, representatives as well as contract workers. Personal records provided by personnel include:



- Records provided by a third party relating to Enigma Financial Services personnel.
- Conditions of employment and other personnel-related contractual and quasi-legal records, including job applications.
- Internal evaluation records and other internal records.
- Correspondence relating to, or emanating from, personnel (internal and external to the organization); and
- Training schedules and material.
- Payment records (and beneficiary payments), including banking details.

Client related records

"Client" refers to any natural or juristic entity that receives services from Enigma Financial Services, except for product suppliers supported by Enigma Financial Services. This includes prospective clients who submit applications to Enigma Financial Services, but which or who ultimately do not become Enigma Financial Services clients.

Requests for records pertaining to claims of clients of the product suppliers supported by Enigma Financial Services, must be requested from the product suppliers directly by following the product supplier's PAIA prescribed process on the product supplier's website.

Client related records include:

- Records provided by a client to a third party acting for or on behalf of Enigma Financial Services.
- Records provided by a third party (for example, records from a financial adviser).
- Records generated by or within Enigma Financial Services relating to its clients.
- Transactional records and recorded call centre calls.
- Correspondence with a client that is implicitly or explicitly of a private or confidential nature
- Records pertaining to a client retrieved from "other sources", such as any credit bureau or credit providers industry association.

Private body records

These records include, but are not limited to, the records which pertain to Enigma Financial Services own affairs. These include:

- Financial records.



- Operational records.
- Information technology.
- Communication.
- Administrative records
- Production records.
- Statutory records.
- Internal Policies and procedures; and
- Human resources records. Other party records These records include:
 - Records held by Enigma Financial Services pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party (for example employees of a client), and records third parties have provided about Enigma Financial Services contractors / suppliers.
 - Enigma Financial Services may possess records pertaining to other parties including, but not limited to, contractors, suppliers, and service providers and such other parties may possess records that can be said to belong to Enigma Financial Services.

8. PROCESSING DETAILS

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data are processed by Enigma Financial Services will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data are collected.

Purpose of processing personnel data

Enigma Financial Services processes personnel data for business administration purposes. For example, personnel data are processed for payroll purposes. Personnel data are also processed to the extent required by legislation and regulation. For example, Enigma Financial Services discloses employees' financial information to the Commissioner for the South African Revenue Service, in terms of the Income Tax Act 58 of 1962 and employee's sensitive personal information in terms of the Employment Equity Act 55 of 1998.

Purpose of processing client related data

Enigma Financial Services processes client related records as an integral party of its commercial services. For example, Enigma Financial Services processes client related records during the client application process, in assessing a client's needs profile and risk, in



administering and implementing a client's financial risk plan, and for academic research purposes. Enigma Financial Services may also process data provided to it by credit bureaus or industry regulatory bodies (and other "sources", including a client's employer) to consider a client's application, to conduct underwriting or risk assessments, or to consider a claim. This list of processing purposes is non-exhaustive.

Purpose of processing third party data

Enigma Financial Services processes third party records for business administration purposes.

Purpose of processing other party data

Enigma Financial Services processes "other party" records for business administration purposes. For example, personnel data may be processed to effect payment to contractors and / or suppliers. In performing these various tasks, Enigma Financial Services may, amongst others, collect, collate, process, store and disclose personal information.

Categories of data subjects

Enigma Financial Services holds information and records on the following category of data subject:

- Employees / personnel of Enigma Financial Services.
- Clients of Enigma Financial Services.
- Any third party with whom Enigma Financial Services conducts its business services.
- Contractors of Enigma Financial Services.
- Suppliers of Enigma Financial Services
- Service providers of Enigma Financial Services. This list of categories of data subjects is non-exhaustive.

Recipients to whom personal information will be provided:

Depending on the nature of the data, Enigma Financial Services may provide information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data (i.e. the National Credit Regulator in terms of the National Credit Act 34 of 2005).
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data of Enigma Financial Services in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition) act 89 of 1998).



- South African Revenue Services, or another similar authority.
- A contracted third party who requires this information to provide a financial service to a client or any dependant/s on the client's financial risk plan.
- Third parties with whom Enigma Financial Services have a contractual relationship for the retention of data (for example, a third-party archiving service);
- Research/ academic institutions.
- Auditing and accounting bodies (internal and external).
- Anyone making a successful application for access in terms of PAIA.
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data of Enigma Financial Services in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition) act 89 of 1998).
- South African Revenue Services, or another similar authority.
- A contracted third party who requires this information to provide a financial service to a client or any dependant/s on the client's financial risk plan.
- Subject to the provisions of POPIA and the National Credit Act 34 of 2005, Enigma Financial Services may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Enigma Financial Services operates.

Transborder flow of personal information

Enigma Financial Services may transfer personal information to a third party who is in a foreign country in order to administer certain services but may only do so subject to the provisions of POPIA. For example, academic / market research may be conducted by a company within the Enigma Financial Services group and / or by a contracted research and survey provider, which may be inside or outside South Africa. Thus, internal cross-border transfers, as well as external cross-border transfers of information are envisaged, subject to the provisions of POPIA.

Security measures

Enigma Financial Services takes extensive information security measures to ensure the confidentiality, integrity, and availability of personal information in Enigma Financial Services possession. Enigma Financial Services takes appropriate technical and organisational measures designed to ensure that personal data remain confidential and secure against unauthorized or unlawful processing and against accidental loss, destruction, or damage.



9. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

Enigma Financial Services may refuse a request for information on the following basis:

- 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:

1. Trade secrets of that third party.

2. Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and

3. Information disclosed in confidence by a third party to Enigma Financial Services 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 Enigma Financial Services, which may include:

1. Trade secrets of Enigma Financial Services

2. Financial, which, if disclosed, could put Enigma Financial Services at a disadvantage in negotiations or commercial competition.

3. A computer program which is owned by Enigma Financial Services and which is protected by copyright.

- The research information of Enigma Financial Services or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.



10. ACCESS PROCEDURE

A requester is any person making a request for access to a record of, or held by Enigma Financial Services. The requester is entitled to request access to information, including information pertaining to third parties, but Enigma Financial Services is not obliged to grant such access. Apart from the fact that access to a record can be refused based on the grounds set out in paragraph 9 above, to successfully access information, the requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

Access request procedure

A requester requiring access to information held by Enigma Financial Services must complete the prescribed form, enclosed herewith as Annexure 2 ("Access Request Form"), submit it to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 4 and pay a request fee (and a deposit, if applicable). In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be comprehensively completed.
- Proof of identity is required to authenticate the identity of the requester. Therefore, in addition to the access request form, requesters will be required to supply a copy of their identification document.
- Every applicable question must be answered. If a question does not apply "N/A" should be stated in response to that question. If there is nothing to disclose in reply to a particular question "Nil" should be stated in response to that question.

The Access Request Form must be completed with enough particularity to enable the Information Officer to identify:

- The record(s) requested.
- The identity number of the requester.
- The form of access required if the request is granted.
- The postal address or phone number of the requester.
- The requester must also state that he or she requires the information to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right. If a request is made on behalf of another person, then the requester



must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.

Payment of fees

Payment details can be obtained from the Information Officer and can be made either via a direct deposit, by bank guaranteed cheque or by postal order. Proof of payment must be supplied when the Access Request Form is submitted. The following fees are (or may be) payable:

- Request fee
- Access fee
- Reproduction fee
- Request fee

Request fee.

An initial "request fee" is payable on submission of the Access Request Form. The prescribed fee is set out below in Annexure 1. Note that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee.

Access fee

If the request for access is successful, an access fee must be paid. This fee is for the search, reproduction and/or preparation of the record(s). The access fee will be calculated based on the prescribed fees set out below in Annexure 1. Note that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the access fee.

Reproduction fee

This fee is applicable in respect of documents/records which are voluntarily disclosed (see 'Automatic Disclosure' above). This is for reproduction, copying and transcribing the relevant documents / records. The reproduction fee will be calculated based on the prescribed fees set out below in Annexure 1.



Deposit

If the search for, and the preparation of, the record for disclosure would, in the opinion of the Information Officer, require more than 6 hours, the requester may be required to pay as a deposit one third of the access fee (the fee which will be payable if the request is granted). Note that the requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the deposit.

If a deposit has been paid in respect of a request for access which is subsequently refused, then the Information Officer must refund the deposit to the requester.

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

Third party notification

Enigma Financial Services must take all reasonable steps to inform a third party to whom or which a requested record relates if the disclosure of that records would –

- involve the disclosure of personal information about that third party.
- involve the disclosure of trade secrets of that third party; financial, commercial, scientific or technical information (other than trade secrets) of that third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations; or to prejudice that third party in commercial competition;
- constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement; or
- involve the disclosure of information about research being, or to be, carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, a person that is or will be carrying out the research on behalf of the third party, or the subject matter of the research, to serious disadvantage. Enigma Financial Services will inform the third party as soon as reasonably possible, but in any event, within 21 days after that request is received. Within 21 days of being informed of the request, the third party may –
- make written or oral representations to the Information Officer why the request for access should be refused; or
- give written consent for the disclosure of the record to the requester.



- Enigma Financial Services will notify the third party of the outcome of the request. If the request is granted, adequate reasons for granting the request will be given.

The third party may lodge a complaint to the Information Regulator or an application with a court against the decision within 30 days after notice is given, after which the requester will be given access to the record after the expiry of the 30-day period.

11. NOTIFICATION OF DECISION

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.

The 30-day period, within which Enigma Financial Services can decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the information cannot reasonably be obtained within the original 30-day period. For example, the period may be extended if the request is for a large amount of information, or the request requires Enigma Financial Services to search for information held at another office of Enigma Financial Services.

The Information Officer will notify the requester in writing should an extension be required. The requester may lodge a complaint to the Information Regulator or an application with a court against the extension.

12. REMEDIES AVAILABLE WHEN Enigma Financial Services REFUSES A REQUEST FOR INFORMATION

Internal remedies

Enigma Financial Services does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

External remedies

All complaints, by a requester or a third party, can be made to the Information Regulator or a court, in the manner prescribed below.

Complaints to the Information Regulator

The requester or third party, as the case may be, may submit a complaint in writing to the Information Regulator, within 180 days of the decision, alleging that the decision was not in compliance with the provisions of PAIA. The Information Regulator will investigate the complaint and reach a decision - which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee established in terms of POPIA. The Information Regulator may serve an enforcement notice confirming, amending, or setting aside the impugned decision, which must be accompanied by reasons.



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Application to court

An application to court maybe brought in the ordinary course. For purposes of PAIA, any reference to an application to court includes an application to a Magistrates' Court.

