Promotion of Access to Information Manual

Luthuli Capital (Pty) Ltd (Registration No. 2013/140135/07)

“The Responsible Party”

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2. VERSION CONTROL

Version number	Version date	Summary of changes made
1	3 November 2026	Manual reviewed and updated

3. LIST OF ACRONYMS AND ABBREVIATIONS

The following acronyms and abbreviations are used in this manual:

1.1	**"CEO"**	Chief Executive Officer
1.2	**"DIO"**	Deputy Information Officer;
1.3	**"IO"**	Information Officer;
1.4	**"Minister"**	Minister of Justice and Correctional Services;
1.5	**"PAIA"**	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	**"POPIA"**	Protection of Personal Information Act No.4 of 2013;
1.7	**"Regulator"**	Information Regulator; and
1.8	**"Republic"**	Republic of South Africa

4. INTRODUCTION

On 23 November 2001. The Promotion of Access to Information Act No. 2 of 2000, ("the Act") came into operation. Section 51 requires that we as a private body compile a manual providing information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights of those requesters. This manual is to be read with the POPIA Policy or statement of the institution as well.

When a request is made in terms of the Act, there is an obligation to release the information, except in circumstances whereby the Act expressly provides that the information must not be released, or may be withheld. The Act stipulates the requisite procedures in order to process any request for information.

Members of the public will be able to:

- review the categories of information which we possess and which they can obtain access to;
- know the process to follow when requesting information;
- access the contact details of the Information Officer;
- know the purpose of processing personal information and the description of categories of data subjects, if we will process personal information;

A copy of this manual is also available on our website: www.luthulicapital.com.

5. CONTACT DETAILS

Name of Private Body: Luthuli Capital (Pty) Ltd (FSP No. 47081)

Physical Address: Spaces Atrium on 5th, 9th Floor, 5th Street, Sandhurst, Sandton, 2196

Postal Address: Spaces Atrium on 5th, 9th Floor, 5th Street, Sandhurst, Sandton, 2196

Head of Private Body: Mduduzi Khonangenkosi Luthuli (Director)

Telephone: 010 003 0800

Facsimile: Not applicable

E-mail: mduduzi@luthulicapital.com

Designated Information Officer: Mduduzi Khonangenkosi Luthuli

Telephone: 010 003 0800

Facsimile: Not applicable

E-mail: mduduzi@luthulicapital.com

Designated Deputy Information Officer: Not applicable (no Deputy Information Officer appointed)

Telephone: Not applicable

Facsimile: Not applicable

E-mail: Not applicable

Access to information general contacts:

Email: mduduzi@luthulicapital.com

6. THE ACT

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.

7. RECORDS OF THE RESPONSIBLE PARTY

This section serves as a reference to the records we hold in order to facilitate a request in terms of the Act.

It is recorded that the accessibility of the documents listed below, may be subject to the grounds of refusal set out hereinafter and in the Act.

The information is classified and grouped according to records relating to the following subjects and categories.

8. AUTOMATICALLY AVAILABLE RECORDS

Records that are automatically available to the public are all records of the Responsible Party lodged in terms of government requirements with various regulatory and statutory bodies, including the Registrar of Companies, and the Registrar of Deeds etc. Other records includes but are not limited to:

- Website information
- Brochures
- Pamphlets
- General Marketing campaigns

9. NON-AUTOMATICALLY AVAILABLE RECORDS

9.1 Internal Company Records

- Operational records;
- Product & service records;
- Records held by officers of the Responsible Party;
- Statutory records;
- Taxation;
- Agreements and contracts;
- Databases;
- Financial records;
- Fixed, movable and intellectual property;

- Information technology
- Insurance;
- Internal correspondence;
- Internal policies and procedures; and
- Marketing records.

9.2 Human Resource Records

This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Internal evaluation records and performance appraisals;
- Personal records provided by and to personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and legal records;
- Correspondence relating to personnel; and
- Training schedules and materials.

9.3 Client Related Records

This refers to any natural or juristic entity that utilises the products and services of the Responsible Party and includes:

- Records and correspondence provided by clients;
- Records provided by a client to a third party or outsourced service provider acting for or on behalf of the Responsible Party;
- Records provided by a third party of a client;
- Any other client related record generated though the lifetime of the relationship or thereafter.

10. OTHER PARTY RECORDS

These include:

- Internal Company Records, Human Resource, or Client records that are held by another party, as opposed to the records held by the Responsible Party;
- Records held by the Responsible Party pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- the Responsible Party may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture

companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the Responsible Party.

It is recorded that the accessibility of the records and documents listed above, may be subject to the grounds of refusal as set out in this manual below.

11. PROCESSING OF PERSONAL INFORMATION

Purpose of processing: the Responsible Party processes personal information to give financial advice and render intermediary services under its FSP licence, to apply for, place and service financial products with product suppliers, to verify identity and screen clients under the FIC Act, to meet its FAIS, FICA, tax and other legal obligations, and to manage its business.

Categories of data subjects and the information processed:

- Clients and prospective clients (individuals): names, identity numbers, contact details, addresses, tax numbers, financial, employment and income information, health and medical information needed for risk cover applications, beneficiary and dependant details, and bank details.
- Juristic clients (employers on group schemes): registration details, directors and beneficial owners, contact persons, and member data supplied for retirement and group risk schemes.
- Service providers and product suppliers: names, contact details, registration and contractual details, and bank details.

Recipients: product suppliers and their administrators, Graviton Wealth Management (Pty) Ltd, the compliance officer (Horizon Compliance), ClientScanner for FICA screening, Microsoft 365 and Web Partner (email and document hosting), the bookkeeper, and regulators (FSCA, FIC, SARS, Information Regulator) when required by law.

Planned transborder flows: client records are stored on Microsoft 365, which may store data in data centres outside South Africa. Microsoft is bound by data protection terms that give protection substantially similar to POPIA. Offshore investments are placed only on the client's instruction, with the client's information shared with the foreign product supplier for that purpose.

Security measures: password and multi-factor protected Microsoft 365 accounts, an encrypted and password-protected laptop, daily backups to an external drive and OneDrive, access limited to the Information Officer, written undertakings from operators, and secure destruction of records once retention periods end.

12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Responsible Party to refuse a request for information relates to the –

- mandatory protection of the privacy of a third party who is a natural person, which would involve
- 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;
  - information disclosed in confidence by a third party to the Responsible Party, 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;

- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of records that would be regarded as privileged in legal proceedings;
- the commercial activities of the Responsible Party, which may include:
  - trade secrets;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Responsible Party;
  - information, which, if disclosed, could put the Responsible Party at a disadvantage in negotiations or commercial competition;
  - a computer programme which is owned by the Responsible Party, and which is protected by copyright.

The research information of the Responsible Party or a third party, if its disclosure would disclose the identity of the Responsible Party, 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.

13. REMEDIES IN CASE OF INFORMATION REQUEST DENIAL

13.1 Internal Remedies

The decision made by the Information Officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

13.2 External Remedies

A requester that is dissatisfied with the information officer's refusal to disclose information, may within 30 calendar days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 calendar days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

14. ACCESS TO RECORDS PROCEDURE

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to any of the above categories of information.

The requester must complete the prescribed Form 02 in accordance with Regulation 7, and submit same as well as payment of a request fee and a deposit, if applicable, to the information officer or the designated deputy information officer, at the postal or physical address, facsimile number or electronic mail address.

The prescribed form which is also available on the Information Regulator's website (www.inforegulator.org.za) must be filled in with enough particularity to at least enable the information officer to identify:

- the record or records requested;
- the identity of the requester;
- which, form of access is required, if the request is granted;
- the postal address or facsimile number of the requester.

The requester must state that he/she/it requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

the Responsible Party will process the request within 30 calendar days unless the requester has stated special reasons which would satisfy the information officer that circumstances dictate that the above time periods not be complied with. The requester shall be informed in writing whether access was granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

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

The requester must pay the prescribed fee as detailed in this policy before any further processing can take place.

15. TYPES OF REQUESTERS

Records held by the Responsible Party may be accessed by requests only once the prerequisite requirements for
access have been met.

A requester is any person making a request for access to a record of the Responsible Party. There are two types of requesters:

15.1 Personal Requester

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- the Responsible Party will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

15.2 Other Requester

- The requester (other than a personal requester) is entitled to request access to information on third parties. However, the Responsible Party is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

16. FEES

The Act provides for two types of fees, namely:

- a request fee, which will be a standard fee; and
- an access fee which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the information officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The information officer shall withhold a record / outcome until the requester has paid the fees in accordance with Regulation 8 and as captured in Form 03.

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer must repay the deposit to the requester.

17. DECISIONS

The Responsible Party will, within 30 calendar 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 calendar day period with which the Responsible Party has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 calendar days if the request is for a large number of information, or the request requires a search for information held at another office of the Responsible Party, and the information cannot reasonably be obtained within the original 30 calendar day period. the Responsible Party will notify the requester in writing should an extension be sought.

18. AVAILABILITY OF THE MANUAL

The manual is made available in terms of Regulation Number R 187 of 15 February 2002 and is available on our website as well as at our registered offices on the contact details as stated in this policy.

19. UPDATING THE MANUAL

The head of Luthuli Capital (Pty) Ltd will update this manual as and when updates are deemed necessary, and at least once a year.

20. INTERNAL APPEAL RELATED TO PUBLIC BODIES

It is important to note that there is a process in place regarding the Internal appeal against the decision of the Information Officer of a Public Body.

A complainant may lodge an internal appeal against a decision of the Information Officer of a Public Body as contemplated in section 75(1) of the Act, in accordance with Regulation 9 and Form 04.

21. APPENDIX 1: INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The Responsible Party is required to keep records in terms of certain legislation. Insofar as may be applicable, the Responsible Party keeps records of information to the extent required in terms of the following legislation, as amended, and codes of best business practice:

Administration of Estates Act No. 66 of 1965
Basic Conditions of Employment Act No. 75 of 1997
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Competition Act No. 89 of 1998
Consumer Protection Act No. 68 of 2008
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
Income Tax Act No. 58 of 1962
Labour Relations Act No. 66 of 1995
National Credit Act No. 34 of 2005
Occupational Health and Safety Act No. 85 of 1993
Prescription Act No. 68 to 1969
Prevention of Organised Crime Act No. 121 of 1998
Transfer Duty Act No. 40 of 1949
Unemployment Insurance Act No. 63 of 2001
Value-added Tax Act No. 89 of 1991