

December 2022



IRONCLAD **ASSET MANAGEMENT**

PAIA Manual

Prepared in terms of section 51
of the Promotion of Access to
Information Act 2 of 2000
(as amended)

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|--------------------|--|
| 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 |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy

Information Officer who will assist the public with the records they intend to access;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF IRONCLAD ASSET MANAGEMENT (PTY) LTD

3.1. Information Officer

Name: Nerina de Clercq
Tel: 010 970 3200
Email: nerina@ironcladam.com

3.2. Deputy Information Officer

No DIO is currently appointed.

3.3 Access to information general contacts

Email: *admin@ironcladam.com*

3.4 National or Head Office

Postal Address: 155 West Street, Sandown, Sandton, 2031

Physical Address: 155 West Street, Sandown, Sandton, 2031

Telephone: 010 970 3200

Email: *admin@ironcladam.com*

Website: *www.ironcladam.com*

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

4.3.3. the manner and form of a request for-

4.3.3.1. access to a record of a public body contemplated in section 11³;
and

- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- ⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-
- a) that record is required for the exercise or protection of any rights;
 - b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
 - c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.
- ⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.
- ⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.
- ⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access
- ⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access
- ⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
- ¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
- ¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-
- (a) any matter which is required or permitted by this Act to be prescribed;
 - (b) any matter relating to the fees contemplated in sections 22 and 54;
 - (c) any notice required by this Act;
 - (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
 - (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5. DESCRIPTION OF THE SUBJECTS ON WHICH RECORDS ARE HELD AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT

Category of records	Types of the Record	Available on Website	Available upon request
Human Resources	- HR policies and procedures; - Advertised posts; - Employees records;		X
Operational Policies or Plans or Procedures or Frameworks	Suppliers, Risk Management, Audit, IT, Finance Management, Human Resources, Marketing		X
Legal, Policy, Research	- Research Strategy and Plan - Research Papers		X
Corporate Governance	- Organisational and Business Plans; - Memorandum of Understanding; - Regulator's Policies and Procedures;		X
Manual and Guide	Regulator's Manual and Guide on how to use PAIA		X
Compliance	Compliance Policies	X	X

Category of records	Types of the Record	Available on Website	Available upon request
Publicity and Marketing Material	Publications, Investigation and Assessment Reports, Frequently Asked Questions (FAQ's) etc.		X
Information Technology	- Incidents and Service Requests; - ICT Policies and Procedure Manuals; - Network maintenance;		X
Publications	Booklets, Books, Periodicals, Journals, Reports, Newsletters, Bulletins, Magazines, Pamphlets, E-Publications	X	X
Registers	Information Officers, Issued Codes of Conduct, Internal Directories		X
Finances	Financial Reporting and Statements;		X

6. PROCESSING OF PERSONAL INFORMATION

6.1 Purpose of Processing Personal Information

6.1.1 Ironclad processes personal information of data subjects under its care in the following ways -

Fulfilling or executing its obligations, through -

- Staff administration and Job applicants;
- Keeping of accounts and records;
- Receiving of complaints;
- investigation of complaints;
- conducting compliance assessments;
- opening of client accounts

6.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories
Employees	address, qualifications, gender and race; ID numbers; biometric information of the person, employment history, professional affiliation and references.
Intermediary / Advisor/ Consultants	Names of contact persons; Name of Entity; Physical and Postal address and contact details (contact number(s), fax number, email address); Registration Number
Contracted Service Providers	Names of contact persons; name of entity; name of directors and shareholders, physical and postal address and contact details (contact number(s), fax number, email address); financial information; registration number; founding documents; tax related information; authorised signatories, broad-based black economic empowerment (B-BBEE) status, affiliates entities, business strategies.

6.3 The recipients or categories of recipients to whom the personal information may be supplied

6.3.1 Ironclad may supply the personal information of data subject to the Employees of the Regulator, as part of executing its statutory mandate.

6.3.2 Ironclad may supply the personal information of data subject to the Service Providers who render the following services –

- Capturing and organising of personal information;
- Storing of personal information;
- Sending of emails and other correspondence to the public;
- Conducting due diligence checks;
- Conducting criminal checks;
- Conducting qualification verifications;
- Forensic investigation and any other investigation relating to

- the activities of the Regulator;
- Auditing;
- ICT Infrastructure.

6.3.3 Ironclad may also supply the personal information of data subjects to –

- any person whom a complaint has been lodged against;
- any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction;
- law enforcement agencies, such as the National Prosecuting Authority or South African Police Service, for criminal investigation; and to Courts, in respect of any matter taken on judicial review.

6.4 Planned transborder flows of personal information

6.4.1 Ironclad has not planned Transborder flows of personal information. However, should it become necessary to transfer personal information to another country for any lawful purposes, the Regulator will ensure that anyone to whom it pass personal information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection, and the third party agrees to treat that personal information with the same level of protection as the Regulator is obliged under **POPIA**.

6.4.2 Any transfer of personal information cross border shall be with data subject's consent, however, should it not be reasonably practicable to obtain data subject's consent, the Regulator shall transfer the personal information if –

- it will be for the data subject's benefit; and
- the data subject would have given consent should it have been reasonably practicable to obtain such consent.

6.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

6.5.1 Ironclad continuously establishes and maintains appropriate, reasonable technical and organisational measures by taking appropriate, reasonable technical and organisational measures to prevent –

- loss of, damage to or unauthorised destruction of personal information; and
- unlawful access to or processing of personal information.

6.5.2 Ironclad has taken reasonable measures, as contained paragraph below, to –

- identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
- establish and maintain appropriate safeguards against the risks identified;
- regularly verify that the safeguards are effectively implemented; and
- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

6.5.3 Measures taken by Ironclad include, amongst others -

- Access Control;
- Data Encryption;
- Defensive Measures;
- Robust Monitoring, Auditing and Reporting capabilities;
- Data Backups;
- Anti-virus and Anti-malware Solutions;
- Awareness and Vigilance; and
- Agreements are concluded with Operators to implement security controls.

7. AVAILABILITY OF THE MANUAL

7.1 The Manual of Ironclad is available -

7.1.1 at head office of Ironclad Asset Management for public inspection during normal business hours;

7.1.2 to any person upon request and upon the payment of a reasonable prescribed fee; and

7.2 A fee for a copy of the Manual shall be payable per each A4-size photocopy made.

8. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.

Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

9. DISPOSAL OF RECORDS

Ironclad reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

In accordance with section 24(1) of **POPIA**, Ironclad may, upon receipt of the request from a data subject -

- correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- destroy or delete a record of personal information about the data subject that the Regulator is no longer authorised to retain in terms of section 14 of POPIA32.

10. UPDATING OF THE MANUAL

The Head of Operations at Ironclad Asset Management will on a regular basis update this manual.

Issued by



Nerina de Clercq
Head of Operations