

THE PROMOTION OF ACCESS TO INFORMATION MANUAL

1. INTRODUCTION

The Promotion of Access to Information Manual (“manual”) is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (“PAIA”), as amended by the Protection of Personal Information Act No. 4 of 2013 (“POPIA”). This manual gives effect to the constitutional right of access to information but recognises limitations to this right including, but not limited to, the reasonable protection of privacy, commercial confidentiality, and good governance.

Important to this manual the following annexures apply:

- Annexure A: The Efficient Group Legal Structure.
- Annexure B: Request for Access to Records in Terms of PAIA.
- Annexure C: Fees in Respect of Access to Records.
- Annexure D: Request for Record/Description of Personal Information in Terms of POPIA.
- Annexure E: Objection to the Processing of Personal Information in Terms of POPIA.
- Annexure F: Request for Correction of Personal Information in Terms of POPIA.
- Annexure G: Request for Destruction/Deletion of Personal Information in Terms of POPIA.

2. OBJECTIVE

This manual will enable you to know what types of information we hold, the manner and form in which a request for information must be submitted in terms of PAIA and POPIA, as well as the grounds on which a request may be denied. It further defines how you may object to the processing of your personal information and/or request a correction or deletion of your personal information.

3. SCOPE AND OVERVIEW

Skyblue Fund Managers (Pty) Ltd (“Skyblue”) is a private company duly incorporated in the Republic of South Africa, with registration number 2002/003339/07, and a subsidiary of the Efficient Group (Pty) Ltd, providing wealth management to clients. The Efficient Group legal structure is attached as **ANNEXURE A**.

4. DEFINITIONS

In this manual, unless the context otherwise indicates:

client	means any natural or juristic entity that receives services from SkyBlue;
data subject	means the person to whom personal information relates as defined in POPIA;
employee	means all permanent and temporary employees of the Efficient Group, including financial advisors, consultants, temporary workers, and directors;
personal information	means information relating to you that includes, but is not limited to: <ul style="list-style-type: none">a. information relating to race, gender, sex, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth;b. information relating to education, medical, financial, criminal or employment history;c. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to you;d. biometric information;e. personal opinions, views or preferences;f. correspondence sent by you that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence;g. your opinions or views about another individual; andh. your name, if it appears with other personal information relating to you, or if the disclosure of your name itself would reveal information about you;
record	means any recorded information: <ul style="list-style-type: none">a. regardless of form or medium;

	<p>b. in the possession or under the control of SkyBlue, respectively; and</p> <p>c. whether or not it was created by SkyBlue, respectively;</p>
requestor	means the person requesting access to the records.

5. CONTACT DETAILS

SkyBlue duly appointed an Information Officer to oversee compliance with this manual. The relevant contact details are:

Information Officer	
Name:	Arno Smit
Direct telephone number:	087 056 9633
E-mail address:	arno@naviga.co.za
Physical address:	Catnia Building, Bella Rosa Street, Bella Rosa Village, Bellville, 7530
Website:	www.skybluefm.co.za

6. GUIDELINES ON HOW TO USE PAIA

An official guide has been compiled to assist a person wishing to exercise a right of access to information in terms of PAIA. The guide should be requested from the Information Regulator using any of the following contact details:

Postal address:	JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001
E-mail address:	infoereg@justice.gov.za
Website:	www.justice.gov.za

Any enquiries regarding the guide should be directed to the Information Regulator.

7. CATEGORIES OF RECORDS HELD BY SKYBLUE

The categories of records held by SkyBlue are listed in the table that follows, according to the respective divisions. A category of record in this manual does not imply that a request for access to such a record would be granted. All requests for access will be evaluated on a case-by-case basis by the Information Officer. Information that is obtainable via our website is automatically available and thus there is no need to formally request this in terms of this manual.

DIVISION	CATEGORY
Company Secretarial and Legal	Statutory company records Minutes and related meeting information Records of executive, board and shareholder decisions, and related documentation Trademark information General agreement documentation Securities and equities Terms of reference for board and board committees Shareholder information Legally privileged material Internal legal opinions Legal policies and procedures
Compliance	Compliance policies and procedures Regulatory licences Regulatory and industry body reports Compliance reports Complaints register Gifts register Training register Conflict of Interest register Fit and proper documentation of Representatives, Key Individuals, and Managers of Collective Investments Schemes
Executive Office	Business continuity plan Strategic plans Research information belonging to SkyBlue, whether conducted itself or commissioned from a third party
Finance	Invoices Finance-related policies and procedures Audit records Annual financial statements Asset register Rental agreements Bank statements Management accounts Tax, VAT and PAYE records

DIVISION	CATEGORY
	Payroll Procurement records Service provider information Professional indemnity insurance Going concern assessment
Human Resources	Employee records Employment contracts Employment-related policies and procedures Health and safety records Employment equity records Training/learning and development records Job applicant information Reports to industry body
Information Technology	Information technology policies and procedures Disaster recovery plan and tests System security tests
Marketing	Market information Media releases The Efficient Group legal structure Internal publications and newsletters Client communication by e-mail or SMS Advertising and promotional material (including marketing brochures)
Operational	Records provided by clients Records provided by third parties regarding clients Records provided by clients' financial advisors Clients' transactional records Correspondence with clients Service agreements entered into with third parties
Risk	Risk Register Risk Tolerance Framework Fraud Risk Register Internal audit plan and reports

8. RECORDS AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

Information may also be available in terms of, among others, the following legislation:

- + 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 for Occupational Injuries and Diseases Act No. 130 of 1993.
- + Competition Act No. 89 of 1998.
- + Copyright Act No. 98 of 1978.
- + 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.
- + Financial Markets Act No. 19 of 2012.
- + Income Tax Act No. 58 of 1962.
- + Insolvency Act No. 24 of 1936.
- + Insurance Act No. 18 of 2017.
- + Intestate Succession Act No. 81 of 1987.
- + Labour Relations Act No. 66 of 1995.
- + Long-Term Insurance Act No. 52 of 1998.
- + Occupational Health and Safety Act No. 85 of 1993.
- + Pension Funds Act No. 24 of 1956 and the Policyholder Protection Rules and Pension Fund Regulations.
- + Prevention and Combating of Corrupt Activities Act No. 12 of 2004.
- + Prevention of Organised Crime Act No. 121 of 1998.
- + Protected Disclosures Act No. 26 of 2000.
- + Protection of Constitutional Democracy Against Terrorist and Related Activities Act No. 33 of 2004.
- + Short-Term Insurance Act No. 53 of 1998.
- + Skills Development Act No. 97 of 1998.
- + Trust Property Control Act No. 57 of 1988.
- + Unemployment Insurance Act No. 30 of 1966.
- + Value-Added Tax Act No. 89 of 1991.

Although we have used our best endeavours to supply you with a list of applicable legislation, it is possible that the above list may be incomplete. This list will be reviewed annually.

9. REQUEST PROCEDURE FOR ACCESS TO RECORDS IN TERMS OF PAIA

- 9.1 The requestor must complete the prescribed form, included in **ANNEXURE B** of this manual. The request form must be addressed to the Information Officer using the contact details in this manual. All requests will be evaluated and considered by the Information Officer. The request form must be completed in full as the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met. SkyBlue will not be held liable for delays owing to the receipt of incomplete forms.
- 9.2 Proof of identity is required to authenticate the identity of the requestor. If the requestor acts as an agent of the requestor, proof of the identity of the agent and of the requestor is required, as well as the authority or mandate given to the agent of the requestor.
- 9.3 Section 54 of PAIA entitles SkyBlue to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees are outlined in **ANNEXURE C** of this manual. A record will not be disclosed until the necessary fees have been paid in full and proof of payment has been submitted. A bank deposit is the only accepted payment method for PAIA requests. Banking details will be provided by the Information Officer upon receipt of a request for access to a record with an estimate of the fees payable. A request for access to records will only be considered once a fully completed form and the prescribed request fee have been received by the Information Officer.
- 9.4 Requests for access to records will be processed within 30 (thirty) days, unless a request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary. If the Information Officer decides to grant you access to the record, such access must be granted within 30 (thirty) days of being informed of the decision.
- 9.5 The Information Officer shall decide whether to grant the requested access to records and inform the requestor accordingly. Section 17 of PAIA stipulates that the disclosure of a record is compulsory if the disclosure reveals evidence of a substantial contravention of, or failure to comply with, the law, or there is an imminent and serious public-safety or environmental risk and the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure. The requestor shall be notified of the decision in the most expedient manner possible. 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 requestor will be notified accordingly. The notification will include a summary of all the steps taken to find the record in question or to determine whether the record exists.

If the request for access to a record affects a third party, then such third party must first be informed of the request by the Information Officer as soon as possible but within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record. If the request for access to information is refused by the Information Officer, the requestor shall be provided with written reasons for such refusal.

10. GROUNDS FOR THE REFUSAL OF ACCESS IN TERMS OF PAIA

There are various grounds upon which a request for access to a record may be refused in terms of PAIA. These grounds include:

- 10.1 The protection of personal information of a third person (who is a natural person) from unreasonable disclosure if the record contains:
 - 10.1.1 trade secrets of that third party;
 - 10.1.2 financial, commercial, scientific, or technical information, of which disclosure could likely cause harm to the financial or commercial interests of that third party; and/or
 - 10.1.3 information disclosed in confidence by a third party to SkyBlue.
- 10.2 The disclosure of the record could put that third party at a disadvantage in negotiations or commercial competition.
- 10.3 The protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement.
- 10.4 The protection of confidential information of third parties if it is protected in terms of any agreement or legislation.
- 10.5 The protection of the safety of individuals and the protection of property.
- 10.6 The protection of records which would be regarded as privileged in legal proceedings.
- 10.7 The protection of commercial activities of SkyBlue, which may include:
 - 10.7.1 trade secrets;
 - 10.7.2 financial, commercial, scientific, or technical information, of which disclosure could likely cause harm to the financial or commercial interests of SkyBlue;
 - 10.7.3 information which, if disclosed, could put SkyBlue at a disadvantage in negotiations or commercial competition; and
 - 10.7.4 a computer program which is owned by SkyBlue and which is protected by copyright.
- 10.8 The protection of research information of SkyBlue or a third party which 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.
- 10.9 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

11. REMEDIES AVAILABLE TO A REQUESTOR ON THE REFUSAL OF ACCESS

- 11.1 There is no internal appeal procedure after a request to access information has been refused. The decision made by the Information Officer is final. If a requestor is not satisfied with the outcome of the request, they are entitled to apply to the Information Regulator or a court of competent jurisdiction, within 180 (one hundred and eighty) days of the decision, to take the matter further.
- 11.2 Where a third party is affected by the request for access, and the Information Officer has decided to grant access to a record, the third party has 180 (one hundred and eighty) days in which to appeal the decision in a court.

12. PROCESSING PERSONAL INFORMATION IN TERMS OF POPIA

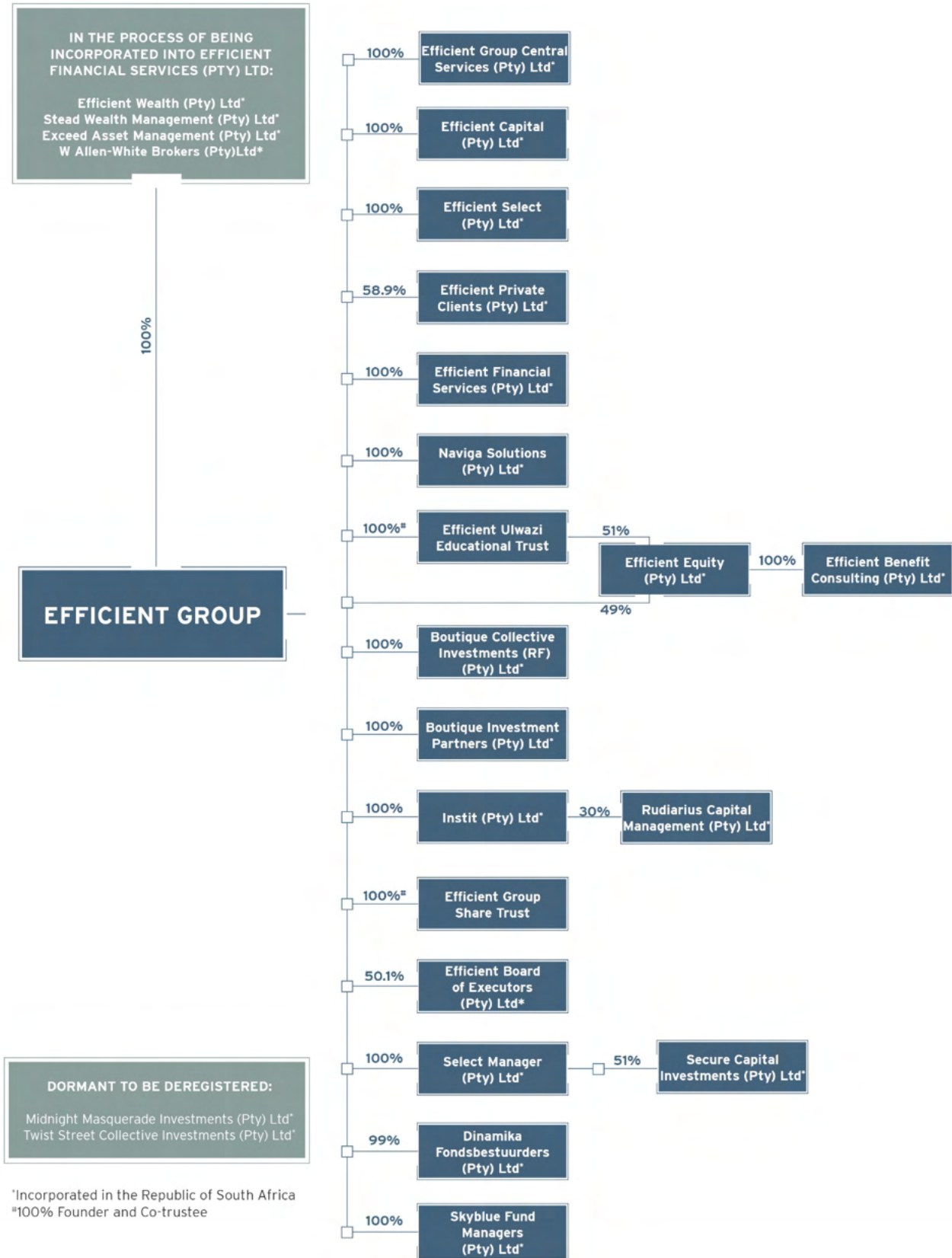
- 12.1 SkyBlue will collect, use, and share your personal information in accordance with its [Privacy Policy](#). This policy is available on our website or upon request from the Information Officer.
- 12.2 In terms of POPIA you may, upon proof of identity, request SkyBlue to confirm, free of charge, all of the personal information that it holds about you. To exercise this right, please contact our Information Officer.
- 12.3 You may request a record, or a description of the personal information held by SkyBlue about you, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to your personal information. To do so, complete the request form in **ANNEXURE D** to this manual and submit the request to the Information Officer. You may be required to pay a fee for this service, as indicated in **ANNEXURE C**. The Information Officer will provide you with a written estimate of the payable amount before providing the service, including the banking details that the fees must be paid into.
- 12.4 You may object at any time, free of charge, to the processing of personal information by SkyBlue, on reasonable grounds, unless legislation provides for such processing. If you want to object to the processing of your personal information, please complete the prescribed form attached hereto as **ANNEXURE E** and submit it to the Information Officer.
- 12.5 You may request SkyBlue to correct the personal information held about you if it is inaccurate, irrelevant, excessive, outdated, incomplete, misleading or has been obtained unlawfully. To request the correction of your personal information you would need to complete **ANNEXURE F** to the manual. This form must be submitted to the Information Officer.
- 12.6 If you wish SkyBlue to destroy or delete a record of personal information about you that we are no longer authorised to retain in terms of POPIA, please complete **ANNEXURE G** to this manual and submit it to the Information Officer.

13. AVAILABILITY OF THIS MANUAL

This manual will be available on [our website \(www.skybluefm.com\)](http://www.skybluefm.com) or by submitting a request for a copy to the Information Officer by e-mail.

July 2021

EFFICIENT GROUP LEGAL STRUCTURE



ANNEXURE B – REQUEST FOR ACCESS TO RECORDS IN TERMS OF PAIA

1. Particulars of person requesting access to the record

Full names and surname:

Identity number:

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Telephone number:

E-mail address:

Capacity in which the request is made, if made on behalf of another person:

2. Particulars of person on whose behalf the request is made

This section must ONLY be completed if the request for information is made on behalf of another person.

Full names and surname:

Identity number:

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3. Particulars of record

1. Provide full particulars of the record or a description of the personal information to which access is requested, including a reference number, if that is known to you, to enable the record to be located.
2. If the provided space is inadequate, please continue on a separate page and attach it to this form. **The requestor must sign all additional pages.**

2.1. Description of the record or the relevant part of the record:

2.2. Reference number, if available:

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Any further particulars of the record:

4. Fees

1. A request for access to a record will be processed only after a request fee has been paid.
2. You will be notified of the amount payable as the request fees as well as the banking details into which the fees must be paid.
3. The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
4. If you qualify for exemption from the payment of any fee, please state the reason for your exemption.

Reason for exemption from the payment of fees: _____

5. Form of access to record

If you are prevented by a disability to read, view or listen to a record in the form of access provided for in 1 to 4 below, please state your disability and indicate in which form the record is required.

Disability: _____

Format in which the record is required: _____

Notes:

- a. Compliance with your request for access in the specified form may depend on the form in which the record is available.
- b. Access in the form requested may be refused under certain circumstances. In such a case, you will be informed if access will be granted in another form.
- c. The fee payable for access to the record, if any, will be partly determined by the form in which access is requested.

Mark the appropriate boxes with an X:

1. If the record is in a written or printed form:

Copy of record Inspection of record

2. If the record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, etc.):

View images Copy of images Transcription of images

3. If the record consists of recorded words or information that can be reproduced in sound:

Listen to voice recording Transcription of voice recording (a written or printed document)

4. If the record is held on a computer, or in an electronic or machine-readable form:

Printed copy of record Printed copy of information derived from record Copy in computer-readable form

6. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate page and attach it to this form. The requestor must sign all of the additional pages.

a. Indicate which right is to be exercised or protected:

b. Explain why the record requested is required to exercise or protect the aforementioned right:

7. Notice of decision regarding the 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 _____ on this _____ day of _____ 20 _____

Signature of requestor/person on whose behalf the request is made

ANNEXURE C – FEES IN RESPECT OF ACCESS TO RECORDS

1. Where a requestor submits a request for access to personal information on a person other than the requestor him-/herself, a request fee to the amount of R50.00 is payable upfront.
2. The fees payable for the reproduction of the records are indicated below:

For every photocopy of an A4 page or part thereof	R1.10
For every printed copy of an A4 page held on a computer or in electronic form	R0.75
For a transcription of visual images, per A4 page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, per A4 page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such a search)	R30.00
Where a copy of a record needs to be posted	The actual postage is payable

3. Person(s) exempt from paying access fees:
 - a. A single person whose annual income does not exceed R14 712.00; or
 - b. Married persons or a person and his/her life partner whose annual income does not exceed R27 192.00.

ANNEXURE D – REQUEST FOR RECORD/DESCRIPTION OF PERSONAL INFORMATION IN TERMS OF POPIA

- 1. A request for access to or a description of personal information may entail a fee as outlined in **ANNEXURE C**.
- 2. You will be notified if a fee is payable, the amount of the request fee, as well as the banking details into which the fees must be paid.
- 3. The fee payable for access to or a description of a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- 4. Proof of identity and authority to act (if applicable) should accompany this request.

Name(s) and surname/registered name if a company:

Identity number/unique identifier:

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Residential or business address:

Contact number(s):

E-mail address:

Name(s) and surname of representative (agent):

Identity number of representative/agent:

Authority to act (resolution, mandate, birth certificate, etc):

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REQUEST FOR RECORDS/REQUEST FOR DESCRIPTION OF PERSONAL INFORMATION HELD.

Signed at _____ on this _____ day of _____ 20 _____

Signature of data subject

ANNEXURE E – OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

1. Affidavits or other documentary evidence applicable in support of the objection may be attached.
2. Proof of identification and authority to act should be submitted together with the completed form.
3. If the space provided in this form is inadequate, please submit information on a separate page as an annexure to this form and sign each page.
4. Complete the below as applicable.

Name(s) and surname/registered name if a company:

Identity number/unique identifier:

Residential or business address:

Contact number(s):

E-mail address:

Name(s) and surname of representative (agent):

Identity number of representative/agent:

Authority to act (resolution, mandate, birth certificate, etc):

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REASONS FOR OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION OF DATA SUBJECT.

Signed at _____ on this _____ day of _____ 20 _____

Signature of data subject

ANNEXURE F – REQUEST FOR CORRECTION OF PERSONAL INFORMATION IN TERMS OF POPIA

- 1. Affidavits or other documentary evidence applicable in support of the objection may be attached.
- 2. Proof of identification and authority to act should be submitted together with the completed form.
- 3. If the space provided in this form is inadequate, please submit information on a separate page as an annexure to this form and sign each page.
- 4. Complete the below as applicable.

Name(s) and surname/registered name if a company:

Identity number/unique identifier:

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Residential or business address:

Contact number(s):

E-mail address:

Name(s) and surname of representative (agent):

Identity number of representative/agent:

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Authority to act (resolution, mandate, birth certificate, etc):

PERSONAL INFORMATION ABOUT DATA SUBJECT THAT SHOULD BE CORRECTED. PLEASE INCLUDE REASONS FOR CORRECTION.

Signed at _____ on this _____ day of _____ 20 _____

Signature of data subject

ANNEXURE G – REQUEST FOR DESTRUCTION/DELETION OF PERSONAL INFORMATION IN TERMS OF POPIA

1. Affidavits or other documentary evidence applicable in support of the objection may be attached.
2. Proof of identification and authority to act should be submitted together with the completed form.
3. If the space provided in this form is inadequate, please submit information on a separate page as an annexure to this form and sign each page.
4. Complete the below as applicable.

Name(s) and surname/registered name if a company:

Identity number/unique identifier:

Residential or business address:

Contact number(s):

E-mail address:

Name(s) and surname of representative (agent):

Identity number of representative/agent:

Authority to act (resolution, mandate, birth certificate, etc):

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PERSONAL INFORMATION ABOUT DATA SUBJECT THAT SHOULD BE CORRECTED. PLEASE INCLUDE REASONS FOR CORRECTION.

Signed at _____ on this _____ day of _____ 20 _____

Signature of data subject