



# **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

(Prepared in terms of section 51 of the Promotion of Access to Information Act, No.2  
of 2000, as amended)

(the "*Manual*")

for

**SANLAM EMERGING MARKETS (PTY)LTD**

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## **1. INTRODUCTION**

- 1.1 With the passage of time, the Sanlam Group (consisting of Sanlam Limited and its indirect and direct subsidiaries and associates) has evolved from a traditional insurance group to a diversified financial services group with both a local and international footprint. The Sanlam Group strives to be client centric and to treat its customers fairly, to understand its clients' needs and to provide innovative, tailored solutions to fulfil those needs. The Sanlam Group links its clients' successes to its own and will continue to be accountable for its actions with the aim of building long-term relationships that improve peoples' lives. Please note that this Manual only applies to Sanlam Emerging Markets (Pty) Limited ("*SEM*") in South Africa (being a member of the Sanlam Group).
- 1.2 The Promotion of Access to Information Act, No 2 of 2000, as amended ("*PAIA*") came into effect on 9 March 2001 and aims to give effect to the constitutional right of access to information: (i) subject to justifiable limitations, including limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and (ii) in a manner which balances that right with other rights including those entrenched in the Bill of Rights in Chapter 2 of the Constitution of the Republic of South Africa. The purpose of PAIA, amongst others, is to give effect to the constitutional right of access to information held by private bodies for the exercise of or protection of rights and to establish the procedures to give effect to that right, as swiftly and inexpensively as reasonably possible.
- 1.3 Section 51 of PAIA requires a private body to compile a manual which details the requisite procedural issues attached to a request for information, the prescribed rates and the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request. Please refer to the sections below for more information.

## **2. PURPOSE OF THIS MANUAL**

- 2.1 The purposes of this Manual are to:
  - 2.1.1 provide a description of the available records of SEM (see section 4);
  - 2.1.2 provide a description of the personal information processing activities of SEM, as prescribed by PAIA; and
  - 2.1.3 facilitate any request for information a requester may have under PAIA, required for the protection or exercise of any right. Such a

request may however be subject to justifiable limitations, as per Part 3, Chapter 4 of PAIA.

### **3. WHO MAY REQUEST ACCESS TO THE INFORMATION HELD**

3.1 This Manual is designed to facilitate any request for information from a requester (which includes a data subject as defined in the Protection of Personal Information Act, No. 4 of 2013 (“*POPIA*”). In terms of section 50 of PAIA, a requester must be given access to any record held by a private body where:

- 3.1.1 that record is required for the exercise or protection of any rights;
- 3.1.2 the requester complies with the procedural requirements in terms of PAIA pertaining to a request for access; and
- 3.1.3 access to that record is not refused in terms of any of the grounds for refusal listed in PAIA.

3.2 The abovementioned request includes access to a record containing personal information of the requester or the person on whose behalf the request is being made.

3.3 A requester has the right to ask SEM to confirm whether or not it holds personal information of the requester, free of charge. Additionally, a requester may request that SEM provide a record or description of the personal information of the requester held by SEM as well as the information regarding the identity of all third parties or categories of third parties, who have, or have had, access to the personal information:

- 3.3.1 within a reasonable time,
- 3.3.2 at the prescribed fee, if any,
- 3.3.3 in a reasonable manner and format; and
- 3.3.4 in a form that is generally understandable.

3.4 Please note that if a requester requires a record or description of the personal information held by SEM, a written estimate of the fee (determined in accordance with the regulations of PAIA) will be provided to the requester and a deposit may be required.

3.5 A requester, in relation to a private body, means:

- 3.5.1 any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- 3.5.2 a person acting on behalf of a person contemplated above.

- 3.6 Should a request be made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making a request, to the satisfaction of SEM.
- 3.7 Where a public body requests access to information from SEM, for the exercise or protection of any rights, other than its rights, it must be acting in good faith and in the interest of the public.

**4. TYPES OF RECORDS HELD**

- 4.1 To the extent applicable to SEM, records are held and made available in terms of the legislation listed in Annexure “A” hereto.
- 4.2 The following records are automatically available to any requester requesting this information; therefore it is not necessary to apply for access thereto in terms of PAIA:
- 4.2.1 SEM’s Annual Financial Statements (as incorporated into the Sanlam Limited Financial Statements); and
- 4.2.2 SEM’s interim audited report (as incorporated into the Sanlam Limited Audited Report).
- 4.3 The following records are held by SEM:

<b>Company Records subjects-</b>	
<ul style="list-style-type: none"> <li>• Finance</li> <li>• Actuarial</li> <li>• Product Management</li> </ul>	<ul style="list-style-type: none"> <li>• Distribution</li> <li>• Marketing</li> <li>• Information technology</li> <li>• Human resources</li> </ul>
<b>Subjects on whom records are held-</b>	
<ul style="list-style-type: none"> <li>• Shareholders</li> <li>• Policyholders</li> <li>• Directors</li> <li>• Staff</li> <li>• Consultants</li> <li>• Investors</li> <li>• Subsidiary companies</li> </ul>	<ul style="list-style-type: none"> <li>• Banking institutions</li> <li>• External companies / contractors</li> <li>• Third-party service providers</li> <li>• Associate Companies and Joint Ventures</li> <li>• Auditors</li> </ul>

<b>Which records are held in respect of the abovementioned subjects?</b>	
<ul style="list-style-type: none"> <li>• Confidential</li> <li>• Personal</li> <li>• Commercial</li> <li>• Financial</li> <li>• Group/company incorporation</li> <li>• Group/company financial</li> <li>• Group/company departments</li> <li>• Strategy</li> <li>• Contractor</li> <li>• Information technology</li> <li>• Client</li> <li>• Product and services</li> <li>• Contracts</li> <li>• Statutory required reports</li> </ul>	<ul style="list-style-type: none"> <li>• Research</li> <li>• Operational</li> <li>• Trade</li> <li>• Business</li> <li>• Internal group/ company divisions</li> <li>• Group/ company structure</li> <li>• Operational</li> <li>• Shareholder</li> <li>• External Companies</li> <li>• Broker</li> <li>• Directors</li> <li>• Employee</li> <li>• Banking institutions</li> <li>• Official/legal</li> </ul>

## **5. PRESCRIBED FEES**

- 5.1 The tariffs relating to a request are determined in accordance with the regulations of PAIA.
- 5.2 In order to access any records, the requester must complete the prescribed form/s with sufficient detail.
- 5.3 The completed form must be forwarded to the SEM Information Officer.
- 5.4 Once the completed form has been submitted, the SEM Information Officer will advise the requester if any fees will be payable together with the payment method(s) and provide the requester with a written estimate of the fees which will be payable.
- 5.5 The SEM Information Officer shall by notice request the requester to pay the prescribed fee before processing the request further.
- 5.6 Please note that a request will not be processed until the requested fee and the deposit (where applicable) has been paid.

## **6. DECISION**

- 6.1 The SEM Information Officer will, as soon as reasonably possible, but within 30 days (or such other extended period determined and notified by the Information Officer, subject to the provisions of PAIA), after the request has been received or after the requisite information pertaining to the request has been received:
- 6.1.1 decide, in accordance with PAIA, whether to grant the request;
  - 6.1.2 inform the requester of their right to correct any personal information;  
and
  - 6.1.3 notify the requester of the aforementioned decision.
- 6.2 Where the request is granted, the notice must (i) contain the access fee applicable, (ii) stipulate the form in which access will be given and (iii) outline the requisite dispute resolution procedures available to the requester should they be dissatisfied with the outcome.
- 6.3 Information, or parts thereof, may be refused in accordance with the grounds for refusal listed in Part 3, Chapter 4 of PAIA.
- 6.4 Information which does not fall within the ambit of a recognised ground for refusal must be disclosed.
- 6.5 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the SEM Information Officer will notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

## **7. THE PROCESSING OF PERSONAL INFORMATION**

### **7.1 The purpose of the processing**

SEM collects and processes personal information:

- to meet our responsibilities to our holding companies, subsidiaries and associates;
- to meet our responsibilities to employees;
- to meet our contractual responsibilities to third-party service providers;
- to comply with all legal and regulatory requirements applicable to SEM and to the Sanlam Group, including industry codes of conduct;

- to protect and pursue the legitimate interests of SEM or third parties to whom personal information is provided; and
- for any further purposes related to the above.

For more information, please visit our Privacy Notice at

<https://www.sanlam.com/sanlams-privacy-policy>

## 7.2 Categories of data subjects

Shareholders	Subsidiary and associated companies	Joint ventures
Staff	Distribution	Directors
Banking institutions	Board members	Officials
Policyholders and Beneficiaries of its subsidiaries, associates and joint ventures	Consultants	External companies / contractors
Prospective employees	Suppliers and service providers	Investors
Pension Fund members of its subsidiaries, associates and joint ventures	Professional advisers	

## 7.3 Classes of personal information processed

Personal details	Financial details	Lifestyle and medical information
Education details	Employment details	Goods or services provided
Special personal information		



#### **7.4 Personal information may be received from or supplied to:**

- any regulatory authority (such as the Prudential Authority and Financial Sector Conduct Authority) and the regulators they appoint for the various financial sectors;
- comply with any regulation passed under the relevant legislation, or any other legal process;
- any legal or juristic person with an appropriate legal basis;
- an executor of an estate, beneficiaries, or any other authorised representative;
- pension fund administrators;
- brokers, advisers, or intermediaries;
- companies within the SEM and Sanlam Groups;
- law enforcement agencies; and/or
- third-party service providers.

#### **7.5 Transborder flow of information**

Further processing and storage may require that SEM send personal information to subsidiaries, associates and service providers outside of the Republic of South Africa. SEM will not send your information to a country that does not have information protection legislation similar to that of the Republic of South Africa, unless we have ensured that the recipient agrees to effectively adhere to the principles for processing of information in accordance with POPIA.

#### **7.6 Sanlam's security practices**

Information Security deals with SEM's information and IT security capability and practices.

Information Security deals specifically with the preservation of:

- 7.6.1 confidentiality: ensuring that information is accessible only to those authorised to have access;
- 7.6.2 integrity: safeguarding the accuracy and completeness of information and processing methods; and

7.6.3 availability: ensuring that authorised users have access to information and associated assets when required.

Information Security is achieved by implementing a suitable set of responsibilities, controls, standards, processes and systems to ensure that the Information Security objectives of SEM are met, and as such Information Security is a tight domain in SEM, that ensures:

- rules are set for secure conduct and earning trust;
- rules are followed by participants;
- a relationship of trust is established between external parties and SEM;
- a security intelligence network that extends outside the organisation;
- business is enabled because participants know it is safe to participate and know what is expected from them and what can be expected from other participants;
- adequate monitoring and detection capabilities are maintained; and
- organised responses to incidents are effective and followed through into learning.

## 8. REQUESTS IN TERMS OF POPIA

8.1 POPIA allows a data subject, after having provided adequate proof of their identity, the right to:

8.1.1 request SEM to confirm, free of charge, whether or not SEM holds their personal information;

8.1.2 submit a request for a record or description of their personal information;

8.1.3 submit a request for access to their own personal information (by completing **Form 2 of the PAIA regulations**);

8.1.4 object to their personal information being processed (by completing **Form 1 of the POPIA regulations**); and

8.1.5 submit a request for the correction or deletion of their personal information (by completing **Form 2 of the POPIA regulations**).

8.2 Please send your completed form to [SEMInformationOfficer@sanlam.co.za](mailto:SEMInformationOfficer@sanlam.co.za)

## 9. CONTACT DETAILS

Requests for information to SEM must be directed to:

Information Officer : Andre Serfontein  
Address (street) : 11 Alice Lane, Sandton  
Address (postal) : 11 Alice Lane, Sandton  
Contact details : (011) 359 7909  
Email address : [SEMInformationOfficer@sanlam.co.za](mailto:SEMInformationOfficer@sanlam.co.za)

## 10. AVAILABILITY

10.1 This Manual, or any updated version hereof, is available:

10.1.1 on the Sanlam website (located at <https://www.sanlam.com/promotion-of-access-to-information-act>);

10.1.2 for public inspection, during normal business hours, at the principal place of business (located at 2 Strand Street, Bellville, 7532);

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

10.1.4 to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in annexure B of the PAIA regulations, shall be payable per each A4-size photocopy made.

## 11. GUIDE OF THE INFORMATION REGULATOR

11.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available a 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.

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

11.3 The aforesaid Guide contains *inter alia* a description of-

11.3.1 the objects of PAIA and POPIA;

11.3.2 the manner and form of a request for access to a record of a private body;

- 11.3.3 the assistance available from the Regulator in terms of PAIA and POPIA; and
- 11.3.4 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/or POPIA including:
- an internal appeal;
  - a complaint to the Regulator; and
  - an application to court against a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 11.4 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
- 11.5 The Guide can also be obtained-
- 11.5.1 upon request to the Information Officer; or
- 11.5.2 from the website of the Regulator at <https://inforegulator.org.za/paia-guidelines/>.

## **12. UPDATING OF THE MANUAL**

SEM will update this manual on a regular basis.

***Issued by***

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***Andre Serfontein***

***SEM Information Officer***

## ANNEXURE A

To the extent applicable to SEM, records are held in accordance with the following legislation:

Employment Equity Act (No. 55 of 1998)	Pension Funds Act (No. 24 of 1956)
Skills Development Levies Act (No. 9 of 1999)	Trade Marks Act (No. 194 of 1993)
Labour Relations Act (No. 66 of 1995)	Cybercrimes Act (No. 19 of 2020)
Basic Conditions of Employment Act (No. 75 of 1997)	Regulation of Interception of Communications and Provision of Communications-related Information Act (No. 70 of 2002)
Unemployment Insurance Act (No. 63 of 2001)	Protection of Personal Information Act (No. 4 of 2013)
Compensation of Occupational Injuries and Diseases Act (No. 130 of 1993)	Prevention of Organised Crime Act (No. 121 of 1998)
Occupational Health and Safety Act (No. 85 of 1993)	Prevention and Combating of Corrupt Activities Act (No. 12 of 2014)
Income Tax Act (No. 58 of 1862)	South African Reserve Bank Act (No. 90 of 1989)
Value Added Tax Act (No. 89 of 1991)	
Insolvency Act (No. 24 of 1936)	
Companies Act (No. 61 of 1973)	
Companies Act (No. 71 of 2008)	
Competition Act (No. 89 of 1998)	
Consumer Affairs (Unfair Business Practices Act) (No. 71 of 2008)	
Consumer Protection Act (No. 68 of 2008)	
Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)	
Protection of Constitutional Democracy Against Terrorist and Related Activities Act (No. 33 of 2004)	
Copyright Act (No. 98 of 1978)	
Arbitration Act (No. 42 of 1965)	