



**Overberg Asset Management FSP 783
PAIA & POPIA Manual**

1. Introduction

The Promotion of Access to Information Act, 2 of 2000 (PAIA) gives effect to section 32 of the Constitution, that provides for access to information if a person wants to exercise a right or to protect a right, subject to the procedural requirements laid down by PAIA. For this purpose, PAIA requires that Overberg Asset Management (Pty) Ltd (hereafter referred to as Overberg) must implemented a manual in terms of Section 51 of PAIA setting out the procedures to be followed to have access to Information which procedures are set out in this Manual.

The Protection of Personal Information Act, 4 of 2013 (POPIA) on the other hand provides for 8 protection principles that FSP's must comply with to protect the Personal Information of all Data Subjects. Overberg must therefore implement a Manual that must comply with section 14 and 51 of PAIA and is required to make it available to persons who want to access Overberg's Personal Information (PI). Should a person having a right to the PI, require access to these PI, then access is allowed by following the procedures laid down by PAIA and as set out in this Manual.

2. Purpose

The purpose of the Manual is to:

- provide details on records and information of Overberg that are available and accessible once the requirements for access have been met, and
- sets out the procedures to be followed by a person that wants access to information, (including POPIA PI) that are subject to protection and non-disclosure, if such person wants to exercise or to protect a right, and
- provide a guide on POPIA legislation how Overberg process PI.

3. Availability of the Manual

The Manual is made available in terms of Section 4 of the Regulations to POPIA:

- a) <https://overberg.biz/compliance/>
- b) By contacting the Information Officer (IO) at the contact details provided below. A fee will be levied if copies of the Manual is required and as provided for in terms of Appendix 3.
- c) At the Overberg offices for inspection during normal business hours at no cost.

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4. Introduction to the Company, Type of Business and Contact Details

Name: Overberg Asset Management (Pty) Ltd

Registration Numbers: Company registration no., 2001/019896/07 and Financial Services Provider (FSP) no. 783.

Type of business: Overberg does not form part of a group of companies and is an authorised Category I and II FSP, with the Financial Sector Conduct Authority (FSCA) with FSP no. 783, in terms of the Financial Advisory & Intermediary Services Act 37 of 2002 (FAIS) and provides financial services, including advise and intermediary services to clients by focusing mainly on Private Share Portfolios and Retirement and Pension Products.

Authorised Financial Products:

- **Category 1 (financial advice and intermediary services) - Long-term Insurance:** subcategory A (1.1), B1 (1.3), B2 (1.20), B2-A (1.21), B1-A (1.22) & C (1.4); **Investments:** shares (1.8), money market instruments (1.9), debentures and securitised debt (1.10), warrants, certificates and other instruments (1.11), bonds (1.12), participatory interests in collective investment schemes (1.14) and participatory interest in a hedge fund (1.26); **Pension Fund Benefits (1.7); Retail Pension Benefits (1.5); Structured Deposits (1.24) and Long (1.17) -and Short-term (1.18) Deposits** (deposits: 12 months or less and deposits exceeding 12 months);
- **Category 2 (discretionary financial services in terms of a mandate) - Investments:** shares (2.5), money market instruments (2.6), debentures and securitised debt (2.7), warrants, certificates and other instruments (2.8), bonds (2.9) and participatory interests in collective investment schemes (2.11).

Company Contact Details:

Designated and authorised persons

CEO: Nick Downing

Directors: Nick Downing, Gielie Fourie, Kirk Swart, Gemma Downing, Werner Erasmus and Carel la Cock.

Office Manager: Nick Downing (Greyton office), Kirk Swart (Winelands office), Mark Diuga (Cape Town office), Werner Erasmus (Gauteng office) and Carel la Cock (Hermanus office).

Contact details

Postal address: PO Box 180, Greyton, 7233

Business address: 9 DS Botha Street, Greyton, 7233

Telephone Number: +27 (28) 254 9013 (Greyton office)

Website: <https://overberg.biz/>

Information and Deputy Information Officers

Information Officer: Carel la Cock, email address: informationofficer@overberg.biz

Deputy Information Officer: Lionie Rupert and email address: informationofficer@overberg.biz

5. The South African Human Rights Commission (“SAHRC”) Guide (PAIA Section 51(1)(b))

PAIA 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 PAIA shall be made in accordance with the prescribed procedures and at the rates provided for in terms of the PAIA Regulations.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.

The SAHRC Guide is available from the SAHRC with contact details

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

6. Publication and Availability of Information and Records

6.1 Applicable Legislation

The legislation applicable to Overberg is contained in **Appendix 1** of this Manual. Overberg may be required to obtain information and keep records in terms of this legislation and depending on the relevant legislation requirements, Overberg may also be required to make certain information or records publicly available, allow disclosure of information or records subject to certain conditions or may be prevented to disclose information or records. The Requester’s right of access to information or a record must be dealt with taking into consideration the applicable legislation requirements.

6.2 Available Records (PAIA Section 51(1)(d))

Examples of record Categories and available records that are applicable to Overberg are contained in **Appendix 2** of this Manual. The inclusion of a category or examples of records does not mean that the Information and records falling within those categories will automatically be made available to a Requester.

Records may be available as follows

- Freely if publicly available e.g., information and records available on Overberg’s public website.
- Made available but subject to Copyright.
- Made available but subject to limited disclosure.

Note that a person may only request information from Overberg as a Private Body if the requested information is required for the exercise or protection of a right. Certain grounds of refusal may also apply as indicated below in paragraph 7.4 to a request for such record.

7. Form of Request to Access Information and Records (PAIA Section 51(1)(e))

7.1 Requester

Personal Requester: A Personal Requester is a requester who is seeking access to a record containing Personal Information about the Requester itself. Access will be granted by Overberg subject to applicable legislation.

Other Requester: If a person other than the Personal Requester is seeking access to a record containing Personal Information, then Overberg is not obliged to grant access to such record, unless such person fulfils the requirements for access as provided for in terms of PAIA.

7.2 Request for Information Procedures

The procedures to follow

- i. A Requester must complete and sign the prescribed form enclosed herewith in **Appendix 4** together with payment of the required fee (only if it is an Other Requester).
- ii. The completed and signed form together with proof of payment must either be posted, submitted per hand or be emailed to the Information Officer at the email address stated above.
- iii. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the IO.
- iv. If a request is made on behalf of another person, the Requester must then submit proof of the capacity in which the Requester is making the request on behalf of the other person to the satisfaction of the IO.
- v. All required information must be provided on the Appendix 1 form and the information must be true complete and correct with enough particularity to enable the IO to identify:
 - the Requester's identity,
 - contact details of the Requester,
 - the requested record/s, and
 - the form of access required by the Requester.
- vi. A Requester may only request access to a record in order to exercise or protect a right and must clearly state what the nature of the right is so to be exercised or protected. The requester is further required to provide an explanation of why the requested record is required for the exercise or protection of that right.
- vii. Overberg will process a request to access a record within 30 (thirty) days of receipt of the completed Appendix 1 form together with proof of payment, if applicable, unless the Requestor has stated exceptional reasons and circumstances together with proof, if applicable, that would satisfy the IO that the time period not be complied with.
- viii. Overberg shall inform the Requester in writing whether access has been granted or denied together with reasons thereof.
- ix. If the Requester requires access to the records in another manner, the Requester must state the manner and the particulars so required.

7.3 Fees Payable

The applicable fees that are prescribed in terms of the PAIA Regulations are as follows

- A non-refundable prescribed request fee is payable on submission of any request for access to any record before a request will be processed.
- The fees above do not apply if the request is for personal records of the person requesting - in this instance no fee is payable.
- If the preparation of the record requested requires more than the prescribed hours (currently 6 hours), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid by the Requester.
- Fees are subject to confirmation by the Regulator in the Government Gazette and any applicable fees or changes will be disclosed upfront to Requesters.
- A list of the items payable are set out in **Appendix 3**, fee amounts must be requested directly from the Overberg IO.

7.4 Grounds for refusal of a Request

Chapter 4 of PAIA provides for several grounds on which a request for access to PI must be refused.

These grounds may include where;

- the privacy and interests of other individuals are protected, including a deceased person, where disclosure would be unreasonable,
- such records are already otherwise publicly available,
- the public interests are not served,
- the mandatory protection of commercial information of a third party/ company which include trade secrets, financial, commercial or technical information that may cause harm if disclosed and information that could put a third party/ Company at a disadvantage in contractual/ other negotiations or commercial competition or computer programs owned by a company protected by copyright and intellectual property laws,
- the mandatory protection of certain confidential information of a third party,
- the mandatory protection of confidential information of third parties if it is protected in terms of an agreement,
- mandatory protection of the safety of individuals and protection of property,
- mandatory protection of records that are privileged in legal proceedings,
- research information of a third party/ Company if disclosure would put the research or researcher at a disadvantage, and

- requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

7.5 Information or Records Not Found

If information or records cannot be found despite reasonable and diligent searches by Overberg, then the IO must provide the Requester with a notice in the form of an affidavit setting out the measures taken to locate the document and the inability to locate it.

7.6 Remedies Available to a Requester if Access is Refused

The decision made by the IO is final and Requesters must exercise external remedies if the Request for access to Information or records is refused. A Requester may however apply to a court for relief within 180 days of notification of the decision for appropriate relief as provided for in terms of sections 56(3) (c) and 78 of PAIA.

8. POPIA Requirements when Processing Personal Information

Overberg applies the following protection principles as provided for in terms of POPIA when processing PI. Specific details on how Overberg is processing PI is also set out in **Appendix 5** of this Manual.

8.1 The Responsible Party's Responsibilities:

8.1.1 Accountability: This principle contemplates the assigning of responsibility by the Responsible Party to oversee and ensure compliance with the POPIA requirements by means of:

- Appointment of an IO and a Deputy IO who must register with the Information Regulator.
- Audit the processes used to collect, record, store, disseminate and destroy PI.
- Ensure the integrity and safekeeping of PI in possession or under control.
- Take steps to prevent the information being lost or damaged, or unlawfully processed or accessed.
- Ensure staff is properly trained on a regular basis to understand their responsibilities and consequences of non-compliance with POPIA.

8.1.2 Processing Limitation: PI may only be processed by the Responsible Party if it is done lawfully in a manner that does not infringe the privacy of the Data Subject. Processing must be adequate, relevant and not excessive given the purpose and if consent was obtained from the Data Subject, then such consent must be voluntary and specific.

8.1.3 Purpose Specification: Purpose Specification is important to determine the scope within which PI may be processed by a Responsible Party. The Responsible Party is required to define the purpose of collecting the PI clearly, indicate it is collected for a specific, explicitly defined and lawful purpose; collect only the necessary information and be clear to whom the information is transferred, ensure that PI is destroyed, deleted or 'de-

identified' as soon as the purpose for collecting the information has been achieved, subject to other legislation e.g. FAIS and FICA (5-year record keeping requirements), and indicate that further restrictions apply on the transfer of PI out of South Africa and to transfer PI back into South Africa (Restrictions will depend on the laws of the country to whom the data is transferred or from where the data is returned).

8.1.4 Further Processing Limitation: Once the Responsible Party has identified and obtained consent for specific, legitimate and explicitly defined purposes, then PI cannot be processed contrary to the purpose for which it was collected. The processing of such PI may only occur insofar as it is necessary for the fulfilment of the purpose. If information is received via a third party for further processing, then this further processing must be compatible with the purpose for which the data was initially collected, otherwise further consent must be obtained.

8.1.5 Information Quality: The Responsible Party must ensure and maintain the quality of the PI that it processes. It must therefore:

- take reasonably practicable steps to ensure that the PI is complete, accurate and updated,
- consider obtaining a warranty from Data Subjects to ensure that the PI is correct and updated.

8.1.6 Openness Required: The Responsible Party is required to notify the Information Regulator of the applicable data subject groups that the information is used for e.g., financial services category. The Responsible Party has a duty to process PI in a fair and transparent manner and must take steps to notify the Data Subject whose PI is being processed that this is being done together with reasons. The Data Subject must be informed about the purpose and from what source his PI was obtained:

- the name and address of the company processing the PI, and
- whether the provisioning of the PI is voluntary or mandatory.

8.1.7 Security safeguards: PI should be kept secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure. The Responsible Party is required to secure the integrity of PI by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised access and unlawful access or processing of PI.

Overberg as Responsible Party must take all reasonable measures to:

- Identify all reasonably foreseeable internal and external risks,
- establish and maintain appropriate safeguards against the risks,
- regularly verify that the safeguards are adequately implemented, and
- ensure the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

Overberg as Responsible Party must oversee an Operator who processes data on his/her behalf and ensure that the Operator:

- Treat information confidentially,
- establishes and maintains appropriate security safeguards,
- ALL processing by an operator is governed by a written contract, and
- in the event of security breaches, the Responsible Party must notify the Information Regulator and also the Data Subject (if required).

8.1.8 Participation: POPIA allows for Data Subjects to make certain requests, free of charge, to organisations that holds their PI. Data Subjects may request access to or records of their PI and/or request the correction or deletion of any PI held by it. Data Subjects may also request that inaccurate, misleading or outdated PI be updated and have the right to know the identity of all third parties that have had access to their information.

9. Exclusions

POPIA protection does not apply to the following information:

The processing of PI:

- In the course of a purely personal or household activity,
- that has been de-identified to the extent that it cannot be re-identified again,
- by or on behalf of a public body;
 - which involves national security, including activities that are aimed at assisting in the identification of the financing of terrorist and related activities, defense or public safety, or
 - the purpose of which is the prevention, detection, including assistance in the identification of the proceeds of unlawful activities and the combating of money laundering activities, investigation or proof of offences, the prosecution of offenders or the execution of sentences or security measures, to the extent that adequate safeguards have been established in legislation for the protection of such PI,
- by the Cabinet and its committees or the Executive Council of a province, or
- relating to the judicial functions of a court referred to in section 166 of the Constitution of the Republic of South Africa, 1996.

Terrorist and related activities, for purposes of subsection (1)(c), means those activities referred to in section 4 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004).

Data Subject consent is not required, in instances where it would prejudice a lawful purpose, or the information is publicly available.

10. Operator's Responsibilities

Duties of an Operator:

All Information processed by an operator must be treated in the following manner

- The Responsible party must be aware of the Operators processing.
- The Operator must treat information confidentially.
- The Responsible party must ensure that the Operator establishes and maintains appropriate security safeguards.
- In the event of security breaches, the Operator via the Responsible party must notify the Regulator and the data subject.
- The processing by an operator must be governed by a written contract between the Responsible party and the Operator.

The contents of the contract between Operator and Responsible Party must detail at least the following:

- the legitimate grounds for collecting and using personal data collected,
- the lawful purpose for which data are being collected,
- the limit of processing and prohibiting of further processing,
- the extent of information that is required to prevent any excessive information collection,
- the information retention periods and requirements applicable together with destruction processes,
- the right of individuals to request such information and query the use thereof, and
- the security measures required to prevent the unauthorised or unlawful processing of personal data or access to personal data, including accidental loss or destruction or damage to personal data.

11. Dealing with Special Personal Information

If an objection is received from a Data Subject to process Special Information, then this information may not be supplied to 3rd parties without the Data Subject's consent.

General Exemptions

The Regulator may authorise processing of any information, which will not be in breach of POPIA, if the public interest includes;

- the legitimate interests of State security,
- the prevention, detection and prosecution of offences,
- important economic and financial interests of the State or a public body, and
- historical, statistical or research activity.

12. Direct Marketing by Means of Unsolicited Electronic Communications

Direct marketing is prohibited unless you have consent, or the target is already a customer. You may only approach a person for consent once and if they have not previously withheld such consent and may only use the information for the initial purpose which it was obtained for. Any communication for the purpose of direct

marketing must contain Details of the identity of the sender, and the address or other contact details to which the recipient may send a request to opt-out.

13. Objection to Process Personal Information

A person that wants to object to the processing of PI in terms of section 11(1)(d) to (f) of POPIA, must complete, sign and submit to the IO the Form contained in **Appendix 6** of this Manual. Affidavits or other documentary proof may be submitted with the Form in support of the objection.

14. Request For:

A) Correction or Deletion of Personal Information, or for;

B) Destruction or Deletion of Personal Information in Possession of Unauthorised Person

Person that wants to submit a request to rectify, delete or destroy PI in terms of section 24 of POPIA, must complete, sign and submit to the IO the Form contained in **Appendix 7** of this Manual. Affidavits or other documentary proof may be submitted with the Form in support of the request.

15. Complaints in terms of POPIA

A Person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the PI of a Data Subject. A Responsible Party or Data subject may, in terms of section 63(3), further submit a complaint to the Regulator in the prescribed manner and form if he/ she/ it is aggrieved by the determination of an adjudicator.

The contact details of the Information Regulator are as follows:

Business address: JD House, 27 Stiemens street, Braamfontein, Johannesburg, 2001

Postal address: P O Box 31533, Braamfontein, Johannesburg, 2017

E-mail: complaints.IR@justice.gov.za; Website: www.justice.gov.za

APPENDIX 1: Applicable Legislation

***The Legislation Applicable to Overberg Includes:**

Basic Conditions of Employment Act 75 of 1997
Companies Act 71 of 2008
Consumer Protection Act 68 of 2008
Employment Equity Act 55 of 1998
Financial Advisory and Intermediaries Services Act 37 of 2002
Financial Institutions (Protection of Funds) Act 28 of 2001
Financial Intelligence Centre Act 38 of 2001
Financial Services Board Act 97 of 1990
Friendly Societies Act 25 of 1956
Income Tax Act 95 of 1967
Insurance Act 18 of 2017
Labour Relations Act 66 of 1995
Long-term Insurance Act 52 of 1998
Occupational Health and Safety Act 85 of 1993
Pension Funds Act 24 of 1956
Protection of Personal Information Act 4 of 2013
Skills Development Act 97 of 1998
Skills Development Levies Act 9 of 1999
Unemployment Contributions Act 63 of 2001
Value Added Tax Act 89 of 1991

*Note that although Overberg used its best endeavours to provide a list of the latest applicable legislation, it may not be a complete or updated list due to constant changes in legislation. Kindly consult with the Information Officer regarding the applicability of any legislation.

APPENDIX 2: Available Records

Except for public records that may be available on Overberg’s website, the following type of records are available on request in terms of PAIA.

*RECORD CATEGORIES	*EXAMPLES OF RECORDS	AVAILABILITY
Public Affairs	<ul style="list-style-type: none"> - Media Releases, - Brochures - Public Company Information, - Website Information - Public policies and manuals - Publications - Articles 	Freely available: <ul style="list-style-type: none"> - Publicly accessible - On FSP website
Secretarial, Corporate Governance, Legal and Compliance	<ul style="list-style-type: none"> - Statutory Company records - Corporate structure and associations - Documents of Incorporation - Statutory Returns - Company policies and manuals - Compliance strategies 	May not be disclosed: <ul style="list-style-type: none"> - Request after the commencement of criminal or civil procedure - Legal privileged documents - Likely to harm commercial and financial interests of parties - Likely to breach confidentiality protection in terms of an agreement - Commercial Information of Private Body
Financial	<ul style="list-style-type: none"> - Bank details 	May not be disclosed: <ul style="list-style-type: none"> - Commercial Information of Private Body
Human Recourses/ Employment	<ul style="list-style-type: none"> - Employment records - Training records - Competence register 	May not be disclosed: <ul style="list-style-type: none"> - Commercial Information of Private Body



Operations and Marketing	<ul style="list-style-type: none">- Compliance records- Compliance Reports- Communications and correspondence- Fees structures- Brand information	May not be disclosed <ul style="list-style-type: none">- Commercial Information of Private Body
Client Services	<ul style="list-style-type: none">- Compliance records- Client advice and review records- FICA documents- Emails and communications- Complaints records- Claims records	Limited disclosure to Clients: <ul style="list-style-type: none">- Record format containing information- subject to copyright- subject to Client agreement terms
Information Technology	<ul style="list-style-type: none">- IT licenses- IT record keeping	May not be disclosed: <ul style="list-style-type: none">- Commercial Information of Private Body

*Note that although Overberg used its best endeavours to provide a list of records, it may not be a complete or updated list due to constant changes in legislation or business operations. Kindly contact the Information Officer if you have any queries about Records.

APPENDIX 3: List of Fees Payable - On request

Fees are payable in respect of Private Bodies (other than personal requests) in terms of Part III of the PAIA Regulations published in the Government Gazette. Please indicate your requirements by contacting our IO and Overberg will inform you if there are fees payable.

APPENDIX 4: Request for Information Form

The following proof must be submitted together with the completed and signed Request for Information Form below to the Information Officer:

- Proof of payment of fees (if applicable),
- Certified copy of the Requester's identity document, and
- Supporting documentation (only if applicable).

PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION			
Full Names & Surname:			
Identification Number:		Cell phone no.	
Other contact no:		Fax no.	
Email address:			
Postal address:		Postal code	
PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE			
*Only complete this section if a request for information is made on behalf of another person.			
Full Names & Surname/ Legal entity name:			
Identification/ Registration no.			
PARTICULARS OF REQUESTED INFORMATION			
Provide full particulars of the information to which access is requested. If the Provided space is not sufficient, please continue on a separate page and attach it to the form. Any additional pages submitted must be signed.			
FORMAT IN WHICH INFORMATION IS REQUESTED			
Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.			
RIGHT TO BE EXERCISED OR PROTECTED			
Indicate: 1. What right is to be exercised and/or protected and 2. Why the information is required to protect and/or to exercise this right.			
What right is to be protected			
Why the information is required			

NOTICE OF APPROVAL / REJECTION OF REQUEST	
<p><u>Please note:</u> You will be notified via e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:</p>	
PAYMENT DETAILS (Only applicable to Other Requesters and not to Personal Requesters)	
<p>Kindly make payment of the amount of R><- into the following bank account and attach proof of payment to this form.</p>	
<p>If applicable - available on request.</p>	
SIGNATURE	
<p>Signed at: _____ on Date: _____</p>	
<p>_____</p>	<p>_____</p>
<p>Name of person submitting the request</p>	<p>Signature of person submitting the request</p>

APPENDIX 5: Processing of Personal Information by Overberg

Definitions

- **Data Subject:** means the person to whom the personal information relates.
- **Responsible Party:** means the entity which determines the purpose of and means for processing Personal Information.
- **Operator:** means the company or a person who processes personal information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of the Responsible Party.
- **Personal Information:** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
 - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person,
 - information relating to the education or the medical, financial, criminal or employment history of the person,
 - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person,
 - the biometric information of the person,
 - the personal opinions, views or preferences of the person,
 - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence,
 - the views or opinions of another individual about the person; and
 - the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- **Processing:** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:
 - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use,
 - dissemination by means of transmission, distribution or making available in any other form, or
 - merging, linking, as well as restriction, degradation, erasure or destruction of information.

- **Direct Marketing:** means the use of personal information for the purposes of direct marketing by means of any form of electronic communication.

Processing of Personal Information Within Overberg

Overberg is Processing the Personal Information of its Data Subjects as follows:

Purpose of processing:	<ul style="list-style-type: none"> • Rendering of financial services to clients • Provisioning of value-added services to clients • Marketing of services to potential clients • Proposals to Clients on service offerings • Maintain accounts and records • Support and manage employees 	<ul style="list-style-type: none"> • Fraud prevention & detection • Compliance with regulatory requirements • Due diligence assessments • Client relationship management • Purposes expressly agreed or authorised by the Client or Employees • Purposes notified to the Client or Employees
Data subject categories: (Includes Natural and Juristic)	<u>Includes Natural persons and Legal entities:</u> <ul style="list-style-type: none"> • Clients • Shareholders • Board members • Directors • Employees • Consultants • Complainants 	<ul style="list-style-type: none"> • Enquirers • Trustees • Associated companies • External companies / contractors • Suppliers and service providers • Individuals who have indicated an interest in financial products • Regulators
Types/ classes of information processed	<ul style="list-style-type: none"> • Personal details • Business activities • Financial products • Compliance records • Business operations • Compliance assessment outcomes • Opinions • Communications 	<ul style="list-style-type: none"> • Personal views / preferences • Family details • Education & employment details • Financial details • Offences / alleged offences • Criminal proceedings, outcomes & sentences
Who the information may be shared with	<u>Its sometimes necessary to share Personal Information with individuals and/or with other organisations. Where this is necessary, FSP is required to comply with all aspects of POPIA. The following are</u>	<ul style="list-style-type: none"> • Claimants / beneficiaries • Suppliers and service providers • Industry bodies • Ombudsman



	<p><u>types of organisations the FSP may need to share some of the Personal Information it processes. Only where it is necessary or required Personal Information may be shared with:</u></p> <ul style="list-style-type: none"> • Associates/ Representatives of the person whose Personal Information we are processing • Human resource contractors • Financial organisations • Credit reference agencies • Regulatory authorities 	<ul style="list-style-type: none"> • Legal Advisors, Compliance Officers, advocates or attorneys • Auditors • Tax Consultants • IT Services Providers • Other companies associated with FSP • Persons making an enquiry / complaint • Pension fund administrators • Police / courts where necessary
<p>Cross border flows of Personal Information</p>	<p><u>It may be necessary to share Personal Information of Data Subjects with third parties in other countries subject to compliance with POPIA. This will only be done if one of the following requirements are met:</u></p> <p>The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that—</p> <ul style="list-style-type: none"> • effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in POPIA, • includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient 	<ul style="list-style-type: none"> • the Data Subject consents to the transfer, • the transfer is necessary for the performance of a contract between the data subject and the company in question, or for the implementation of pre- contractual measures taken in response to the data subject’s request, • the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party, or • the transfer is for the benefit of the Data Subject, and • it is not reasonably practicable to obtain the consent of the data subject to that transfer, and • if it were reasonably practicable to obtain such consent, the Data Subject would be likely to give it.



	to third parties who are in a foreign country,
Information Security measures in respect of Data	<ul style="list-style-type: none">• Access control to Data to prevent unauthorised access by individuals• Media control to prevent unauthorized manipulation by Media• Data memory control to prevent unauthorised alteration of Data• User control to ensure measures to prevent unauthorised disclosure and access by unauthorised persons• Access control to only allow certain authorised individuals access to Data• Transmission control to enable the verification and tracing of locations with required permissions/ authorisation to which Data are transferred• Transport control to prevent Data from being read, altered or intercepted by unauthorised persons• Organisation control to ensure compliance with POPIA and this Manual

APPENDIX 6: Objection to Process Personal Information Form

The following proof must be submitted together with the completed and signed Objection to Process Personal Information Form to the IO:

- Certified copy of the Requester's identity document, and
- Affidavit and supporting documentation (only if applicable).

DETAILS OF DATA SUBJECT	
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
PROVIDE DETAILED REASONS FOR: THE OBJECTION TO PROCESS PERSONAL INFORMATION IN TERMS OF SECTION 11(1)(d) to (f) OF POPIA	
Signed at: _____ on Date: _____	
_____ Name of person submitting the request	_____ Signature of person submitting the request

APPENDIX 7: Request For: A) Correction or Deletion of Personal Information or B) Destruction or Deletion of a Record of Personal Information Form

The following proof must be submitted together with the completed and signed Form to the Information Officer:

- Certified copy of the Requester’s identity document, and
- Affidavit and supporting documentation (only if applicable)

Mark the applicable Request below with an “X”:	
REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION	
REQUEST FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION	
DETAILS OF DATA SUBJECT	
Name(s) and surname/ registered name of Data Subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
PROVIDE DETAILED REASONS FOR:	
<p>CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) OF POPIA, THAT IS IN POSSESSION OR UNDER CONTROL OF THE RESPONSIBLE PARTY;</p> <p>OR</p> <p>DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) OF POPIA, WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p>	



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Signed at: _____ on Date: _____

Name of person submitting the request

Signature of person submitting the request

Signed and adopted by the Board:

August 2021