



Ince (Pty) Ltd.

# Promotion of Information Act Manual

This manual is prepared in accordance with the  
Promotion of Access to Information Act, 2000 (PAIA)  
and addresses the requirements of the  
Protection of Information Act, 2013 (PoPIA)

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## 1. Statement

It is Inco's policy to ensure that all business operations are conducted in such a manner that adheres to and complies with the legal and regulatory requirements of the Republic of South Africa.

## 2. Purpose of the Manual

The purpose of the manual is to address the requirement of transparency as prescribed by the Protection of Personal Information Act, 2013 (PoPIA) and to provide guidance to individuals who seek to request access to information or records held by or otherwise under Inco (Pty) Ltd.'s control, as prescribed by the Promotion of Access to Information Act, 2000 (PAIA).

## 3. Relationship with existing policies

This manual forms part of Inco (Pty) Ltd.'s Information Security Management System (ISMS) as it regulates the access to information and records owned, held by, or otherwise under Inco (Pty) Ltd.'s control. It should therefore be read in conjunction with the company's ISMS Statement.

## 4. Availability of the Manual

A copy of this manual is available at the offices of Inco (Pty) Ltd. and can be found on the website noted in section 5.1.

Inco (Pty) Ltd. will update this manual annually upon review provided that pertinent changes are required or sooner if required by law.

## 5. Company Introduction and Details of the Information Officer

### 5.1. Company Introduction

Inco (Pty) Ltd. is a privately-owned and independent business in the Investor Communications Sector.

*With our strategic advisory and production services, we help corporate clients meet their regulatory disclosure requirements and empower their shareholders with knowledge – about how the company has performed in the past, and where it will go in the future.*

*We also equip investors with the tools they need to connect with like-minded people and the information they need to make more informed investment decisions.*

Company Details	
Registered Company Name	Inco (Pty) Ltd
Trading As	Inco
Company Registration No	1939/012146/07
Physical Address	42 Wierda Rd West, Wierda Valley, Sandton, 2196
Postal Address	PO Box 38200 Booyens, 2016
Contact Number	+27 11 305 7300
Email Address	<a href="mailto:inco@inco.co.za">inco@inco.co.za</a>
Website	<a href="https://www.inco.co.za/">https://www.inco.co.za/</a>

## 5.2. The Information Officer

In terms of both PoPIA and PAIA, any individual who would like to make a request for information or records held by or under the control of Inco (Pty) Ltd. may submit a request to the Information Officer as noted below.

For details on the request procedure, please see Section 8.

Details of the Information Officer and Deputy Information Officer(s)	
Head of Company	Alban Atkinson
Appointed Information Officer	Alban Atkinson
E-mail Address	<a href="mailto:popia@inco.co.za">popia@inco.co.za</a>
Deputy Information Officer(s)	Paul Tudor
E-mail Address	<a href="mailto:popia@inco.co.za">popia@inco.co.za</a>

## 6. Collection and Processing of Information (PoPIA)

In terms of the PoPIA, personal information is any data that can be used to identify a person. It is defined as “information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person”.

The PoPIA prescribes eight conditions for the lawful processing of Personal Information (PI) by a Responsible Party (RP). These conditions must be reasonably adhered to as is required and deviation is prohibited unless exemptions specified in Chapter 4 of the PoPIA are applicable. *Please refer to Appendix 1 for a list of the eight conditions along with a brief definition of each.*

The PoPIA makes provision for the right of the Data Subject (DS) to be informed of and consent to the collection, processing, and retention of their PI. The categories and details of which are provided below.

### 6.1. Collection and Processing

As an Investor Communications Agency, Inco (Pty) Ltd. may use records of PI primarily for the purposes of providing Investor Communications services and solutions to corporate and individual clients. Inco (Pty) Ltd. may also use PI relating to third party suppliers, contractors, service providers, employees, and clients for legitimate business purposes which are aligned with the business functions and activities.

### 6.2. Purpose and Categories Processed

Inco (Pty) Ltd. collects, processes and where required retains the PI tabulated further below for the following purposes:

- 6.2.1. To render services according to client instructions/requirements
- 6.2.2. To fulfil contractual obligations
- 6.2.3. Accounts and Record keeping
- 6.2.4. To comply with Tax laws
- 6.2.5. To comply with legal and industry regulations
- 6.2.6. To comply with Johannesburg Stock Exchange (JSE) regulations
- 6.2.7. To comply with Companies Act
- 6.2.8. To comply with client SLA & NDA agreements

Data Subject Category	Information Processed
Directors	Identity numbers, Names, FICA documentation.
Employees, Potential Employees, New Recruits	Name, Surname, South African identity number or other identifying number, contact details, physical and postal address, date of birth, age, marital status, race, disability, information, employment history, criminal background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information.
Shareholders	Identity numbers, Names, Employer, Occupation, Business address, Residential address, Copies of identity documentation, Proof of residence, Contact numbers, Email addresses.
Consultants/ Contractors	This will be dependent on the nature of the services provided to Inco (Pty) Ltd. but may include any of the details in the categories for Employees and/or Service providers.
Service Providers; including Outsourced/Hosted Services, Auditors, etc.	Company registration details, identity numbers, BEE certificates, tax clearance, income tax and VAT registration details, payment information including bank account numbers, invoices, contractual agreements, addresses, contact details.
Clients – Juristic Persons (Current, Prospective, and Historic)	Entity name, registration number, tax-related information, contact details for representatives, FICA documentation, trustee personal information.  Where client employees are concerned, we may have records pertaining to Name, Surname, South African identity number or other identifying number (e.g., passport), date of birth, age, marital status, citizenship, telephone numbers, email address, physical and postal addresses, income tax number, financial information (e.g., remuneration, fund credits, benefits statements, investment portfolio details), banking information including account numbers, health information, FICA documentation.

### 6.3. Sharing of Personal Information

Inco (Pty) Ltd. may at times share PI referenced in section 6.2 with Third Parties for the purposes of providing products and services to corporate and individual clients, and employees. Personal Information may also be shared to fulfil contractual obligations and for any other legal obligations we might have. Below is a non-exhaustive list of recipients with whom PI may be shared:

- 6.3.1. Regulators and Law enforcement agencies
- 6.3.2. Banks
- 6.3.3. Audit Firm
- 6.3.4. The South African Revenue Service (SARS)
- 6.3.5. Medical Aid Companies
- 6.3.6. Insurers
- 6.3.7. Recruitment Agencies may collect personal information on behalf of Inco (Pty) Ltd.

### 6.4. Trans-border/Cross Border Flow of Personal Information

Where necessary and with prior consent from the DS, Inco (Pty) Ltd. may at times further process PI with Third Parties situated in other countries. In such instances, Inco (Pty) Ltd. will ensure that the intended recipients of PI have adequate safeguards in place that align to Chapter 3 of the PoPIA for the protection and lawful processing of PI.

### 6.5. Retention and Security

- 6.5.1. Inco (Pty) Ltd. retains personal information for the period required to achieve the purpose for which the PI was collected. However, legal, and regulatory requirements may at times dictate an extended retention period.
- 6.5.2. Inco (Pty) Ltd. endeavours to employ the best efforts through the continuous assessment, development, and implementation of the ISMS framework to ensure that reasonable protection of the confidentiality, integrity, and availability of PI is maintained.

## 7. Related Records/Information Held and Applicable Legislation (PAIA)

PAIA grants any requester access to records held or controlled by a private body, on condition that the record of information is required for the exercise or protection of any rights, referencing in particular, personal information rights as described in PoPIA.

This section serves as guidance to the records that are held by and includes records related to Inco (Pty) Ltd. business operations.

Requestors must take into consideration applicable prescribed fees for reproduction where access is granted (see Section 10 of this document).

- 7.1. Records relating to Inco (Pty) Ltd. are provided below:  
(Please see Reason Key in section 7.2).

Records Held/Controlled	May Be Disclosed	May Not Be Disclosed	Limited Disclosure	May Not Be Refused
<b>Public and Investor Relations</b>				
Investor Corporate Releases	1			
Media Releases	1			
<b>Company Secretarial and Legal</b>				
Statutory Records		12		
Incorporation Documents		12		
Evidence of Executive, Board and Shareholder Decisions Taken		12		
Share Register		12		
General Contract Information		12		
<b>Financial Records</b>				
Audited Financial Statements		12		
Tax, VAT, and PAYE Records		12		
Management Accounts		12		
<b>Human Resources</b>				
Employee/Staff Records		5 & 9	4	
Employment Contracts		5	4	
Policies and Procedures		12		
Health and Safety Records		5, 8, & 9	4	
Employment Equity Plan		12		
Training and Development Records		12		
Medical Aid Records		8/9	4	
Payroll Records		5	4	
<b>Company Investment</b>				
Investment Policy Documents		12		
Economic Reports and Forecasts		12		
Research Reports		12		
Board Committee Submissions		12		
Property Investments		9 & 12		
<b>Sales and Marketing</b>				
Market Information		12 & 13		
Research Information		13		
Public Customer Information		8		
Performance and Sales Records		12 & 2		
Customer Databases		12		

Records Held/Controlled	May Be Disclosed	May Not Be Disclosed	Limited Disclosure	May Not Be Refused
Marketing and Product Strategies		12		
<b>Information Risk Management</b>				
Business Continuity Plan		9 & 12		
Disaster Recovery Plan		9 & 12		
Incident Response Plan		9 & 12		
Documented Information Security Controls		12		

## 7.2. Reason Key

Reason Code	Explanation
1	Publicly accessible
2	Request received after the commencement of legal proceedings (criminal or civil) – <i>PAIA Section 7</i>
3	Subject to copyright
4	Personal information that belongs to the requester of the information – <i>PAIA Section 61</i>
5	Unreasonable disclosure
6	Likely to harm the commercial or financial interests of third party – <i>PAIA Section 64(a)(b)</i>
7	Likely to harm the company or third party in contract or other negotiations – <i>PAIA Section 64(c)</i>
8	Would breach a duty of confidence owed to a third party in terms of an agreement – <i>PAIA Section 65</i>
9	Likely to compromise the safety of individuals or protection of property – <i>PAIA Section 66</i>
10	Legally privileged document – <i>PAIA Section 67</i>
11	Environmental testing: investigation which reveals public safety; environmental risks – <i>PAIA Section 64(2) and Section 68(2)</i>
12	Commercial information of private body – <i>PAIA Section 68</i>
13	Likely to prejudice research and development information of the company or a third party – <i>PAIA Section 69</i>
14	Disclosure in public interest – <i>PAIA Section 70</i>

## 7.3. Available Records in relation to Legislation

Inco (Pty) Ltd. hold records for the purposes of PAIA in relation to, among others, the below listed main laws. Requesters may request access to information in terms of the legislation provided below:



- 7.3.1. Basic Conditions of Employment Act 75 of 1997
- 7.3.2. Collective Investment Schemes Control Act 45 of 2002
- 7.3.3. Companies Act 71 of 2008
- 7.3.4. Companies Amendment Act 3 of 2011
- 7.3.5. Constitution of the Republic of South Africa
- 7.3.6. Consumer Protection Act 68 of 2008
- 7.3.7. Financial Intelligence Centre 38 of 2001
- 7.3.8. Financial Sector Regulation Act 9 of 2017
- 7.3.9. Income Tax Act 58 of 1962
- 7.3.10. Labour Relations Act of 1995
- 7.3.11. National Credit Act 34 of 2005
- 7.3.12. Occupational Health and Safety Act 85 of 1993
- 7.3.13. Pension Funds Act 24 of 1956
- 7.3.14. Promotion of Access to information Act 2 of 2000
- 7.3.15. Protection of Personal Information Act 4 of 2013
- 7.3.16. Value Added Tax Act 89 of 1991

## 8. Access to Information and Records

### The Request Procedure

In accordance with the PAIA section 53 (2), the Personal Requester/Requester must comply with the below stated procedural requirements and pay the related fees when requesting access to information or records held by Inco (Pty) Ltd.

- 8.1. The Personal Requester/Requester must complete the prescribed Form C and submit the completed form to the Information Officer noted in Section 5.2.
- 8.2. The Personal Requester/Requester must also supply sufficient details in the request to enable the Information Officer to identify the Personal Requester/Requester and to locate the requested information or record. The Personal Requester/Requester must also state which form of access is required and how he/she/it wish to be informed of the decision.
- 8.3. The Personal Requester/Requester must also specify the right that he/she/it is seeking to exercise or protect and explain why access to the requested information, record(s), or other details is necessary to exercise or protect the specified right.
- 8.4. The Personal Requester must supply proof of identity when submitting a request for access to information or records pertaining to himself/herself/itself.
- 8.5. Such a requester is exempt from paying a request fee but is liable to pay where applicable the reproduction fee.
- 8.6. If a request is made on behalf of another person, the Requester must submit satisfactory proof of the capacity in which the request is being made.
- 8.7. The Information Officer must inform the Requester of the required non-refundable fee to be paid before the request is processed further.
- 8.8. Should the Requester dispute the payment of a fee, the Requester may lodge a complaint with the Information Regulator or an application to court against the tender or payment of the request fee.

8.9. Should a Personal Requester/Requester require assistance with or have queries regarding this procedure, he/she/it may contact the Information Officer on the details provided in Section 5.2.

## 9. The Decision-Making Process

### 9.1. Processing Time

- 9.1.1. The Information Officer must process the request within 30 days.
- 9.1.2. The processing time will only commence once the Personal Requester/Requester has supplied all the required information in clauses 8.1.1 through 8.1.3., where applicable 8.1.4. to the Information Officer.
- 9.1.3. The Information Officer within the initial 30 days may request for an extension not exceeding an additional 30 days if:
  - 9.1.3.1. The request is for a large number of records/information or requires a search through a large number of records.
  - 9.1.3.2. The request requires consultation with a third party before a decision can be made.

### 9.2. Notification Process

- 9.2.1. If the request for access is granted; the Information Officer must give written notification to the Personal Requester/Requester of the decision, the form of access that has been granted and the related fees that are due (See Section 10).
- 9.2.2. If the request for access is declined; the Information Officer must give written notification to the Personal Requester/Requester of the decision and provide the reason for refusal as well as the provisions in Chapter 4 of the PAIA whereupon the decision was based.
- 9.2.3. Personal Requesters/Requesters may contact the Information Officer for further information regarding:
  - 9.2.3.1. The reason for the refusal or
  - 9.2.3.2. The manner of access if the request is granted.

## 10. Request Fees

The applicable fees will be calculated according to the below. Fee changes may be introduced by the Regulator from time to time and can be found on their website (noted in section 12).

General Fee Structure	
Activity	Applicable Fees excl. VAT
Request Fee (Personal Requesters Exempt)	R50,00
Location and preparation for disclosure	R30,00 per hour
Deposit Fee	If requested
Postal Fee	If applicable
Courier Fee	If applicable
Reproduction Fee Structure	
Activity	Applicable Fees excl. VAT
Copy per A4 Page	R1,10
Printing per A4 Page	R0,75

Copy on a Compact Disc (CD)	R70,00
Transcription of Visual Images per A4 Page	R40,00
Copy of a Visual Image	R60,00
Transcription of an Audio Recording per A4 Page	R20,00
Copy of an Audio Recording	R30,00

## 11. Right of Appeal

Dissatisfied Personal Requesters/Requesters and Third Parties have the right to appeal the decision of the Information Officer.

### 11.1. Remediation Available

- 11.1.1. The decision of the Information Officer is final. Incede (Pty) Ltd. does not have an internal appeal procedure.
- 11.1.2. Within 30 days of receiving notice of the decision, a dissatisfied Personal Requester/Requester may lodge a complaint with the Information Regulator or apply to a Court for relief against the decision of the Information Officer.
- 11.1.3. Within 30 days of receiving notice of the decision to grant access to information or records, where such information/records relate to a third party, the third party may lodge a complaint to the Information Regulator or apply to a Court for relief.
- 11.1.4. For the purposes of PAIA and PoPIA, the Courts that have jurisdiction over these applications are:
  - 11.1.4.1. Constitutional Courts,
  - 11.1.4.2. High Courts,
  - 11.1.4.3. Another Court of similar status and
  - 11.1.4.4. A Magistrates Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated Magistrate.

## 12. The Information Regulator

In terms of PoPIA, should a DS believe that their PI is being unlawfully collected, processed and/or retained, the DS may lodge a complaint with the Information Regulator.

In terms of PAIA, should a Personal Requester/Requester be dissatisfied with the decision of the Information Officer regarding a request for access, the Personal Requester/Requester may lodge a complaint to the Information Regulator.

A guide on how to use The Acts will be made available by the Information Regulator.

Data Subjects/Requesters can direct queries pertaining to The Acts to the Information Regulator using the contact information provided below:

The Office of the Information Regulator	
Chief Executive Officer	Mr Marks Thibela
Physical Address	JD House 27 Stiemans Street Braamfontein

	Johannesburg, 2001
Postal Address	P.O Box 31533 Braamfontein, Johannesburg 2017
Contact Number	+27 (0) 10 023 5200
Email Addresses	<a href="mailto:info@justice.gov.za">info@justice.gov.za</a> <a href="mailto:complaints.IR@justice.gov.za">complaints.IR@justice.gov.za</a>

### 13. Glossary

Term	Description/Definition
PAIA	Promotion of Access to Information Act
PoPIA	Protection of Personal Information Act
ISMS	Information Security Management System
PI	Personal Information
RP	Responsible Party
DS	Data Subject
JSE	Johannesburg Stock Exchange
Private Body	A natural person who carries or has carried on any trade, business, or profession.
Requester	Any juristic or natural person requesting access to information, records, or other details to exercise or protect a right.
Personal Requester	A person seeking access to a record containing their own personal information.
Juristic Person	A body recognized by the law as being entitled to rights and duties in the same way as a natural person, the common example being a company.
Natural Person	An identifiable, living individual human being entitled to certain rights and duties.
SARS	South African Revenue Service

## Appendix 1

### PoPIA – The 8 Conditions

Chapter 3 of PoPIA defines the eight conditions for the lawful processing of personal information. For ease of reference a brief definition of each condition is given below:

- 1. Accountability:**  
The Responsible Party must ensure the conditions stipulated in the Act are complied with.
- 2. Processing Limitation:**  
Personal information must be processed lawfully and in a reasonable manner that does not infringe upon the privacy of the Data Subject.
- 3. Purpose Specification:**  
Personal information must be collected for a specific, explicitly defined, and lawful purpose related to the function or activity of the Responsible Party.
- 4. Further Processing Limitation:**  
Further processing of personal information must be in accordance or compatible with the initial purpose for which it was collected.
- 5. Information Quality:**  
A Responsible Party must take reasonable and practical steps to ensure that the personal information is complete and accurate, updated where necessary and must not be misleading.
- 6. Openness:**  
When collecting personal information, the Responsible Party must take reasonable and practical steps to ensure that the Data Subject is aware of the collection and the purpose of collection.
- 7. Security Safeguards:**  
The Responsible Party must secure the confidentiality, integrity, and availability of personal information in its possession or under its control.
- 8. Data Subject Participation:**  
Data Subjects have the right to know whether a Responsible Party holds any of their personal information.