Manual in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

FOR

CHAINEX HOLDINGS PROPRIETARY LIMITED

(Registration no. 2017/515816/07)

AND

CHAINEX PROPRIETARY LIMITED

(Registration no. 2017/439541/07)

hereinafter collectively referred to as "**ChainEX**"

TABLE OF CONTENTS

Preamble

Introduction

Section 1 – ChainEX details

Section 2 – The SAHRC guide

Section 3 – Information available in terms of PAIA and POPIA and information held by ChainEX

Section 4 – Information available in terms of other legislation

Annexure A – Request for access to record of private body

Annexure B – Fees in respect of private bodies

PREAMBLE

Section 51 of the Promotion of Access to Information Act No. 2 of 2000, ("PAIA") requires that ChainEX compile a manual to inform the public of the procedure to follow when requesting information from ChainEX for the purpose of exercising or protecting rights.

This manual may be amended from time to time and any new versions of the manual will be made public.

INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (“the Act” or “PAIA”) gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights.

The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet, as well as the grounds for refusing requests.

The Act also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.

This Manual informs requesters of procedural and other requirements which a request for information must meet, and further, this Manual in its entirety is available for inspection, free of charge, at the ChainEX offices and on the ChainEX website.

SECTION 1 – CHAINEX DETAILS

Full registered name	ChainEX Holdings Proprietary Limited (Registration number 2017/515816/07) ChainEX Proprietary Limited (Registration Number 2017/439541/07)
Registered address	1st Floor, The Green Room Jbay 2A Da Gama Road Jeffrey's Bay 6330
Postal address	1st Floor, The Green Room Jbay 2A Da Gama Road Jeffrey's Bay 6330
Information officer	Henco Vorstman
Email address for information requests	support@chainex.io

SECTION 2 – THE SAHRC GUIDE

The South African Human Rights Commission ("SAHRC") is required, as directed by the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC website;

Any enquiries in this regard, enquiries should be directed to:

The South African Human Rights Commission

PAIA Unit

The research and Documentation Department

Private Bag 2700

Houghton

2041

Telephone: (011) 877-3600

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

SECTION 3 – INFORMATION AVAILABLE IN TERMS OF PAIA & POPIA AND INFORMATION HELD BY CHAINEX

1. CATEGORIES

1.1. INFORMATION

ChainEX holds the following categories of information in terms of PAIA and the Protection of Personal Information Act 4 of 2013 ("POPIA"):

1.1.1. Statutory Company Information

- Certificate of Incorporation;
- Certificate to commence business;
- Certificate of Change of Name (if any);
- Memorandum of Incorporation;
- Minute Book, waivers, and resolutions of shareholders and directors;
- Securities register;
- Directors' register;
- Copies of all share certificates;
- Annual Financial Statements including:
    - Annual accounts;
    - Directors' reports;
    - Auditor's reports; and
- Books of account regarding information required by the Companies Act 71 of 2008.

1.1.2. Financial Records

- Financial statements;
- Banking records;
- Books of account including journals and ledgers;
- Reports and returns, statements and receipts; and
- Debtors and creditors lists, statements and invoices.

1.1.3. Employee Records

- Employees' names and occupations;
- Date of birth of each employee;
- IRP 5 certificates of employees;
- Remuneration paid to each employee;
- Staff records;
- Employee contracts; and

- Human Resources Policies.

1.1.4. Agreements and Contracts

- Agreements with contractors and third-party suppliers; and
- Purchase or lease agreements (if applicable).

1.1.5. Taxation

- Copies of all relevant tax documents.

1.1.6. Information Technology

- Hardware;
- Operating systems;
- Software packages;
- Agreements;
- Licenses; and
- Equipment registers.

1.1.10. Legal

- Records of legal proceedings (if applicable).

1.2. DATA SUBJECTS AND INFORMATION

The categories of data subjects and the categories of information that will be held and/or processed for each category includes:

1.2.1. Employees and potential employees:

- Name, contact details, identity number; and other employee identifiable information;
- Employment history and references (if any);
- Banking and financial details;
- Details of payments to third parties (i.e. deductions from salary); and
- Other information not specified but reasonably required to be processed for business operations.

1.2.2. Vendors / suppliers / other business relationships:

- Name, contact details, identity number and/or company information and directors' information (where applicable) and other vendor / supplier identifiable information;
- Banking and financial details;
- Information about products or services;
- Information pertaining to the relationship with ChainEX; and
- Other information not specified but reasonably required to be processed for business operations.

1.2.3. Customer information:

- Name, contact details, identity number and/or company information and directors' information (where applicable) and other information which may be required to verify a customer's identity under applicable regulations on Anti-Money Laundering and Countering the Financing of Terrorism;
- Banking and financial details (if applicable);
- Support correspondence and other information pertaining to the customer's relationship with ChainEX (if applicable); and
- Other information not specified but reasonably required to be processed for business operations.

1.3. RECIPIENTS OF INFORMATION

The following persons / entities may be recipients of information from ChainEX:

Any entity within the group of companies to which ChainEX belongs, including holding and subsidiary companies, and companies under common control;

Any firm, organisation or person who provides ChainEX with products or services;

Any payment system which ChainEX uses;

Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities and/or law enforcement, where ChainEX has a duty to share information;

Third parties to whom payments are made on behalf of employees, including pension funds and medical schemes (if applicable);

Financial institutions from whom payments are received on behalf of data subjects;

Employees, contractors and temporary staff;

Legal entities ChainEX has partnered with for purposes of business operations; and

Agents (if applicable).

2. PURPOSES OF PROCESSING

The purpose of processing data subjects' personal information will include:

2.1. For employee purposes:

- Verification of a job applicant's information during the employment application process;

- General matters and/or administration relating to personnel including processing of payroll, medical aid, provident funds or any other benefits;
- Disciplinary action;
- Training; or
- Any other reasonably required purpose relating to the employment or possible employment relationship.

2.2. For vendors / suppliers / other business relationships:

- Verifying information and performing required checks;
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- Payment;
- Complying with relevant regulatory or other obligations;
- Reporting; or
- Any other reasonably required purpose relating to the ChainEX business.

2.3. For customers:

- Verifying information and performing required checks in accordance with Know Your Customer (KYC), Anti-Money Laundering (AML, Counter-Terrorist Financing (CFT) and sanctions screening requirements;
- In order to provide clients with products and services and otherwise manage and maintain clients' accounts;
- To communicate with clients and respond to clients enquires and disputes;
- To prevent fraudulent or unauthorised use of the ChainEX products and services;
- To better manage our business and clients' relationship with us;
- To improve our products and services, and to develop new products and services;
- To notify clients about benefits and changes to the features of our products and services;
- To provide clients with personalised advertising and marketing; and
- In order to comply with any subpoena or other valid legal request, including from law enforcement and/or regulatory bodies.

3. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

ChainEX currently foresees the following reasons for possible trans-border flow of personal information, which it undertakes to do in compliance with POPIA:

- Storing information electronically;
- Making use of third-party service providers to fulfil a business function on behalf of the company;
- Use of operating systems implemented by ChainEX; and
- Any transfers of information cross-border as required and mandated by service providers and/or regulators.

4. INFORMATION SECURITY MEASURES

ChainEX implements the following general processes and procedures as reasonable measures to protect the integrity and confidentiality of personal information:

- general awareness and training programs;
- retention policies for information;
- secure systems and devices (where appropriate);
- undertakings from third party suppliers who have access to personal information;
- information security policies and processes; and
- process for reporting risks identified or security breaches.

5. PROCESS FOR REQUESTING ACCESS TO INFORMATION

A requester requiring access to information held by ChainEX is to make such a request in the prescribed form and submit the request to ChainEX at the postal or physical address as set out above.

The request form is annexed hereto as Annexure A and is also available from:

- The SAHRC website (www.sahrc.org.za); or
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of PAIA. Details of these fees are contained in Annexure A and Annexure B of this ChainEX Manual. The requester is required to pay the prescribed fee, and deposit where applicable, before the request will be considered.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access to information is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

6. GROUNDS FOR THE REFUSAL OF ACCESS TO RECORDS

ChainEX may refuse a request for information on, inter alia, the basis of any of the following, as provided for in terms of Chapter 4 of the Act:

The mandatory protection of the privacy of a third party who is a natural person, to avoid the unreasonable disclosure of personal information which concerns such natural person, irrespective of whether such person is alive or deceased at the time of such request;

The mandatory protection of the commercial information of a third party, if the record contains:

- trade secrets pertaining to a third party;
- financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would or could be likely to cause harm to the commercial or financial interests of that third party; or
- information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or to prejudice that third party in commercial competition;

The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement;

The mandatory protection of the safety of individuals, and the protection of property;

The mandatory protection of records which would be privileged from discloser in legal proceedings;

The protection of the Organisation's commercial activities which shall include but not limited to records which contain:

- the Organisation's trade secrets;
- financial, commercial, customer, scientific or technical information, which, if disclosed could or would be likely to cause harm to the Organisation's commercial or financial interests;
- information, the disclosure of which could reasonably be expected:
    - to put the Organisation at a disadvantage in contractual or other negotiations; or

- to prejudice the Organisation in commercial competition;
- computer programs owned by the Organisation and defined as such in terms of the Copyright Act, No 98 of 1978;

The mandatory protection of research information of the Organisation or a third party, if disclosure would expose the identity of the Organisation or the third party, the researcher or the subject matter of the research to serious disadvantage; and/or

Requests for information that are, in the Organisation's reasonable opinion, manifestly frivolous or vexatious or which involve a substantial and unreasonable diversion of resources

SECTION 4 – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable, information is available in terms of the following legislation to the persons or entities specified in such legislation. Where we are required to retain records and documents in terms of the provisions of the following statutes we do so:

- Basic Conditions of Employment Act 75 of 1997;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Financial Advisory and Intermediary Services Act, No 37 of 2002;
- Financial Intelligence Centre Act, No 38 of 2001;
- Income Tax Act No. 58 of 1962;
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- Occupational Health and Safety Act. 85 of 1993;
- Promotion of Access of Information Act 2 of 2000;
- Protection of Personal Information Act 4 of 2013;
- Skills Development Levies Act, 9 of 1999
- Tax Administration Act 28 of 2011;
- Telecommunications Act, 103 of 1996
- Unemployment Insurance Act 63 of 2001; and
- Value-added Tax Act 89 of 1991.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

(a)	The particulars of the person who requests access to the record must be given below.
(b)	The address and/or fax number in the Republic to which the information is to be sent must be given.
(c)	Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number: E-mail address:

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

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

D. Particulars of record

(a)	Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b)	If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

(a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be *notified of* the amount required to be paid as the request fee.
(c) 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.
(d) If you qualify for exemption *of* the payment *of* any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability: Form in which record is required:	Form in which record is required

Mark the appropriate box with an X.

NOTES:

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

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

	copy of record*		inspection of record

2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	view the images		copy of the images"		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record"		copy in computer readable form* (stiffy or compact disc)

'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding 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…….. This…… day of ……..20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000.

The fees chargeable by private bodies are contained in Part III of Annexure A of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. COPIES OF A MANUAL

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. REPRODUCTION FEES

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure A to the Regulations.

3. ACCESS FEES

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure A to the Regulations.

4. OTHER FEES

4.1. A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.

4.2. A search fee may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

4.3. If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours, the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

4.4. If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

Promotion of Access to Information Regulations, 2002

Annexure A

Part III

Fees in respect of private bodies

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

		R
(a)	for every photocopy of an A4-size page or part thereof	1,10
(b)	for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)	for a copy in a computer-readable form on –	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
(d)	(i) for a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) for a copy of visual images	60,00
(e)	(i) for a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) for a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

		R
(1)		
(a)	for every photocopy of an A4-size page or part thereof	1,10
(b)	for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)	for a copy in a computer-readable form on –	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
(d)	(i) for a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) for a copy of visual images	60,00

(e) (i) for a transcription of an audio record, for an A4-size page or part thereof 20,00

(ii) for a copy of an audio record 30,00

(f) to search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

(2) for purposes of section 54(2) of the act, the following applies:

(a) six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(3) the actual postage is payable when a copy of a record must be posted to a requester.