

Landmark Financial Services (Pty) Ltd

FSP 50953

CIPC Registration Number: 2020/063783/07

PAIA MANUAL

**Prepared in terms of section 51 of the Promotion
of Access to Information Act 2 of 2000 (as
amended)**

1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------------|--------------------------------------------------------------------|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF LANDMARK FINANCIAL SERVICES

3.1. Chief Information Officer

Name: Selabe Ebenezer Mothupi
Tel: 051 011 3983
Email: smothupi@landmarkfs.co.za

3.2. Deputy Information Officer

Name: Tshepo Mooko
Tel: 051 011 3983
Email: tshepomooko@landmarkfs.co.za

3.3 Access to information general contacts

Name: Charmain April
Email: info@landmarkfs.co.za

3.4 Head Office

Physical Address: Office 7, Bermakor Park
52 Reid Street
Westdene
Bloemfontein
9301

Postal Address: Office 7, Bermakor Park
52 Reid Street
Westdene
Bloemfontein
9301

Website: <http://www.lmfs.co.za/index>

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the 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.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³;
and

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. 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 POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

4.3.10. the regulations made in terms of section 92¹¹.

4.4. 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.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available in the following official language, for public inspection during normal office hours; **8am to 4pm, Mondays to Fridays**

4.6.1 English

5. CATEGORIES OF RECORDS OF LANDMARK FINANCIAL SERVICES WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available upon request
	Memorandum of Incorporation FIC GoAML Registration CIPC B-EEE Certificate FSCA FSP License Information Regulator Certificate PAIA AND POPIA Manuals	X

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-
(a) any matter which is required or permitted by this Act to be prescribed;
(b) any matter relating to the fees contemplated in sections 22 and 54;
(c) any notice required by this Act;
(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

6. DESCRIPTION OF THE RECORDS OF LANDMARK FINANCIAL SERVICES WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Applicable Legislation
Companies Act 71 of 200
Promotion of Access to Information Act 2 of 2000 - PAIA
Protection of Personal Information Act 4 of 2013 - POPIA
Consumer Protection Act 68 of 2008
King IV Report on Corporate Governance for South Africa
Protection of Constitutional Democracy Against Terrorist and Related Activities Amendment Bill,2021
Prevention of Organised Crime Act 1998
Income Tax Act of 1962
The Compensation for Occupational Injuries and Diseases Act of 130 of 1993
FAIS Act 37 of 2002
Financial Intelligence Centre Act of 2001
Value-Added Tax Act 89 of 1991 (Section 65), as amended

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY LANDMARK FINANCIAL SERVICES

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan, Succession Plan, Financial Accounting Plan, Risk Management and Compliance Plan, Operations Manual
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

- *To establish a potential client's identity, source of wealth and income, nature and purpose of required business transaction, political and prominence exposure and possible sanctions as per the FICA Act.*
- *To conduct due diligence in line with Directive 8 as per the FIC Act, when employing new representatives and any other support staff.*

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
S29,S28 Reporting	Financial Intelligence Centre
Matter relating to Representatives	Financial Sector Conduct Authority

8.4 Planned transborder flows of personal information

➤ *Not applicable to our FSP*

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

➤ *Anti-virus and Anti-Malware Solutions.*

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on <http://www.lmfs.co.za/index>

9.1.2 head office of the **LANDMARK FINANCIAL SERVICES** for public inspection during normal business hours;

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

9.1.4 to the Information Regulator upon request.

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

9.3 Refer attached *Form 3: Outcome of Request and Fees payable*

9.4 Refer attached *Form 2: Request to access for records*

10. UPDATING OF THE MANUAL

Tshepo Mooko will on a regular basis update this manual.

Issued by

Selabe Eben Mothupi

(Chief Information Officer)

Date: 01 June 2024

Signature: _____

Tshepo Mooko

(Deputy Information Officer)

Date: 01 June 2024

Signature: _____