



PAIA Manual: Maitland Group South Africa Limited

Version 3

April 2022



maitlandgroup.com

Guernsey | Luxembourg | South Africa | United Kingdom

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MAITLAND GROUP SOUTH AFRICA LIMITED

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT

1. PREAMBLE

Section 51 of the Promotion of Access to Information Act No.2 of 2000, (“the Act”), as amended by the Protection of Personal Information Act no. 4 of 2013 (“POPIA”) requires that Maitland Group South Africa Limited (“Maitland”), as a private body must compile a manual giving information to the public regarding the procedure to be followed in requesting information from Maitland for the purpose of exercising or protecting rights in accordance with data protection constraints.

2. INTRODUCTION

2.1 Maitland is a fund administration services provider.

2.2 Maitland offers fund, jurisdiction and legal vehicle agnostic, services across a wide range of fund types, both traditional long-only and alternative. These include fund of funds, multi-class funds, pooled funds, segregated portfolios, collective investment schemes, exchange traded funds, Shariah funds and life and pension funds. Maitland also administers hedge funds and offers an end-to-end private equity and real estate fund administration service.

2.3 This manual documents the categories of information held by Maitland and aims to assist potential requestors in requesting access to information from Maitland as contemplated under the Act.

2.4 The following words or expressions bear the following meanings in this manual:

2.4.1 “**the Act**” means the Promotion of Access to Information Act No.2 of 2000, together with the regulations and rules published in terms of this Act;

2.4.2 “**Manual**” means this manual together with its annexures, as amended from time to time, made available at the offices of Maitland.

3. COMPANY DETAILS

Maitland Group South Africa Limited

Registration Number: 1981/009543/06

Registered Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700

Street Address: Maitland House 1, River Park, Gloucester Road, Mowbray, 7700, Cape Town

Postal Address: PO Box 3149, Cape Town 8000

Telephone: +27 (0) 21 681 8000

Fax: +27 (0) 21 681 8100

Website: <https://www.maitlandgroup.com/>

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4. THE OFFICIAL GUIDE

4.1 The Information Regulator has, in terms of section 10(1) the Act, as amended, updated and made available the revised Guide on how to use the Act (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and POPIA.

4.2 The Guide can also be obtained from the website of the Information Regulator (<https://info regulator.org.za>)

4.3 Any queries should be directed to:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Website: <https://info regulator.org.za>

Email: enquiries@info regulator.org.za

5. AVAILABILITY OF MANUAL

5.1 This manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of Maitland.

5.2 Copies of the manual may be made, subject to the prescribed fees.

5.3 The manual is also posted on Maitland’s website at <https://www.maitlandgroup.com>

5.4 A copy of the manual is available to the Information Regulator upon request.

6. THE PURPOSE OF PROCESSING PERSONAL INFORMATION

6.1.1 If you are a natural person or a Juristic Person who is a client of Maitland, directly or indirectly – for example as a shareholder or a director or officer of a corporate entity to

which we provide regulated services in South Africa or a related party or advisor then we will collect and use your data to enable us to meet our contractual obligations.

6.1.2 We also have regulatory obligations, including compliance with anti-money laundering (“AML”) regulations which necessitate processing of your personal data.

6.1.3 Depending on the services you require of us we process your personal data:

- (a) To perform due diligence and comply with legal regulatory obligations (including anti-money laundering legislation);
- (b) To perform our client take on process and client reviews;
- (c) To perform transaction monitoring;
- (d) To make payments;
- (e) To raise and send invoices;
- (f) At termination of any relationship involving a data subject;
- (g) To conduct internal reviews and compile internal reports;
- (h) For internal administration such as scanning and saving of documentation;
- (i) For record keeping purposes including quality control processes;
- (j) To generate reports for data subjects;
- (k) In compliance with any request from an auditor, or a regulatory or supervisory body;
- (l) To generate and distribute legal entity correspondence;
- (m) To complete tax returns;
- (n) For the submission of FATCA/CRS reports;
- (o) In the establishment of bank accounts and interaction with banks;
- (p) To provide information to our investors, banks or other financing institution or in the event of any merger, acquisition or divestment in accordance with Maitland Group South Africa Limited’s legitimate business interests;
- (q) To otherwise fulfil your instructions, to provide services according to our engagement, or comply with our obligations.

6.1.4 For the avoidance of doubt, you may refuse to provide us with your personal data. In that case, we would likely not be able to provide you with our services.

7. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION PROCESSED BY THE COMPANY

Categories of data subjects and personal information processed by the Company include the following:

<i>Categories of Data Subject</i>	<i>Personal Information Processed</i>
Clients / Prospective Clients: Natural Persons	Names; contact details; physical and postal addresses; dates of birth; identification numbers; financial information; nationality; confidential correspondence.
Clients / Prospective Clients: Juristic Persons	Names of contact persons; name of legal entity; physical / postal addresses and contact details; financial information; registration number; founding documents and related information; authorised signatories; information of connected parties and Ultimate Beneficial Owners.
Contracted Service Providers / Vendors	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; authorised signatories; BEE Certificates.
Employees / Potential Employees / Contracted staff members	Gender; marital status; race; age; language; identity number; physical and postal addresses and contact details; financial information; pregnancy status; shareholder scheme information; educational information, employment history, medical history, criminal history, opinions.
Maitland Group Companies: Juristic Persons	Name of legal entity; physical / postal addresses and contact details; statutory information; financial information.

8. CATEGORIES OF INFORMATION INsofar AS THE ACT IS CONCERNED

The list of subjects and categories of information held by the Company includes the following:

8.1 Statutory Company Information

- 8.1.1 Memorandum and Articles of Association/Memorandum of Incorporation
- 8.1.2 Certificates issued by the Registrar of Companies
- 8.1.3 Company resolutions
- 8.1.4 Proxy forms
- 8.1.5 Company forms lodged with the Registrar in terms of the Companies Act, Minute books
- 8.1.6 Share registers
- 8.1.7 Director's attendance registers
- 8.1.8 Shareholder agreements

8.2 Accounting Records

8.2.1 Annual financial statements

8.2.2 Books of account

8.2.3 Fixed Asset Registers

8.2.4 Client Invoices

8.2.5 Supplier Invoices and

8.2.6 Auditor's reports

8.2.7 Income Tax returns

8.2.8 Value Added Tax returns

8.3 Banking Details

8.3.1 Bank facilities and account details

8.3.2 Overdraft facilities

8.3.3 Bank statements

8.3.4 Bank signatory forms

8.3.5 Other banking records and agreements

8.4 Human Resources / Employment Records

8.4.1 Pay as You Earn (PAYE) records

8.4.2 Contracts of employment

8.4.3 Personnel files

8.4.4 Disciplinary records

8.4.5 Schedule of shares

8.4.6 Employee benefit records

8.4.7 Salary and wage register

8.4.8 Provident fund agreement, rules and actuarial valuation reports

8.4.9 Minutes of meetings of trustees and members of provident fund

8.4.10 Provident fund contribution reports

8.4.11 Attendance and leave registers

8.4.12 Expense accounts

8.4.13 Group life

8.4.14 Human resource policies and codes of conduct

- 8.4.15 Training manual
- 8.4.16 Medical Aid Administration
- 8.5 Client Information
 - 8.5.1 Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.
 - 8.5.2 Documentation and other information received from third parties.
 - 8.5.3 Correspondence with clients.
 - 8.5.4 Correspondence with third parties.
 - 8.5.5 Information prepared by employees for clients, including opinions, memoranda and reports.
 - 8.5.6 Other information relating to, or held on behalf of, clients
- 8.6 Insurance Records
 - 8.6.1 Insurance policies taken out for the benefit of Maitland and its employees, including:
 - 8.6.2 Group life assurance and disability income protection insurance;
 - 8.6.3 Professional indemnity insurance in respect of Maitland.
 - 8.6.4 Directors and Officers liability cover.
- 8.7 Immovable And Movable Property
 - 8.7.1 Agreements of lease of immovable property occupied by Maitland.
 - 8.7.2 Credit sale agreements and/or hire purchase agreements.
 - 8.7.3 Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.
- 8.8 Information Technology
 - 8.8.1 Computer software, support and maintenance agreements.
 - 8.8.2 Other documentation pertaining to computer systems and computer programmes held by Maitland.
- 8.9 Sales And Marketing
 - 8.9.1 Brochures, Newsletters and Advertising Materials
 - 8.9.2 Marketing agreements
- 8.10 Miscellaneous Agreements
 - 8.10.1 Loans from third parties (including banks).
 - 8.10.2 Loans to third parties.
 - 8.10.3 Suretyship agreements.

- 8.10.4 Security agreements, guarantees and indemnities.
- 8.10.5 Agency, management and distribution agreements.
- 8.10.6 Agreements with suppliers.
- 8.10.7 Confidentiality and/or non-disclosure agreements.
- 8.10.8 Any other relevant agreements.

9. **RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

Records are kept in accordance with such other legislation as is applicable to Maitland which includes, but is not limited to, the following:

- 9.1 Income Tax Act 58 of 1962
- 9.2 Financial Advisory and Intermediary Services Act 37 of 2002
- 9.3 Financial Intelligence Centre Act, 38 of 2001
- 9.4 Value Added Tax Act 89 of 1991
- 9.5 Occupational Health and Safety Act 85 of 1993
- 9.6 Labour Relations Act 66 of 1995
- 9.7 Basic Conditions of Employment Act 75 of 1997
- 9.8 Employment Equity Act 55 of 1998
- 9.9 Prevention of Organised Crime Act 121 of 1998
- 9.10 Protection of Constitutional Democracy against Terrorism and Related Activities Act No. 33 of 2004
- 9.11 Protection of Personal Information Act no. 4 of 2013
- 9.12 Medical Schemes Act 131 of 1998
- 9.13 Skills Development Levies Act 9 of 1999
- 9.14 Unemployment Insurance Act 63 of 2001
- 9.15 Unemployment Insurance Contributions Act 4 of 2002
- 9.16 Companies Act 71 of 2008

10. **INFORMATION AUTOMATICALLY AVAILABLE**

- 10.1 The following categories of records are automatically available for inspection, or photocopying without having to be requested in terms of the Act:
 - 10.1.1 Newsletters
 - 10.1.2 Booklets

10.1.3 Pamphlets / Brochures

10.1.4 Reports of a public nature

10.1.5 Other information intended for public viewing.

10.2 The only fee payable for access to the records listed in this clause 10 is a prescribed fee for reproduction.

11. RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM PERSONAL INFORMATION IS SUPPLIED

Maitland's business and the services you request of us require transfers to many third parties, often at your request, and at other times transferring data to a third party is necessary to perform our contract with you (for example if you ask us to open a bank account for a legal entity or where other advisors or service providers are engaged) or for Legal/Regulatory reasons. A non-exhaustive list of potential transfers includes:

11.1 Collecting and sending documents for external audits of client entities;

11.2 Collecting and sending documents for external audits of Maitland entities;

11.3 Publications onto the public record, such as companies registries or beneficial ownership registers;

11.4 Publications with regulators;

11.5 FATCA/CRS filings onto approved external platforms;

11.6 Sending information to external parties such as notaries and other advisors or service providers on behalf of serviced clients

11.7 For legitimate business purposes your personal data may be shared with any investor, potential investor, acquirer, bank or financial institution investing in or considering investing in Maitland Group South Africa or any of the Maitland Group companies.

12. SHARING OF AML INFORMATION WITH BANKS, CUSTODIANS, BROKERS, ADVISORS, AUDITORS OR PORTFOLIO MANAGERS

Brokers, Banks, Custodians, Advisors, Auditors and Portfolio Managers may require information on you for their own due diligence to comply with regulations, we share the information you provide to us with them for this purpose.

13. TRANSBORDER FLOW OF PERSONAL INFORMATION

13.1 As a result of contracting with Maitland your personal data will be processed in South Africa and is subject to POPIA in addition, as an entity which offers goods and services into the European Union, where we process personal data of data subjects' resident in the Union the GDPR also applies to us. Your personal data may be processed by any of the Maitland offices, inside and outside the European Union or South Africa. There are agreements in place between the Maitland offices to protect your data to GDPR / POPIA compliant standards. Should you require further information please contact the Information Officer.

13.2 Additionally your data may be entered into our accounting and/or billing systems, and our document management systems and your data may be processed by our sub-processors including our retail investment technology and third party service providers or outsourcing technology companies, including cloud services providers, in such cases, where data is processed outside of the European Union, the appropriate safeguards are in place. It may also be provided externally to banks, regulators, auditors, advisors (including, but not limited to, legal advisors), supervisory or governmental bodies as well as those appointed as directors and shareholders. At your request we will transfer your personal data to a new service provider.

14. **INFORMATION SECURITY MEASURES TO PROTECT PERSONAL INFORMATION**

14.1 Maitland is committed to developing appropriate safeguards to make sure that personal data is kept secure and confidential, and is protected against reasonably anticipated threats to its security or integrity, and against unauthorised access or use that might result in substantial harm or inconvenience to data subjects

14.2 Reasonable technical and organisational measures are implemented for the protection of personal information processed by the Company.

14.3 The Company continuously implements and monitors technical and organisational security measures to protect personal information against unauthorised access as well as accident or wilful manipulation, loss or destruction.

14.4 Maitland's Information Security Statement which is available on the Maitland Group website at <https://www.maitlandgroup.com> provides more information about the steps we are taking to protect information which is being processed.

15. **REQUEST PROCEDURES**

Any and all records shall only be made available subject to the provisions of the Act.

15.1 Form Of Request

15.1.1 When making a request to access a record, the requester must use the prescribed form (refer to Annexure B), addressed to the head of the body.

15.1.2 The requester must provide sufficient detail on the request form to allow for the identification of the record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in the Republic.

15.1.3 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

15.1.4 If a request is being made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request.

15.2 Fees

15.2.1 A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee.

15.2.2 Where fees are payable these are detailed in the request form.

15.2.3 If the request is granted, a further fee will be payable for the search, preparation and reproduction of the record.

15.2.4 The requester may lodge an application to the court against the tender or payment of the request fee or may lodge a complaint with the Information Regulator.

15.3 Decision

15.3.1 The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request, providing reasons to that effect.

15.3.2 The 30 day period within which the Company has to decide whether to grant or refuse a request may be extended for a further period of not more than 30 days if reasonably required under the circumstances.

15.3.3 If the request for access is refused the requester may lodge an application to court or alternatively, lodge a complaint with the Information Regulator.

15.4 Grounds for Refusal

15.4.1 Maitland has the right to refuse a request for information based on any of the following grounds:

- (a) Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- (b) Mandatory protection of the commercial information of a third party, if the record contains:
 - (i) Trade secrets of that third party;
 - (ii) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - (iii) Information disclosed in confidence by a third party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- (c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- (d) Mandatory protection of the safety of individuals and the protection of property;
- (e) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- (f) The information relates to the commercial activities of Maitland, which may include:
 - (i) Trade secrets of Maitland;
 - (ii) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Maitland;
 - (iii) Information which, if disclosed, could put Maitland at a disadvantage in negotiations or commercial competition;

(iv) A computer program which is owned by Maitland and which is protected by copyright.

(g) The research information of Maitland or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

15.4.2 A request for information that is clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources will be refused.

16. **PRESCRIBED FEES AND FORMS IN RESPECT OF PRIVATE BODIES**

The prescribed fees and form for requests to private bodies, are attached to this manual, marked "Annexure A" and "Annexure B" respectively and are available on the website of the Information Regulator <https://inforegulator.org.za/>.

SCHEDULE 1

Annexure A – Fee Schedule

ANNEXURE A: FEE SCHEDULE

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I

FEES IN RESPECT OF GUIDE

The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II

FEES IN RESPECT OF PUBLIC BODIES

Not applicable to Maitland

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:
 - (a) For every photocopy of an A4-size page or part thereof R1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - (c) For a copy in a computer-readable form on -
 - (i) stiffy disc R7,50
 - (ii) compact disc R70,00
 - (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
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:
 - (1)(a) For every photocopy of an A4-size page or part thereof R1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - (c) For a copy in a computer-readable form on -
 - (i) stiffy disc R7,50
 - (ii) compact disc R70,00
 - (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
 - (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.

