

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

**For**

**Schindlers Digital Assets Pty Ltd**

Registration no. 2022/333451/07

**And**

**SchindlersX** (A real-world asset exchange)

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## List of Acronyms and Abbreviations

- CEO: Chief Executive Officer
  - DIO: Deputy Information Officer
  - IO: Information Officer
  - Minister: Minister of Justice and Correctional Services
  - PAIA: Promotion of Access to Information Act No. 2 of 2000
  - POPIA: Protection of Personal Information Act No. 4 of 2013
  - Regulator: Information Regulator
  - Republic: Republic of South Africa
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## 1. Introduction

Schindlers Digital Assets Pty Ltd supports a culture of transparency and accountability in its environment and aims to ensure that members of the public have effective access to information in its possession which will assist them in the exercise and protection of their rights. These will, however, always be subject to limitations in terms of the law, particularly in terms of Schindlers Digital Assets Pty Ltd's obligations to protect personal information.

### 1.1. Promotion of Access to Information Act

PAIA was assented to on 2 February 2000 and commenced on 9 March 2001. The fundamental purpose of PAIA is to give effect to section 32 of the Constitution of the Republic of South Africa Act 108 of 1996 (the "Constitution"), being the constitutional right of access to any information held by the State or by any other person that is required to provide such access for the exercise or protection of any rights.

Where a Request for Access is made in terms of section 50 of PAIA, a Private Body to which the request is made is obliged to release the records or information, except where PAIA expressly provides that records or information may or must be withheld. PAIA sets out the requisite procedures to be followed by a requester when making a request for access.

### 1.2. Protection of Personal Information Act

The Protection of Personal Information Act ("POPIA") came into operation on 26 November 2013. Broadly, the purpose of POPIA is to give effect to the constitutional right to privacy by protecting personal information and regulating the free flow and processing of personal information. POPIA sets minimum conditions which all Responsible Parties must comply with so as to ensure that Personal Information is respected and protected. These minimum conditions are the Conditions for Lawful Processing and are more fully described below.

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## **2. Scope**

This manual applies to the following:

- Schindlers Digital Assets Pty Ltd
- SchindlersX

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## **3. PAIA Guide**

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.

The Guide is available in each of the official languages and in braille and can be accessed on the Information Regulator's website.

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## **4. Purpose of this Manual**

The purpose of this manual is to foster a culture of transparency and accountability within Schindlers Digital Assets Pty Ltd in respect of the protection of personal information and access to information and to give effect to both the constitutional right of access to information, where that information is required for the exercise or protection of the right to privacy in relation to POPIA.

For the purposes of PAIA, this manual details the procedure to be followed by a requestor and the manner in which a request for access shall be facilitated.

For the purposes of POPIA, this manual, amongst other things, details:

- the purpose for which personal information may be processed;
- the categories of data subjects for whom Schindlers Digital Assets Pty Ltd processes personal information;
- the categories of personal information relating to such data subjects;
- and, the recipients to whom personal information may be supplied.

For further information about Schindlers Digital Assets Pty Ltd's processing of customer personal information, please see our global customer privacy notice on our website.

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## **5. Records Held**

### **5.1. Records automatically available**

Automatically available records are those that a public or private body will provide without the need for a requester to submit a PAIA request. For the avoidance of doubt, you do not have to fill out and submit the form in Annexure A to ask for these records.

Most records in this category are unlikely to contain sensitive information, including personal information, and are usually available on our website, [SchindlersX Website](#), or can be requested by email.

The following are examples of the types of records that are automatically available:

- Newsletter and articles
- Adverts and promotions
- Public-facing policies and procedures
- Privacy and cookies notices
- Help centre articles
- Proof of reserves reports

### **5.2. Records available in terms of legislation**

Where applicable to our operations, information is also available and/or we also retain records and documents where we are required to do so in terms of the provisions of the following statutes:

- 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;
- Protection of Personal Information Act 4 of 2013;
- Tax Administration Act 28 of 2011;
- Unemployment Insurance Act 63 of 2001; and

- Value-added Tax Act 89 of 1991.

### **5.3. Other records**

The following records are classified and grouped as follows:

#### **Statutory Company Information**

- Certificate of Incorporation
- Securities register
- Certificate of Change of Name (if any)
- Memorandum of Incorporation
- Certificate to commence business
- 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; and
  - Auditor's reports
- Books of account regarding information required by the Companies Act 71 of 2008

#### **Financial Records**

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

#### **Human Resources Records**

- Employees' names and occupations
- Remuneration paid to each employee
- Date of birth of each employee
- Staff records (after date of employment ceases)
- IRP 5 certificates of employees
- Employee contracts
- Human resources policies and procedures

## **Fixed Property**

- Lease agreements

## **Agreements and Contracts**

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

## **Taxation**

- Copies of all relevant tax documents

## **Insurance**

- Insurance policies
- Claim records (if applicable)

## **Information Technology**

- Hardware
- Operating systems
- Software systems
- Agreements and licences
- Asset registers

## **Legal**

- Records of legal proceedings (if applicable)
- Licences and registrations

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## **6. Requesting Access to Information**

### **6.1. Procedure**

If you wish to request access to any categories of information referred to in Section 5 above, you are required to complete a request form as set out in Annexure A hereto. The Request for Access form must be completed with enough particularity to at least enable the Information Officer to identify the following:

- The record/s requested;
- The identity of the Requester;

- The form of access that is required, if the request is granted;
- The postal address or fax number of the Requester; and
- The right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.

Schindlers Digital Assets Pty Ltd will process the request for access within 30 days of receipt of such request, unless the request for access is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA.

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of PAIA. Details of these fees are contained in the request form in Annexure A, as well as in Annexure B hereto.

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.

## **6.2. Grounds for refusal**

It is important to note that access to information in Section 4 above 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.

Requests for access to information may be refused on grounds recognised in PAIA.

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## **7. Personal Information**

### **7.1. Categories of data subject and personal information processed**

This section sets out the categories of personal information that Schindlers Digital Assets Pty Ltd processes and the categories of data subjects the personal information relates to. For more detailed information, please refer to the Global Customer Privacy Notice on our website.

#### **Category of Data Subject | Category of Personal Information**

- Employees and Job Candidates
  - Name, contact details, identity number, and other employee identifiable information
  - Employment history and references
  - Banking and financial details
  - Details of payments to third parties (i.e. deductions from salary)

- Other information not specified but reasonably required to be processed for business operations such as background checks
- 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 Schindlers Digital Assets Pty Ltd
  - Other information not specified but reasonably required to be processed for business operations
- Customers and Prospective Customers
  - 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.
  - Biometric information
  - Banking and financial details (if applicable)
  - Transaction and product usage information
  - Other information not specified but reasonably required to be processed for business operations.
- Visitors
  - Physical and electronic access records
  - CCTV footage
  - Full name and contact details
  - Biometric information

## **7.2. Categories of recipients**

The following persons or legal entities may be recipients of information from Schindlers Digital Assets Pty Ltd:

- any entity within the group of companies to which Schindlers Digital Assets Pty Ltd belongs, including holding and subsidiary companies, and companies under common control;
- any firm, organisation or person who provides Schindlers Digital Assets Pty Ltd with products or services;
- any payment system which Schindlers Digital Assets Pty Ltd uses;
- regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities and/or law enforcement, where Schindlers Digital Assets Pty Ltd has a duty to share information;
- third parties to whom payments are made on behalf of employees, including pension funds and medical schemes;
- financial institutions from whom payments are received on behalf of data subjects;
- employees, contractors and temporary staff; and



- agents (if applicable).

### **7.3. Purposes of processing**

The purposes for processing data subjects' personal information include:

#### **For employment 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.

#### **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 Schindlers Digital Assets Pty Ltd business.

#### **For the provision of our services and related purposes:**

- 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 customers with products and services and otherwise manage and maintain customers' accounts;
- to communicate with customers and respond to customers enquiries and disputes;
- to prevent fraudulent or unauthorised use of our products and services;
- to better manage our business and customers' relationship with us;
- to improve our products and services, and to develop new products and services;
- to notify customers about benefits and changes to the features of our products and services;
- to provide customers 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.

For more information about our purposes for processing customer personal data, please refer to the Global Customer Privacy Notice on our website.

#### **7.4. Planned trans-border flows of personal information**

Schindlers Digital Assets Pty Ltd 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;
- reporting to its parent entity, and other entities within the Schindlers Digital Assets Pty Ltd group of companies (i.e. subsidiaries, holding companies, or entities under common control);
- use of operating systems implemented by Schindlers Digital Assets Pty Ltd; and
- any transfers of information cross-border as required and mandated by service providers and/or regulators.

#### **7.5. Information security measures**

Schindlers Digital Assets Pty Ltd 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.

#### **7.6. Requesting access to personal information**

You may request access to personal information relating to you by submitting a request to us via our privacy rights portal on our website. Subject to the validity of the request and presentation of satisfactory evidence of your identity (and, if applicable, your authority to act on behalf of the data subject), we will endeavour to respond to your request within 30 days.

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## **8. Availability of the Manual**

A copy of the Manual is available:

- on our website, [SchindlersX Website](#);
- at the head office of Schindlers Digital Assets Pty Ltd for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

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. Updating of the Manual

This manual will be updated regularly.

## Annexure A: Request for Access to Information Form

### FORM 2 REQUEST FOR ACCESS TO RECORD [Regulation 7]

#### NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

#### TO: The Information Officer

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(Address)

E-mail address: \_\_\_\_\_ Fax number: \_\_\_\_\_

Mark with an "X"

Request is made in my own name Request is made on behalf of another person.

**PERSONAL INFORMATION**

Full Names: \_\_\_\_\_ Identity Number: \_\_\_\_\_  
Capacity in which request is made (when made on behalf of another person):  
\_\_\_\_\_ Postal Address: \_\_\_\_\_ Street  
Address: \_\_\_\_\_ E-mail Address: \_\_\_\_\_  
Contact Numbers Tel. (B): \_\_\_\_\_ Facsimile:  
\_\_\_\_\_ Cellular: \_\_\_\_\_

**Full names of person on whose behalf request is made (if applicable)**

Identity Number: \_\_\_\_\_ Postal Address:  
\_\_\_\_\_ Street Address: \_\_\_\_\_ E-mail  
Address: \_\_\_\_\_ Contact Numbers Tel. (B):  
\_\_\_\_\_ Facsimile: \_\_\_\_\_ Cellular:  
\_\_\_\_\_

**PARTICULARS OF RECORD REQUESTED**

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

**Description of record or relevant part of the record:** \_\_\_\_\_ **Reference number, if available:** \_\_\_\_\_ **Any further particulars of record:** \_\_\_\_\_

**TYPE OF RECORD**

(Mark the applicable box with an "X")

Record is in written or printed form Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc) Record consists of recorded words or information which can be reproduced in sound Record is held on a computer or in an electronic, or machine-readable form

**FORM OF ACCESS**

(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form) Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches,

etc) Transcription of soundtrack (written or printed document) Copy of record on flash drive (including virtual images and soundtracks) Copy of record on compact disc drive(including virtual images and soundtracks) Copy of record saved on cloud storage server

**MANNER OF ACCESS**

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) Postal services to postal address Postal services to street address Courier service to street address Facsimile of information in written or printed format (including transcriptions) E-mail of information (including soundtracks if possible) Cloud share/file transfer

Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

Explain why the record requested is required for the exercise or protection of the aforementioned right: \_\_\_\_\_

**FEES**

a) A request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid. 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: \_\_\_\_\_

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address: \_\_\_\_\_ Facsimile: \_\_\_\_\_  
Electronic communication (Please specify): \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_

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Signature of Requester / person on whose behalf request is made

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### **Annexure B: Schedule of Fees for Private Bodies**

**The requester fee payable by every requestor R140.00**

**Photocopy** R2.00

**Printed copy** R2.00

**For a copy in a computer-readable form on:**

- (i) Flash drive- to be provided by requester R40.00
- (ii) Compact disc- to be provided by requestor R40.00
- (iii) Compact disc- to be provided by Organisation R60.00

**Transcription of visual images** Service to be outsourced

**Copy of visual images** Service to be outsourced

**Transcription of an audio record** R24.00

**For a copy in a computer-readable form on:**

- (i) Flash drive- to be provided by requestor R40.00
- (ii) Compact disc- to be provided by requestor R40.00
- (iii) Compact disc- to be provided by Organisation R60.00

**To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. Not to exceed the total cost of R435.00** R145.00

**Deposit: If search exceeds 6 (Six) hours One third of amount per request excluding requester fees, search and postage costs**

**Postage, email or any other electronic transfer:** Actual costs

