

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

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Owner	SUSAN VISSER

1 APPLICATION

- 1.1 This manual (**“the Manual”**) has been adopted in terms of the Promotion of Access to Information Act, 20 of 2000 (**“PAIA”**) and applies to Fairtree Asset Management (Pty) Ltd (**“Fairtree Asset Management”**), Fairtree Capital Hospitality (Pty) Ltd (**“Fairtree Hospitality”**) and Fairtree Private Client (Pty) Ltd (**“Fairtree Private Client”**).
- 1.2 Fairtree Asset Management, Fairtree Hospitality and Fairtree Private Client will hereinafter collectively be referred to as **“the Fairtree Entities”** or **“Fairtree”**.

2 INTRODUCTION

- 2.1 The Fairtree Entities are authorised financial services providers in terms of the Financial Advisory and Intermediary Services Act, 37 of 2002 (**“FAIS”**) and regulated by the Financial Sector Conduct Authority (**“FSCA”**).
- 2.2 The Fairtree Entities are private bodies in terms PAIA and process personal information in terms of the Protection of Personal Information Act, 4 of 2013 (**“POPIA”**).
- 2.3 This Manual aims to provide procedural guidance, and sets out requirements that must be met, to facilitate an efficient, transparent and accessible process to access information, in support of the right of access to information provided for in PAIA and POPIA.

3 CONTACT DETAILS FOR ACCESS TO INFORMATION¹

3.1 Fairtree Asset Management and Fairtree Capital Hospitality

Information Officer: Bradley Anthony
Deputy Information Officer: Marianne Engela
Postal Address: P.O. Box 4124, Tygervally, 7536
Street Address: Third Floor, Willowbridge Place, corner of Old Oak Road and Carl Cronje Drive, Bellville, Cape Town, South Africa, 7530
Telephone Number: 021 943 3760
Email: notice@fairtree.com
Website: www.fairtree.com

3.2 Fairtree Private Client

Information Officer: Johan Christiaan Abraham Steyl
Postal Address: P.O. Box 3603, Durbanville, 7551
Street Address: Eight Floor, The Cliffs, Tyger Waterfront, Bellville, Cape Town, South Africa, 7530
Telephone Number: 021 943 3760
Email: notice@fairtree.com
Website: www.fairtree.com

4 INFORMATION REGULATOR'S GUIDE

4.1 The Information Regulator published a guide which sets out what information may reasonably be required by a requester or data subject who wishes to exercise any right under PAIA and/or POPIA ("**the Guide**").²

4.2 The Guide is available in all of the official languages of South Africa and can be accessed on the Information Regulator's website.

4.3 The contact details of the Information Regulator are as follows:

Street Address: Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191

¹ PAIA Section 51(1)(a)

² PAIA Section 10

Telephone Number: 080 001 7160 | 010 023 5200
Email: enquiries@inforegulator.org.za
Website: www.inforegulator.org.za

5 RIGHT OF ACCESS TO RECORDS

5.1 A requester, in relation to a private body, means:

5.1.1 any natural or juristic person, including but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or

5.1.2 a person acting on behalf of the person contemplated above.³

5.2 Should a request be made on behalf of another person or private body, the requester must, to the satisfaction of the private body, submit details and proof of the capacity in which the requester is making a request.

5.3 PAIA grants a requester the right to access certain records of a private body if the said records are required to exercise or protect a right of the requester and access to that record is not refused on any grounds listed in PAIA.⁴

5.4 A 'request' as contemplated in section 50(1) of PAIA includes a request for access to a record containing personal information about the requester or the person on whose behalf the request is made.⁵

5.5 A request for information must be made using the prescribed form, and in the prescribed manner, as set out in more detail in paragraphs 9 and 12 below. A request is subject to payment of the prescribed fees.

6 CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT HAVING TO SUBMIT A REQUEST IN TERMS OF PAIA⁶

6.1 The following records are available without having to submit a request:

6.1.1 Marketing material relating to the Fairtree Entities' business and products; and

6.1.2 Pamphlets relating to the Fairtree Entities' business and products.

³ PAIA Section 1

⁴ PAIA Section 50(1)

⁵ PAIA Section 50(3)

⁶ PAIA Section 51(b)(ii), Section 52

7 CATEGORIES OF RECORDS HELD IN TERMS OF ANY OTHER LEGISLATION AND SUBJECT TO A PAIA REQUEST ⁷

- 7.1 Subject to the provisions of PAIA and POPIA, records kept by the Fairtree Entities in accordance with applicable legislation will be made available in accordance with the provisions of such legislation.

8 OTHER CATEGORIES OF RECORDS SUBJECT TO A PAIA REQUEST

8.1 Personal Records

- 8.1.1 Any personal records provided to Fairtree by its personnel;
- 8.1.2 Any records a third party has provided to Fairtree about any of its personnel;
- 8.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 8.1.4 Internal evaluation records; and
- 8.1.5 Other internal records and correspondence.

8.2 Client-Related Records

- 8.2.1 Any records a client has provided to a third party acting for or on behalf of Fairtree;
- 8.2.2 Any records a third party has provided to Fairtree; and
- 8.2.3 Records generated by or within Fairtree pertaining to the client, including transactional records.

8.3 Company Records

- 8.3.1 Operational records;
- 8.3.2 Databases;
- 8.3.3 Information technology;
- 8.3.4 Marketing records;

⁷ PAIA Section 51(b)(iii)

- 8.3.5 Internal correspondence;
- 8.3.6 Records relating to products and services;
- 8.3.7 Statutory records;
- 8.3.8 Internal policies and procedures;
- 8.3.9 Treasury-related records; and
- 8.3.10 Securities and equities

9 PROCESSING IN TERMS OF POPIA⁸

- 9.1 Please refer to Fairtree's privacy notice, as published on our website, for a description of the purpose and manner in which Fairtree processes personal information, the categories of information that may be processed as well as the categories of recipients with whom personal information may be shared.
- 9.2 Categories of data subjects whose personal information may be processed by Fairtree includes Fairtree's subsidiary companies and other related entities, employees, clients, business contacts, consultants, service providers, website visitors, regulators and other industry bodies.
- 9.3 Based on the nature of the relationship with the data subject in question, personal information of data subjects may be transferred to a country outside of South Africa, subject to the provisions of POPIA.

10 GENERAL INFORMATION SECURITY DESCRIPTION⁹

- 10.1 Fairtree is committed to information security that is based on confidentiality, integrity and availability of information. Information security is achieved by implementing suitable information technology governance and cyber security frameworks.

11 FORM OF A REQUEST

- 11.1 A request for access to a record or information must be made by completing [Form 2](#)¹⁰ and submitting the completed form to Fairtree's Information Officer, using the

⁸ PAIA Section 51(1)(c)

⁹ PAIA Section 51(1)(c)(v)

¹⁰ PAIA Regulation 7

contact details provided in paragraph 3 above.

- 11.2 Following a decision by Fairtree in respect of a request, the requester will be notified of such a decision and information that corresponds substantially with the information contained in [Form 3](#)¹¹ will be provided to the requester.¹²
- 11.3 If a request is granted, the notification as contemplated in paragraph 11.2 above will include the details of any fees payable, the form in which access will be given and details of the requester's right to lodge a complaint using [Form 5](#) should the requester be unsatisfied with the decision.¹³
- 11.4 If a request is denied, the notification as contemplated in paragraph 11.2 above will provide the reasons for refusal, including the provisions of PAIA relied on and details of the requester's right to lodge a complaint using [Form 5](#) should the requester be unsatisfied with the decision.
- 11.5 If all reasonable steps have been taken to find a record, and such a record cannot be found or does not exist, then Fairtree's Information Officer will notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.¹⁴

12 PRESCRIBED FEES¹⁵

- 12.1 Requests will be subject to fees as determined from time to time and in accordance with POPIA, PAIA and/or any regulations issued thereunder. The prescribed fee rates under POPIA can be accessed on the Information Regulator's website. The prescribed fee rates under PAIA are set out in section 54 of PAIA and Annexure B of the PAIA regulations.
- 12.2 Records may be withheld until the relevant fees have been paid.

13 AVAILABILITY OF THE MANUAL¹⁶

- 13.1 This Manual is available for inspection at Fairtree's offices, during normal office hours, free of charge and upon prior arrangement. Additionally, this Manual is available on Fairtree's website.

¹¹ PAIA Regulation 8

¹² PAIA Section 56

¹³ PAIA Regulation 10

¹⁴ PAIA Section 55

¹⁵ PAIA Section 54; POPIA Section 111

¹⁶ PAIA Section 51(3)

- 13.2 A printed copy of this Manual can be made available on request and upon payment of a reasonable amount.

14 REVIEW OF THE MANUAL

- 14.1 This Manual will be reviewed on an *ad hoc* basis, to ensure that the contents thereof remain relevant and in line with regulatory developments.