

# PAIA MANUAL

---

Future Forex SA (PTY) LTD ("FF")

## 1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("PAIA") gives effect to section 32 of the Constitution, that provides for access to information if a person wants to exercise a right or to protect a right, subject to the procedural requirements laid down by PAIA. For this purpose, PAIA requires that **FF** must implement a manual in terms of Section 51 of PAIA setting out the procedures to be followed to have access to Information. These procedures are set out in this Manual.

## 2. PURPOSE

The purpose of the Manual is to:

- provide details on records and information of **FF** that are available and accessible once the requirements for access have been met; and
- sets out the procedures to be followed by a person that wants access to information, that are subject to protection and non-disclosure, if such person wants to exercise or to protect a right.

## 3. AVAILABILITY OF THE MANUAL

This Manual is made available in terms of PAIA and in terms of Section 4 of the Regulations to POPIA and can be obtained:

- from **FF**'s website [futureforex.co.za](http://futureforex.co.za)
- by contacting the Information Officer at the contact details provided below. A fee will be levied if copies of the Manual are required and as provided for in terms of **Appendix 3**.
- at the offices of the Company for inspection during normal business hours at no cost.

## 4. INTRODUCTION TO THE COMPANY AND TYPE OF BUSINESS

**Note that reference to FF in terms of this Manual shall also include reference to its associated FF companies indicated below.**

- **Name:** Future Forex SA (Pty) Ltd ("**FF**")
- **Registration No.** 2020 / 032430 / 07

### **Type of business and type of clients:**

- FF provides a range of forex and investment related services to South Africans in a client-centric, transparent and cost-effective way. Our forex services range from cross-border payment processing to FEC (Forward Exchange Cover) and trade finance, while our investment services range from Crypto Arbitrage (what this account is needed for) and to USD interest accounts and structured products. Please note that this accreditation relates to the provision of foreign exchange conversion services from a banking perspective. All Crypto Currency related transactions are excluded from this accreditation.

## 5. COMPANY CONTACT DETAILS (PAIA Section 51(1)(a))

### Designated and authorised persons:

- **CEO:** Harrison Scherzer
- **Directors:** Harrison Scherzer, Joshua Kotlowitz
- **Office Manager:** Max Reich

### Contact details:

- **Postal address:** 66 Roeland Street, Gardens, Cape Town 8001
- **Business address:** 66 Roeland Street, Gardens, Cape Town 8001
- **Telephone Number:** 021 518 0558
- **Website:** [futureforex.co.za](http://futureforex.co.za)

### Information and Deputy Information Officers:

- **Information Officer:** Harrison Scherzer and email address: [harry@futureforex.co.za](mailto:harry@futureforex.co.za)
- **Deputy Information Officer:** Joshua Kotlowitz and email address: [josh@futureforex.co.za](mailto:josh@futureforex.co.za)

## 6. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (“SAHRC”) GUIDE (PAIA Section 51(1)(b))

- PAIA grants a Requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the rates provided for in in terms of the PAIA Regulations.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.
- The SAHRC Guide is available from the SAHRC with contact details:
  - **Postal Address:** Private Bag 2700, Houghton, 2041
  - **Telephone Number:** +27-11-877 3600
  - **Fax Number:** +27-11-403 0625
  - **Website:** [sahrc.org.za](http://sahrc.org.za)

## 7. PUBLICATION AND AVAILABILITY OF INFORMATION AND RECORDS

### 7.1 Applicable Legislation:

The legislation applicable to the Company is contained in **Appendix 1** of this Manual. The Company may be required to obtain information and keep records in terms of this legislation and depending on the relevant legislation requirements, FF may also be required to make certain information or Records publicly available, allow disclosure of information or Records subject to certain conditions, or may be prevented from disclosing information or Records. The Requester’s right of access to information or a Record must be dealt with taking into consideration the applicable legislation requirements.

### 7.2 Available Records (PAIA Section 51(1)(d))

Available FF Record Categories are contained in **Appendix 2** of this Manual. Although certain Records may be freely available and some may be published on FF’s website, the inclusion of a category of Records, does not mean that the Information and Records falling within those categories will automatically be made available to a Requester and that certain grounds of refusal may apply to a request for such record.

## 8. FORM OF REQUEST TO ACCESS INFORMATION AND RECORDS (PAIA Section 51(1)(e))

### 8.1 Requester

- Personal Requester:

A Personal Requester is a requester who is seeking access to a record containing Personal Information about the Requester itself. Access will be granted by **FF** subject to applicable legislation.

- Other Requester:

If a person other than the Personal Requester is seeking access to a record containing Personal Information, then **FF** is not obliged to grant access to such record, unless such person fulfils the requirements for access as provided for in terms of PAIA.

### 8.2 Request for Information Procedures

The procedures to request information are as follows:

- A Requester must complete and sign the prescribed form enclosed herewith in **Appendix 4** together with payment of the required fee (only if it is an Other Requester).
- The completed and signed form together with proof of payment must either be posted, submitted per hand, or be emailed to the Information Officer at the email address stated above.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.
- If a request is made on behalf of another person, the Requester must then submit proof of the capacity in which the Requester is making the request on behalf of the other person to the satisfaction of the Information Officer.
- All required information must be provided on the **Appendix 4** form and the information must be true, complete and correct with enough particularity to enable the Information Officer to identify:
  - the Requester's identity;
  - contact details of the Requester;
  - the requested record/s, and
  - the form of access required by the Requester.
- A Requester may only request access to a record in order to exercise or protect a right and must clearly state what the nature of the right is so to be exercised or protected. The requester is further required to provide an explanation of why the requested record is required for the exercise or protection of that right.
- **FF** will process a request to access a record within 30 (thirty) days of receipt of the completed **Appendix 4** form together with proof of payment, if applicable, unless the Requestor has stated exceptional reasons and circumstances together with proof, if applicable, that would satisfy the Information Officer that the time period not be complied with.
- **FF** shall inform the Requester in writing whether access has been granted or denied together with reasons thereof.
- If the Requester requires access to the records in another manner, the Requester must state the manner and the particulars so required.

### 8.3 Fees Payable

The applicable fees that are prescribed in terms of the PAIA Regulations are as follows:

- A non-refundable prescribed request fee is payable on submission of any request for access to any record before the request will be processed. The fees above do not apply if the request is for personal records of the person requesting – in this instance no fee is payable.

- If the preparation of the record requested requires more than the prescribed hours (currently 6 hours), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid by the Requester.
- Fees are subject to confirmation by the Regulator in the Government Gazette and any applicable fees or changes will be upfront disclosed to Requesters.
- A List of the current Fees payable are set out in **Appendix 3**.

#### **8.4 Grounds for refusal of a Request**

Chapter 4 of PAIA provides for several grounds on which a request for access to Personal Information must be refused.

These grounds may include where:

- the privacy and interests of other individuals are protected, including a deceased person, where disclosure would be unreasonable;
- such records are already otherwise publicly available;
- the public interests are not served;
- the mandatory protection of commercial information of a third party/ company which include trade secrets, financial, commercial or technical information that may cause harm if disclosed and information that could put a third party / company at a disadvantage in contractual / other negotiations or commercial competition or computer programs owned by a company protected by copyright and intellectual property laws;
- the mandatory protection of certain confidential information of a third party;
- the mandatory protection of confidential information of third parties if it is protected in terms of an agreement;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of Records that are privileged in legal proceedings;
- research information of a third party / company if disclosure would put the research or researcher at a disadvantage;
- Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

#### **8.5 Information or Records not found**

If information or Records cannot be found despite reasonable and diligent searches by **FF**, then the Information Officer must provide the Requester with a notice in the form of an affidavit setting out the measures taken to locate the document and the inability to locate it.

#### **8.6 Remedies available to a Requester if access is refused**

The decision made by the Information Officer is final and Requesters must exercise external remedies if the Request for access to Information or Records is refused. A Requester may however apply to a court for relief within 180 days of notification of the decision for appropriate relief as provided for in terms of sections 56(3) (c) and 78 of PAIA.

**APPENDIX 1**  
**APPLICABLE LEGISLATION**

---

**\*THE LEGISLATION APPLICABLE TO FF INCLUDES:**

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Collective Investment Schemes Control Act 45 of 2002
- Credit Rating Services Act 24 of 2012
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediaries Services Act 37 of 2002
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Intelligence Centre Act 38 of 2001
- Financial Markets Act 19 of 2012
- Financial Sector Regulation Act 9 of 2017
- Financial Services Board Act 97 of 1990
- Financial Services Ombud Schemes Act 37 of 2004
- Financial Supervision of the Road Accident Fund Act 8 of 1993
- Friendly Societies Act 25 of 1956
- Income Tax Act 95 of 1967
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Protection of Personal Information Act 4 of 2013
- Short-term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 63 of 2001
- Value Added Tax Act 89 of 1991

\*Note that although **FF** used its best endeavours to provide a list of the latest applicable legislation, it may not be a complete or updated list due to constant changes in legislation. Kindly contact the Information Officer if you have any queries about Applicable Legislation.

## APPENDIX 2 AVAILABLE RECORDS

Except for public Records that may be available on the Company's website, the following type of records are available on request in terms of PAIA.

*RECORD CATEGORIES	*EXAMPLES OF RECORDS	
<b>Public Affairs</b>	<ul style="list-style-type: none"> <li>• Media Releases</li> <li>• Public Company Information</li> </ul>	<ul style="list-style-type: none"> <li>• Website Information</li> </ul>
<b>Corporate Governance</b>	<ul style="list-style-type: none"> <li>• Meeting minutes</li> <li>• Social Responsibility Records</li> <li>• Business Agreements</li> <li>• Due diligence assessments</li> <li>• Legal Records</li> <li>• Management Information</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance Records</li> <li>• Risk Management records</li> <li>• Company Policies</li> <li>• Codes of Conduct</li> <li>• Correspondence</li> <li>• Planning session records</li> </ul>
<b>Secretarial Services</b>	<ul style="list-style-type: none"> <li>• Statutory company documents of incorporation</li> <li>• Shareholder Agreements and certificates</li> <li>• Corporate structure and associations</li> </ul>	<ul style="list-style-type: none"> <li>• Licenses and authorisations</li> <li>• Statutory returns to authorities</li> <li>• Resolutions</li> <li>• Meeting minutes</li> </ul>
<b>Assets and liabilities</b>	<ul style="list-style-type: none"> <li>• Immovable and movable property records</li> <li>• Registration documents</li> <li>• License documents</li> </ul>	<ul style="list-style-type: none"> <li>• Loan agreements Rental agreements</li> <li>• Investment and interest records</li> <li>• Income records</li> </ul>
<b>Financial</b>	<ul style="list-style-type: none"> <li>• Accounting Records</li> <li>• Auditor Records</li> <li>• Financial Statements</li> <li>• Financial and tax records</li> </ul>	<ul style="list-style-type: none"> <li>• Banking details</li> <li>• Invoices and statements</li> <li>• Tax records and Returns</li> </ul>
<b>Human Resources/ Employment</b>	<ul style="list-style-type: none"> <li>• BEE statistics</li> <li>• Training and career development records</li> <li>• Personal Information</li> <li>• Employment Equity reports</li> <li>• Employment agreements</li> <li>• Disciplinary records</li> <li>• Due diligence assessments</li> <li>• Maternity records</li> </ul>	<ul style="list-style-type: none"> <li>• Leave records</li> <li>• PAYE and commission records</li> <li>• Performance appraisals</li> <li>• UIF records</li> <li>• Retirement benefits</li> <li>• Medical Aid records</li> <li>• Study loan agreements</li> <li>• Travel and accommodation records</li> </ul>
<b>Operations</b>	<ul style="list-style-type: none"> <li>• Publications and articles</li> <li>• Presentation records</li> <li>• Compliance opinions and guidance records</li> <li>• Communications and correspondence</li> <li>• Access control and security records</li> <li>• Research documents</li> <li>• Intellectual Property documents</li> <li>• Insurance and claim records</li> <li>• Fees structures</li> <li>• Office rental agreements</li> <li>• Vehicle rentals and expenses records</li> <li>• Office Services Agreements</li> <li>• Office Service Orders</li> <li>• Compliance review records and reports</li> </ul>	<ul style="list-style-type: none"> <li>• Client Agreements</li> <li>• Compliance templates</li> <li>• Cell phone agreements</li> <li>• Administrative records</li> <li>• Documented Standard Operating Procedures</li> <li>• Procurement strategies</li> <li>• Proposal documents</li> <li>• Client service offerings</li> <li>• Client service strategy records</li> <li>• Client compliance records</li> <li>• Client documentation and templates</li> <li>• Client training and service facilities</li> <li>• Client training records</li> <li>• Client services agreements</li> <li>• Training and presentation records</li> </ul>
<b>Information Technology</b>	<ul style="list-style-type: none"> <li>• IT services agreements</li> <li>• IT licenses</li> <li>• IT systems and facilities</li> <li>• IT record keeping</li> <li>• Back-up and restore records</li> <li>• Online training</li> </ul>	<ul style="list-style-type: none"> <li>• IT Disaster Recovery plans and procedures</li> <li>• E-mails</li> <li>• Online meetings and recordings</li> <li>• Online workshops</li> </ul>

	<ul style="list-style-type: none"> <li>• Compliance system</li> </ul>	<ul style="list-style-type: none"> <li>• Compliance systems</li> </ul>
<b>Marketing</b>	<ul style="list-style-type: none"> <li>• Marketing brochures</li> <li>• Advertisements</li> <li>• Market information and strategies</li> <li>• Business development strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Brand management records</li> <li>• Publications and articles</li> <li>• Marketing Agreements</li> </ul>

\*Note that although FF used its best endeavours to provide a list of records, it may not be a complete or updated list due to constant changes in legislation or business operations. Kindly contact the Information Officer if you have any queries about Records.

### APPENDIX 3 LIST OF FEES PAYABLE

The following Fees are payable in respect of Private Bodies (other than personal requests) in terms of Part III of the PAIA Regulations published in the Government Gazette:

<b>General</b>	
An upfront <b>Request fee</b> before a request will be processed in terms of Regulation 11(2)	R50.00
Fees for the <b>manual</b> as contemplated in Regulation 9(2)(c) payable for every photocopy of an A4-size page or part thereof.	R1.10
<b>Reproduction fees</b> referred to in Regulation 11(1) are as follows:	
Every photocopy of an A4-size page or part thereof	R1.10
Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Computer-readable form on:	R70.00
<ul style="list-style-type: none"> <li>• compact disc</li> </ul>	
Visual images:	R40.00
<ul style="list-style-type: none"> <li>• For a transcription of visual images, for an A4-size page or part thereof</li> <li>• For a copy of visual images</li> </ul>	R60.00
Audio records:	R20.00
<ul style="list-style-type: none"> <li>• For a transcription of an audio record, for an A4-size page or part thereof</li> <li>• For a copy of an audio record</li> </ul>	R30.00
<b>Access fees</b> referred to in Regulation 11(3):	
Every photocopy of an A4-size page or part thereof	R1.10
Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Computer-readable form on:	R70.00
<ul style="list-style-type: none"> <li>• compact disc</li> </ul>	
Visual images:	R40.00
<ul style="list-style-type: none"> <li>• For a transcription of visual images, for an A4-size page or part thereof</li> <li>• For a copy of visual images</li> </ul>	R60.00
Audio records:	R20.00
<ul style="list-style-type: none"> <li>• For a transcription of an audio record, for an A4-size page or part thereof</li> <li>• For a copy of an audio record</li> </ul>	R30.00
To search for and prepare the record for disclosure, the fee for each hour or part of an hour reasonably required for such search and preparation.	R30.00

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

- 6 hours as the hours to be exceeded before a deposit is payable
- 1/3<sup>rd</sup> of the access fee is payable as a deposit by the requester

Actual postage is payable when a copy of a record must be posted to a Requester.

## APPENDIX 4 REQUEST FOR INFORMATION FORM

The following proof must be submitted together with the completed and signed Request for Information Form below to the Information Officer:

1. Proof of payment of fees (if applicable);
2. Certified copy of the Requester's identity document;
3. Supporting documentation (only if applicable).

<b>1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION</b>			
<b>Full Names &amp; Surname:</b>			
<b>Identification Number:</b>		<b>Cell phone no.</b>	
<b>Other contact no:</b>		<b>Fax no.</b>	
<b>Email address:</b>			
<b>Postal address:</b>		<b>Postal code</b>	
<b>2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE</b>			
*Only complete this section if a request for information is made on behalf of another person.			
<b>Full Names &amp; Surname/ Legal entity name:</b>			
<b>Identification/ Registration no.</b>			
<b>3. PARTICULARS OF REQUESTED INFORMATION</b>			
*Provide full particulars of the information to which access is requested. If the Provided space is not sufficient, please continue on a separate page and attach it to the form. Any additional pages submitted must be signed.			
<b>4. FORMAT IN WHICH INFORMATION IS REQUESTED</b>			
*Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.			
<b>5. RIGHT TO BE EXERCISED OR PROTECTED</b>			
*Indicate: 1. What right is to be exercised and/or protected and 2. Why the information is required to protect and/or to exercise this right.			
<b>What right is to be protected</b>			
<b>Why the information is required</b>			
<b>6. NOTICE OF APPROVAL / REJECTION OF REQUEST</b>			



Please note: You will be notified via e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:

**7. PAYMENT DETAILS (Only applicable to Other Requesters and not to Personal Requesters)**

Kindly make payment of the amount of R><- into the following bank account and attach proof of payment to this form.

**Account name:** Future Forex **Bank:** First National Bank **Account no:** 62858611918 **Branch code:** 201511

**8. SIGNATURE**

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

\_\_\_\_\_  
Name of person submitting the request

\_\_\_\_\_  
Signature of person submitting the request