

- **PAIA Policy**



Table of Contents

1.	Introduction	3
2.	Scope of the policy	3
3.	Contact details of the Chief Executive Officer (Section 15 (1) (A))	3
4.	The Information Officer (Section 51 (1)(B))	3
5.	Guide of SA Human Rights Commission	4
6.	Records available only on request to access in terms of the Act (Section 51(1)(0))	4
7.	Records available without a request to access in terms of the Act	5
8.	Records available in terms of any other legislation	5
9.	Grounds for refusal	7
10.	Remedies available if the provisions of the act are not complied with	7
11.	Remedies available if the provisions of the act are not complied with	8
12.	Annexure A – Request Procedure	8
13.	Annexure B – Prescribed Fees	8
14.	Revisions and Regulatory Changes	9



1. Introduction

IFX Brokers™ Holdings (referred to as, “IFX Brokers™, the “Company”, “us”, “we”, “our”, “ours”, “ourselves” as appropriate) is a trading name of IFX Brokers™ Holdings (Pty) Ltd (Registration No. 2017/027249/07). Our distribution and market conduct is regulated by the Financial Sector Conduct Authority (Authorized Financial Services Provider number 48021). The issuance of CFD’s is regulated by The Financial Markets Act, 2012. Our registered address is 79 Da Gama Road, Jeffreys Bay, 6330.

2. Scope of the policy

- 5.1 IFX Brokers™ Holdings (Pty) Ltd. (referred to as “IFX Brokers™, the “Company”, “us”, “we” and “our”) provides you with this Promotion of Access to Information Policy (PAIA) to ensure that the Company comply with the Act and to foster a culture of transparency and accountability within IFX Brokers™ by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 5.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
- 5.2.1 Limitations aimed at the reasonable protection of privacy.
- 5.2.2 Commercial Confidentiality, and
- 5.2.3 Effective, efficient, and good governance, and
- 5.2.4 In a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.
- 5.3 This PAIA Manual has been drafted in accordance with the generic manual for the Financial Service Industry, which has been submitted to the Human Rights Commission by the Compliance Institute of South Africa, of which this body is a member.
- 5.4 In addition, this PAIA manual complies with the requirements of Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by Public and private bodies.

3. Contact details of the Chief Executive Officer (Section 15 (1) (A))

Chief Executive Officer: Mr. Pieter de Necker
Registered Address: 79 Da Gama Road, Jeffreys Bay, 6330
Telephone Number: +27 87 944 7273
Website: www.ifxbrokers.com

4. The Information Officer (Section 51 (1)(B))

- 4.1 The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The head of a private body fulfils such a function in terms of section 51. IFX Brokers™ (Pty) Ltd has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act.
- 4.2 The Information Officer and/or the Deputy Information Officer of the organisation are responsible for:
- Publishing and proper communication of the manual i.e. creating policy awareness
 - The facilitation of any request for access
 - Providing adequate notice and feedback to the requester
 - Determining whether to grant a request for access to a complete/full record or only part of a record



- Ensuring that access to a record, where so granted, is provided timeously and in
Reviewing the policy for accuracy and communicating any amendments

4.3 Contact details of the Information Officer

Information Officer: Miss. Claudette de Clercq
 Registered Address: 79 Da Gama Road, Jeffreys Bay, 6330
 Telephone Number: +27 87 944 7273
 Email: Claudette.declercq@ifxbrokers.com

5. Guide of SA Human Rights Commission

5.1 The South African Human Rights Commission has compiled the Guide as required in terms of section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and accordingly it:

5.1.1 contains information on understanding and how to use the Act;

5.1.2 includes: The objectives of the Act; Particulars of every public and private body; The manner and form for requests; Contents of the Regulations promulgated under the Act;

5.1.3 will be updated and published every two years.

5.2 The Guide is available in all the official languages of the Republic of South Africa.

5.3 Any enquiries regarding this Guide should be directed to:

The South African Human Rights Commission, at:

PAIA Unit (The Research and Documentation Department), Private

Bag X2700, Houghton, 2041

Telephone Number: (011) 877-3803

Facsimile Number: (011) 403-0625

Website: www.sahrc.org.za

E-mail Address: section51.paia@sahrc.org.za

5.4 The Guide is available for inspection, *inter alia*, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

6 Records available only on request to access in terms of the Act (Section 51(1)(0))

6.1 For the purposes of this clause 8.1, "Personnel" refers to any person who works for, or provides services to, or on behalf of IFX Brokers™ Holdings(Pty) Ltd, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of IFX Brokers™. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

6.2 This clause serves as a reference to the categories of information that IFX Brokers™ holds. The information is classified and grouped according to records relating to the following subjects and categories.

6.2.1 Personnel Records

6.2.1.1 Personal records provided by personnel.

6.2.1.2 Records provided by a third party relating to personnel.

6.2.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records.

6.2.1.4 Internal evaluation records and other internal records.

6.2.1.5 Correspondence relating to personnel.

6.2.1.6 Training schedules and material.

6.2.2 Customer Related Records

6.2.2.1 For purposes of this clause 8.1, "customer" refers to any natural or juristic entity that receives services from IFX Brokers™.



- 6.2.2.2 Records provided by a customer to a third party acting for or on behalf of IFX Brokers™.
- 6.2.2.3 Records provided by a third party.
- 6.2.2.4 Records generated by or within IFX Brokers™ relating to its customers, including transactional records.
- 6.2.3 Private Records**
 - 6.2.3.1 Financial Records
 - 6.2.3.2 Operational records
 - 6.2.3.3 Databases
 - 6.2.3.4 Information Technology
 - 6.2.3.5 Marketing records
- 6.2.4 Internal Correspondence**
 - 6.2.4.1 Product records.
 - 6.2.4.2 Statutory records.
 - 6.2.4.3 Internal Policies and Procedures.
 - 6.2.4.4 Records held by officials of the institution.
These records include, but are not limited to, the records which pertain to IFX Brokers™ 's own affairs.
- 6.2.5 3rd Party Records**
 - 6.2.5.1 Personnel, customer, or private body records which are held by another party, as opposed to the records held by IFX Brokers™ itself.
 - 6.2.5.2 Records held by IFX Brokers™ pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
 - 6.2.5.3 IFX Brokers™ may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to IFX Brokers™
- 6.3 Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before IFX Brokers™ will consider access.

7 Records available without a request to access in terms of the Act

- 7.1 Records of a public nature, typically those disclosed on the IFX Brokers™ website and in its various annual reports, may be accessed without the need to submit a formal application.
- 7.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

8 Records available in terms of any other legislation

- 8.1 Where applicable to its operations, IFX Brokers™ also retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.
 - 8.1.1 Attorneys Act No. 53 of 1979;
 - 8.1.2 Auditing Professions Act No. 26 of 2005;
 - 8.1.3 Basic Conditions of Employment Act No. 75 of 1997;
 - 8.1.4 Broad-Based Black Economic Empowerment Act, 2003;

Forex and CFD trading may contain high levels of risk. All our activities are regulated by the Financial Sector Conduct Authority (FSCA) FSP48021.



- 8.1.5 Business Act No. 71 of 1991;
- 8.1.6 Companies Act No. 71 of 2008;
- 8.1.7 Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- 8.1.8 Competition Act. No. 71 of 2008;
- 8.1.9 Constitution of the Republic of South Africa 2008;
- 8.1.10 Copyright Act No. 98 of 1978;
- 8.1.11 Customs and Exercise Act No. 91 of 1964;
- 8.1.12 Debt Collectors' Act No. 114 of 1998;
- 8.1.13 Designs Act No. 195 of 1993;
- 8.1.14 Electronic Communications Act No. 36 of 2005;
- 8.1.15 Electronic Communications and Transaction Act No. 25 of 2002;
- 8.1.16 Employment Equity Act No. 55 of 1998;
- 8.1.17 Financial Advisory and Intermediary Services Act of 2002;
- 8.1.18 Financial Intelligence Centre Act No 38 of 2001;
- 8.1.19 Identification Act No.68 of 1997;
- 8.1.20 Income Tax Act No. 58 of 1962;
- 8.1.21 Insider Trading Act No. 135 of 1998;
- 8.1.22 Insolvency Act No. 24 of 1936;
- 8.1.23 Inspection of Financials Institutions Act No. 18 of 1998;
- 8.1.24 Intellectual Property Laws Amendment Act 38 of 1997;
- 8.1.25 Labour Relations Act No. 66 of 1995;
- 8.1.26 Leases of Land Act No. 18 of 1969;
- 8.1.27 Long Term Insurance Act 52 of 1998;
- 8.1.28 Machinery and Occupational Safety Act No. 6 of 1983;
- 8.1.29 National Credit Act No. 34 of 2005;
- 8.1.30 National Road Traffic Act 93 of 1996;
- 8.1.31 National Environmental Management Act No 107 of 1998;
- 8.1.32 Occupational Health and Safety Act No. 85 of 1993;
- 8.1.33 Patents Act No. 57 of 1978;
- 8.1.34 Pension Funds Act No. 24 of 1956;
- 8.1.35 Prescription Act No. 68 of 1969;
- 8.1.36 Prevention of Organised Crime Act No. 121 of 1998;
- 8.1.37 Promotion of Access to Information Act No. 2 of 2000;
- 8.1.38 Protection of Personal Information Act No. 4 of 2013;
- 8.1.39 Revenue laws Second Amendment Act. No 61 of 2008;
- 8.1.40 Road Transportation Act. No. 74 of 1977;
- 8.1.41 Skills Development Levies Act No. 9 of 1999;
- 8.1.42 Short-term Insurance Act No. 53 of 1998;
- 8.1.43 Stock Exchanges Control Act No. 1 of 1985;
- 8.1.44 Taxation Laws Amendment Act No. 7 of 2010;
- 8.1.45 Trademarks Act No. 194 of 1993;
- 8.1.46 Transfer Duty Act No 40 of 1949;
- 8.1.47 Uncertificated Securities Tax Act No. 31 of 1998;
- 8.1.48 Unemployment Contributions Act 63 of 2001;
- 8.1.49 Unemployment Insurance Act No. 30 of 1966;
- 8.1.50 Value Added Tax Act 89 of 1991.



It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

9 Grounds for refusal

- 9.1 A private body such as IFX Brokers™ is entitled to refuse a request for information.
- 9.2 The main grounds for IFX Brokers™ to refuse a request for information relates to the:
 - 9.2.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
 - 9.2.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013.
 - 9.2.3 mandatory protection of the commercial information of a third party (section 64), if the record contains:
 - 9.2.3.1 trade secrets of the third party.
 - 9.2.3.2 financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party.
 - 9.2.3.3 information disclosed in confidence by a third party to IFX Brokers™ if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
 - 9.2.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement.
 - 9.2.5 mandatory protection of the safety of individuals and the protection of property (section 66).
 - 9.2.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).
 - 9.2.7 The commercial activities (section 68) of a private body, such as IFX Brokers™, which may include:
 - 9.2.7.1 trade secrets of IFX Brokers™.
 - 9.2.7.2 financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of IFX Brokers™
 - 9.2.7.3 information which, if disclosed could put IFX Brokers™ at a disadvantage in negotiations or commercial competition.
 - 9.2.7.4 a computer program which is owned by IFX Brokers™, and which is protected by copyright.
 - 9.2.7.5 the research information (section 69) of IFX Brokers or a third party, if its disclosure would disclose the identity of IFX Brokers™, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
 - 9.2.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
 - 9.2.9 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
 - 9.2.10 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

10 Remedies available if the provisions of the act are not complied with

10.1 Internal Remedies

- 10.1.1 IFX Brokers™ does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

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10.2 External Remedies

- 10.2.1 A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.
- 10.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.
- 10.2.3 For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

11 Remedies available if the provisions of the act are not complied with

11.1 Prerequisites for Access by Personal/Other Requester

- 11.2 Records held by IFX Brokers™ may be accessed by requests only once the prerequisite requirements for access have been met.
- 11.3 A requester is any person making a request for access to a record of IFX Brokers. There are two types of requesters:

11.3.1 Personal Requester

- 11.3.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 11.3.1.2 IFX Brokers™ will voluntarily provide the requested information or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

11.3.2 Other Requester

- 11.3.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties.
- 11.3.2.2 In considering such a request, IFX Brokers™ will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.
- 11.3.2.3 IFX Brokers™ is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

12 Annexure A – Request Procedure

13 Annexure B – Prescribed Fees

