

Kuda Holdings Proprietary Limited
(Registration Number: 2008/018404/07)
Promotion of Access to Information Act Manual

1 Introduction

- 1.1 Kuda Holdings Proprietary Limited and its subsidiary, Kuda Foreign Exchange Proprietary Limited (2012/221693/07), (collectively, "Kuda") are authorised financial services providers in terms of the Financial Advisory and Intermediary Services Act 37 of 2002 and regulated by the Financial Sector Conduct Authority ("FSCA").
- 1.2 Kuda is a luxury lifestyle insurer and registered foreign exchange intermediary based in Cape Town with its operations spanning across South Africa.
- 1.3 This manual has been prepared in accordance with the terms of section 51 of the Promotion of Access to Information Act, 2 of 2000 ("the Act").

2 Contact Details and Information Officer

- 2.1 The contact details for Kuda are as follows:

Physical Address: 16 Beach Bay Boulevard

 Big Bay

 Cape Town

 7441

Postal Address: PO Box 151

 Bloubergstrand

 7436

Telephone: +27 (21) 554 5832

Email: natasha@kuda.co.za

Website Address: www.kuda.co.za

CEO: Wéhann Smith

- 2.2 Kuda has duly authorised and appointed the information officer below to whom requests for access to information must be made in terms of the Act:

Information Officer: Natasha Dietrich

Telephone: +27 (21) 554 5832

Email: natasha@kuda.co.za

3 Guide referred to in Section 10 of the Act

- 3.1 Any person who wishes to exercise any right contemplated in the Act may obtain a copy of the information guide issued by the Human Rights Commission in terms of section 10(1) of the Act from the Human Rights Commission.

3.2 The contact details of the Human Rights Commission are as follows:

Telephone: 011 484 8300

Fax: 011 484 0582

E-mail: paia@sahrc.org.za

Website: www.sahrc.org.za

4 Notice in terms of section 52(2) of the Act

As at the date of publication of this manual, no notice has been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

5 Records available in terms of other legislation

Records are kept by Kuda in accordance with the following legislation:

- 5.1 Basic Conditions of Employment Act, 75 of 1997;
- 5.2 Companies Act, 71 of 2008;
- 5.3 Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 5.4 Consumer Protection Act, 68 of 2008;
- 5.5 Electronic Communications and Transactions Act, 25 of 2002;
- 5.6 Employment Equity Act, 55 of 1998;
- 5.7 Financial Advisory and Intermediary Services Act, 37 of 2002;
- 5.8 Financial Intelligence Centre Act, 38 of 2001;
- 5.9 Financial Sector Regulation Act, 9 of 2017;
- 5.10 Income Tax Act; 58 of 1962;
- 5.11 Labour Relations Act, 66 of 1995;
- 5.12 National Credit Act, 34 of 2005;
- 5.13 Skills Development Act, 97 of 1998;
- 5.14 Skills Development Levies Act, 9 of 1999;
- 5.15 Unemployment Insurance Act, 63 of 2001;
- 5.16 Unemployment Insurance Contributions Act, 4 of 2002;
- 5.17 Value-Added Tax Act, 89 of 1991.

6 Subjects and Categories of Records Held

This section of the manual sets out the subjects and categories of records held by Kuda. The inclusion of any subject or category of records should not be construed as an indication that records falling within that subject or category shall be made available. In particular, certain grounds of refusal, as set out in the Act, may be applicable to such records.

6.1 Statutory Company Documents:

6.1.1 memoranda of incorporation and registration certificates of the companies in Kuda;

6.1.2 share registers; and

6.1.3 other statutory registers.

6.2 Accounting Records:

6.2.1 accounting records, books and documents;

6.2.2 interim and annual financial reports;

6.2.3 invoices in respect of creditors and debtors;

6.2.4 tax returns;

6.2.5 banking information; and

6.2.6 other financial records.

6.3 Information Technology:

6.3.1 computer and telecommunications software, support and maintenance agreements; and

6.3.2 other documentation pertaining to computer and printer systems, telecommunications and computer programmes.

6.4 Intellectual Property:

6.4.1 trade marks and copyright;

6.4.2 records relating to domain names; and

6.4.3 licences and other agreements relating to intellectual property rights.

6.5 Personnel Records:

6.5.1 list of employees;

6.5.2 contracts and/or documentation pertaining to arrangements with directors;

6.5.3 personnel files in respect of the employees;

6.5.4 other information relating to employees; and

6.5.5 internal phone lists.

6.6 Governance records:

6.6.1 minutes of meetings;

6.6.2 policies;

6.6.3 directives; and

6.6.4 resolutions.

6.7 Marketing:

6.7.1 articles and newsletters;

6.7.2 educational resources and training materials;

6.7.3 educational and training content; and

6.7.4 circulars and communications.

6.8 Miscellaneous Agreements

6.9 Movable and Immovable property:

6.9.1 agreements for the lease of immovable property;

6.9.2 agreements for the purchase of movable property; and

6.9.3 other agreements for the purchase, ordinary sale, conditional sale or hire of assets.

7 Right to Refuse Access to Information

7.1 Kuda has the right to refuse access to records where:

7.1.1 the record would unreasonably disclose personal information about a natural person, including a deceased individual (unless written permission for access is granted); and

7.2 the record contains one of the following:

7.2.1 trade secrets;

7.2.2 financial, commercial, scientific or technical information whereby the disclosure thereof could likely cause harm to the financial or commercial interests of a third party or Kuda;

7.2.3 information about research by a third party or Kuda which could put that third party or the entity at a disadvantage in a negotiation or prejudice him in competition, unless written consent is given;

7.2.4 access would put the entity in breach of a duty of confidence which we owe a third party unless that third party gives written consent for access to be granted;

7.2.5 access could be expected to endanger someone's life or physical safety, prejudice or impair the security of a building, structure, system, means of transport or other property;

7.2.6 the record is privileged from being produced as evidence in legal proceeding, unless the person protected has waived that protection;

7.2.7 if the request is for access to your personal information and you could not provide adequate proof of identity to Kuda; and

- 7.2.8 requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

8 Procedure for Requesting Documents

8.1 Form of request

- 8.1.1 The requester is required to use the prescribed form annexed hereto as "A" to submit a request for access to a record held by Kuda. The request is required to be made to the address or fax number or e-mail address of the information officer of Kuda and should be clearly addressed to the information officer.
- 8.1.2 The requester is required to provide sufficient particularity on the request form to enable the information officer to identify the record and the requester. The requester should also indicate which form of access to the record is required and if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 8.1.3 The requester is required to state the right that he or she is seeking to exercise or protect and provide a written explanation as to why the requested record is required for the exercise or protection of that right.

8.2 Fees

- 8.2.1 The fee for a copy of this manual is R1.10 for every photocopy of an A4-size page or part thereof.
- 8.2.2 The request fee payable by a requester, other than a person seeking access to a record containing his or her personal information, is R50.00.
- 8.2.3 The access fees payable by a requester whose request for access to a record of Kuda has been granted are as follows:

8.2.3.1	For every photocopy of an A4-size page or part thereof	R1.10
8.2.3.2	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
8.2.3.3	For a copy in a computer-readable form on – (a) Stiffy disc (b) Compact disc	R7.50 R70.00
8.2.3.4	For a transcription of visual images, for an A4-size page or part thereof	R40.00
8.2.3.5	For a copy of visual images	R60.00
8.2.3.6	For a transcription of an audio record, for an A4-size page or part thereof	R20.00
8.2.3.7	For a copy of an audio record	R30.00

- 8.2.4 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.
- 8.2.5 For purposes of section 54(2) of the Act, the following applies:

- 8.2.5.1 Six hours as the hours to be exceeded before a deposit is payable; and
- 8.2.5.2 One third of the access fee is payable as a deposit by the requester.
- 8.2.6 The actual postage is payable when a copy of a record must be posted to a requester.

9 Availability of the Manual

The manual will be available for inspection at the offices of Kuda free of charge or on Kuda's website at www.kuda.co.za.

Last Updated: 15 March 2021

J752

REPUBLIC OF SOUTH AFRICA

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

[illegible]

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

[illegible]

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

D. Particulars of record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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.

Reason for exemption from payment of fees:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X . NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	Form in which record is required:
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1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at this day..... of year

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE