

PAIA Manual Reference Table

For Internal Use Only

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Ince (Pty) Ltd.



Promotion of Information Act
Manual

This manual is prepared in accordance with the
Promotion of Access to Information Act, 2000 (PAIA)
and addresses the requirements of the
Protection of Information Act, 2013 (PoPIA)

Table of Contents

| | | |
|-----|--|----|
| 1. | Statement | 1 |
| 2. | Purpose of the Manual..... | 1 |
| 3. | Relationship with existing policies..... | 1 |
| 4. | Availability of the Manual | 1 |
| 5. | Company Introduction and Details of the Information Officer | 1 |
| 6. | Collection and Processing of Information (PoPIA)..... | 2 |
| 7. | Related Records/Information Held and Applicable Legislation (PAIA) | 4 |
| 8. | Access to Information and Records..... | 6 |
| 9. | The Decision Making Process | 6 |
| 10. | Request Fees..... | 7 |
| 11. | Right to Complain..... | 8 |
| 12. | Right of Appeal..... | 8 |
| 13. | The Information Regulator..... | 8 |
| 14. | Glossary..... | 9 |
| | Appendix 1 | 10 |

1. Statement

It is Ince (Pty) Ltd.'s (hereafter Ince) policy to ensure that all business operations are conducted in such a manner that adheres to and complies with the legal and regulatory requirements of the Republic of South Africa.

2. Purpose of the Manual

The purpose of the manual is to address the requirement of transparency as prescribed by the Protection of Personal Information Act, 2013 (PoPIA) and to provide guidance to individuals who seek to request access to information or records held by or otherwise under Ince's control, as prescribed by the Promotion of Access to Information Act, 2000 (PAIA).

3. Relationship with existing policies

This manual forms part of Ince's Information Security Management System (ISMS) as it regulates the access to information and records owned, held by, or otherwise under Ince's control. It should therefore be read in conjunction with the company's ISMS Statement.

4. Availability of the Manual

A copy of this manual is available at the offices of Ince and can be found on the website noted in section 5.1.

Ince will update this manual annually upon review provided that pertinent changes are required or sooner if required by law.

5. Company Introduction and Details of the Information Officer

5.1. Company Introduction

Ince is a privately-owned and independent business in the Investor Communications Sector. With our strategic advisory and production services, we help corporate clients meet their regulatory disclosure requirements and empower their shareholders with knowledge – about how the company has performed in the past, and where it will go in the future. We also equip investors with the tools they need to connect with like-minded people and the information they need to make more informed investment decisions.

| Company Details | |
|--------------------------|---|
| Registered Company Name | Ince (Pty) Ltd. |
| Trading As | Ince |
| Company Registration No. | 1939/012146/07 |
| Physical Address | 42 Wierda Rd West, Wierda Valley, Sandton, 2196 |
| Postal Address | PO Box 38200 Booysens, 2016 |
| Contact Number | +27 11 305 7300 |
| Email Address | ince@ince.co.za |
| Website | https://www.ince.co.za/ |

5.2. The Information Officer

In terms of both PoPIA and PAIA, any individual who would like to make a request for information or records held by or under the control of Ince may submit a request to the Information Officer as noted below.

For details on the request procedure, please see Section 8.

| Details of the Information Officer and Deputy Information Officer(s) | |
|--|--|
| Head of Company | Alban Atkinson |
| Appointed Information Officer | Alban Atkinson |
| E-mail Address | popia@ince.co.za |

| | |
|-------------------------------|--|
| Deputy Information Officer(s) | Paul Tudor |
| E-mail Address | popia@ince.co.za |

6. Collection and Processing of Information (PoPIA)

In terms of the PoPIA, personal information is any data that can be used to identify a person. It is defined as “information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person”.

The PoPIA prescribes eight conditions for the lawful processing of Personal Information (PI) by a Responsible Party (RP). These conditions must be reasonably adhered to as is required and deviation is prohibited unless exemptions specified in Chapter 4 of the PoPIA are applicable.

Please refer to Appendix 1 for a list of the eight conditions along with a brief definition of each.

The PoPIA makes provision for the right of the Data Subject (DS) to be informed of and consent to the collection, processing, and retention of their PI. The categories and details of which are provided below.

6.1. Collection and Processing

As a As an Investor Communications Agency, Ince may use records of PI primarily for the purposes of providing Investor Communications services and solutions to corporate and individual clients. Ince may also use PI relating to third party suppliers, contractors, service providers, employees, and clients for legitimate business purposes which are aligned with the business functions and activities.

6.2. Purpose and Categories Processed

Ince collects, processes and where required retains the PI tabulated further below for the following purposes:

- 6.2.1. To render services according to client instructions/requirements
- 6.2.2. To fulfil contractual obligations
- 6.2.3. Accounts and Record keeping
- 6.2.4. To comply with Tax laws
- 6.2.5. To comply with legal and industry regulations
- 6.2.6. To comply with Johannesburg Stock Exchange (JSE) regulations
- 6.2.7. To comply with the Companies Act
- 6.2.8. To comply with Service Level Agreements (SLA) and Non-Disclosure Agreements (NDA)

| Data Subject Category | Information Processed |
|--|--|
| Directors | Identity numbers, Names, FICA documentation. |
| Employees, Potential Employees, New Recruits | Name, Surname, South African identity number or other identifying number, contact details, physical and postal address, date of birth, age, marital status, race, disability, information, employment history, criminal background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information |
| Shareholders | Identity numbers, Names, Employer, Occupation, Business address, Residential address, Copies of identity documentation, Proof of residence, Contact numbers, Email addresses. |
| Consultants/ Contractors | This will be dependent on the nature of the services provided to Ince but may include any of the details in the categories for Employees and/or Service providers. |

| | |
|---|---|
| Service Providers; including Outsourced/Hosted Services, Auditors, etc. | Company registration details, identity numbers, BEE certificates, tax clearance, income tax and VAT registration details, payment information including bank account numbers, invoices, contractual agreements, addresses, contact details. |
| Clients – Natural Persons (Current, Prospective, and Historic) | Name, Surname, South African identity number or other identifying number (e.g., passport), date of birth, age, marital status, citizenship, telephone numbers, email address, physical and postal addresses, income tax number, financial information (e.g., remuneration, fund credits, benefits statements, investment portfolio details), banking information including account numbers, health information, FICA documentation. <i>May also include the personal information of children/minors, if they are listed as beneficiaries or dependants.</i> |
| Clients – Juristic Persons (Current, Prospective, and Historic) | Entity name, registration number, tax-related information, contact details for representatives, FICA documentation, trustee personal information (as for Natural Persons). |

6.3. Sharing of Personal Information

Ince may at times share PI referenced in section 6.2 with Third Parties for the purposes of providing products and services to corporate and individual clients, and employees.

Personal Information may also be shared to fulfil contractual obligations and for any other legal obligations we might have i.e., Information Quality. Below is a non-exhaustive list of recipients with whom PI may be shared:

- 6.3.1. Regulators and Law enforcement agencies
- 6.3.2. Banks
- 6.3.3. Audit Firm
- 6.3.4. The South African Revenue Service (SARS)
- 6.3.5. Medical Aid Companies
- 6.3.6. Insurers
- 6.3.7. Recruitment Agencies may collect personal information on behalf of Ince
- 6.3.8. Data Analytics Service Providers

6.4. Trans-border/Cross Border Flow of Personal Information

Where necessary and with prior consent from the DS, Ince may at times further process PI with Third Parties situated in other countries. In such instances, Ince will ensure that the intended recipients of PI have adequate safeguards in place that align to Chapter 3 of the PoPIA for the protection and lawful processing of PI.

6.5. Retention and Security

- 6.5.1. Ince retains personal information for the period required to achieve the purpose for which the PI was collected. However, legal, and regulatory requirements may at times dictate an extended retention period.
- 6.5.2. Ince endeavours to employ the best efforts through the continuous assessment, development, and implementation of the ISMS framework to ensure that reasonable protection of the confidentiality, integrity, and availability of PI is maintained.

7. Related Records/Information Held and Applicable Legislation (PAIA)

PAIA grants any requester access to records held or controlled by a private body, on condition that the record of information is required for the exercise or protection of any rights, referencing in particular, personal information rights as described in PoPIA.

This section serves as guidance to the records that are held by and includes records related to Ince business operations.

Requestors must take into consideration applicable prescribed fees for reproduction where access is granted (see Section 10 of this document).

7.1. Records relating to Ince are provided below:

(Please see Reason Key in section 7.2).

| Records Held/Controlled | May Be Disclosed | May Not Be Disclosed | Limited Disclosure | May Not Be Refused |
|--|------------------|----------------------|--------------------|--------------------|
| Public and Investor Relations | | | | |
| Investor Corporate Releases | 1 | | | |
| Media Releases | 1 | | | |
| Company Secretarial and Legal | | | | |
| Statutory Records | | 12 | | |
| Incorporation Documents | | 12 | | |
| Evidence of Executive, Board and Shareholder Decisions Taken | | 12 | | |
| Share Register | | 12 | | |
| General Contract Information | | 12 | | |
| Financial Records | | | | |
| Audited Financial Statements | | 12 | | |
| Tax, VAT, and PAYE Records | | 12 | | |
| Management Accounts | | 12 | | |
| Human Resources | | | | |
| Employee/Staff Records | | 5 & 9 | 4 | |
| Employment Contracts | | 5 | 4 | |
| Policies and Procedures | | 12 | | |
| Health and Safety Records | | 5, 8, & 9 | 4 | |
| Employment Equity Plan | | 12 | | |
| Training and Development Records | | 12 | | |
| Medical Aid Records | | 8/9 | 4 | |
| Payroll Records | | 5 | 4 | |
| Company Investment | | | | |
| Investment Policy Documents | | 12 | | |
| Economic Reports and Forecasts | | 12 | | |
| Research Reports | | 12 | | |
| Board Committee Submissions | | 12 | | |

| Records Held/Controlled | May Be Disclosed | May Not Be Disclosed | Limited Disclosure | May Not Be Refused |
|--|------------------|----------------------|--------------------|--------------------|
| Property Investments | | 9 & 12 | | |
| Sales and Marketing | | | | |
| Market Information | | 12 & 13 | | |
| Research Information | | 13 | | |
| Public Customer Information | | 8 | | |
| Performance and Sales Records | | 12 & 2 | | |
| Customer Databases | | 12 | | |
| Marketing and Product Strategies | | 12 | | |
| Information Risk Management | | | | |
| Business Continuity Plan | | 9 & 12 | | |
| Disaster Recovery Plan | | 9 & 12 | | |
| Incident Response Plan | | 9 & 12 | | |
| Documented Information Security Controls | | 12 | | |

7.2. Reason Key

| Reason Code | Explanation |
|-------------|--|
| 1 | Publicly accessible |
| 2 | Request received after the commencement of legal proceedings (criminal or civil) – PAIA Section 7 |
| 3 | Subject to copyright |
| 4 | Personal information that belongs to the requester of the information – PAIA Section 61 |
| 5 | Unreasonable disclosure |
| 6 | Likely to harm the commercial or financial interests of third party – PAIA Section 64(a)(b) |
| 7 | Likely to harm the company or third party in contract or other negotiations – PAIA Section 64(c) |
| 8 | Would breach a duty of confidence owed to a third party in terms of an agreement – PAIA Section 65 |
| 9 | Likely to compromise the safety of individuals or protection of property – PAIA Section 66 |
| 10 | Legally privileged document – PAIA Section 67 |
| 11 | Environmental testing: investigation which reveals public safety; environmental risks – PAIA Section 64(2) and Section 68(2) |
| 12 | Commercial information of private body – PAIA Section 68 |
| 13 | Likely to prejudice research and development information of the company or a third party – PAIA Section 69 |
| 14 | Disclosure in public interest – PAIA Section 70 |

7.3. Available Records in relation to Legislation

Ince hold records for the purposes of PAIA in relation to, among others, the below listed main laws. Requesters may request access to information in terms of the legislation provided below:

- 7.3.1. Basic Conditions of Employment Act 75 of 1997
- 7.3.2. Collective Investment Schemes Control Act 45 of 2002
- 7.3.3. Companies Act 71 of 2008
- 7.3.4. Companies Amendment Act 3 of 2011
- 7.3.5. Constitution of the Republic of South Africa
- 7.3.6. Consumer Protection Act 68 of 2008
- 7.3.7. Financial Intelligence Centre 38 of 2001
- 7.3.8. Financial Sector Regulation Act 9 of 2017
- 7.3.9. Income Tax Act 58 of 1962
- 7.3.10. Labour Relations Act of 1995
- 7.3.11. National Credit Act 34 of 2005
- 7.3.12. Occupational Health and Safety Act 85 of 1993
- 7.3.13. Pension Funds Act 24 of 1956
- 7.3.14. Promotion of Access to information Act 2 of 2000
- 7.3.15. Protection of Personal Information Act 4 of 2013
- 7.3.16. Value Added Tax Act 89 of 1991

8. Access to Information and Records

The Request Procedure

In accordance with the PAIA section 53 (2), the Personal Requester/Requester must comply with the below stated procedural requirements and pay the related fees when requesting access to information or records held by Ince

- 8.1. The Requester must complete the prescribed [Form 2](#) and submit the completed form to the Information Officer noted in Section 5.2.
- 8.2. The Requester must also supply sufficient details in the request to enable the Information Officer to identify the Requester and to locate the requested information or record. The Requester must also state which form of access is required and how he/she/it wish to be informed of the decision.
- 8.3. The Requester must also specify the right that he/she/it is seeking to exercise or protect and explain why access to the requested information, record(s), or other details is necessary to exercise or protect the specified right.
- 8.4. The Requester must supply proof of identity when submitting a request for access to information or records pertaining to himself/herself/itself.
- 8.5. If a request is made on behalf of another person, the Requester must submit satisfactory proof of the capacity in which the request is being made.
- 8.6. The Information Officer must inform the Requester of the required non-refundable fee to be paid before the request is processed further.
- 8.7. Should the Requester dispute the payment of a fee, the Requester may lodge a complaint with the Information Regulator or an application to court against the tender or payment of the request fee.
- 8.8. Should a Requester require assistance with or have queries regarding this procedure, he/she/it may contact the Information Officer on the details provided in Section 5.2.

9. The Decision Making Process

9.1. Processing Time

- 9.1.1. The Information Officer must process the request within 30 days.

- 9.1.2. The processing time will only commence once the Personal Requester/Requester has supplied all the required information in clauses 8.1.1 through 8.1.3., where applicable 8.1.4. to the Information Officer.
- 9.1.3. The Information Officer within the initial 30 days may request for an extension not exceeding an additional 30 days if:
- 9.1.3.1. The request is for a large number of records/information or requires a search through a large number of records.
 - 9.1.3.2. The request requires consultation with a third party before a decision can be made.
- 9.2. Notification Process
- 9.2.1. If the request for access is granted; the Information Officer must give written notification to the Personal Requester/Requester of the decision, the form of access that has been granted and the related fees that are due (See Section 10).
 - 9.2.2. If the request for access is declined; the Information Officer must give written notification to the Personal Requester/Requester of the decision and provide the reason for refusal as well as the provisions in Chapter 4 of the PAIA whereupon the decision was based.
 - 9.2.3. Personal Requesters/Requesters may contact the Information Officer for further information regarding:
 - 9.2.3.1. The reason for the refusal or
 - 9.2.3.2. The manner of access if the request is granted.

10. Request Fees

The applicable fees will be calculated according to the below:

| General Fee Structure | |
|---|---|
| Activity | Applicable Fees |
| Request Fee | R140,00 |
| Location and preparation for disclosure | R145,00 per hour excluding the first hour |
| Deposit Fee [Required only when records location exceeds 6 hours] | 1/3 the of the total cost per form of access |
| Postage, Courier, Email, or any other electronic transfer | Actual expense will be given, if any incurred |

| Reproduction Fee Structure | |
|--|--|
| Activity | Applicable Fees excl. VAT |
| Photocopy/printed black & white copy of A4-size page | R2,00 per page or part thereof |
| Printed copy of A4-size page | R2,00 per page or part thereof |
| Copies in a Computer Readable Form | |
| - Flash drive (to be provided by requestor) | R40,00 |
| - Compact disc | |
| o If provided by requestor | R40,00 |
| o If provided to the requestor | R60,00 |
| Transcription of Visual Images per A4 Page | Service outsourced. Cost depends on quote from Service provider. |
| Copy of a Visual Image | |
| Transcription of an Audio Recording per A4 Page | R24,00 |

| | |
|--|--------|
| Copy of an Audio Recording in a Computer Readable Form | |
| - Flash drive (to be provided by requestor) | R40,00 |
| - Compact disc | |
| o If provided by requestor | R40,00 |
| o If provided to the requestor | R60,00 |

11. Right to Complain

Both PAIA and PoPIA makes provision for DS/Requester to lodge a complaint with the Information Regulator

11.1. In Respect of PoPIA

A DS may lodge a complaint with the Information Regulator for the interference with the protection of personal information, or regarding the determination of an adjudicator.

The DS may complete [Form 5](#) and submit the completed form to the Information Regulator using the applicable email address noted in Section 13 of this PAIA Manual.

11.2. In Respect of PAIA

A Requester may lodge a complaint with the Information Regulator for disputing the decision to deny a request for access, or if there has been no response from Ince's Information Officer. Should a Requester determine it is in his/her/its best interest to lodge a complaint, the Requester may complete [Form 5](#) and submit the completed form to the Information Regulator using the applicable email address noted in Section 13 of this PAIA Manual.

12. Right of Appeal

Dissatisfied Personal Requesters/Requesters and Third Parties have the right to appeal the decision of the Information Officer.

12.1. Remediation Available

12.1.1. The decision of the Information Officer is final. Ince does not have an internal appeal procedure.

12.1.2. Within 30 days of receiving notice of the decision, a dissatisfied Personal Requester/Requester may lodge a complaint with the Information Regulator or apply to a Court for relief against the decision of the Information Officer.

12.1.3. Within 30 days of receiving notice of the decision to grant access to information or records, where such information/records relate to a third party, the third party may lodge a complaint to the Information Regulator or apply to a Court for relief.

12.1.4. For the purposes of PAIA and PoPIA, the Courts that have jurisdiction over these applications are:

12.1.4.1. Constitutional Courts,

12.1.4.2. High Courts,

12.1.4.3. Another Court of similar status and

12.1.4.4. A Magistrates Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated Magistrate.

13. The Information Regulator

In terms of PoPIA, should a DS believe that their PI is being unlawfully collected, processed and/or retained, the DS may lodge a complaint with the Information Regulator.

In terms of PAIA, should a Personal Requester/Requester be dissatisfied with the decision of the Information Officer regarding a request for access, the Personal Requester/Requester may lodge a complaint to the Information Regulator.

A guide on how to use The Acts will be made available by the Information Regulator.

Data Subjects/Requesters can direct queries pertaining to The Acts to the Information Regulator using the contact information provided below:

| The Office of the Information Regulator | |
|---|--|
| Chief Executive Officer | Mr Mosalanyane Mosala |
| Physical Address | Woodmead North Office Park, 54 Maxwell Drive, Woodmead Johannesburg, 2017 |
| Postal Address | P.O Box 31533 Braamfontein, Johannesburg 2017 |
| Contact Numbers | +27 (0) 10 023 5200 +27 80 001 7160 (Toll Free) |
| Email Addresses | enquiries@inforegulator.org.za POPIAComplaints@inforegulator.org.za PAIAComplaints@inforegulator.org.za |

14. Glossary

| Term | Description/Definition |
|--------------------|--|
| PAIA | Promotion of Access to Information Act |
| POPIA | Protection of Personal Information Act |
| ISMS | Information Security Management System |
| PI | Personal Information |
| RP | Responsible Party |
| DS | Data Subject |
| JSE | Johannesburg Stock Exchange |
| SLA | Service Level Agreement |
| NDA | Non-Disclosure Agreement |
| Private Body | A natural person who carries or has carried on any trade, business, or profession. |
| Requester | Any juristic or natural person requesting access to information, records, or other details to exercise or protect a right. |
| Personal Requester | A person seeking access to a record containing their own personal information. |
| Juristic Person | A body recognized by the law as being entitled to rights and duties in the same way as a natural person, the common example being a company. |
| Natural Person | An identifiable, living individual human being entitled to certain rights and duties. |
| SARS | South African Revenue Service |

Appendix 1

PoPIA – The 8 Conditions

Chapter 3 of PoPIA defines the eight conditions for the lawful processing of personal information. For ease of reference a brief definition of each condition is given below:

1. Accountability:

The Responsible Party must ensure the conditions stipulated in the Act are complied with.

2. Processing Limitation:

Personal information must be processed lawfully and in a reasonable manner that does not infringe upon the privacy of the Data Subject.

3. Purpose Specification:

Personal information must be collected for a specific, explicitly defined, and lawful purpose related to the function or activity of the Responsible Party.

4. Further Processing Limitation:

Further processing of personal information must be in accordance or compatible with the initial purpose for which it was collected.

5. Information Quality:

A Responsible Party must take reasonable and practical steps to ensure that the personal information is complete and accurate, updated where necessary and must not be misleading.

6. Openness:

When collecting personal information, the Responsible Party must take reasonable and practical steps to ensure that the Data Subject is aware of the collection and the purpose of collection.

7. Security Safeguards:

The Responsible Party must secure the confidentiality, integrity, and availability of personal information in its possession or under its control.

8. Data Subject Participation:

Data Subjects have the right to know whether a Responsible Party holds any of their personal information.