PAIA Manual

Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), section 51

Document owner	Andy Pfaff, Director and CEO (Information Officer)
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Applies to	Coherent Capital Management (Pty) Ltd (Registration number 2017/319036/07, FSP 49606)

Introduction

(i) Coherent Capital Management (Pty) Ltd ("Coherent") is an independent investment management company and an authorised financial services provider (FSP 49606) in terms of the Financial Advisory and Intermediary Services Act, 2002 ("FAIS Act"). Coherent is overseen by the Financial Sector Conduct Authority ("FSCA").

(ii) Coherent manages and advises on commodity portfolios and offers price-risk management solutions. It specialises in applying robust risk management to its investment approach.

(iii) This manual is compiled in terms of section 51 of the Promotion of Access to Information Act, 2000 ("PAIA"), as amended by the Protection of Personal Information Act, 2013 ("POPIA"). Information in this manual that goes beyond what section 51 requires does not create any right or entitlement to that information.

1. Definitions

1.1 "Data Subject" means the person to whom Personal Information relates.

1.2 "Information Officer" means the person identified in clause 3, who is the head of Coherent for purposes of PAIA and POPIA.

1.3 "Information Regulator" means the Information Regulator established in terms of section 39 of POPIA, which monitors and enforces compliance with POPIA and PAIA.

1.4 "Personal Information" means information relating to an identifiable living natural person and, where applicable, an identifiable existing juristic person, as defined in POPIA.

1.5 "Processing" means any operation concerning Personal Information, including its collection, recording, storage, use, dissemination, restriction or destruction.

1.6 "Record" means any recorded information, regardless of its form or medium, that is in Coherent's possession or under its control, whether or not Coherent created it.

1.7 "Requester" means a person who requests access to a Record of Coherent in terms of PAIA.

1.8 "Responsible Party" has the meaning given in POPIA: the person who determines the purpose of and means for Processing Personal Information.

2. Purpose of this manual

2.1 This manual enables the public to:

(a) see which categories of Records held by Coherent are available without a formal PAIA request;

(b) understand how to request access to a Record, including the subjects on which Coherent holds Records and the categories of Records held on each subject;

(c) see which Records are available in terms of other legislation;

(d) find the contact details of the person who will assist with a request;

(e) find the Information Regulator's guide on how to use PAIA; and

(f) understand how Coherent Processes Personal Information, including the purpose of Processing, the categories of Data Subjects and information, the recipients to whom information may be supplied, planned cross-border transfers, and the security measures applied.

3. Contact details

Name of private body	Coherent Capital Management (Pty) Ltd
Registration number / FSP number	2017/319036/07 · FSP 49606
Information Officer	Andy Pfaff, Director and CEO
Registered office (physical address)	Great Westerford, Suite 202, 240 Main Road, Rondebosch, Cape Town, 7700
Postal address	c/o MitonOptimal, Great Westerford, Suite 202, 240 Main Road, Rondebosch, Cape Town, 7700
Primary operations address	10 Park Road, Umtentweni, 4235, KwaZulu-Natal
Other office	1st Floor, Building 4, 39 Hilton Avenue, Hilton, 3245
Telephone	+27 21 492 9022
Email (Information Officer)	enquiries@coherentcommodities.com
Email (general enquiries)	enquiries@coherentcommodities.com
Website	www.coherentcommodities.com

4. The Information Regulator and the PAIA Guide

4.1 The Information Regulator has compiled a Guide, in terms of section 10 of PAIA, on how to use PAIA and POPIA. The Guide is available in all official languages and can be obtained from the Information Regulator's website: https://inforegulator.org.za/paia-guidelines/

4.2 The Information Regulator's contact details are:

Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal address	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone	010 023 5200 · Toll free 0800 017 160
General enquiries	enquiries@inforegulator.org.za
PAIA complaints	PAIAComplaints@inforegulator.org.za
POPIA complaints	POPIAComplaints@inforegulator.org.za
Website	https://inforegulator.org.za/

4.3 If a PAIA request is refused, or there is no response to it, the Requester may lodge a complaint with the Information Regulator or apply to a court of competent jurisdiction.

5. Records available without a request

5.1 The following categories of Records are available without a formal PAIA request, on Coherent's website (www.coherentcommodities.com) or on request from the Information Officer:

Category	Records	Available on website	Available on request
Marketing and investor information	Fund factsheets, product and firm brief, white paper, introductory presentation, weekly slide pack, press releases	Yes	Yes
Regulatory and policy documents	PAIA Manual, Conflict of Interest Policy, Complaints Resolution Procedure	Yes	Yes

6. Records available in terms of other legislation

6.1 Records are kept as required by the following legislation, to the extent that it applies to Coherent. This list is not exhaustive.

Category of Records	Applicable legislation

Category of Records	Applicable legislation
Company records (memorandum of incorporation, registers, minutes)	Companies Act 71 of 2008
Regulatory, licensing and conduct records	Financial Advisory and Intermediary Services Act 37 of 2002
Client identification, verification and reporting records	Financial Intelligence Centre Act 38 of 2001
Privacy and personal information records	Protection of Personal Information Act 4 of 2013
Access to information records, including this manual	Promotion of Access to Information Act 2 of 2000
Employment and payroll records	Basic Conditions of Employment Act 75 of 1997; Labour Relations Act 66 of 1995; Employment Equity Act 55 of 1998; Unemployment Insurance Act 63 of 2001; Compensation for Occupational Injuries and Diseases Act 130 of 1993
Tax records	Tax Administration Act 28 of 2011; Income Tax Act 58 of 1962; Value-Added Tax Act 89 of 1991

7. Subjects and categories of Records held

7.1 Coherent holds Records on the following subjects. Records not listed in clause 5 must be requested in terms of PAIA, and access may be refused on the grounds described in clause 10.

Subject	Categories of Records held
Corporate and governance	Company registration and secretarial records, shareholder and director records, board and management minutes, strategic and business plans
Compliance and risk	FAIS and FSCA licensing records, compliance policies and procedures (including conflict of interest, gift and entertainment, personal account trading, treating customers fairly, complaints, business continuity and disaster recovery), risk management and money-laundering control programme records, complaints register
Clients and mandates	Investment mandates and agreements, client onboarding and verification records, correspondence, reports and statements
Investment management	Research and analysis, portfolio and trade records, broker and administrator confirmations, investment committee records
Finance and tax	Financial statements, accounting records, invoices, tax records, bank records
Human resources	Employment contracts, payroll and benefit records, representative and key individual records, training and performance records, HR policies
Information technology	System and access records, back-up and security records, service provider agreements
Marketing and communications	Marketing materials, factsheets, presentations, website content, press releases

8. How to request access to a Record

8.1 A Requester must use the prescribed request form (Form 2), available at https://inforegulator.org.za/paia-forms/

8.2 The completed form must be addressed to the Information Officer at the contact details in clause 3.

8.3 The Requester must provide enough detail to identify the Requester and the Record requested, state the form of access required, and give contact details, including the manner in which the Requester wishes to be informed of the decision.

8.4 The Requester must identify the right that the Requester seeks to exercise or protect and explain why the Record is needed for that purpose.

8.5 If the request is made on behalf of another person, the Requester must submit proof of the capacity in which the request is made, to the satisfaction of the Information Officer.

8.6 Coherent will decide on the request within 30 days of receiving it. This period may be extended once by up to a further 30 days in the circumstances set out in section 57 of PAIA, in which case the Requester will be notified. If Coherent does not decide within the time allowed, the request is deemed to be refused.

8.7 The Requester will be notified of the decision in the manner requested. If the request is refused, the notice will give the reasons for refusal and the Requester's remedies.

9. Fees

9.1 A Requester who seeks access to a Record containing Personal Information about that Requester does not pay a request fee. Every other Requester must pay the prescribed request fee before the request is processed.

9.2 If the request is granted, an access fee is payable for searching for, reproducing and preparing the Record, including any time beyond the prescribed hours.

9.3 If the Record will require more than the prescribed number of search and preparation hours, a deposit of up to one third of the access fee may be required.

9.4 Records may be withheld until the fees are paid. A Requester may apply to a court against the tender or payment of a request fee or deposit.

9.5 The prescribed fees are set out in the Regulations relating to PAIA, as amended, which are published by the Information Regulator at https://inforegulator.org.za/

10. Grounds for refusal and remedies

10.1 Coherent may or must refuse access to a Record on the grounds set out in Chapter 4 of Part 3 of PAIA. These include protecting the privacy of a third party, the commercial information and confidential information of a third party, the safety of individuals and property, privileged information, and Coherent's own commercial information.

10.2 If access is refused, the Requester may lodge a complaint with the Information Regulator or apply to a court of competent jurisdiction.

11. Processing of Personal Information

11.1 Purpose of Processing. Coherent Processes Personal Information to render and administer its financial services and investment management services, to meet its legal and regulatory obligations (including FAIS, FICA and tax requirements), to onboard and verify clients, to manage its relationships with clients, service providers and staff, to communicate with investors and prospects, and to administer its business.

11.2 Categories of Data Subjects and information.

Data Subjects	Categories of Personal Information
Clients and prospective clients (including their directors, representatives, beneficial owners and authorised signatories)	Identity and contact details, identification and verification documents, mandate and account details, tax and regulatory information, correspondence
Employees, representatives and job applicants	Identity and contact details, qualifications and experience, employment, remuneration and tax records, regulatory fit-and-proper records
Service providers, suppliers and counterparties	Business and contact details, contract and payment details
Website visitors and enquirers	Contact details provided through enquiries and technical information such as device and browser data

11.3 Recipients. Personal Information may be supplied to: the AMC issuer and administrators; JSE brokers and other counterparties involved in executing transactions; auditors, legal and compliance advisers; information technology and cloud service providers; and regulators and authorities such as the FSCA, the Financial Intelligence Centre, the South African Revenue Service and the Information Regulator, where required by law.

11.4 Cross-border transfers. Coherent's principal electronic records are stored on Microsoft cloud services (SharePoint and OneDrive) hosted in data centres in South Africa (Johannesburg and Cape Town). Coherent also uses international trading and market-data platforms, which may process limited Personal Information outside South Africa. Where this happens, Coherent takes reasonable steps to ensure that the recipient is subject to law, binding rules or an agreement that provides an adequate level of protection, as required by section 72 of POPIA.

11.5 Information security. Coherent applies appropriate, reasonable technical and organisational measures to protect the confidentiality, integrity and availability of Personal Information. These include access controls, secured and regularly backed-up electronic storage (with off-site back-up on a cloud facility), alternative operating locations, and written business continuity and disaster recovery plans. The measures are reviewed periodically.

11.6 Data Subject rights. A Data Subject may ask Coherent to confirm whether it holds Personal Information about that Data Subject, and may request access to, or correction or deletion of, that information, as provided for in POPIA. Requests must be directed to the Information Officer. A Data Subject who believes that their Personal Information is not being Processed lawfully may complain to the Information Regulator.

12. Availability of this manual

12.1 This manual is available for inspection free of charge during normal business hours at Coherent's registered office or primary operations address (clause 3), by prior arrangement with the Information Officer.

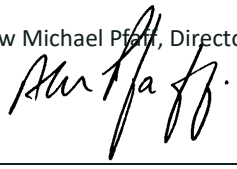
12.2 A copy is published on Coherent's website at www.coherentcommodities.com.

12.3 A copy will be provided to any person on request, on payment of a reasonable amount, and to the Information Regulator on request.

12.4 The Information Officer reviews and updates this manual regularly.

Approval

Approved by Andrew Michael Pfaff, Director and CEO, on behalf of Coherent Capital Management (Pty) Ltd.

Signature: 

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