



Spear Capital (PTY) LTD

(Registration Number: 2010/023808/07)

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2 OF 2000

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PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (THE ACT)

SECTION 51 MANUAL OF SPEAR CAPITAL

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1. CONTACT PARTICULARS

Head of business:	Bryan Derek Wetton Turner	Information Officer:	Bryan Turner
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E-mail Address:	btu@spearcapital.com		

2. INTRODUCTION

Spear Capital provides advice to a fund manager and two private equity funds that provide growth capital to SMEs focused on fast moving consumer goods (FMCG) and local production in a few carefully selected countries.

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT

- 3.1 The ACT 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.
- 3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 53 and 54 of the Act.
- 3.3 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 Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: (+27)11 877 3600
Fax Number: (+27)11 403 0625
Website: www.sahrc.org.za

4. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request, are available as an appendix to this manual and from **Spear Capital**, www.spearcapital.com.

5. INFORMATION AVAILABLE IN TERMS OF OTHER APPLICABLE LEGISLATION

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Credit Rating Services Act 24 of 2012
- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Competition Act 89 of 1998
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Currency and Exchanges Act 9 of 1933
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act, 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Markets Act 19 of 2012
- Financial Sector Regulation Act, 9 of 2017
- Financial Services Ombud Schemes Act, 37 of 2004
- Income Tax Act 58 of 1962
- Insurance Act, 18 of 2017
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- National Credit Act 34 of 2005
- National Minimum Wage Act, 9 of 2018
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Securities Transfer Act 25 of 2007
- Securities Transfer Tax Administration Act 26 of 2007
- South African Reserve Bank Act 90 of 1989
- South African Revenue Services Act 34 of 1997
- Short Term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Stamp Duties Act 77 of 1968

- Statistics Act of 6 of 1999
- Tax Administration Act 28 of 2011
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

6. INFORMATION AUTOMATICALLY AVAILABLE

- Marketing and Promotional Material
- Information provided at <https://spearcapital.com/>

7. INFORMATION AVAILABLE IN TERMS OF THE ACT - ON REQUEST

STATUTORY BUSINESS RECORDS

- Certificate of Incorporation
- Dividend Register
- Directors Attendance Register
- Memorandum of Incorporation
- Minutes of Shareholders Meetings
- Minutes of Directors Meetings
- Register of Allotments
- Register of Directors and Officers
- Register of Directors Shareholding
- Resolutions
- Shareholders Agreements
- Minute Books
- Resolutions Passed at Meetings

ACCOUNTING RECORDS

- Annual financial statements and working papers
- General ledger
- Bank statements
- Customer and supplier statements and invoices
- Cash books and petty cash books
- Fixed asset register
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Insurance records
- Investment records

- Independent Reviewer's reports
- Systems documentation

INFORMATION TECHNOLOGY

- Agreements
- Client database
- Hardware
- Internet
- Licenses
- Operating systems
- Software packages

INSURANCE

- Claim records
- Details of coverage, limits and insurers
- Insurance policies

LEGAL, AGREEMENTS AND CONTRACTS

- Agreements with contractors, suppliers and clients
- Agreements with customers
- Agreements with shareholders, officers or directors
- Material agreements relating to provision of services or materials
- Contracts, including lease agreements and finance agreements

PERSONNEL RECORDS

- Attendance register
- Disciplinary records
- Employee information records
- Employment applications
- Employment contracts
- IRP 5 and IT 3 certificates
- Letters of appointment
- Leave applications
- Maternity leave policy
- Organisational design
- Payroll
- Personnel File
- Policies and procedures
- Records of foreign employees
- Recruitment and appointments
- Salary and wage registers
- Salary slips and wage cards

- Staff records after employment
- Tax returns of employees
- UIF, PAYE and SDL returns
- Workmen's Compensation Documents

8. GENERAL

N/A

9. REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request forms that are available as an appendix to this manual, at the offices of Spear Capital, or which can be accessed on www.justice.gov.za/infoereg. The completed request form must be sent to the address or fax number provided in this manual and marked for the attention of the Information Officer.

Please provide sufficient details to enable the company to identify:

- The record(s) requested
- The requester (and if an agent is lodging the request, proof of capacity)
- The form of access required
- The postal address or fax number of the requester in the Republic
- If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

10. PRESCRIBED FEES

- A requestor is required to pay the prescribed fees before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), 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;
- The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za and as an appendix to this manual.

11. PROTECTION OF PERSONAL INFORMATION PROCESSED

Spear Capital is committed to protecting the privacy of personal information of our data subjects. The information you share with us as a data subject allows us to provide you with the best experience with our products and services,

or as a stakeholder.

Spear Capital has dedicated policies and procedures in place to protect all personal information collected and processed by us. Please read below for more information on how we collect, process, use and disclose personal information.

11.1 THE PURPOSE OF PROCESSING OF PERSONAL INFORMATION

We process personal information for various reasons, including but not limited to the following:

- To manage information, products and/or services requested by data subjects
- To help us identify data subjects when they contact us
- Manage customers
- To maintain customer records
- Recruitment purposes
- Employment purposes
- Training purposes
- General administration
- Financial and tax purposes
- Legal or contractual purposes
- To monitor access, secure and manage our premises and facilities
- To transact with our suppliers
- To improve the quality of our products and services
- To help us recover debts
- Marketing purposes
- Engaging with the public

11.2 DATA SUBJECT CATEGORIES AND PERSONAL INFORMATION PROCESSED

- Customers**
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence
 - E-mail address
 - Financial history
 - Physical address
 - Telephone number

Employees

- Age
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence
- Criminal history and proceedings in respect of these offences
- Education history
- E-mail address
- Employment history
- ID number
- Language and birth of the person
- Marital status
- Nationality
- Physical address
- Pregnancy
- Race
- Telephone number

Prospective employees

- Age
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence
- Criminal history and proceedings in respect of these offences
- Education history
- E-mail address
- Employment history
- ID number
- Nationality
- Physical address
- Race
- Telephone number

Suppliers

- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence
- E-mail address
- Physical address
- Telephone number

11.3 RECIPIENTS WITH WHOM PERSONAL INFORMATION IS SHARED

In processing your personal information, we may share it with other third parties. These include but are not limited to:

- Statutory authorities
- Law enforcement agencies

- Tax authorities
- Contractors, vendors, or suppliers
- Payment processors
- Email management and distribution tools
- Data storage providers
- Server hosts
- Agents
- Service providers

11.4 SECURITY MEASURES IMPLEMENTED TO PROTECT PERSONAL INFORMATION

We have identified our security risks over the personal information we process in line with the Protection of Personal Information Act, and we have implemented various security measures to ensure reasonable protection against the risk of loss, misuse, unauthorised access and disclosure, alteration and destruction of the personal information.

We also take steps to ensure that operators that process personal information on behalf of Spear Capital apply adequate safeguards as outlined above.

11.5 TRANS-BORDER FLOWS OF PERSONAL INFORMATION

We may transfer to, and store personal information we collect about you, in countries other than South Africa, if the relevant business transactions or situation requires trans-border processing. These countries may not have the same data protection laws as South Africa, and in this instance, we will only transfer the information if we have consent from you; or it is necessary for the performance or conclusion of a contract between us; or to a third party within our group of undertakings, where a binding corporate agreement exists which provides an adequate level of protection that is equivalent to The Protection of Personal Information Act of South Africa.

11.6 PERSONAL INFORMATION RECEIVED FROM THIRD PARTIES

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

Where information on third parties is provided by a data subject, or a third party provides information on a data subject, that information may be taken into account with other personal information.

11.7 DATA BREACHES

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, SPEAR CAPITAL shall notify:

- a) the Regulator; and
- b) the data subject, unless the identity of such data subject cannot be established.

The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

12. AVAILABILITY OF THE MANUAL

Copies of the manual are available for inspection, free of charge, at the offices of Spear Capital, from the South African Human Rights Commission and at: www.spearcapital.com.

SIGNATURE HEAD OF BUSINESS: _____

SIGNED ON: _____

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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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:	Form in which record is required:
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.	

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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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?

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE