

# PAIA MANUAL

in respect of the South African branch of Exness SC (Ltd)  
("the Branch")

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	<b>“DIO”</b>	Deputy Information Officer
1.2	<b>“FSCA”</b>	Financial Sector Conduct Authority
1.3	<b>“IO”</b>	Information Officer
1.4	<b>“Minister”</b>	Minister of Justice and Correctional Services
1.5	<b>“PAIA”</b>	Promotion of Access to Information Act No. 2 of 2000 (as Amended)
1.6	<b>“POPIA”</b>	Protection of Personal Information Act No.4 of 2013
1.7	<b>“ODP”</b>	Over-The-Counter Derivatives Provider
1.8	<b>“Regulator”</b>	Information Regulator
1.9	<b>“Republic”</b>	Republic of South Africa

## 2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;

- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

The PAIA Manual should be read and interpreted in conjunction with the Company's Privacy Policy, as both documents outline the Company's approach to privacy and information management.

### **3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF EXNESS SC LTD (SOUTH AFRICA) Branch**

#### 3.1. Information Officer

Name: Nelson Manyenga  
Tel: 0212006985  
Email: dp@exness.com

#### 3.2. Access to information general contacts

Email: support@exness.com

#### 3.3 Local Office

Physical Address: 307&308 North Wing, Third Floor, Granger Bay Court, V&A Waterfront, Cape Town, 8001  
Telephone: 0212006985  
Email: support@exness.com  
Website: www.exness.com

## 4. COMPANY BACKGROUND

Exness (SC) Ltd is a limited liability company, which was incorporated in Seychelles in June 2018 with Company Registration Number 8423606-1. The company has been granted a Securities Dealer License by the Financial Services Authority (FSA) of Seychelles with license number SD025. The company is also registered as an external company (or the “Branch”) in South Africa, with registration number 2019/061503/10 and licensed by the Financial Sector Conduct Authority (FSCA) as an Over-The-Counter Derivatives Provider (ODP). This PAIA Manual is in respect of the South Africa branch.

## 5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available a Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 5.2. The Guide is available in each of the official South African languages, including braille.
- 5.3. The Guide contains the description of:
  - 5.3.1. the objects of PAIA and POPIA;
  - 5.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of:
    - 5.3.2.1. the Information Officer of every public body, and
    - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
  - 5.3.3. the manner and form of a request for:

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of PAIA, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

- 5.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
- 5.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
  - 5.3.6.1. an internal appeal;
  - 5.3.6.2. a complaint to the Regulator; and
  - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and

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<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

- 5.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5. The Guide can also be obtained:
- 5.5.1. upon request to the Information Officer;
- 5.5.2. from the website of the Regulator (<https://inforegulator.org.za/paia-guidelines/>).

## 6. CATEGORIES OF RECORDS OF EXNESS SC LTD (SOUTH AFRICA) BRANCH WHICH ARE AVAILABLE WITH or WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Freely available	Available upon request
Client / Customers	Customer / Client records relating to relevant databases, agreements, files, accounts, due diligence and risk assessments, correspondence, instructions, and other records of personal information as detailed by the website privacy policy or other privacy notices and policy		X

<sup>11</sup> Section 92(1) of PAIA provides that – “The Minister may, by notice in the Gazette, make regulations regarding-  
 (a) any matter which is required or permitted by this Act to be prescribed;  
 (b) any matter relating to the fees contemplated in sections 22 and 54;  
 (c) any notice required by this Act;  
 (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and  
 (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

	provided to data subjects from time to time.		
Financial	Banking records, financial statements, tax returns, and all other statutorily required records such as VAT records, levies, travel related expenses, insurance records, UIF payments.		X
Company policies	Privacy Policy, Complaints Handling Policy, Conflicts of Interest Policy, Client Agreement, General Business Terms, Partnership Agreement, Bonus Terms and Conditions.	X	
	Other company policies, procedures, and protocols.		X
Public Affairs, Products and Services	Types and details of products and services offered, media releases, published newsletters and articles, public corporate records.	X	
Regulatory Licenses	Licenses, permits , name of Regulator, approved services/activities.	X	
Marketing	Market information, advertisements, marketing and communications strategies, client contact details, new business development.		X
Human Resources	Employment contracts, employment applications,		X



	personal information of employees, employee benefit and salary information, leave records, advertised posts, performance management records, health and safety records, training manuals and records, disciplinary records, medical aid and pension fund records, PAYE records.		
Administrative	Memorandum of Incorporation, minutes of Board or director meetings, internal memoranda and correspondence, registers, insurance policies held by the Company, FICA internal rules, complaints and resolutions.		X
Third-Party	Non-disclosure agreements, supplier and service provider contracts, rental agreements, third-party correspondence.		X
Intellectual Property	Documents relating to trademarks, logos, designs and materials.		X

## 7. DESCRIPTION OF THE RECORDS OF EXNESS SC LTD (SOUTH AFRICA) BRANCH WHICH ARE AVAILABLE IN ACCORDANCE WITH RELEVANT LEGISLATION

Category of Records	Applicable Legislation
Memorandum of Incorporation Minutes of board and director meetings Register of board of directors	Companies Act, 71 of 2008
PAIA Manual	PAIA
Privacy Policy Information Officer and Deputy Information Officer details	POPIA
Client Due Diligence FICA internal rules	Financial Intelligence Centre Act, 38 of 2001
Licences and permits Conflict of Interest Policy Complaints Policy	Financial Sector Regulation Act, 9 of 2017 Financial Advisory and Intermediary Services Act, 37 of 2002 Financial Markets Act, 19 of 2012
Financial and tax records PAYE records	Income Tax Act, 58 of 1962

## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1. Purpose of Processing Personal Information

The Branch uses the Personal Information under its care for the following purpose(s);

- Administration of agreements

- Providing services to customers and potential customers
- Detecting and prevention of fraud, crime, money laundering and other malpractice
- Conducting market or customer satisfaction research
- In connection with legal proceedings
- Staff administration
- Maintenance of accounts and records
- Complying with legal and regulatory requirements
- Profiling data subjects for the purposes of direct marketing and
- as further detailed in the website Privacy Policy

**8.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto**

Categories of Data Subjects	Personal Information that may be processed
Customers (current and prospective): Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence; IP addresses.
Customers (current and prospective): Legal Persons	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; IP addresses.
Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
	information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information;
Employees/Directors/Shareholders (current and former)  Job applicants	Gender; pregnancy status; marital status; race; age; language; education information; financial information; employment history; ID number; medical records; physical and postal address; contact details; opinions; criminal record.

**8.3. The recipients or categories of recipients to whom the personal information may be supplied**

<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
South African Police Services
Regulatory, statutory and government bodies
Exness affiliated entities and relevant directors and employees
Service providers
Professional or specialist advisors
Banks and other financial institutions
A potential acquirer of any part of the Exness Group as part of a due diligence process
Shareholders and other stakeholders
Introducing brokers with whom we have a mutual relationship

**8.4. Planned transborder flows of personal information**

Personal Information may be transmitted transborder to the Branch’s authorised dealers and its suppliers in other countries, including without limitation European countries and Seychelles, and Personal Information may be stored in data servers

hosted outside South Africa. The Branch will ensure that such transborder flows are compliant with section 72 of the POPIA. The Branch will ensure that at least one of the following conditions are met when transferring Personal Information transborder.

- the recipient is either bound to binding corporate rules, an agreement, or otherwise resides in a country with laws that provide an “adequate level” of protection for the processing of Personal Information. This means that the binding corporate rules, agreement, or data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in the POPIA; or
- Data Subject consents to the transfer of their Personal Information; or
- transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

#### **8.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

The Branch shall ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:

- Identify all reasonably foreseeable risks to information security;
- Establish and maintain appropriate safeguards against such risks;

#### **Physical records**

- Personal Information records are kept in locked cabinets, or safes;
- When in use, Personal Information records are not left unattended in areas where non-staff members may access them;
- The Branch implements and maintains a “Clean Desk Policy” where all employees are required to clear their desks of all Personal Information when leaving their

- desks for any length of time and at the end of the day;
- Personal Information which is no longer required is disposed of by shredding.

Any loss or theft of, or unauthorised access to Personal Information is immediately reported to the Information Officer. The Information Officer has the responsibility of notifying all affected parties of breaches and measures that the Branch has taken to contain and remedy such breaches, and prevent a future similar occurrence. The Branch will notify the Information Regulator of any data breaches in the prescribed form and will consider directions provided in applicable Guidance Notes.

### **Electronic Records**

- All electronically held Personal Information is saved in a secure database;
- As far as reasonably practicable, no Personal Information is saved on individual computers, laptops or hand-held devices;
- All computers, laptops and hand-held devices are access protected with a password, fingerprint or retina scan, with the password being of reasonable complexity and changed frequently;
- The Branch implements and maintains a "Clean Screen Policy" where all employees shall be required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day;
- Electronic Personal Information which is no longer required is deleted from the individual laptop or computer and the relevant database. The employees and/or the IT department respectively shall ensure that the information has been completely deleted and is not recoverable.

Any loss or theft of computers, laptops or other devices which may contain Personal Information are immediately reported to the Information Officer, who will notify the IT department, who will take all necessary steps to remotely delete the information, if possible.

The Branch operates in a digital environment, as such, data is encrypted in transit and

at rest to ensure the confidentiality, integrity, and availability of information. There are adequate anti-virus and anti-malware packages in place to ensure that the network is protected. Additionally, the Branch has an independent compliance function that regularly tests the Information Security measures to ensure the integrity of such measures. Where the Branch processes personal information in its capacity as an Operator in terms of POPIA, the processing parameters are dictated by an Operator Agreement with the Responsible Party.

## 9. **AVAILABILITY OF THE MANUAL AND ACCESS REQUEST PROCEDURE**

- 9.1. A copy of the Manual is available–
  - 9.1.1. on [www.exness.com](http://www.exness.com);
  - 9.1.2. Exness SC Ltd (South Africa) Branch for public inspection during normal business hours;
  - 9.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
  - 9.1.4. to the Information Regulator upon request.
- 9.2. To facilitate the processing of an access request, kindly complete and submit the prescribed Form 2 (available [here](#) or on the Information Regulator’s website) by email to the Branch’s Information Officer.
- 9.3. The Information Officer will assess the request for access to a record. Please be advised that PAIA provides several grounds of refusal, which include, amongst others:
  - 9.3.1. the privacy and interests other people;
  - 9.3.2. such records that are already publicly available;
  - 9.3.3. instances where public interest is not served;
  - 9.3.4. mandatory protection of commercial information of a third-party; and
  - 9.3.5. mandatory protection of certain confidential information of a third party.
- 9.4. Please note that a person who requests access to a record must provide proof of identity and may be charged a prescribed fee in accordance with the relevant record

as set out in Annexure B of the PAIA Regulations. The Information Officer will notify the requester if there is an applicable fee.

**Issued by**

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*Information Officer*

*Version 1, 12/11/2024*