



**ZIVALEA (PTY) LTD**

**PAIA Manual**

**Prepared in terms of Section 51 of The Promotion of  
Access to Information Act 2/200 (the “Act”)**

**Prepared and Reviewed: 07/11/2024**



## TABLE OF CONTENTS

1. DEFINITIONS, ACRONYMS AND ABBREVIATIONS
2. INTRODUCTION
3. THE PURPOSE OF THIS PAIA POLICY
4. COMPANY CONTACT DETAILS
5. THE ACT
6. APPLICABLE LEGISLATION
7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE
8. PROCESSING OF PERSONAL INFORMATION
9. SCHEDULE OF RECORDS
10. FORM OF REQUEST
11. FEES
12. POLICY REVIEW



## 1. DEFINITIONS, ACRONYMS AND ABBREVIATIONS

**“Access fee”** – Fee to be paid by the requestor to the Company from which requestor is seeking the information. The purpose of the fee is to cover the costs of finding, copying etc., requested records.

**“Authorized Person”** - The authorized person is the person who is making a request on behalf of someone else and has been properly authorized in writing to do so.

**“Automatically Available Records”** - These are records that a public or private body will provide to a requester without them needing to file a request. These records are listed in a ‘voluntary disclosure notice’, which should be made public.

**“Brand”** -FXSI

**“CEO”** - Chief Executive Officer

**“Company”** - Zivalea (Pty) Ltd

**“Data Subject”** – Is the person to whom personal information relates”

**“Days”** - Unless specified as a ‘working day’ in a section in PAIA, a day is considered to be a calendar day. To calculate time period, the day on which the request is received is excluded, and every day thereafter is included including weekends and public holidays until the final day is counted. If the final day for responding to a request fall on a Sunday or public holiday, the next day is counted as the final day

**“Deemed Refusal”** - If no response is received to a request within the prescribed time, this is defined as a ‘deemed refusal’.

**“Domain”** – www.fxsi.com

**“Minister”** – Minister of Justice and Correctional Services

**“PAIA”** - Promotion of Access to Information Act No.2 of 2000 (PAIA), as amended from time to time

**“Personal Information”** – PAIA provides a broad definition of what information constitutes ‘personal information’. Specifically, PAIA defines personal information as being information about an identifiable individual, including, but not limited to:

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, color, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual.

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- b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.
- c) any identifying number, symbol or other particular assigned to the individual.
- d) the address, fingerprints or blood type of the individual.
- e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual.
- f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- g) the views or opinions of another individual about the individual.
- h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
- i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,
- j) but excludes information about an individual who has been dead for more than 20 years.

**“POPIA”** – Protection of Personal Information Act No. 4 of 2013

**“Private Body”** – A private body is a person, company or other kind of juristic entity that carries on trade, business or profession, including a political party.

**“Public Body”** – A public body means a government department or other functionary or institution, which is performing a public function. However, with regard to internal appeal, any reference to “public body” has been changed to “Government”, in order to avoid confusion in respect of public bodies in which appeal is not applicable.

**“Record”** – A record is any recorded information regardless of the form, including, for example, written documents, audio, digital and video materials. A record requested from a public or private body refers to a record that is in that body’s possession regardless of whether that body created the record.

**“Regulator”** - Information Regulator

**“Republic”** – Republic of South Africa

**“Request Fee”** - This request fee is the fee charged for making a request for information. What can be charged is prescribed by regulation but is currently R50.

**“Requester”** – a requester seeking access to a record containing personal information about the requester

**“SAHRC”** – South African Human Rights Commission



## 2. INTRODUCTION

Zivalea (Pty) Ltd, a company incorporated in South African with registration number 2023/147262/07, operating under the brand name FXSI (referred to as "the Company", "we", "our", or "us"). The Company is a Financial Services Provider (FSP) licensed and regulated by the Financial Sector Conduct Authority (FSCA) of South Africa under license number 54231. The Company's registered address is CNR William Nicol Broadacres Drive, Regus Dainfern Square, 1st Floor, Johannesburg, Gauteng, 2055.

The Company offers Over-the-Counter Derivatives in the form of Contracts for Difference (CFDs).

## 3. THE PURPOSE OF THIS PAIA MANUAL

This PAIA Manual is useful for the public to:

- i. check the categories of records held by a body which are available without a person having to submit a formal PAIA request.
- ii. 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.
- iii. know the description of the records of the body which are available in accordance with any other legislation.
- iv. 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.
- v. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- vi. know if the body will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- vii. know the description of the categories of data subjects and of the information or categories of information relating thereto.
- viii. know the recipients or categories of recipients to whom the personal information may be supplied.
- ix. 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
- x. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.



#### 4. COMPANY CONTACT DETAILS

**Directors:** Mr. BADAT MOHAMED MUNIER, Mr. HOERNLE RICHARD FRANK ALFRED and Mr. PRETORIUS KEVIN BRIAN

**Address of Registered Office:** CNR William Nicol Broadacres Drive, Regus Dainfern Square, 1st Floor, Johannesburg, Gauteng, 2055.

**Phone Number:** +27 31 109 7553

**Email:** [support@fxsi.com](mailto:support@fxsi.com)

#### 5. THE ACT

- 5.1. 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.
- 5.2. 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 paragraphs 6 and 7 of the Act.
- 5.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the SAHRC and updated by the Information Regulator (South Africa), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the Information Regulator.

The contact details of the Commission and Financial Regulator are:

#### **SAHRC (Headquarters)\***

Address:	Sentinel House, Sunnyside Office Park, 32 Princess of Wales Terrace, Parktown, Johannesburg, South Africa
Deputy Information Officer Phone Number:	011-877-3600
Email:	<a href="mailto:info@sahrc.org.za">info@sahrc.org.za</a>
Website:	<a href="https://www.sahrc.org.za/">https://www.sahrc.org.za/</a>

\*More information about contact detail can be found [here](#)



## Information Regulator

Postal Address: JD House, 27 Stimens Street, Braamfontein, Johannesburg, 2001  
Telephone Number: 010-023-5200  
Information Officer CEO Email: [PNenweli@justice.gov.za](mailto:PNenweli@justice.gov.za)  
Deputy Information Officer: [VarSewlal@justice.gov.za](mailto:VarSewlal@justice.gov.za)  
Website: <https://infoeregulator.org.za/>

## 6. APPLICABLE LEGISLATION

No	Reference	Act
1	No 71 of 2008	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 58 of 1962	Income Tax Act
5	No 66 of 1995	Labor Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 68 of 2008	Consumer Protection Act
14	No 38 of 2001	Financial Intelligence Centre Act
15	No 19 of 2012	Financial Markets Act
16	No 20 of 2022	Taxation Laws Amendment Act
17	No 38 of 1997	Intellectual Property Laws Amendment
18	No 2 of 2000	Promotion of Access to Information Act
19	No 4 of 2013	Protection of Personal Information Act
20	No 33 of 2004	Protection of Constitutional Democracy Against Terrorist and Related Activities Act
21	No 121 of 1998	Prevention of Organized Crime Act

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

- 7.1. The Regulator, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use the Promotion of Access to Information Act 2 of 2000, in an easily comprehensible form and manner, as may reasonably be required by a person to exercise any right contemplated in PAIA and POPIA.
- 7.2. The Guide is available on the Information Regulator page under following link: <https://info regulator.org.za/paia-guidelines/> .
- 7.3. The Guide is available in each of the official languages and in braille.
- 7.4. The aforesaid Guide contains the description of:
  - 7.4.1. The objects of PAIA and POPIA.
  - 7.4.2. The postal and street address, phone and fax number and, if available, electronic mail address of:
    - 7.4.1. The Information Officer of every public body, and
    - 7.4.1. 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>.
  - 7.4.3. The manner and form of a request for:
    - 7.4.1. Access to a record of a public body contemplated in section 11<sup>3</sup>; and
    - 7.4.1. Access to a record of a private body contemplated in section 50<sup>4</sup>.
  - 7.4.4. The assistance available from the IO of a public body in terms of PAIA and POPIA.
  - 7.4.5. The assistance available from the Regulator in terms of PAIA and POPIA.
  - 7.4.6. 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:
    - 7.4.1. An internal appeal.
    - 7.4.1. A complaint to the Regulator, and

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1 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.

2 Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, 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.

3 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.

4 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.

- 7.4.1. An application from a court against a decision in internal appeal or a decision by the Regulator or a decision of the head of a private body.





- 7.4.7. The provisions of sections 14<sup>5</sup> and 51<sup>6</sup> require a public body and private body, respectively, to compile a manual, and how to obtain access to a manual.
- 7.4.8. The provision of section 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.
- 7.4.9. 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
- 7.4.10. The regulations made in terms of section 92<sup>11</sup>.

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5 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.

6 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.

7 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

8 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

9 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.

10 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.

11 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.”

7.5. 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.

7.6. The Guide can also be obtained:

7.6.1. Upon request to the Information Officer.

7.6.2. From the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

## 8. SCHEDULE OF RECORDS

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<b>Record</b>	<b>Subject</b>	<b>Availability</b>
Regulatory Information	Company Name, Registration Number, Contact details (Address, email, phone(s) number(s)), FSP License	Freely Available on Company's website
Information about product	Information about product and type of services offered by the Company,	Freely Available on Company's website
Published Legal Documents	Policies, Manuals such as Client Agreement/Terms & Conditions, POPIA Policy, PAIA Policy, Complaints Resolution Policy, FAIS Disclosure, Conflict of Interest Policy etc.	Freely Available on Company's website
Marketing	Market Information, Promotional Materials, Educational Materials, Marketing Materials, Advertisement etc.	Freely Available on Company's website and/or Company's Social Media Platforms
Legal/Administrative and Regulatory records and documents	Internal Policies, Manuals and Procedures, Memorandum & Articles of Association, Statutory Registers, Corporate Documents, BoD Minutes, BoD Resolutions, Certification, Agreements with Outsourced Services Providers, Agreements with Suppliers, Letters of Intent, NDDA's, Power of Attorneys, Lease Agreement, Reports submitted to Regulators etc.	Proprietary - Not available. Request in terms of PAIA to Competent Authorities Only
Information obtained from Clients	Name, Surname, email address, phone number, date of birth, financial status information, address, phone number, copy of ID document, proof of Residence, copy of credit card, Bank Statement, Tax residence, TIN, education details, employment status, knowledge and experience in trading, risk tolerance (this list is not exhaustive, since each Client situation is profile is individual and the Company if needed will request an additional documents and information for example Source of funds, additional identification document etc.)	Request in terms of PAIA to
Employees	Qualifications Certificates, CV's, address, phone number, email, payroll information, Employment Agreements, Trainings records etc.	Proprietary - Not available. Request in terms of PAIA to Competent Authorities Only
Financial	Financial Statements, Reconciliations, Account Statements, Tax records, Asset Register	Proprietary - Not available. Request in terms of PAIA to Competent Authorities Only
Other Records	Information about technology, trade secrets, Information about auditors, internal correspondence, databases, operational records, internal reports, monitoring data etc.	Proprietary - Not available. Request in terms of PAIA to Competent Authorities Only

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## 9. PROCESSING OF PERSONAL INFORMATION

Information about how Zivalea (Pty) Ltd is processing personal information can be found in the Company's POPIA Policy, available on the Company's website

## 10. FORM OF REQUEST

To facilitate the processing of your request, kindly:

9.1 Use the prescribed form, available on the website of the Information Regulator at <https://inforegulator.org.za/paia-forms/>

9.2 Address your request to the Head of the Company (CEO).

9.3 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested.
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required.
- (d)
  - (i) The postal address of the requester in the Republic.
  - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- (e) 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.

## 11. FEES

11.1. A requester is required to pay an request fee when requesting access to records. The prescribed fee amount is R50 and it shall be paid before the request is processed.

11.2. 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).

11.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

11.4. Records may be withheld until the fees have been paid.

11.5. Requestors are also required to pay fees for accessing the records. This fee covers the costs of searching for the record and copying it. The breakdown of fees for accessing records are:

Activity	Fee
Copy per A4 Page	R1.10
Print per A4 page	75 cents
Copy on the Flash drive (Flash drive will be provided by the Company)	R70 plus the cost of the flash drive
Transcription of visual images per A4 page	R40
Copy of visual image	R60

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Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation.
Postal fees	A Requestor will pay for the actual postal expense

## 12. Policy Review

This Policy will be reviewed at least annually and updated in cases of any regulatory changes.