



COMPLIANCE SOLUTIONS FOR FINANCIAL
INSTITUTIONS

Financial Compliance Solutions (Pty) Ltd.

2018/522520/07

Unit 120 Rosen Office Park

Invicta Road, Midrand

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info@fcsolutions.co.za

<https://www.fcsolutions.co.za>

PAIA MANUAL

PREPARED IN ACCORDANCE WITH

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION

ACT, NO. 2 OF 2000

AND

THE PROTECTION OF PERSONAL INFORMATION ACT,

NO. 4 OF 2013

OF

FCS (PTY) LTD



COMPLIANCE SOLUTIONS FOR FINANCIAL INSTITUTIONS

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1. INTERPRETATION

1.1 In this manual, unless otherwise specified or the context clearly indicates the contrary, the following words and expressions have the meanings assigned to them

below:

1.1.1 "**PAIA**" – the Promotion of Access to Information Act, No. 2 of 2000;

1.1.2 "**FCS**" – Financial Compliance Solutions (Pty) Ltd (registration number: 2018/522520/07);

1.1.3 "**FCS User**" means a person or entity who has concluded an agreement with FCS through which agreement that accesses the Services;

1.1.4 "**Services**" – the access granted to FCS Users to Financial Intelligence services;

1.1.5 "**POPIA**"- the Protection of Personal Information Act, No. 4 of 2013;

1.1.6 "**Personal Information**" - means the information described in section 1 of the POPIA, relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.

2. INTRODUCTION

2.1 The PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to the records of private and public bodies that is required for the exercise or protection of persons' rights, and to enforce a culture of transparency and accountability.

2.2 The POPIA promotes the protection of Personal Information processed by public and private bodies, and grant protection and certain rights to natural persons and juristic persons regarding their Personal Information.



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2.3 This Manual sets out how persons may obtain access to certain records of information held by FCS and further how persons can access, or object to, or request correction or deletion of, any Personal Information that FCS holds of them.

3. PURPOSE OF THIS MANUAL

The purpose of this Manual is to inform and assist persons requesting access to information or records held by FCS, in respect of the procedure to be followed and the criteria to be applied when they request access to the aforementioned information or records, and further to inform persons on the categories of Personal Information that FCS collects and processes, and how a person may request access to the Personal Information for the purposes of correcting and/or updating it, objecting to its Processing or requesting its deletion.

4. AVAILABILITY OF THIS MANUAL

This Manual will be updated as required or when the relevant legislation is amended. The most recent version of this Manual is available on FCS's website, which can be accessed at <https://www.FCS.co.za>. Alternatively, a copy of this Manual can be requested from FCS's Information Officer.

5. REQUEST FOR ACCESS TO INFORMATION

All requests for access to information or records in terms of this Manual must be in writing and must be addressed to FCS's Information Officer, Mr. H Vermaak, as follows:

Telephone: +27 82 7700688

Website: www.fcsolutions.co.za

E-mail: info@fcsolutions.co.za



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6. GUIDE ON PAIA AND POPIA

6.1 In terms of section 10 of PAIA, the South African Human Rights Commission (“**SAHRC**”) published a guide to assist persons wishing to exercise their rights in terms of PAIA.

6.2 The aforementioned guide can be accessed through the SAHRC’s website on www.sahrc.org.za.

6.3 As of 1 July 2021, the Information Regulator assumed the functions of the SAHRC and will be responsible for PAIA and POPIA queries.

6.4 As part of its functions, the Information Regulator will publish a guide on how to use PAIA and POPIA in the new dispensation. The Information Regulator has, however, not yet published the guide to this effect.

6.5 Any information or queries related to the guide, or to PAIA or POPIA should be directed to the Information Regulator at the following contact details –

Telephone number: +27 12 406 4818

E-mail: infoereg@justice.gov.za

7. RECORDS HELD BY FCS IN TERMS OF LEGISLATION

7.1 FCS is required in terms of legislation to retain certain records, and accordingly holds records for the purposes of PAIA in accordance with, amongst others, the following legislation:

7.1.1 Broad-Based Economic Empowerment Act No. 53 of 2003;

7.1.2 Companies Act, No. 71 of 2008;

7.1.3 Electronic Communications and Transactions Act, No. 25 of 2002;

7.1.4 Financial Intelligence Centre Act, No. 38 of 2001;

7.1.5 Income Tax Act, No. 58 of 1962;

7.1.6 Labour Relations Act, No. 66 of 1995;

7.1.7 Employment Equity Act, No. 55 of 1998;

7.1.8 Occupational Health and Safety Act, No. 85 of 1993;

7.1.9 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;

7.1.10 Basic Conditions of Employment Act, No. 75 of 1997;

7.1.11 Skills Development Act, No. 97 of 1998;

7.1.12 Skills Development Levies Act, No. 9 of 1999;

7.1.13 Unemployment Insurance Contributions Act, No. 4 of 2002;

7.1.14 Unemployment Insurance Fund Act, No. 63 of 2001;

7.1.15 Value-Added Tax Act, No. 89 of 1991;

7.1.16 Trademarks Act, No. 194 of 1993;

8. RECORDS HELD BY FCS

FCS keeps records with information falling in the following categories:

8.1 Administration and Management

- 8.1.1 Statutory records
- 8.1.2 Policies and procedures
- 8.1.3 Minutes of meetings
- 8.1.4 Risk insurance and insurance records
- 8.1.5 Commercial contracts
- 8.1.6 Mandates to give effect to commercial contracts with clients
- 8.1.7 Operational records

8.2 Financial Records

- 8.2.1 Annual Financial Statements
- 8.2.2 Auditor's reports
- 8.2.3 Banking records
- 8.2.4 Creditors and debtors records
- 8.2.5 Invoices and Statements
- 8.2.6 Asset Register

8.3 Operational Records

- 8.3.1 PAYE records
- 8.3.2 Documents issued to employees for income tax purposes
- 8.3.3 Records of payment made to SARS on behalf of employees
- 8.3.4 VAT records
- 8.3.5 Skills development levies
- 8.3.6 Records of Unemployment Insurance Fund contributions
- 8.3.7 Workmen's compensation records

8.4 Employee Records

- 8.4.1 List of employees
- 8.4.2 Appointment records and employment contracts
- 8.4.3 Payroll records
- 8.4.4 Health and Safety records
- 8.4.5 Internal policies and administrative forms
- 8.4.6 Training schedules



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8.4.7 Employee medical aid contribution records

8.4.8 Employee pension fund contribution records

8.4.9 Personnel records including personal details, disciplinary records, performance and assessment records.

8.5 Information Technology

8.5.1 Computer software

8.5.2 User statistics

8.5.3 Software licenses

8.6 Appointment as Agent

8.6.1 As envisaged in terms of FICA

9. AVAILABILITY OF RECORDS WITHOUT REQUEST

9.1 At this stage no notices have been published by the Information Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA.

9.2 Any records that are required to be made available in terms of the provisions of the Companies Act, No. 71 of 2008, as amended from time to time, shall be made available for inspection by interested Persons pursuant to a request in terms of the relevant section of the Companies Act.

10. REQUEST PROCEDURES

10.1 A request for access to records held by FCS in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information, 2002 (Form C). A copy of the form is attached as Appendix 1 to this Manual. The request must be made to the Information Officer at the address or email address, specified above.

10.2 The requester must provide sufficient detail on the prescribed form to allow FCS to identify the record or records which have been requested and to identify the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to FCS. The requester is also required to indicate the form of access to the relevant record that is required, and to provide his, her or its contact details in the Republic of South Africa.

10.3 The requester is required to identify the right he, she or it is seeking to exercise or protect by accessing records held by FCS and to explain why the particular record or records requested is or are required for the exercise or protection of that right.

10.4 FCS may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which includes that access would result in the unreasonable disclosure of Personal Information about a third party.



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10.5 FCS is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of FCS's decision in another reasonable manner as well, this manner must be set out in the request and the relevant details must be included to allow FCS to inform the requester in the preferred manner.

10.6 FCS will make a decision in relation to a request for access to records within 30 (thirty) days of receipt of the request, unless third parties are required to be notified of the request or the thirty day period is extended as provided for in PAIA and will notify the requester accordingly.

10.7 A requester aggrieved by the Information Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may apply to court within 180 (one hundred and eighty) days of being informed of the decision in question for an appropriate order. The Court may confirm, amend or set aside the decision complained of and make certain ancillary orders.

10.8 A requester must pay the prescribed fee before processing of the request will take place.

11. FEES

11.1 A requester who seeks access to a record containing Personal Information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

11.2 The request fee payable by a requester, other than a personal requester, is R50.00.

11.3 The Information Officer will notify the requester (other than a personal requester) by notice, to pay the prescribed fee (if any) before further processing the request.

11.4 The fees for the reproduction of a record as prescribed by the Minister of Justice are set out in Appendix 2 to this Manual.

11.5 The access fee payable for searching for the record for disclosure is R30.00 for each hour or part of an hour reasonably required for such search.

11.6 If the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and or prepare the information requested, a deposit is payable equal to one third of the access fee referred to in paragraph 11.5 above.

11.7 Single persons whose annual income after permissible deductions does not exceed R14 712.00, as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 902.00, are exempted from paying access fees.



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12. INFORMATION OR RECORDS NOT FOUND

12.1 If all reasonable steps have been taken to find a record and such a record cannot be found or if the records sought do not exist, then the Information Officer shall inform the requester, by way of an affidavit or affirmation, that it is not possible to give access to the record requested.

12.2 The affidavit or affirmation shall provide a full account of all steps taken to find the record or to determine the existence thereof, including the details of all communications by the Information Officer with the persons who conducted the search.

12.3 If the record in question is be found at a later stage, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Information Officer.

13. PROCESSING OF PERSONAL INFORMATION

13.1 FCS may collect Personal Information relating to an identifiable, living, natural person or an identifiable existing juristic person, including, but not limited to:

13.1.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

13.1.2 information relating to the education or the medical, financial, criminal or employment history of the person;

13.1.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person to supply financial intelligence services;

13.1.4 the biometric information of the person;

13.1.5 the personal opinions, views or preferences of the person;

13.1.6 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;

13.1.7 the views or opinions of another individual about the person; and

13.1.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

13.2 In terms of POPIA, Personal Information must be processed for a specified purpose. The purpose for which Personal Information is processed by FCS depends on the nature of the information. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the information is collected. FCS however generally processes Personal Information –



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- 13.2.1 providing Services to FCS Users;
- 13.2.2 providing services to other clients;
- 13.2.3 providing services to clients of banks;
- 13.2.4 complying with FCS's obligations in terms of all applicable legislation;
- 13.2.5 entering into service level agreements and sub-contracting agreements with any service providers and sub-contractors (where applicable);
- 13.2.6 records management;
- 13.2.7 employment and recruitment;
- 13.2.8 managing FCS User and other stakeholder relationships;
- 13.2.9 generally in the ordinary course of FCS's business.
- 13.3 Please also refer to FCS Privacy Policy at www.FCS.co.za for further information.
- 13.4 FCS holds information and records on the following categories of persons (data subjects):
 - 13.4.1 FCS Users;
 - 13.4.2 clients of FCS;
 - 13.4.3 clients of banks;
 - 13.4.4 stakeholders of FCS;
 - 13.4.5 employees of FCS;
 - 13.4.6 sub-contractors of FCS;
 - 13.4.7 suppliers/service providers of FCS; and
 - 13.4.8 any third party with whom FCS engages in the ordinary course of its business.
- 13.5 Depending on the nature of the Personal Information, FCS may supply information or records to the following categories of recipients for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality -
 - 13.5.1 statutory oversight bodies, regulators, associations recognised in terms of legislation, as stated in the FCS Privacy Policy enquiry making a request therefor;
 - 13.5.2 any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of its applicable rules;
 - 13.5.3 the South African Revenue Services, or another similar authority;
 - 13.5.4 anyone making a successful application for access in terms of PAIA or POPIA;
 - and
 - 13.5.5 FCS service providers and sub-contractors.
- 13.6 Should FCS disclose Personal Information to third parties, they will be obliged to use that Personal Information for the reasons and purposes the information was disclosed for. To this end, we have agreements in place with the relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which Personal Information is being transferred to.
- 13.7 Where FCS may need to transfer any Personal Information to service providers in countries outside South Africa, it shall ensure that such countries can offer such



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information an “adequate level” of protection.

14. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

Section 11 (3) of POPIA and regulation 2 of POPIA Regulations provides that a person may, at any time object to the processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3, subject to exceptions contained in POPIA.

15. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

Section 24 of POPIA and regulation 3 of POPIA Regulations provides that a person may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual.

16. UPDATING OF AND AMENDMENTS TO THIS MANUAL

16.1 FCS may update this Manual every 12 (Twelve) months or at such intervals as may be deemed necessary. As and when any updates or amendments are effected, the latest version of this Manual will be made public on FCS website or can be requested from FCS Information Officer.

PAIA REQUEST FOR ACCESS TO INFORMATION FORM

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*



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2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

Four horizontal lines for address input

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

[] Request is made in my own name [] Request is made on behalf of another person.

PERSONAL INFORMATION

Table with 2 columns and 5 rows: Full Names, Identity Number, Capacity in which request is made (when made on behalf of another person), Postal Address, Street Address



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E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable)			
Identity Number			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			



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Description of record or relevant part of the record	
Reference number, if available	
Any further particulars of record	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	



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Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive(<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	



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MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	



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PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES

- a) *A request fee must be paid before the request will be considered.*
- b) *You will be notified of the amount of the access fee to be paid.*
- 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	
--------	--



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Empty rectangular box for input.

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Table with 3 columns: Postal address, Facsimile, Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20__

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Form with two rows: Reference number, Request received by: (State Rank, Name And Surname of Information Officer)



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<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer