



PAIA MANUAL

1. INTRODUCTION

- 1.1. This manual has been prepared in accordance with the Promotion of Access to Information Act, No. 2 of 2000, as amended.
- 1.2. This manual applies to Flare FX (Pty) Ltd. (hereinafter "**FlareX**"), an ODP duly authorised by the Authority to originate, issue, sell, and/or make a market in OTC derivatives in accordance with the Financial Markets Act (No. 19 of 2012), as amended, the regulations thereto, and subject to the conditions as set out in its license.
- 1.3. The Promotion of Access to Information Act, 2000 (the "Act") gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act and should be read in conjunction with the Protection of Personal Information Act 4 of 2013.

2. DEFINITIONS

- 2.1. The following definitions -
 - 2.1.1. "**Authority**" means the Financial Sector Conduct Authority of South Africa;
 - 2.1.2. "**Act**" means the Promotion of Access to Information Act, No. 2 of 2000, as amended; and,
 - 2.1.3. "**Information Officer**" means the officer FlareX has herein appointed to administer the objects of the Act.

3. ACCESS TO RECORDS

- 3.1. The records maintained by FlareX may be accessed only once the requester has met the requirements in the Act.
- 3.2. A requester is any making a request to a record held by FlareX and typically falls into one of the following categories:
 - 3.2.1. Personal requester: this is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act, FlareX will provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by FlareX: and,
 - 3.2.2. Other requester: this is a requester other than a personal requester entitled to request access to information pertaining to third parties. FlareX is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by FlareX.

4. REQUEST PROCEDURE

- 4.1. A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record.
- 4.2. In order to access any record the requester must complete the prescribed form. The form can be accessed from the Information Officer.
- 4.3. A requester must complete the prescribed form and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at physical address, or email address stated herein.
- 4.4. The prescribed form must be filled in with enough detail to at least enable the Information Officer to identify the record or records requested, the identity of the requester, what form of access is required, and the postal address and email address of the requester.
- 4.5. A requester must state that he or she requires the information in order to exercise or protect a right and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.
- 4.6. The Company will process a request within 30 (thirty) days, unless the requester has stated special reasons which satisfy Information Officer that circumstances dictate that this time period not be complied with and that a shorter time period is appropriate.
- 4.7. The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.
- 4.8. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- 4.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

5. DECISION

- 5.1. FlareX will, within 30 (thirty) days of receipt of a request, decide whether to grant or decline a request and give notice with reasons if required to that effect.
- 5.2. The 30 (thirty) day period within which FlareX has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large quantity of information or the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 5.3. The Information Officer will notify the requester in writing should an extension be necessary.

6. FEES AND CHARGES

- 6.1. The Act provides for two types of fees:
 - 6.1.1. a request fee, (which will be a standard fee); and

- 6.1.2. an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable.
- 6.2. When a request is received by the Information Officer, the Information Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 6.3. If a search for the record is necessary and the preparation of the record for disclosure; including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 6.4. The Information Officer shall be entitled to withhold a record until the requester has paid the fee or fees as indicated.
- 6.5. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 6.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer shall repay the deposit to the requester.

7. REMEDIES AVAILABLE IF FLAREX REFUSES A REQUEST

- 7.1. FlareX does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final.
- 7.2. A requester that is dissatisfied with the Information Officer's refusal to disclose information may submit a complaint to the Information Regulator. If the requester is still dissatisfied, they may make an application to a relevant court for relief, within 180 days from the date of the request.

8. CONTACT INFORMATION

- 8.1. For any questions, requests, or complaints regarding this PAIA Manual, please contact our Information Officer:
- 8.1.1. Physical address: Sasol Building
50 Katherine Street
Sandton
Johannesburg
2196
- 8.1.2. Email address: Refuoe@flarex.com

For the attention of:

Refuoe Makooa