

Manual

PAIA, POPIA Manual – South Africa

Current Effective Date: June, 2021

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1. Summary or Rationale

JPMorgan South Africa (“JPMSA”), represented by its legal entities, JPMorgan Chase Bank, N.A., Johannesburg Branch, JPMorgan Securities South Africa Proprietary Limited and JPMorgan Equities South Africa Proprietary Limited is required to develop, monitor, maintain and make available a manual in accordance with the Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 4 of 2013 (POPIA), collectively referred to as the (“**Manual**”).

JPMSA is a Private Body for the purposes of PAIA and POPIA and accordingly has produced this Manual in compliance with both pieces of legislation in so far as they apply to Private Bodies.

2. Scope

	Performers
Lines of Business	<ul style="list-style-type: none">All
Function(s)	<ul style="list-style-type: none">All
Locations	<ul style="list-style-type: none">South Africa
Legal Entities	<ul style="list-style-type: none">JPMorgan Chase Bank, N.A., Johannesburg Branch, JPMorgan Securities South Africa Proprietary Limited and JPMorgan Equities South Africa Proprietary Limited

3. Changes from Previous Version

This is the first version of the Manual.

4. Promotion of Access to Information Act 2 of 2000

PAIA was assented to on 2 February 2000 and commenced on 9 March 2001. The fundamental purpose of PAIA is to give effect to section 32 of the Constitution of the Republic of South Africa Act 108 of 1996 (the “Constitution”), being the constitutional right of access to any information held by the State or by any another person that is required to provide such access for the exercise or protection of any rights.

Where a Request for Access is made in terms of section 50 of PAIA, a Private Body to which the request is made is obliged to release the records or information, except where PAIA expressly provides that records or information may or must be withheld. PAIA sets out the requisite procedures to be followed by a requester when making a request for access.

5. Protection of Personal Information Act 4 of 2013

POPIA was assented to on 26 November 2013. Broadly, the purpose of POPIA is to give effect to section 14 of the Constitution, being the constitutional right to privacy by protecting Personal Information and regulating the free flow and Processing of Personal Information.

POPIA sets minimum conditions which all Responsible Parties must comply with so as to ensure that Personal Information is respected and protected. These minimum conditions are the Conditions for Lawful Processing and are more fully described in paragraph 8.1 of this Manual.

6. Overview of Manual

The purpose of this Manual is to foster a culture of transparency and accountability within JPMSA in respect of the protection and accessibility of information. Furthermore, its purpose is to give effect to both the constitutional right of access to information, where that information is required for the exercise or protection of the right to privacy in relation to POPIA.

Both PAIA and POPIA recognizes that the right to access to information and privacy may be limited in accordance with section 36 of the Constitution, to the extent that such limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

This Manual:

- a) for the purposes of PAIA, details the procedure to be followed by a Requestor and the manner in which a Request for Access shall be facilitated; and
- b) for the purposes of POPIA, amongst other things, details –
 - the purpose for which Personal Information may be processed;
 - the categories of Data Subjects for whom JPMSA processes Personal Information;
 - the categories of Personal Information relating to such Data Subjects; and
 - the recipients to whom Personal Information may be supplied.

7. Procedure for a request for access in terms of PAIA

A Requester must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record.

Requester must complete the prescribed Request for Access form attached as Annexure A, and submit the completed Request for Access form as well as payment of a request fee (As detailed in Annexure B) and a deposit (if applicable), to the Information Officer at the postal or physical address, or electronic mail address provided.

The Request for Access form must be completed with enough particularity to at least enable the Information Officer to identify the following:

- The Record/s requested;
- The identity of the Requester;
- The form of access that is required, if the request is granted;
- The postal address or fax number of the Requester; and
- The right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.

JPMSA will process the Request for Access within 30 days of receipt of such request, unless the Request for Access is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA.

If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requestor must state the manner and the particulars so required.

If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.

JPMSA will voluntarily provide the requested Records to a Requestor (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Requestor will be charged in accordance with section 54(6) of PAIA.

When the Request for Access is received by the Information Officer, the Information Officer shall by notice require the Requester to pay the prescribed request fee (if any), before further processing of the Request for Access.

8. Processing of Personal Information by JPMSA

8.1. Conditions for Lawful Processing

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

- a) Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.
- b) Processing limitation - Personal Information must be collected directly from a Data Subject to the extent applicable; must be processed with the consent of the Data Subject or on another legitimate basis provided for in terms of POPIA and must only be used for the purposes for which it was obtained.
- c) Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- d) Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- e) Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- f) Openness - there must be transparency between the Data Subject and the Responsible Party.
- g) Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- h) Data Subject participation - the Data Subject must be made aware that their information is being processed.

8.2. Purpose of the Processing of Personal Information by JPMSA

As outlined above, Personal Information may only be Processed for a specific purpose. The purposes for which JPMSA processes or will process Personal Information is set out below –

- JPMSA processes personal information of individuals and juristic persons outside the organization with whom it interacts, including visitors to its websites, customers, personnel of corporate customers, vendors, and other recipients of its services. Such processing is necessary in the ordinary course of business relationships and in compliance with local laws and regulations.
- JPMSA processes personal information to fulfil its regulatory compliance obligations, including '*Know Your Client*' checks and confirming and verifying the identity of clients and screening against government, supranational bodies (including but not limited to the European Union and the United Nations Security Council) and/or law enforcement agency sanctions lists as well as internal sanctions lists and other legal restrictions.

JPMSA collects Personal Data about employees from a variety of sources (subject to local legal requirements) as follows:

- JPMSA obtains employee Personal Information when it is provided (e.g. job applicants provide personal information such as names, email addresses and telephone numbers so that JPMSA can contact individuals about possible employment opportunities).
- JPMSA collects Personal Data in the ordinary course of the employment relationship (e.g. in connection with processing payroll or providing benefits).
- JPMSA collects Personal Data that employees choose to make public, including via social media (e.g. collecting information from social media profile(s), to the extent that such profile is publicly visible).
- Personal Data is received from third parties who provide it to JPMSA (e.g. credit reference agencies and law enforcement authorities).
- JPMSA collects or obtains Personal Data when employees use its physical and online properties, including through monitoring practices, subject to applicable law, such as, but not limited to monitoring computer, telephone and other electronic communications.

8.3. Categories of Data Subjects and Personal Information

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. JPMSA processes personal Information in respect of both individuals and juristic persons where required.

These include visitors to JPMSA websites, customers, personnel of corporate customers, vendors, employees and other recipients of our services.

8.4. Cross-border flows of Personal Information

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:

- a) if the recipient country can offer such data an “*adequate level*” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- b) if the Data Subject consents to the transfer of their Personal Information; or
- c) if the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d) if the 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
- e) if 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 in all likelihood provide such consent.

As a part of a global organisation, JPMSA strives to provide access to the highest quality financial products and services. To do this, JPMSA sometimes shares Personal Information among members of the JPMorgan Chase & Co. family of companies or service providers and other third parties that are located outside of South Africa. These countries may have different laws and data protection compliance requirements, with some providing more protection than others. JPMSA takes appropriate steps to ensure that Personal Information is handled in accordance with its Privacy Policy.

Where JPMSA transfers Personal Information to other countries, it does so in accordance with the valid transfer mechanisms outlined in s72 of POPIA, as applicable. Please use the contact details provided in section 9 if you want to receive more information about the safeguards applied to international transfers of Personal Information.

Description of information security measures implemented by JPMSA

JPMSA has implemented appropriate technical and organizational security measures designed to protect Personal Information against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorized access, and other unlawful or unauthorised forms of processing, in accordance with applicable law.

The Data Subject remains responsible for ensuring that any Personal Information that is sent to JPMSA is sent securely.

8.5. Data Subject rights

In terms of POPIA, Data Subjects have a number of rights regarding the Processing of Personal Information, including:

- the right to request access to, or copies of, Personal Information that JPMSA processes or controls, together with information regarding the nature of processing and disclosure of Personal Information;
- the right to request rectification of any inaccuracies in Personal Information that JPMSA processes or controls;
- the right to request, on legitimate grounds, deletion of Personal Information that JPMSA processes or controls or restriction on the processing of Personal Information that JPMSA processes or controls;
- the right to have Personal Information JPMSA processes or controls transferred to another controller, to the extent applicable;
- where JPMSA processes Personal Information on the basis of consent, the right to withdraw such consent; and
- the right to lodge complaints with the Information Regulator regarding the processing of Personal Information.

8.6. Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information.

Such requests must be directed to the JPMSA Information Officers as detailed below.

8.7. Request for correction or deletion of Personal Information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form.

Such requests must be directed to the JPMSA Information Officers as detailed below.

9. JPMSA and Regulator Contact Details

9.1. Contact details of the Information Officers

The contact details for JPMSA Information Officers is set out below –

1 Fricker Road, Illovo, Sandton, Johannesburg, South Africa

Telephone: +27 11 503 0300

Email: JPMSA.Infoofficer@jpmchase.com

9.2. South African Information Regulator

The Information Regulator (South Africa)

JD House

27 Stiemens Street

Braamfontein

Johannesburg

2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za

9.3. Contact details of the SAHRC PAIA division

Postal address:

Private Bag X2700

HOUGHTON

2041

E-mail address:

section51.paia@sahrc.org.za

10. Defined Terms

Data Subject	means the person to whom personal information relates
Personal Information	means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to— (a) 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; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (f) 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; (g) the views or opinions of another individual about the person; and (h) 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
Personal Requester	means a requester seeking access to a record containing personal information about the requester
Processing	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including— (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

11. Legal and Other References

Statutes, Laws, Rules, Regulations or External Guidance	The requirements under this manual are to be applied consistently with the statutes, laws, rules, and/or regulations applicable to South Africa.
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12. Firm References

Other Firm Policies or Standards	<ul style="list-style-type: none"> • Privacy Policy – Firmwide • Privacy Incident Policy – Firmwide • Global Standards For Processing EMEA Personal Data • JPMorgan South Africa Privacy Notice • EMEA Privacy Notice for the Corporate & Investment Bank and Commercial Bank
Policy Supplements, Procedures, and Other Documents	<ul style="list-style-type: none"> • Global Privacy Framework and Operating Model • Privacy Policy – Firmwide, EMEA Supplement
Forms/Systems	<ul style="list-style-type: none"> • Global Data Protection & Privacy Compliance Intranet Site

13. Document Information

Primary Risk Category	<i>Privacy</i>		
Framework Owner-Approver/ Primary Contact / Secondary Contact/Procedure Manager	Portia Twala Executive Director	Niyaa Abrahams Vice President	
Framework Owner Function or Line of Business	South Africa Compliance		
Framework Owner-Approver's Country	South Africa		
Approval Date/Annual Review Date/Initial Effective Date:	January 2022	<i>January 2023</i>	<i>June 2021</i>
Last Off-Cycle Update Date	N/A		
Contact Group Email or Hotline Number	N/A		

ANNEXURE A

REQUEST FOR ACCESS TO A RECORD IN RELATION TO PAIA

(Section 53 (1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *The address and/or email in the Republic to which the information is to be sent must be given.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Telephone number:

Fax number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

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:

2. Reference number, if available:

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:

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an **X**. NOTES:

- (a) *Compliance with your request 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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2.			
If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3.			
If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	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)
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*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:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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 of 202_

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

Annexure B

APPLICABLE FEES IN RESPECT OF PRIVATE BODIES IN RELATION TO PAIA

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	R1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c) For a copy in a computer-readable form on—	
i. stiffy disc	R7,50
ii. compact disc	R70,00
(d) i. For a transcription of visual images, for an A4size page or part thereof	40,00
ii. For a copy of visual images	R60,00
(e) i. For a transcription of an audio record, for an A4size page or part thereof	R20,00
ii. For a copy of an audio record	R30,00