

MANUAL

Prepared in accordance with

**THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT NO. 2 OF
2000)**

and

**THE PROTECTION OF PERSONAL INFORMATION ACT (ACT NO.
4 OF 2013)**

of

FINFIX SHARED SERVICES PROPRIETARY LIMITED

INDEX

1. INTERPRETATION	3
2. INTRODUCTION	3
3. PURPOSE OF THIS MANUAL	3
4. AVAILABILITY OF THIS MANUAL	4
5. REQUEST FOR ACCESS TO INFORMATION	4
6. GUIDE ON PAIA AND POPIA	4
7. RECORDS HELD BY FINFIX TERMS OF LEGISLATION	5
8. RECORDS HELD BY FINFIX	6
9. AVAILABILITY OF RECORDS WITHOUT REQUEST	8
10. REQUEST PROCEDURES	8
11. FEES	9
12. INFORMATION OR RECORDS NOT FOUND	10
13. PROCESSING OF PERSONAL INFORMATION	10
14. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION	13
15. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION	13
16. UPDATING OF AND AMENDMENTS TO THIS MANUAL	13

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 (Act no. 2 of 2000);
- 1.1.2 “**FinFix**” – FinFix Shared Services (Pty) Ltd (registration number: 2018/590512/07);
- 1.1.3 “**Services**” – the professional debt management services provided by FinFix to members of the public;
- 1.1.4 “**POPIA**”- the Protection of Personal Information Act (Act no. 4 of 2013);
- 1.1.5 “**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.
- 2.3 This Manual sets out how persons may obtain access to certain records of information held by FinFix in order to exercise their rights and further how persons can access, or object to, or request correction or deletion of, any Personal Information that FinFix holds of them.

3. **PURPOSE OF THIS MANUAL**

The purpose of this Manual is to –

- 3.1 inform and assist persons requesting access to information or records held by FinFix, 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
- 3.2 to inform persons on the categories of Personal Information that FinFix 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 FinFix's website, which can be accessed at <http://www.fifix.co.za>. Alternatively, a copy of this Manual can be requested from FinFix'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 FinFix's Information Officer, René Pietersen, as follows:

Postal address:

Office 101, Suite 1
Cnr Alkantrand & East Block
Sanlynn Office Park
Pretoria
0081

Physical address:

Office 101, Suite 1
Cnr Alkantrand & East Block, Sanlynn Office Park
Lynnwood Road, Lynnwood Manor
Pretoria,
0081

Telephone: +27 087 655 6000

Website: <http://www.fifix.co.za>

E-mail: rene@fix.co.za

6. **GUIDE ON PAIA AND POPIA**

- 6.1 As of 1 July 2021, the Information Regulator is responsible for PAIA and POPIA queries.
- 6.2 The Information Regulator has published a guide to assist persons wishing to exercise their rights in terms of PAIA, which guide can be accessed through the Information Regulator's website at <http://www.inforegulator.org.za> > paia-guidelines.

6.3 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 FINFIX TERMS OF LEGISLATION**

7.1 FinFix 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 (Act no. 53 of 2003);

7.1.2 Companies Act (Act no. 71 of 2008);

7.1.3 Electronic Communications and Transactions Act (Act no. 25 of 2002);

7.1.4 Financial Intelligence Centre Act (Act no. 38 of 2001);

7.1.5 Financial Advisory and Intermediary Act (Act no. 37 of 2002);

7.1.6 National Credit Act (Act no. 34 of 2005);

7.1.7 Income Tax Act (Act no. 58 of 1962);

7.1.8 Labour Relations Act (Act no. 66 of 1995);

7.1.9 Employment Equity Act (Act no. 55 of 1998);

7.1.10 Occupational Health and Safety Act (Act no. 85 of 1993);

7.1.11 Compensation for Occupational Injuries and Diseases Act (Act no. 130 of 1993);

7.1.12 Basic Conditions of Employment Act (Act no. 75 of 1997);

7.1.13 Skills Development Act (Act no. 97 of 1998);

7.1.14 Skills Development Levies Act (Act no. 9 of 1999);

- 7.1.15 Unemployment Insurance Contributions Act (Act no. 4 of 2002);
- 7.1.16 Unemployment Insurance Fund Act (Act no. 63 of 2001);
- 7.1.17 Value-Added Tax Act (Act no. 89 of 1991);
- 7.1.18 Trademarks Act (Act no. 194 of 1993);
- 7.1.19 National Payment System Act (Act no. 78 of 1998).

8. **RECORDS HELD BY FINFIX**

FinFix 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

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

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 (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 FinFix 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 FinFix 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 FinFix. 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 FinFix and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 10.4 FinFix 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.
- 10.5 FinFix is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of FinFix'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 FinFix to inform the requester in the preferred manner.
- 10.6 FinFix 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 30 (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 (Fifty Rand).

- 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 (Fourteen Thousand Seven Hundred and Twelve Rand), as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 902.00 (Twenty Seven Thousand Nine Hundred and Two Rand), are exempted from paying access fees.

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 FinFix 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;
 - 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 FinFix depends on the nature of the information. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the information is collected. FinFix however generally processes Personal Information –
- 13.2.1 for providing Services to FinFix clients;
 - 13.2.2 complying with FinFix’s obligations in terms of all applicable legislation;
 - 13.2.3 entering into service level agreements and sub-contracting agreements with any service providers and sub-contractors (where applicable);
 - 13.2.4 records management;

- 13.2.5 employment and recruitment;
- 13.2.6 managing FinFix client and other stakeholder relationships;
- 13.2.7 generally in the ordinary course of FinFix's business.
- 13.3 Please also refer to FinFix's Privacy Policy at <http://www.fifix.co.za> for further information.
- 13.4 FinFix holds information and records on the following categories of persons (data subjects):
 - 13.4.1 clients of FinFix;
 - 13.4.2 stakeholders of FinFix;
 - 13.4.3 employees of FinFix;
 - 13.4.4 sub-contractors of FinFix;
 - 13.4.5 suppliers/service providers of FinFix; and
 - 13.4.6 any third party with whom FinFix engages in the ordinary course of its business.
- 13.5 Depending on the nature of the Personal Information, FinFix 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 or judicial commissions of 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 FinFix's service providers and sub-contractors.

13.6 Should FinFix 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 FinFix may need to transfer any Personal Information to service providers in countries outside South Africa, it shall ensure that such countries can offer such 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 FinFix may update this Manual every 12 (Twelve) months or at such intervals as may be deemed necessary.

16.2 As and when any updates or amendments are effected, the latest version of this Manual will be made public on FinFix's website or can be requested from FinFix's Information Officer.



J752

REPUBLIC OF SOUTH AFRICA

FORM C

Request for Access to Record of Private Body

(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:

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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 fax number 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:

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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:

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2. Reference number, if available:

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3. Any further particulars of record:

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:

F. Form of access to record

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

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

NOTES:

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

*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
.....year.....

.....

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

APPENDIX 2

FEES

1 The fee for a copy of this 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	1,10
(b)		For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c)		For a copy in a computer-readable form on -	
(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii)	For a copy of visual images	60,00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii)	For a copy of an audio record	30,00

3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

			R
(1)	(a)	For every photocopy of an A4-size page or part thereof	1,10
	(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
	(c)	For a copy in a computer-readable form on -	
	(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
		(ii) For a copy of visual images	60,00
	(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
		(ii) For a copy of an audio record	30,00
	(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

5 For purposes of section 54(2) of PAIA, the following applies:

5.1 Six hours as the hours to be exceeded before a deposit is payable; and

5.2 one third of the access fee is payable as a deposit by the requester.

6 The actual postage is payable when a copy of a record must be posted to a requester.

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

Note:

- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....

Signature of data subject/designated person

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)
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