

## EXTERNAL COMPLAINTS PROCEDURE COMMUNICATION

### 1. PURPOSE OF THIS DOCUMENT

TreasuryONE (Pty) Ltd is an authorised Financial Services Provider [FSP Nr: 22433], and as such we have certain specific duties towards you – our valued Client. One of these duties is the establishment of a formal Complaint Management and Resolution Framework, which will enable you to exercise your rights as provided for in the Financial Advisory and Intermediary Services Act 37 of 2002 [FAIS Act].

The purpose of this document is to inform our Clients of the procedure which will be followed in order to provide a resolution for a complaint which you may want to submit.

### 2. COMPLAINT MUST BE RELEVANT

In terms of the FAIS Act, a “complaint”<sup>1</sup> means, an expression of dissatisfaction by a person to a provider or, to the knowledge of the provider, to the provider’s service supplier, relating to a financial product or financial service provided or offered by that provider which indicates or alleges, regardless of whether such an expression of dissatisfaction is submitted together with or in relation to a Client query, that –

- The provider or its service supplier has contravened or failed to comply with an agreement, a law, a rule, or a code of conduct which is binding on the provider or to which it subscribes;
- The provider or its service supplier’s maladministration or willful negligent action or failure to act, has caused the person harm, prejudice, distress or substantial inconvenience; or
- The provider or its service supplier has treated the person unfairly.

The financial services environment is complex. We will endeavour to address all reasonable requests from our Clients, but may also refer you to a more appropriate facility. Where the complaint relates to any aspect of our service, or any disclosures that ought to be made by us, we will endeavour to address those complaints in writing, within 5 (five) working days.

In instances where the complaint relates to any matter that is not within our control, such as product information or investment performance, we will forward the complaint to the product supplier concerned. Please be advised that we reserve the right to recover costs or damages that we may suffer as a result of clients making frivolous, vexatious or unreasonable claims.

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<sup>1</sup> Source: The General Code of Conduct for Authorised Financial Services Providers and Representatives (Board Notice 80 of 2003)

Any complaint in terms of the Protection of Personal Information Act, 2013 ('POPIA') should be submitted using the Data Subject Action Request Form <sup>2</sup> to enable the TreasuryONE Information Officer to process a request in terms of which the Data Subject is exercising his/her rights in terms of POPIA.

### 3. PROCEDURE

Our complaints resolution process is intended to provide for the fair and effective resolution of complaints. In order to assist with addressing your complaint, we will need to use and keep Personal Information about the complainant. Personal Information relating to the complainant may be shared with TreasuryONE's legal and administrative teams for processing and preparing a response.

The time periods set out in this procedure will be adhered to as strictly as possible but may be varied if necessary. The following step by step guideline sets out the procedures we will adopt and demonstrates how a complaint will be dealt with, once received:

- Your complaint and all communications in connection with your complaint must please be in writing. All verbal communications made in connection with the complaint must be confirmed in writing within 3 (three) working days of such verbal communication. Communication should be sent to [info@treasuryone.co.za](mailto:info@treasuryone.co.za).
- Tell us about your complaint – what happened? (Provide as much detail as possible). Please provide us with copies of any and all documentation that will assist in the investigation of the complaint. Please include the following information:
  - Your name, surname and contact details;
  - A complete description of your complaint and the date on which the financial service which led to your complaint was rendered;
  - The name of the person who furnished the financial advice or rendered the intermediary service that led to your complaint;
  - If you believe that the advice and / or recommendation made was not appropriate, then please provide details of why the advice or recommendation made was in your opinion inappropriate.
  - What were the reasons for purchasing the financial product or making the investment, and the source of the funds used for the financial product or investment?
  - What was your understanding of the financial product or investment recommended?
  - What was disclosed to you with regards to the nature of the product and the risks involved?
  - How have you been affected – financially or otherwise?
  - Were you provided with a copy of the record of advice and the product information documentation?

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<sup>2</sup> Data Subject Action Request Form is available on TreasuryONE's website or from the Information Officer at [PAIA@TreasuryONE.co.za](mailto:PAIA@TreasuryONE.co.za)

- How would you like us to address your complaint?
  - How you would prefer to receive future communications regarding your complaint (i.e. via e-mail).
- The complaint will be entered into our Complaints Register on the same day that it is made and written confirmation of receipt will be forwarded to you. We will keep record of the complaint, and maintain such record for 5 (five) years as required by legislation. Please take into consideration that the method of communication chosen by you will determine how quickly we will respond to your complaint.
  - The complaint will immediately be brought to the attention of the senior manager in charge of the relevant department for allocation to a trained and skilled person who is able to properly respond to your complaint (i.e. the Complaint Dispute Facilitator).
  - The complaint will be investigated and we will revert to you with our preliminary findings within 7 (seven) working days from the date of receipt of the complaint. In all instances we will advise you of the reasons for our decisions.
  - The preliminary findings will be discussed with all internal parties concerned, and a proposed solution will be communicated to you within a further 7 (seven) working days. In all instances we will advise you of the reasons for our decisions.
  - If you are not satisfied with our solution, you may refer the complaint to the CEO of TreasuryONE. The TreasuryONE CEO may amend the complaint resolution or confirm it. Please note that certain decisions may have to be approved by the executive committee or the board of the FSP. In such a case we will communicate that fact to you, as well as the date on which a decision relating to your complaint will be taken.
  - If, after having referred the complaint to the CEO, you are still not satisfied with the outcome, we will regard the complaint as being unsatisfactorily resolved. In such a case, you may approach the office of the Ombud for Financial Services Providers or take such other steps as may be advised by your legal representatives.

#### **4. FAIS OMBUD**

The Ombud is appointed by the Financial Services Conduct Authority (the “FSCA”) to act as an adjudicator in disputes between clients and financial services providers. The referral to the offices of the Ombud must be done in accordance with the provisions of section 27 of the FAIS Act and the rules promulgated in terms of that section.

In instances where we have not been able to arrive at a resolution within 6 (six) weeks after you have submitted your complaint, you may refer the matter to the FAIS Ombud. The Ombud acts independently and objectively and has jurisdiction in respect of complaints relating to advice or intermediary services, which has arisen after 15 November 2002.

The FAIS Ombud’s mandate in terms of the Financial Services Ombud Schemes Act (Act No. 37 of 2004) is to consider and dispose of complaints by clients against financial services providers that are not covered by any of the other voluntary Ombud schemes or where there is uncertainty over

jurisdiction. The process is procedurally fair, informal, economical and expeditious and its foundation is equitable in all circumstances.

Before submitting a complaint to the FAIS Ombud, the complainant must endeavour to resolve the complaint with the responding party.

You must, if you wish to refer the matter to the FAIS Ombud, do so within 6 (six) months from the date of the notice in which we inform you that we are unable to resolve your complaint to your satisfaction. The FAIS Ombud will not adjudicate in matters exceeding a value of R800'000 unless a responding party has agreed in writing to this limitation being exceeded. The FAIS Ombud may not investigate complaints where the complainant has a net asset value, annual turnover, or annual income of more than R8 million.

The FAIS Ombud is appointed by the Minister of Finance, as provided for in section 21 of the FAIS Act may be contacted at the following address:

**Physical Address:**

Kasteel Park Office Park  
Orange Building, 2nd Floor  
546 Jochemus Street  
Erasmuskloof, Pretoria  
0048

Telephone: +27 12 762 5000  
Facsimile: +27 12 348 3447  
Postal Address: P.O. Box 74571,  
Lynwood Ridge  
0040  
E-mail Address: [info@faisombud.co.za](mailto:info@faisombud.co.za)  
Website: [www.faisombud.co.za](http://www.faisombud.co.za)

It should be noted that should the complainant approach the Ombud, TreasuryONE may be required to share Personal Information with the Ombud.