



Financial Advisory and Intermediary Services Act, No. 37 of 2002

Conflict Of Interest Management Policy

("COIMP") AND

Conflict Of Interest

("COI")

For

Linda Uhlmann and Associates

FSP no.: 43778

Prepared by Linda Uhlmann and Associates

Last updated: 03/12/2020

1. DEFINITION OF CONFLICT OF INTEREST

Conflict of Interest means any situation in which a provider or a representative has an actual or potential interest that in rendering a financial service to a client may:

- influence the objective performance of his, her or its obligations to that client; or
- prevent a provider or representative from rendering an unbiased and fair financial service to that client, or from acting in the interest of that client, including but not limited to:
 - a financial interest;
 - an ownership interest;
 - any relationship with a third party.

2. PURPOSE OF A CONFLICT OF INTEREST MANAGEMENT POLICY

The FSP and its representatives are committed towards acting within the best interests of our clients and to avoid all conflict of interests in relation to the provision of financial services. Where we are unable to avoid a conflict of interest, we will take all necessary precautions to ensure that any actual or potential conflict of interest is mitigated and adequately disclosed to our clients.

The purpose of the Conflict of Interest Management Policy is therefore to establish:

- internal controls and mechanisms towards the identification of conflicts of interest
- measures to avoid conflicts of interest, and where avoidance is not possible, to provide the reasons therefore
- measures to ensure that any unavoidable conflicts of interest are mitigated
- measures to ensure the proper disclosure of any conflicts of interest
- processes, procedures and internal controls to facilitate compliance with the policy
- consequences for non-compliance with the policy

3. RESPONSIBILITIES

The primary responsibility for the identification of a conflict of interest rests with the representatives, employees and individual members of the FSP who are responsible for:

- a) objectively performing their duties when dealing with clients;
- b) rendering an unbiased and fair financial service to clients;
- c) acting in the best interest of the client.

4. FINANCIAL INTEREST

Subject to section 3A(1)(c) of the General Code of Conduct, the FSP and its representatives may receive or offer the following “financial interest” from or to a “third party”:

- **commission** authorised under the Long-term Insurance Act, Short-term Insurance Act or under the Medical Schemes Act
- **fees** authorised under the Long-term Insurance Act, the Short-term Insurance Act or the Medical Schemes Act, if those fees are reasonably commensurate to a service being rendered
- **fees** for the rendering of a financial service in respect of which commission or fees referred to above is not paid, if those fees: are specifically agreed to by a client in writing; and may be stopped at the discretion of that client

- **fees** or remuneration for the rendering of a service to a third party, which fees or remuneration are reasonably commensurate to the service being rendered

5. FINANCIAL INTEREST - INTERNAL CONTROLS

The FSP will not offer any financial interest to its representatives for:

- giving preference to the quantity of business secured for the FSP to the exclusion of the quality of the service rendered to clients; or
- giving preference to a specific product supplier, where a representative may recommend more than one product supplier to a client; or
- giving preference to a specific product of a product supplier, where a representative may recommend more than one product of that product supplier to a client.

5. DISCLOSURE OF CONFLICTS OF INTEREST

Where the FSP has determined that the actual or potential conflict of interest is unavoidable, the following processes will be followed:

- The governing body of the FSP and the FSP's compliance officer will convene and determine the measures that will be implemented in order to mitigate the actual or potential conflict of interest as far as reasonably possible
- The reasons why the actual or potential conflict of interest was considered to be unavoidable will be recorded in the FSP's Compliance Manual
- The FSP will ensure that clients are fully informed about actual or potential conflicts of interest in relation to the provision of financial services.
- The FSP shall disclose to a client any conflict of interest in respect of that client
- The disclosure shall be made in writing at the earliest reasonable opportunity. The disclosure may be communicated by way of appropriate electronic media
- The disclosure shall include the nature of any relationship or arrangement with a third party that gives rise to a conflict of interest
- The disclosure shall be made in sufficient detail to enable the client to understand the exact nature of the relationship or arrangement and the conflict of interest
- The disclosure shall include the measures taken to avoid or mitigate the conflict
- The disclosure shall include any ownership interest or financial interest, other than an immaterial financial interest, that the FSP or representative may be or become eligible for
- The disclosure shall include a reference to the FSP's Conflict of Interest Management Policy and how it may be accessed

6. COMPLIANCE MEASURES

- The Conflict of Interest Management Policy must be reviewed at least on an annual basis
- The Conflict of Interest Policy shall be regularly reviewed by the appointed Compliance Officer, and where necessary, updated to ensure that the measures contained herein remains effective
- The FSP shall ensure that the proper disclosures are made to the client regarding actual or potential conflicts of interest
- The Conflict of Interest Management Policy will be easily accessible to staff and employees, as well as for public inspection at all reasonable times on our website: www.lindauhlmann.co.za
- The FSP shall continue to maintain a Gift Register and shall ensure that all gifts received from a third party with an estimated value of R500 or more are recorded in the FSP's Gift Register

- All relevant personnel (Key Individuals and Representatives) are required to immediately disclose in writing to the governing body of the FSP and the FSP's Compliance Officer, any actual or potential conflicts of interest as soon as they become aware of such situation

7. CONSEQUENCES OF NON-COMPLIANCE

Where there is reason to believe that an employee or representative has failed to disclose an actual or potential conflict of interest via the proper communication channels, the FSP will proceed to investigate and take any appropriate steps it deems necessary to limit any financial prejudice that may be suffered by the FSP, its clients or any other third party.

Where an investigation concludes that an employee or representative of the FSP has indeed failed to disclose an actual or potential conflict of interest, the FSP shall immediately take appropriate disciplinary steps and corrective actions against such employee or representative. Any failure by an employee to comply with the Conflict of Interest Management Policy will be considered serious form of misconduct and a dismissible offence.

8. ANNEXURE A:

LIST OF ASSOCIATES

In terms of Section 3A(2)(b)(iii) of the General Code of Conduct, a Conflict of Interest Management Policy must include a list of all the FSP's associates:

Optivest Health Services (FSP no.: 13475) is an authorised financial services provider and an accredited broker with the Council for Medical Schemes. We will refer a client to Optivest when a client requires assistance with a health service provider with whom we are not contracted with. The statutory fee is then split between Optivest and Linda Uhlmann and Associates.

OWNERSHIP INTERESTS HELD BY THE FSP

In terms of Section 3A(2)(b)(v) of the General Code of Conduct, a Conflict of Interest Management Policy must include the names of any third parties in which the provider holds an ownership interest.

Linda Uhlmann and Associates does not hold any ownership interest in any third party (as defined).

OWNERSHIP INTEREST HELD IN THE FSP

In terms of Section 3A(2)(b)(vii) of the General Code of Conduct, a Conflict of Interest Management Policy must include the names of any third parties that holds an ownership interest in the provider.

No third party (as defined) holds any ownership interest in Linda Uhlmann and Associates.