



THE FINANCIAL SERVICES TRIBUNAL

CASE NO. FSP18/2026

In a matter between:

ANJA FOSTER

Applicant

and

DISCOVERY LIFE LIMITED

Respondent

TRIBUNAL PANEL: Judge LTC Harms (Chairperson) and Adv W Ndinisa (Member)

Date of hearing: No hearing, matter decided on papers

Date of Decision: 21 May 2026

Summary: Debarment – Condonation – Rule 31 - Consolidated Rules Financial Services Tribunal – Lack of good cause – inexcusable delay and no prospect of success

DECISION

INTRODUCTION

1. The Applicant is Anja Foster, who was employed by the Respondent as a financial services representative and was registered as such until her debarment on 21 August 2025.
2. Discovery Life Limited, the Respondent in this matter, is a registered Financial Services Provider as contemplated in the Financial Advisory and Intermediary Services Act 37 of 2002 ("FAIS Act").
3. This is an application for reconsideration of the Applicant's debarment by the Respondent, for misconduct.
4. The Applicant brings this application in terms of Section 230 of the Financial Sector Regulation Act 9 of 2017 ("the FSR Act").
5. The Respondent debarred the Applicant after it established that she acted unethically and in contravention of fit and proper requirements and that she failed to render financial services honestly, fairly with due skill, care and diligence and in the interest of clients and the integrity of the financial services industry.
6. The parties agreed that this matter be decided on the documents filed, and on written submissions made, on record, and for that reason waived their rights to oral hearing.

RELEVANT FACTUAL BACKGROUND

7. On 19 February 2025 the Discovery Forensic team received a request to investigate a Data Loss Prevention involving the Applicant. It was alleged that private and confidential information was shared via her "*We Transfer*" account at 6 am. The Applicant tendered her resignation on the same day of sharing the information, being 17 February 2025 and handed in her laptop.
8. On 20 February 2025 an urgent meeting with the Applicant was convened by the Discovery Forensic team. The Applicant confirmed her resignation and submitted that the resignation is due to health issues. The explanation for

transferring the information, according to her, was to have a backup in case anything goes wrong.

9. Further, the Applicant confirmed that she used her spouse's email address to transfer information for purposes of printing as she resides far from the office and cannot travel to work daily for purposes of printing.
10. On 9 June 2025 the Respondent issued a notice of intention to debar the Applicant and the basis of the debarment is that she is no longer fit and proper as envisaged in the FAIS Act and the Determination of Fit and Proper Requirements for Financial Service Providers (BN 194 of 2017), read in conjunction with section 2 of the General Code of Conduct for Financial Services Providers.
11. The factual allegations against the Applicant are that: (i) she shared and emailed client private and confidential information to her personal email address; and (ii) sharing and disclosing confidential information of clients to a third person. On or about 18 June 2025 the Respondent provided the Applicant with the forensic report and annexures for the latter to prepare and submit her representation.
12. On or about 17 July 2025 the Applicant made written representation, responding to the allegations. The crux of her submissions is that: (i) she had backed up client's details via *We Transfer* to protect herself in the event something goes wrong and to assist clients when they needed assistance; and (ii) she sent her personal documents to her husband's email for purposes of printing.
13. On 21 August 2025 and after the chairperson designated by the Respondent made findings and recommendations, the latter issued a debarment notice. The records reflect that on 1 September 2025 the Applicant requested reasons for the debarment and same were provided on 23 September 2025.
14. On or about 19 February 2026 the Applicant lodged this application for reconsideration ("the main application"). The main application is accompanied

by the Applicant's application to condone the filing of the main application out of time.

APPLICATION FOR CONDONATION

15. The Applicant applied for condonation for the late filing of the application for reconsideration of the debarment. The reasons that lead to the late filing of the main application are summarised as follows: *(i)* the Respondent's reasons and the evidence for debarment requested on 21 August 2025 were furnished on 23 September 2025 and out of the 30-day period; *(ii)* the Applicant have submitted the appeal (reconsideration) three times and each time it was returned due to formatting issues; and *(iii)* have acted in good faith throughout the process.
16. The Respondent opposed the application for condonation and the following are the reasons advanced: *(i)* It is denied that the reasons for debarment were provided outside the 30 – day appeal period; *(ii)* The Respondent submitted that the request for reasons was received on 1 September 2026 and reference was made to the records to support this point; *(iii)* The Respondent's policy and the Notice of debarment stipulate that an application for reconsideration must be made within 60 days after the applicant was notified of the decision or within 30 days after the statement of reasons; and *(iv)* The Applicant failed to provide any valid grounds or substantive reasons to justify her submission of her application nearly 6 months after the debarment was effected.
17. According to the Respondent, the application for debarment was required to be submitted by 23 October 2025.

ANALYSIS AND REASONS

18. The Financial Services Tribunal Consolidated Rules,¹ specifically rule 31 states that an application for condonation must be succinct and show good cause.

¹ Issued in terms of section 227 of the Financial Sector Regulation Act, 9 of 2017, 1 June 2021

19. In the case of *Grootboom v National Prosecuting Authority and Another*² the Constitutional Court stated the following in respect of condonation: -

"It is now trite that condonation cannot be had for the mere asking. A party seeking condonation must make out a case entitling it to the court's indulgence. It must show sufficient cause. This requires a party to give a full explanation for the non-compliance with the rules or court's directions. Of great significance, the explanation must be reasonable enough to excuse the default." (own emphasis)

20. The Applicant's version is that she had submitted this appeal (reconsideration application) three times and each time it was returned due to formatting issues. The Applicant did not proffer any information regarding the 3 attempted lodging of the application for reconsideration. No dates of such attempts or any relevant particularity of such delaying-causing incidents was tendered.
21. A period of not less than three months lapsed from 23 October 2025, being the start of the delay to 9 February 2026, being the date of actual lodging of the application for reconsideration. No attempts from the Applicant to account for such period. Therefore, there is no reasonable explanation of the delay.
22. The prospect of success, being one of the factors that may be considered in condonation application,³ is briefly considered. The Applicant submitted her grounds for reconsiderations which are in essence premised on procedural unfairness and substantive challenge.
23. In respect of procedural challenge: The submission of the Applicant that the Respondent furnished her with the reasons and evidence for debarment out of required time, is incorrect. The records show that the Respondent received the Applicant's request on 1 September 2025 and the reasons requested were

² *Grootboom v National Prosecuting Authority* [2013] ZACC 37; 2014 (2) SA 68 (CC); 2014 (1) BCLR 65 (CC) at para 23.

³ *Id* at par 22

furnished to her on 23 September 2025. Further, the Respondent has complied with the procedural requirements as envisaged in the FSR Act. The contention of the Applicant that she has suffered prejudice materially is not sustainable.

24. In respect of substantive challenge: It is common course that the Applicant shared and emailed clients' private and confidential information to her personal email address. Further, it is common course that the Applicant shared and emailed clients' confidential information to a third party. The contentions of the Applicant are that (i) she had backed up client's details via *We Transfer* to protect herself in the event something goes wrong and to assist clients when they needed assistance; and (ii) she sent her personal documents to her husband's email for purposes of printing.
25. These contentions are not plausible for the simple reasons that as a representative of 13 years – experience, and on the day of her resignation, the Applicant shared the information without considering obtaining some form of permission from her manager. There is no substance in the contention of the Applicant that purpose of sharing private and confidential information was for meeting clients.
26. The Applicant knew that she was resigning on that 17 February 2025 and should have known that those clients' private and confidential information belong to the Respondent. The explanation of the Applicant that she was protecting herself when she was sharing and emailing the information, is not plausible. The Applicant has no prospect of success in the application for reconsideration.

CONCLUSION

27. The Applicant failed to provide sufficient information in her application to show good cause for the delay.
28. Consequently, the Applicant failed to make out a case for condonation of her late filing of the application for reconsideration.

ORDER: The application for reconsideration is dismissed.

Signed on 21 May 2026

___ *Sgd Ad W Ndinisa* _____

Adv W Ndinisa