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## PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

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## 1. INTRODUCTION TO THE COMPANY

The company conducts business as **Etude Risk Management (Pty) Ltd** . We are an Approved Compliance Practice in terms of the Financial Advisory & Intermediary Service Act. Our FSCA Compliance Practice number is **FSP 6432**.

## 2. COMPANY CONTACT DETAILS

Persons designated/duly authorised

Directors: Le Roux van Wyk Talita Olivier

Public Officer: Le Roux van Wyk

Postal Address: PO Box 5155, Helderberg, 7135

Street Address: Bella Rosa Street, Unit 3, Palata Building, Bellville

Telephone number: 087 550 1115

## 3. THE ACT

- 3.1 The ACT grants a requester access to records of the COMPANY, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7.
- 3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information to exercise Constitutional Rights. The Guide is available from the SAHRC

Division	:	PAIA UNIT
Physical address	:	Braampark Forum 3 33 Hoofd Street, Braamfontein
Postal Address	:	Private Bag 2700, Houghton, 2041
Phone number	:	011 877 3600
Fax number	:	011 403 0668
Email	:	paia@sahrc.org.za
Website	:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>



#### 4. APPLICABLE LEGISLATION

4.1 The company keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 95 of 1967
- Labour Relations Act, No. 66 of 1995
- Promotion of Access to Information Act, No. 2 of 2000
- Unemployment Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991
- Financial and Intermediary Services Act, No. 37 of 2002
- Protection of Personal Information Act, No. 4 of 2013
- Financial Intelligence Centre Act, No.38 of 2001 as amended)

#### 5. CATEGORIES OF RECORDS HELD

The following are the subject and categories of records held:

RECORDS
<b>5.1 Human Resources:</b>
● Employee information
● Policies and procedures
● Personnel files
● Conditions of employment
● Internal evaluation records
● Proof of payment of annual registration fees
<b>5.2 Secretarial</b>
● Memorandum and Articles of Association
● Minutes of Meetings
● Company register
● Resolutions
● Statutory returns



<b>5.3 Financial and administration</b>
<ul style="list-style-type: none"><li>● Financial statements</li></ul>
<ul style="list-style-type: none"><li>● Reports and returns</li></ul>
<ul style="list-style-type: none"><li>● Banking records</li></ul>
<ul style="list-style-type: none"><li>● Debtors / Creditors lists, statements and invoices</li></ul>
<b>5.4 Information Management and Technology</b>
<ul style="list-style-type: none"><li>● System documentation</li></ul>
<ul style="list-style-type: none"><li>● Equipment Register</li></ul>
<ul style="list-style-type: none"><li>● Manuals</li></ul>
<ul style="list-style-type: none"><li>● Software licenses</li></ul>
<b>5.5 Movable and Immovable Property</b>
<ul style="list-style-type: none"><li>● Title Deeds</li></ul>
<ul style="list-style-type: none"><li>● Lease agreements</li></ul>
<b>5.6 Operations</b>
<ul style="list-style-type: none"><li>● Archival Administration Documentation</li></ul>
<ul style="list-style-type: none"><li>● Insurance ( insurance arrangements, policies and claims)</li></ul>
<ul style="list-style-type: none"><li>● Income Tax files</li></ul>
<b>5.7 Customer/ Clients and third parties related records</b>
<ul style="list-style-type: none"><li>● Contracts with Clients</li></ul>
<ul style="list-style-type: none"><li>● Any records the Client has provided to the Company ( Pty) Ltd or a third party acting for or on behalf of the Company ( Pty) Ltd</li></ul>
<ul style="list-style-type: none"><li>● Records, reports, designs and the like generated by the Company ( Pty) Ltd for their clients</li></ul>
<ul style="list-style-type: none"><li>● Records generated pertaining to the Client, including transactional records</li></ul>
<b>5.8 Marketing and communication</b>
<ul style="list-style-type: none"><li>● Marketing strategies</li></ul>
<ul style="list-style-type: none"><li>● Communication strategies</li></ul>
<ul style="list-style-type: none"><li>● Agreements</li></ul>
<b>5.9 Other records</b>
<ul style="list-style-type: none"><li>● Legal proceedings records</li></ul>



## **6. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY**

- 6.1 A requester requiring access to information held by the Company must complete the prescribed form available from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)), and submit it to the Public Officer at the address, fax number or electronic mail address provided for above, and also make the payment of the prescribed fees. Refer to Annexure 1.
- 6.2 The prescribed form must be completed with enough particularity to enable the Public Officer to identify:
- 6.2.1 the record(s) requested;
  - 6.2.2 the identity of the requester;
  - 6.2.3 indicate which form of access is required, if the request is granted;
  - 6.2.4 specify the postal address or fax number of the request in the Republic.
- 6.3 The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 6.4 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.
- 6.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is requesting the reasonable satisfaction of the Public Officer.
- 6.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.7 The Company will process the request within 30 days unless the requester has stated special reasons which would satisfy the Public Officer that circumstances dictate that the above periods not be complied with.

## **7. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;



- 7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one-third of the access fee which would be payable if the request were granted);
- 7.3 A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>
- 7.6 Refer to Annexure 2.

## **8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main reason(s) why the Company may refuse a request for information relates to the –

- 8.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (section 63);
- 8.2 mandatory protection of the commercial information of a third party, if the record contains –
  - 8.2.1 trade secrets of that third party;
  - 8.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 8.2.3 information disclosed in confidence by a third party to the Company if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);
- 8.3 mandatory protection of the safety of individuals and the protection of property
- 8.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
- 8.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- 8.6 the commercial activities of the Company(Pty) Ltd, which may include –
  - 8.6.1 trade secrets of the Company (Pty) Ltd;



8.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company(Pty) Ltd;

8.6.3 the information which, if disclosed could put the Company (Pty) Ltd at a disadvantage in negotiations or commercial competition;

8.6.4 a computer program which is owned by the Company (Pty) Ltd, and which is protected by copyright (section 68);

8.7 Requests for information that is frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **9. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST FOR INFORMATION**

### 9.1 Internal Remedies

The Company does not have an internal appeal procedure. As such, the decision made by the Public Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Public Officer.

### 9.2 External Remedies

A requester that is dissatisfied with a Public Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with a Public Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

### 9.3 Availability of this Manual

9.3.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the physical address of the Company.

9.3.2 Copies may also be requested from the SAHRC.



## ANNEXURE 1

### FORM C (of Regulation 10)

### 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: \_\_\_\_\_

#### B. Particulars of the 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:

Fax number:

Telephone number:

E-mail address:

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

#### C. Particulars of the 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:
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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:			
<p>Mark the appropriate box with an <b>X</b>.</p> <p><b>NOTES:</b></p> <ul style="list-style-type: none"> <li>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</li> <li>(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.</li> <li>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</li> </ul>				
<p><b>1. If the record is in written or printed form:</b></p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 5px;"> <tr> <td style="width: 33%; padding: 5px;">copy of record*</td> <td style="width: 33%; padding: 5px;"></td> <td style="width: 33%; padding: 5px;">inspection of record</td> </tr> </table>		copy of record*		inspection of record
copy of record*		inspection of record		
<p><b>2. If record consists of visual images</b></p> <p>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</p>				



view the images		copy of the images*	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)	
<b>4. If a record is held on a computer or in an electronic or machine-readable form:</b>			
A printed copy of record*		A printed copy of information derived from the record*	copy in the 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?  <b>Postage is payable.</b>			YES  NO

**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 the 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 \_\_\_\_\_ 20

\_\_\_\_\_

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE



## ANNEXURE 2

### 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 reproduction fees 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 -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(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:

(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 -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(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.	



- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.