



# SECTION 51 MANUAL ON THE PROMOTION OF ACCESS TO INFORMATION ACT

## DOCUMENT CONTROL

<b>Code:</b>	03COM0200001_PAIA MANUAL_V1.0_PUBLIC
<b>Version:</b>	1.0
<b>Date of version:</b>	27/10/2015
<b>Created by:</b>	N Nkosi
<b>Approved by:</b>	M Gill
<b>Confidentiality level:</b>	PUBLIC
<b>Document Owner:</b>	COMPLIANCE

## CHANGE HISTORY

<b>Date</b>	<b>Version</b>	<b>Created by</b>	<b>Description of change</b>
04/10/2015	0.1	N Nkosi	First Draft

## Table of contents

1.	INTRODUCTION .....	3
2.	REFERENCE DOCUMENTS .....	3
3.	CONTACT DETAILS .....	3
4.	SECTION 10 GUIDE.....	3
5.	TYPES OF RECORDS AVAILABLE.....	4
5.1.	RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION.....	4
5.2.	RECORD AVAILABLE ON REQUEST .....	4
5.2.1.	Human Resources Records .....	4
5.2.2.	Client related records .....	5
5.2.3.	Company records .....	5
5.2.4.	Other Parties.....	5
5.3.	RECORD AVAILABLE AUTOMATICALLY .....	5
6.	PROCEDURE TO REQUEST ACCESS TO INFORMATION .....	6
6.1.	PERSONAL REQUESTER .....	6
6.2.	OTHER REQUESTER.....	6
6.3.	REQUEST PROCESS .....	6
6.4.	OUR RESPONSE .....	7
6.5.	GROUND FOR REFUSAL OF ACCESS TO RECORDS.....	7
6.6.	REMEDIES IN THE EVENT OF REFUSAL.....	8
7.	AVAILABILITY OF MANUAL.....	8
8.	FEE PAYABLE.....	8
9.	VALIDITY AND DOCUMENT MANAGEMENT.....	9
10.	APPROVAL:.....	9

## 1. Introduction

This manual is for Itransact Fund Managers (Proprietary) Limited (IFM) and has been compiled in accordance with the Promotion of Access to Information Act 2 of 2000 ("the Act"). It is intended to give a description of the records held by and on behalf of IFM; to stipulate grounds for refusal of access to any such records; to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information; with a view of enabling requestors to obtain records which they are entitled to in a quick, easy and accessible manner.

## 2. Reference documents

- 03COM0200044 PAIA MANUAL ANNEXURE

## 3. Contact Details

<b>Information officer Name:</b>	Nelly Nkosi
<b>Phone Number:</b>	011 561 6600
<b>Fax Number:</b>	011 388 1182
<b>Email Address:</b>	<a href="mailto:info@aospartner.com">info@aospartner.com</a> / <a href="mailto:compliance@aospartner.com">compliance@aospartner.com</a>
<b>Physical Address:</b>	15 Philips Street Ferndale Randburg 2194
<b>Postal Address:</b>	P.O. Box 4769 Randburg 2125
<b>Website:</b>	<a href="http://www.transactfm.co.za">www.transactfm.co.za</a>

## 4. SECTION 10 GUIDE

The Guide will be available from the South African Human Rights Commission (SAHRC), and provides greater clarity on or assistance with the Act. It will, inter alia, include the following:

- What the objects of this Act are;
- The relevant contact details of each public and private body (if available);
- The process that needs to be followed in order to request access to records;
- The assistance available from the information officer of a public body and the SAHRC;
- How to obtain access to a manual of a public and private body;
- All the remedies available in law to you;
- Details on prescribed fees payable in respect of requests for information.

The guide has been compiled in each official language and contains such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Please direct any queries to:

**The South African Human Rights Commission:**

**Physical Address:** Braampark Forum 3  
33 Hoofd Street  
Braamfontein

**Postal Address:** Private Bag X2700  
Houghton  
2041

**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

**Email Address:** [info@sahrc.org.za](mailto:info@sahrc.org.za)

**5. Types of Records Available****5.1. Records available in terms of other legislation**

A person requiring information may also request information which is available in terms of the following legislation:

- Basic Conditions of Employment Act
- Collective Investment Schemes Control Act
- Companies Act
- Compensation for Occupational Injuries & Diseases Act
- Consumer Protection Act
- Copyright Act
- Electronic Communications and Transactions Act
- Employment Equity Act
- Financial Advisory & Intermediary Services Act
- Financial Intelligence Centre Act
- Income Tax Act
- Labour Relations Act
- Occupational Health & Safety Act
- Pension Funds Act
- Protection of Constitutional Democracy against Terrorist and related Activities Act
- Trademarks Act
- Unemployment Insurance Act
- Value Added Tax Act

**5.2. Record Available on Request****5.2.1. Human Resources Records**

These are records of any person who works for or provides services to or on behalf of IFM and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of IFM and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;

- Correspondence relating to personnel; and
- Training schedules and material.

#### 5.2.2. *Client related records*

Client records include the following:

- Records provided by the client to a third party acting for or on behalf of the private body;
- Records provided by a third party to the private body;
- Records generated by or within the private body pertaining to the client including transactional records.

#### 5.2.3. *Company records*

These records include, but are not limited to, the records which pertain to IFM<sup>1</sup> own affairs:

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal Policies and Procedures;
- Treasury related records;
- Securities and Equities; and
- Records held by officials of the private body.

#### 5.2.4. *Other Parties*

These are records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies and other financial services providers.

These records include but not limited:

- service level agreements;
- correspondence;
- records provided during due diligence.

Alternatively, such other parties may possess records which can be said to belong to the FSP. The following records fall under this category:

- personnel, client or FSP records which are held by another party;
- records held by FSP pertaining to other parties, including without limitation:
  - correspondence;
  - contractual records;
  - records provided by the other party.

### **5.3. Record Available Automatically**

- License
- Complaints Policy
- Conflict of Interest Management Policy

## 6. Procedure to Request Access to Information

Records held by IFM may be accessed by requests only once the prerequisite requirements for access have been met. IFM recognises two types of Information:

### 6.1. Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. IFM will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### 6.2. Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, IFM is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

### 6.3. Request Process

- a) A requester requiring access to information held by IFM must complete the prescribed form, enclosed herewith and also available upon request or on the website. The completed form must be submitted to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 2 above and pay a request fee and a deposit, if applicable.
- b) The prescribed form must be completed with enough particularity to at least enable the Information Officer to identify:
  - The record or records requested;
  - The identity number of the requester;
  - The form of access required, if the request is granted;
  - The postal address or fax number of the requester.
- c) The requester must also state that he requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- d) IFM will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictating that the above time periods not are complied with.
- e) 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 other manner, he must state the manner and the particulars so required.
- f) If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- g) If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- h) The requester must pay the prescribed fee, before any further processing can take place.

## 6.4. Our Response

Within 30 days of receipt of the request, IFM will decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period within which IFM has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of IFM or third party off-site and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be sought.

## 6.5. Grounds for refusal of access to records

A request for information may be refused on the following basis:

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;
2. Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
  - Information disclosed in confidence by a third party to Discovery, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
4. Mandatory protection of the safety of individuals and the protection of property;
5. Mandatory protection of records which would be regarded as privileged in legal proceedings;
6. The commercial activities of IFM, which may include:
  - Trade secrets;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of IFM;
  - Information which, if disclosed, could put IFM at a disadvantage in negotiations or commercial competition;
  - A computer program which is owned by IFM and which is protected by copyright.
7. The research information of IFM or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused;
9. The request is for access to your Personal Information, and you could not provide adequate proof of identity to us.

## 6.6. Remedies in the Event of Refusal

A requester or a third party, who is dissatisfied with an Information Officer's refusal to disclose information or the disclosed information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

## 7. Availability of Manual

The manual is available for inspection at the offices of IFM free of charge; and copies are available with the SAHRC and on the IFM website [www.transactfm.co.za](http://www.transactfm.co.za)

## 8. Fees Payable

In accordance with the regulation the fees payable are as follows:

1. The request fee payable by every requester R50,00.
2. A copy of the manual is R1.10 for every photocopy of an A4 size page or part thereof.
3. Fees for reproduction:

Description	R
For every photocopy of an A4size page or part thereof	<b>1.10</b>
For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine - readable form	<b>0.75</b>
For a copy in a computer-readable form on:	
i. stiffy disc	<b>7.50</b>
ii. compact disc	<b>70.00</b>
i. For a transcription of visual images, for an A4-size page or part thereof	<b>40.00</b>
ii. For a copy of visual images	<b>60.00</b>
i. For a transcription of an audio record, for an A4-size page or part thereof	<b>20.00</b>
ii. For a copy of an audio record	<b>30.00</b>

4. The access fees payable by a requester:

Description	R
For every photocopy of an A4size page or part thereof	<b>1.10</b>
For every printed copy of an A4-site page or part thereof held on a computer or in electronic or machine - readable form	<b>0.75</b>
For a copy in a computer-readable form on:	
i. stiffy disc	<b>7.50</b>
ii. compact disc	<b>70.00</b>
i. For a transcription of visual images, for an A4-size page or part thereof	<b>40.00</b>
ii. For a copy of visual images	<b>60.00</b>



i. For a transcription of an audio record, for an A4-size page or part thereof	<b>20.00</b>
ii. For a copy of an audio record	<b>30.00</b>

5. To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation;
6. 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) One third of the access fee is payable as a deposit by the requester.
7. The actual postage is payable when a copy of a record must be posted to a requester.

## 9. Validity and document management

The responsibility for the review of this document lies with the Chief Information Officer as the Document Owner.

This document will be valid from the date of signature until it has been superseded by another document of the same name and later version number or it is removed from circulation by the Chief Information Officer.

## 10. Approval:




---

**CHAIRMAN OF THE BOARD/ AUTHORISED DIRECTOR**