

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

OWNERSHIP:

This manual is owned by NFB Finance Brokers Port Elizabeth (Pty) Ltd (private body).

1 INTRODUCTION

The Promotion of Access to Information Act 2000 (PAIA) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

This manual is compiled in accordance with Section 51 of the PAIA and contains the following provisions:

- the FSP's postal address, street address, phone and fax number and e-mail address.
- a short description of the guidance document on the application of the Promotion of Access to Information Act and the process to be followed in order to obtain a copy of this guide (compiled by the Human Rights Commission in terms of section 10 of the Act).
- the process to be followed in order to access information held by the FSP. **See Annexure C.**
- a description of the typology of records held by the FSP (i.e. various information subjects held on each category type). **See Annexure A.**
- a description of records which are freely available without having to submit a formal request to access information in terms of the Act. **See Annexure B.**
- a description of the FSP's information which is available in accordance with any other legislation.

2 FSP CONTACT DETAILS

041 - 582 3990

Phone Number

041 - 586 0053

Fax Number

info@nfbpe.co.za

e-Mail Address

110 Park Drive

Physical Address

Central

Port Elizabeth, 6001**P O Box 12018***Postal Address***Centrahil****6001****3 GUIDE ON THE PROMOTION OF ACCESS TO INFORMATION ACT (SECTION 10 GUIDE)**

The guidance document on the application of the Promotion of Access to Information Act has been compiled by the South African Human Rights Commission. The guidance document has been developed in order to assist people to access records and to exercise their right to information.

The guide is available in all South African official languages free of charge, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

The South African Human Rights Commission
 PAIA Unit
 The Research and Documentation Department
 Private Bag 2700
 Houghton
 2041

Telephone: 011 - 877 3600

e-Mail: paia@sahrc.org.za

Website: www.sahrc.org.za

4 PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Any person who wishes to request any information held by the FSP in order to protect or exercise a right may contact the FSP's information officer at the following contact details:

Brendan Connellan*Information Officer Name***043 – 735 2000***Phone Number***bconnellan@nfbel.co.za***e-Mail Address*

NFB House*Physical Address***42 Beach Road, Nagoon****East London, 5241****P O Box 8132***Postal Address***Nagoon****5210**

A request for access to information must be made in the prescribed form to the information officer indicated above. See **Annexure C** for the prescribed form.

All required text fields on the annexed "Request for Information Form" must be completed in full and in a legible form. The form (as well as any additional pages attached thereto) must be signed by the person submitting the form.

Once the "Request for Information Form" has been submitted, the information officer will notify the person who submitted the request of the prescribed fee (if any) payable before further processing the request.

For a complete list of the prescribed fees see **Annexure D**.

A person submitting the request must:

- indicate the identity of the person seeking access to the information
- provide sufficient particulars to enable the information officer to identify the information requested
- specify the format in which the information is required
- indicate the contact details of the person requiring the information
- indicate the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right
- where the person requesting the information wishes to be informed of the decision of the request in a particular manner, state the manner and particulars to be so informed
- if the request for information is made on behalf of another person, submit proof that the person submitting the request, has obtained the necessary authorisation to do so.

5 TYPE OF RECORDS HELD BY THE FSP

Request for access to documents held by the FSP will be in accordance with the Act. The types of records available to the person requesting the information are listed in Annexure A.

A description of records which are freely available without having to submit a formal request to access information in terms of the Act are listed in Annexure B.

6 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

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

- Banks Act
- Basic Conditions of Employment Act
- Collective Investment Schemes Control Act
- Companies Act
- Compensation for Occupational Injuries and Diseases Act
- Constitution of South Africa Act
- Electronic Communications and Transactions Act
- Employment Equity Act
- Financial Advisory and Intermediary Services Act
- Financial Institutions (Protection of Funds) Act
- Financial Intelligence Centre Act
- Income Tax Act
- Labour Relations Act
- Long Term Insurance Fund Act
- Pension Funds Act
- Prevention of Organised Crime Act
- Promotion of Equality and Prevention of Unfair Discrimination Act
- Protection of Constitutional Democracy against Terrorist and related Activities Act
- Skills Development Levies Act
- Unemployment Insurance Act
- Value Added Tax Act

7

 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The Promotion of Access to Information Act provides a number of grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, instances where public interest is not served, the mandatory protection of commercial information of a third party, as well as the mandatory protection of certain confidential information of a third party.

A complete list of the grounds for refusal are indicated within Chapter 4 of the Act.

8

 MANUAL AVAILABILITY

The manual is available for inspection at the FSP's office free of charge. Copies of this manual are also available at the South African Human Rights Commission.

ANNEXURE A**RECORD TYPOLOGY**

Request for access to documents held by the FSP will be in accordance with the Act. The type of records available to the person requesting the information are listed hereunder.

Administrative Records

These include, but are not limited to the following:

- registration documents
- Memorandum of Incorporation
- the FSP's policies
- the FSP's internal rules and procedures, including the disciplinary code
- minutes of Board of Director meetings
- records relating to the appointment of directors

Human Resources Records

These include, but are not limited to the following:

- any personal records provided to the FSP by its personnel
- any records which a third party has provided to the FSP about any of its personnel
- employment contracts
- pension fund records
- medical aid records
- disciplinary records
- salary records
- leave records
- internal evaluation and training records
- training schedules and materials
- other internal records and correspondence

Client-related Records

These include, but are not limited to the following:

- advice records
- operational records
- databases
- information technology
- marketing records

- internal correspondence
- statutory records
- internal policies and procedures
- treasury-related records
- records held by officials of the FSP

Financial Records

These include, but are not limited to the following:

- financial statements
- audit records
- assets inventory
- tax returns
- banking records
- invoices
- PAYE records
- VAT records
- Skills Development Levies
- UIF

Other Parties

The FSP may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies and other financial services providers.

These records include:

- service level agreements
- financial records
- correspondence

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 the FSP pertaining to other parties, including without limitation:
 - × financial records
 - × correspondence
 - × contractual records
 - × records provided by the other party

ANNEXURE B

AUTOMATICALLY AVAILABLE RECORDS

The following records are automatically available without having to submit a formal request to access the information in terms of the Act.

For inspection purposes:

All past newsletters (hard copy or e-mailable), articles or other marketing documentation of currently marketed products that NFB PE as a normal course of business, supplies to existing, or potential, clients.

For purchasing:

For copying:

Available free of charge:

ANNEXURE C

REQUEST FOR INFORMATION FORM

1 PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION

Full Names & Surname

Identification Number

Telephone Number

Fax Number

e-Mail Address

Postal Address

2 PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE*Only complete this section if a request for information is made on behalf of another person*

Full Names & Surname

Identification /
Company Number**3 PARTICULARS OF REQUESTED INFORMATION***Provide full particulars of the information to which access is requested. If the provided space is inadequate, please continue on a separate page and attach it to this form (please sign all additional pages).*

Full Description

*Full Description
(Continued)*

4 **FORMAT IN WHICH INFORMATION IS REQUIRED**

Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available. Access in the requested format may be refused under certain circumstances.

Specify Format

5 **RIGHT TO BE EXERCISED OR PROTECTED**

Indicate the right that is to be exercised and/or protected and why the information is required to protect and/or to exercise this right.

*Specify Right
& Reason*

6 **NOTIFICATION**

You will be notified by e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars.

*Alternative method
of Notification*

ANNEXURE D

PRESCRIBED FEES

1. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
 - 1.1 The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
 - 1.2 After the head of the FSP has made a decision on the request, the requester must be notified in the required form.
 - 1.3 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].
 - 1.4 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.
 - 1.5 The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. For every photocopy of an A4 size page or part thereof R1.10
 - b. For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form R0.75
 - c. For a copy in a computer-readable form on Compact Disk or DVD R70.00
 - d.
 - i. For a transcription of visual images, for an A4 size page or part thereof R40.00
 - ii. For a copy of visual images R60.00
 - e.
 - i. For a transcription of an audio record, for an A4 size page or part thereof R20.00
 - ii. For a copy of an audio record R30.00
 - 1.6 The fee that the requester must pay NFB Finance Brokers Port Elizabeth (Pty) Ltd is R50, in terms of regulation 11(2). The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
 - 1.7 The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - a. For every photocopy of an A4 size page or part thereof R1.10
 - b. For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form R0.75
 - c. For a copy in a computer-readable form on Compact Disk or DVD R70.00
 - d.
 - i. For a transcription of visual images, for an A4 size page or part thereof R40.00
 - ii. For a copy of visual images R60.00

- e.
 - i. For a transcription of an audio record, for an A4 size page or part thereof R20.00
 - ii. For a copy of an audio record R30.00
- f. To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such a search and preparation
- g. For purposes of section 54(2) of the Act, the following applies:
 - i. six hours as the hours to be exceeded before a deposit is payable; and
 - ii. one third of the access fee is payable as a deposit by the requester
- h. The actual postage is payable when a copy of a record must be posted to a requester.