



Manual

ALUWANI Capital Partners (Pty) Ltd

The Promotion of Access to Information Act 2 of 2000

1.1. Prepared in accordance with Section 51 of the Promotion of Access to Information Act No. 2 of 2000

1. Introduction

The Promotion of Access to Information Act, No. 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, ALUWANI Capital Partners (Pty) Ltd ("ALUWANI") is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.**

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act. It is important to note that the Act recognises certain limitations to the right of access to information, including but not limited to, limitations aimed at reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

2. Part I: Particulars of the Private Body -

(Information required under section 51(1)(a) of the Act):

- a. Name of the Body
ALUWANI Capital Partners (Pty) Ltd
- b. Head of the Body (Information Officer)
Sibusiso Mabuza
- c. Postal Address
Private Bag 9959, Sandton, 2152
- d. Street Address
EPPF Office Park, 24 Georgian Crescent East,
Bryanston East, 2152
- e. Telephone Number
+27 21 204 3800
- f. Web address
www.aluwanicapital.co.za
- g. Contact Details of Information Officer
 - e-mail: sibusiso.mabuza@aluwanicapital.co.za
 - Phone: +27 21 204 3800

3. Part II – Guide of South African Human Rights Commission

The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

Postal Address: The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone Number: +27 (0) 11 484 8300

Fax Number: +27 (0) 11 484 0582

E-mail Address: paia@sahrc.org.za

Website: <http://www.sahrc.org.za>

4. Part III - Voluntary Disclosure and Automatic Availability of Certain Records

The accessibility of the documents below may be subject to the grounds of refusal set out in this manual:

- Personnel Records
- Client Related records
- Private Body Records
- Supplier and Service Provider Records
- Third Party Information
- Marketing Records (brochures, leaflets)

5. Part IV - Records available in accordance with any other legislation

Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws. As legislation changes from time to time, and new laws may stipulate new manners and extend the scope of access by persons specified in such entities, this list should not be read as being a final and complete list.

Legislation	Tick
1. Administration of Estates Act, No. 66 of 1965	
2. Arbitration Act No. 42 of 1965	



3. Basic Conditions of Employment No. 75 of 1997	x
4. Broad Based Black Economic Empowerment Act No. 53 of 2003	x
5. Companies Act No. 71 of 2008	x
6. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993	x
7. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988	
8. Consumer Protection Act No. 68 of 2005	x
9. Copyright Act No. 98 of 1978	
10. Currency and Exchanges Act No. 9 of 1933	
11. Debtor Collectors Act No. 114 of 1998	
12. Electronic Communications and Transactions Act No. 25 of 2002	x
13. Electronic Communications Act No. 36 of 2005	x
14. Employment Equity Act No. 55 of 1998	x
15. Finance Act No. 35 of 2000	
16. Financial Intelligence Centre Amendment Act No. 11 of 2008	x
17. Financial Markets Act No. 19 of 2012	x
18. Financial Sector Regulation Act No. 9 of 2017	x
19. Financial Services Board Act No. 97 of 1990	x
20. Financial Relations Act No. 65 of 1976	
21. Harmful Business Practices Act No. 23 of 1999	
22. Income Tax Act No. 58 of 1962	x
23. Insolvency Act No. 24 of 1936	
24. Insurance Act No. 18 of 2017	x
25. Intellectual Property Laws Amendments Act No. 38 of 1997	
26. Labour Relations Act No. 66 of 1995	x
27. Long Term Insurance Act No. 52 of 1998	
28. Medical Schemes Act No. 131 of 1998	
29. Occupational Health & Safety Act No. 85 of 1993	x
30. Pension Funds Act No. 24 of 1956	x
31. Post Office Act No. 44 of 1958	
32. Protection of Businesses Act No. 99 of 1978	
33. Regional Services Councils Act No. 109 of 1985	
34. SA Reserve Bank Act No. 90 of 1989	x
35. Short Term Insurance Act No. 53 of 1998	
36. Skills Development Levies Act No. 9 of 1999	x
37. Skills Development Act No. 97 of 1998	x

38. Telecommunications Act No. 103 of 1996	x
39. Trade Marks Act No. 194 of 1993	
40. Unemployment Contributions Act No. 4 of 2002	
41. Unemployment Insurance Act No. 63 of 2001	x
42. Value Added Tax Act No. 89 of 1991	x

6. Part V - Access to Information

ALUWANI may refuse a request for information in respect of information detailed below:

1. Personal information belonging to third parties who are natural persons.
2. Commercial information belonging to third parties, if the record contains:
 - (a) Trade secrets of that third party;
 - (b) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - (c) 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.
3. Confidential information of third parties, if such disclosure would constitute a breach of duty of confidence owed to the third party in terms of any agreement.
4. Information impacting the safety of individuals and the protection of property.
5. Information which would be regarded as privileged in legal proceedings.
6. Commercial activities of a private body such as ALUWANI, which may include:
 - (a) Trade secrets of ALUWANI;

- (b) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of ALUWANI;
 - (c) information which, if disclosed could put ALUWANI at a disadvantage in negotiations or commercial competition;
 - (d) a computer program which is owned by ALUWANI and which is protected by copyright.
7. Research information of ALUWANI or a third party, if its disclosure would place ALUWANI, the third party or the subject matter of the research at a serious disadvantage.

7. Request Procedure

- 7.1. Requests for access to information to records held by ALUWANI must be made on the prescribed Form C in the Act (See Annexure A), or from the SAHRC website (www.sahrc.org.za) as well as payment of a request fee and a deposit (if applicable).
- 7.2. Submit the completed form to the Information Officer at the postal or physical address, fax number or e-mail address detailed above.
- 7.3. The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
- (a) the record or records requested;
 - (b) the identity of the requester;
 - (c) which form of access is required, if the request is granted;
 - (d) the postal address or fax number of the requester within the Republic
- 7.4. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right.
- 7.5. ALUWANI will process the request within 30 (thirty) days.
- 7.6. The requester shall be informed whether access is granted or denied. If the requester requires reasons for the decision in any other manner, the requester will be obliged to state the manner and the particulars so required.

- 7.7. The requester must pay the prescribed fee (see Annexure B) if applicable, before any further processing takes place.
- 7.8. The Information Officer may sever a record, if possible, and grant access only to that portion which the law does not prohibit access to.

8. Prescribed Fees

- 8.1. The Act provides for two types of fees, namely:
- (a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and which is not refundable; and
 - (b) An access fee, which is paid by all requesters in the event that a request is granted. This fee is inclusive of costs involved in obtaining and preparing a record for delivery to the requester.
- 8.2. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 8.3. Information may be withheld until the request fee and the deposit (if applicable) have been paid.
- 8.4. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested format.
- 8.5. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester within 30 days.

9. Remedies available when a request is refused

9.1. Internal Remedies

ALUWANI does not have internal appeal procedures. The decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer.

Information may be withheld until the request fee and the deposit (if applicable) have been paid.

9.2. External Remedies

A requestor that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief.

Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief.

The courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated magistrate.

ANNEXURE A

FORM C

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 Information Officer:

.....

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

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 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:.....

.....



Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:				
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record			
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:				
<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:				
<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in 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? Postage is payable.			<input type="checkbox"/> YES	<input type="checkbox"/> 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 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 B

FEEES 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 fees for reproduction 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:

	R
(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) one 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.