

PROMOTION OF ACCESS TO INFORMATION MANUAL

MANUAL
IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT 2/2000
("PAIA")

**Applicable to Financial Services Provider acting as
Category I and II Financial Services Provider in
terms of the Financial Advisory and Intermediary
Services Act**

Implemented for:



(hereinafter referred to by name or as "FSP")

DATE OF REVISION:

14/01/2021

AVAILABILITY:

WEBSITE	www.krugerbrokers.co.za	YES	
COPIES AT MAIN OFFICE	Address: Cnr Opperman & Gray Ave, Extension 8, Witbank, 1034	YES	

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1. BACKGROUND

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 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 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. **Refer to ANNEXURE A.**
- a description of the typology of records held by the FSP (i.e. various information subjects held on each category type).
- a description of records which are freely available without having to submit a formal request to access information in terms of the Act.
- a description of the FSP's information which are available in accordance with any other legislation.
- a schedule of the fees payable for the request of information. **Refer to ANNEXURE B.**

2. INTRODUCTION TO THE FSP

This private body trades as a close corporation and is authorised as a financial services provider that provides financial advice and/or renders intermediary services to clients on financial products and services under a license issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002, by the Financial Sector Conduct Authority (FSCA).

3. CONTACT DETAILS OF THE FSP

Name of business:	Krüger Makelaars
Designated / authorised person Acting as Information Officer	Pieter Krüger
Street address:	Cnr Opperman & Gray Ave, Extension 8, Witbank, 1034
Postal address:	PO Box 13953, Leraatsfontein, 1038
Telephone number:	013 6974160
Fax number:	
E-mail address:	admin@krugerbrokers.co.za

4. CONTACT DETAILS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The guidance document on the application of the Promotion of Access to Information Act has been compiled by the South African Human Rights Commission (SAHRC). 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

5. PROCESS TO OBTAIN INFORMATION

The Act (in terms of section 51(1)(b) grants a requester access to records of a private body, 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.

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 of the Act.

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 contact details provided. A request for access to information must be made in the prescribed form to the information officer indicated above. See **ANNEXURE A** 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.

A fee of R50 will be charged for access to any records. If the request is granted, the person who submitted the request will be accordingly notified and a further fee will be payable. The additional fee would be for the reproduction, preparation and time reasonably required to search for and prepare the disclosure. The person who submitted the request may lodge an application to court against the tender or payment of the fee.

An individual seeking access to a record containing their own personal information will not be charged a request fee.

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

6. SCHEDULE OF RECORDS HELD BY THE FSP

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:

- the FSP's license

- the FSP's compliance manual
- the FSP's policies
- the FSP's internal rules and procedures
- 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

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
- conditions of employment and other personnel-related contractual and quasi-legal records
- internal evaluation and training records
- 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
- product records
- statutory records
- internal policies and procedures
- treasury-related records
- securities and equities
- records held by officials of the FSP

Financial Records

These include, but are not limited to the following:

- financial statements
- audit records
- assets inventory

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 FSP pertaining to other parties, including without limitation:
 - financial records
 - correspondence
 - contractual records

SCHEDULE OF RECORDS

Records	Subject	Availability
Public Affairs	Public product information Public corporate records Media releases	Freely available on website at www.krugerbrowsers.co.za
Finances	Accounting and audit records Financial statements Assets inventory Management accounts	Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA
Administration	License of product categories Minutes of management meetings Minutes of staff meetings General correspondence	Information available on FSCA website at www.FSCA.co.za Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA
Human Resources	Employment contracts Mandates Policies and procedures Training Remuneration and benefits policies and records	Confirmation of existence can be provided by authorised person Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA
Operations	Production records Compliance file in terms of FAIS Compliance reports Complaints procedures Contractual agreements with suppliers FICA Internal Rules Records of advice Register of key individuals Register of representatives Register of non-compliance Register of premature cancellation of products Clients register	Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA Freely available on request Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA Information available on FSCA website at www.FSCA.co.za Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA
Marketing	Market information Public customer information: <ul style="list-style-type: none"> • Product brochures • Owner manuals Performance records Product sales records Marketing strategies	Limited information available on website at www.krugerbrowsers.co.za Freely available on request Freely available on request Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA

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 below.

For inspection purposes:

- FSCA license certificate and annexures
- Management Framework and Policy on Complaints
- Management Framework and Policy on Conflict of Interests
- Policy on Promotion of Access to Information Act
- Website Privacy Policy.

7. 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:

- Basic Conditions of Employment Act
- Compensation for Occupational Injuries and Diseases Act
- Collective Investment Schemes Control Act
- Companies Act
- Consumer Protection Act
- Electronic Communications and Transactions Act
- Employment Equity Act
- Financial Advisory and Intermediary Services Act
- Financial Intelligence Centre Act
- Financial Services Laws General Amendment Act
- Financial Services Ombud Schemes Act
- Income Tax Act
- Labour Relations Act
- Long-term Insurance Act
- Medical Schemes Act
- Occupational Health and Safety Act
- Pension Funds Act
- Prevention of Organised Crime Act
- Protection of Constitutional Democracy against Terrorist and related Activities Act
- South African Qualifications Authority Act
- Short-term Insurance Act
- Skills Development Act
- Skills Development Levies Act

8. DECISION MAKING PROCESS

In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requester by way of affidavit or affirmation, that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the requester would otherwise have been granted.

Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request; notify the requester of the decision as to whether or not to grant the request. If the request is:

Granted: the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.

Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.

The information officer may extend the period of 30 days by a further period not exceeding 30 days if:

- The requester is for a large number of records or requires a search through a large number of records;
- Consultation within the FSP , or with another private body is required; or
- The requester consents to the extension.

The requester must be notified within the initial 30-day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.

The information officer's failure to respond to the requester within the 30-day period constitutes a deemed refusal of the request.

Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the information officer.

9. THIRD PARTIES

If the request is for record pertaining to a third party, the information officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of receipt of the request.

The manner in which this is done must in the fastest means reasonably possible, but if orally, the information officer must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representations to the FSP as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the information officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

10. 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 are 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.

11. RIGHTS OF APPEAL

A requestor that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record (s) in question. No record may be withheld from the court in any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- Confirming, amending or setting aside the information officer's decision;
- Requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- Granting an interdict, interim or special relief, declaratory order or compensation; or an order as to costs.

12. MANUAL AVAILABILITY

This manual is available for inspection at the offices of the relevant private body free of charge.

Copies are also available with the SAHRC and on the private body's website (if any).

REQUEST FOR ACCESS TO RECORDS 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
Krüger Makelaars

B. Particulars of 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 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.

Reasons 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 images	<input type="checkbox"/>	Copy of images*	<input type="checkbox"/>	Transcription of images*
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	Listen to 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*	<input type="checkbox"/>	Printed copy of information derived from 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 be posted to you?					<input type="checkbox"/> YES <input type="checkbox"/> NO
Postage is payable					

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

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 **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) stiffer disc (ii) compact disc	7.50 70.00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	40.00 60.00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	20.00 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) stiffer disc (ii) compact disc	7.50 70.00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	40.00 60.00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	20.00 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 if the Head of the private body thinks that the collection and reproduction of documents is going to take longer than six hours: (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	