



Governations Investments South Africa (Pty) Ltd

t/a GovservSA

Registration Number: 1971/006598/07

(hereinafter referred to as "the Company")

MANUAL

in terms of

The Promotion of Access to Information Act 2/2000

(the "ACT")

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1. INTRODUCTION

The Promotion of Access to Information Act No. 2 of 2000 (the Act), enacted on 3 February 2000, seeks, inter alia, to give effect to the constitutional right of access to certain information held by the state, or by any other person, where such information is required for the exercise or protection of any right. When a request is made in terms of the Act, there is an obligation to release the information, except in circumstances whereby the Act expressly provides that the information must not be released or may be withheld. The Act stipulates the requisite procedures in order to process any request for information.

The Act also requires public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. GovservSA South Africa (Pty) Limited (“GovservSA”) is a private body under paragraph (b)(ii) of the definition of “private body” in section 1 of the Act. This document serves as GovservSA’s manual with regard to information or records in relation to which GovservSA is a private body.

It should similarly be noted that the Protection of Personal Information Act 4 of 2013 (“POPI”) which serves to promote the protection of personal information processed by public and private bodies has come into effect and as a consequence, any prohibitions on the release of certain information or particulars (as defined in POPI) of a third party, who is either an identifiable natural person, or an identifiable existing juristic person, in terms of POPI will be adhered to.

2. INTRODUCTION TO THE COMPANY

GovservSA provides intermediary and advice services to clients and conducts business as an authorised Financial Services Provider with FSP No. 5735 under the Financial Sector Conduct Authority (FSCA).

3. COMPANY CONTACT DETAILS

Persons designated/duly authorised persons:

Directors: Hermann Labuschagne; Johannes Petrus Van Den Berg

Contact Person: Hermann Labuschagne

Postal Address: PO Box 732; Somerset Mall, 7137

Street Address: 1st Floor Club House, The Golf Village, 2 De Beers Avenue, Somerset West, 7130 (HO)
578 Lois Avenue, Erasmuskloof, Pretoria, 0048 (Gauteng Office)

Telephone number: 021 300 1538

Fax number: 086 219 5216

4. THE ACT

- 4.1 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.
- 4.2 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.
- 4.3 Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide will be available in August 2003. The contact details of the Commission are:

Division	:	PAIA UNIT
Physical address	:	27 Stiemens Street, Braamfontein
Phone number	:	011 877 3600
Fax number	:	011 403 0668
Email	:	paia@sahrc.org.za
Website	:	www.sahrc.org.za

5. LEGISLATION

- 5.1 The Company keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act and where applicable:

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Collective Investment Schemes Control Act 45 of 2002
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of SA Act No.108 of 1996
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Sector Regulation Act 9 of 2017
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Prevention of Organised Crime Act 121 of 1998
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Skills Development Levies Act 9 of 1999

- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

6. CATEGORIES OF RECORDS HELD

The following are the subject and categories of records held:

6.1 Human resources

- Employee information
- Policies and procedures
- Personnel files
- Conditions of employment
- Internal evaluation records
- Proof of payment of annual registration fees

6.2 Secretarial

- Memorandum and Articles of Association
- Minutes of Meetings
- Company Register
- Resolutions
- Statutory returns

6.3 Financial and administration

- Financial statements
- Reports and returns
- Banking records
- Debtors/Creditors lists, statements, and invoices
- General correspondence

6.4 Information Management and Technology

- System documentation
- Equipment Register
- Manuals
- Software licenses

6.5 Movable and Immovable Property

- Title Deeds
- Lease agreements

6.6 Operations

- Archival Administration Documentation
- Insurance (insurance arrangements, policies, and claims)
- Income Tax Files

6.7 Customer/Clients and third parties related records

- Contracts with Clients
- Any records the Client has provided to the Company or a third party acting for or on behalf of the Company
- Records, reports, designs and the like generated by the Company for their clients
- Records generated pertaining to the Client, including transactional records

6.8 Marketing and communication

- Marketing strategies
- Communications strategies
- Agreements

6.9 Other records

- Legal proceedings records

7. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY

7.1 A requester requiring access to information held by the Company must complete the prescribed form available from SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (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.

7.2 The prescribed form must be completed with enough particularity to enable the Public Officer to identify:

- 7.2.1 the record(s) requested;
- 7.2.2 the identity of the requester;
- 7.2.3 indicate which form of access is required, if the request is granted;
- 7.2.4 specify the postal address or fax number of the request in the Republic.

7.3 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.

7.4 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.

7.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Public Officer.

7.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

7.7 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 time periods not be complied with.

8. PRESCRIBED FEES

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

- 8.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 8.2 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);
- 8.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 8.4 Records may be withheld until the fees have been paid.
- 8.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>
- 8.6 Refer to Annexure 2.

9. GROUND(S) FOR REFUSAL OF ACCESS TO RECORDS

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

- 9.1 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);
- 9.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 9.2.1 trade secrets of that third party;
 - 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 9.2.3 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);
- 9.3 mandatory protection of the safety of individuals and the protection of property (section 66);
- 9.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
- 9.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- 9.6 the commercial activities of the Company, which may include –
 - 9.6.1 trade secrets of the Company;
 - 9.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Company;
 - 9.6.3 information which, if disclosed could put the Company at a disadvantage in negotiations or commercial competition;

- 9.6.4 a computer program which is owned by the Company, and which is protected by copyright (section 68);
- 9.7 Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. REMEDIES AVAILABLE WHEN THE COMPANY (PTY) LTD REFUSES A REQUEST FOR INFORMATION

10.1 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.

10.2 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.

10.3 Availability of this Manual

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

10.3.2 Copies may also be requested from the SAHRC.

ANNEXURE 1

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 Head:

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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"/>		<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	<input type="checkbox"/>	transcription of soundtrack*
<input type="checkbox"/>	audio cassette	<input type="checkbox"/>	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"/>		<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.	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 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 of20

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 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.