

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

OWNERSHIP:

This manual is owned by **Gray Swan Financial Services (Pty) Ltd (FSP no 42290)**
a duly authorised Financial Services Provider (hereunder referred to as the "FSP").

As Key Individual of the aforementioned Financial Services Provider
I, **David Duncan Theron** hereby confirm the adoption of this manual.



1 December 2011

Key Individual Signature

Date

INSTRUCTIONS:

- In terms of Section 51 of the Promotion of Access to Information Act (Act 2 of 2000) all private bodies (i.e. any natural or juristic person who carries on any trade, business or profession) must compile a manual conforming to the prescribed requirements
- Utilise this template document as an example to compile the FSP's Section 51 Access to Information Manual
- A designated Key Individual must acknowledge the FSP's ownership of this manual, by completing the FSP's name on the first page, and signing the manual
- Complete the FSP's head office contact details within the text fields indicated below
- Appoint an information officer, and complete the individual's contact details within the fields indicated below. Any individual may act and function as the FSP's information officer. The information officer will *inter alia* be responsible to assess and facilitate requests for information and to liaise with any person requesting access to private information
- Add or delete the type of records held by the FSP as indicated within Annexure A (i.e. only list relevant records of information)
- Indicate records which are freely available without having to submit a formal request to access information in terms of the Act within Annexure B (if any)
- Add legislation which may be applicable to the FSP and/or delete legislation which is not applicable to the FSP listed below
- E-mail a copy of your completed manual to paia@sahrc.org.za. Alternatively, post a copy of your completed manual to the Research and Documentation Department, SAHRC, Private Bag 2700, Houghton, 2041
- Retain a hardcopy of your completed manual on the FSP's compliance file and upload the manual to the FSP's website (if the FSP has a website, the document must be uploaded to the website)
- The manual must be accessible for public inspection purposes
- A person who wishes to access information held by the FSP may do so by completing Annexure C
- Refer back to the manual whenever a person requests access to private information
- This manual must be read and understood in conjunction with the Promotion of Access to Information Act
- This manual must be reviewed annually and updated if and when required
- Delete this instruction page prior to implementing the manual

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 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. **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 are available in accordance with any other legislation.

2

FSP CONTACT DETAILS

021 852 9092

Phone Number

086 540 7311

Fax Number

info@grayswan.co.za

*e-Mail Address*2nd Floor, North Wing, Parc du Links*Physical Address*

7 Niblick Way

Somerset West, 7130

Private Bag X34*Postal Address***Suite 184****Somerset West, 7129****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:

Tania Theron*Information Officer Name***071 605 1863***Phone Number***Tania@grayswan.co.za***e-Mail Address*

2nd Floor, North Wing, Parc du Links

Physical Address

7 Niblick Way

Somerset West, 7130

Private Bag X34

Postal Address

Suite 184

Somerset West, 7129

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.

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

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 type 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:

- Administration of Estates Act
- Arbitration Act
- Auditing Professions Act
- 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 Institutions (Protection of Funds) Act
- Financial Intelligence Centre Act
- Financial Services Board Act
- Financial Services Ombud Schemes Act
- Friendly Societies Act
- Income Tax Act
- Insolvency Act
- Labour Relations Act

- Long-term Insurance Act
- Medical Schemes Act
- National Credit Act
- Occupational Health & Safety 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
- Short-term Insurance Act
- Skills Development Act
- Skills Development Levies Act
- South African Qualifications Authority Act
- Stamp Duties Act
- Trademarks Act
- Unemployment Insurance Act
- Value Added Tax Act

7

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 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.

8

8 MANUAL AVAILABILITY

The manual is available for inspection at the FSP's office free of charge. Copies of this manual is 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:

- 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
 - × records provided by the other party

ANNEXURE B**AUTOMATICALLY AVAILABLE RECORDS**

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

- Market Summaries
- Research documents

Our clients have access to all client related documents via our website by providing their username and password.

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**

Signed at: _____ on this _____ day of _____ 20 _____

Signature of person submitting the request