



Direct Independent Brokers (Pty) Ltd

**PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL**

## Table of contents

- 1. INTRODUCTION..... 3
- 2. CONTACT DETAILS..... 3
- 3. ACCESS TO THE GUIDE ON HOW TO USE PAIA..... 4
- 4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD..... 4
- 5. ACCESS TO RECORDS..... 5
  - 5.1. RECORDS HELD WHICH MUST BE FORMALLY REQUESTED VIA THE PAIA REQUEST FORM ..... 5
  - 5.2. REQUEST PROCEDURE ..... 6
    - 5.2.1. *Types of requesters:* ..... 6
    - 5.2.2. *Form of request – Annexure A:* ..... 6
    - 5.2.3. *Prescribed fees:* ..... 7
  - 5.3. GROUNDS FOR REFUSAL ..... 8
  - 5.4. RECORDS THAT CANNOT BE FOUND ..... 8
  - 5.5. MANUAL AVAILABILITY ..... 8

## 1. Introduction

- (1) This manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") and section 23 of the Protection of Personal Information Act 4 of 2013 ("POPIA").
- (2) The purpose of PAIA is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of any rights.
- (3) The purpose of POPIA is to give right to the constitutional right to privacy and to promote the protection of personal information processed by public and privacy bodies.
- (4) Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA or other legislation expressly provides that the information may or must not be released. As a private body defined in PAIA, Direct Independent Brokers is required to compile a manual to provide details of records held and the process which needs to be followed to access such records.

## 2. Contact Details

### General Information and Information Officer

(a)

<b>Name of Company:</b>	Direct Independent Brokers (Pty) Ltd
<b>Registration Number:</b>	2012/173807/07
<b>Postal Address:</b>	0025 1st floor, East Block, Centennial Place, Century City, Cape Town, 7441
<b>Physical Address:</b>	0025 1st floor, East Block, Centennial Place, Century City, Cape Town, 7441
<b>Telephone Number:</b>	+27 21 524 4100
<b>Website Address:</b>	
<b>Head:</b>	LM Olivier
<b>Information Officer:</b>	Attie Jansen van Vuuren
<b>Email Address:</b>	<a href="mailto:attie@dibrokers.co.za">attie@dibrokers.co.za</a>

### 3. Access to the Guide on How to Use PAIA

- (1) The South African Human Rights Commission (“SAHRC”) published a guide to help a requester who wishes to exercise any rights granted in PAIA. This guide is available at the offices of the South African Human Rights Commission.

(a)

<b>Postal Address:</b>	SAHRC – PAIA Unit	SAHRC – PAIA Unit The Research and Documentation Department Private Bag X2700 Houghton 2014
<b>Telephone Number:</b>		+27 11 877 3600
<b>FAX Number:</b>		+27 11 484 7146
<b>Website Address:</b>		<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
<b>Email Address:</b>		<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>

### 4. Legislation in terms of which records are held

- (1) The requester may request information, which is available in terms of other legislation, which includes, but is not limited to the following:

(a)

No	Reference	Act
1	No 26 of 2005	Auditing Professions Act
2	No. 75 of 1997	Basic Conditions of Employment Act
3	No. 53 of 2003	Broad-Based Black Economic Empowerment Act
4	No. 71 of 2008	Companies Act
5	No. 130 of 1993	Compensation for Occupational Injuries and Diseases Act
6	No. 89 of 1998	Competition Act
7	No 108 of 1996	Constitution of the Republic of South Africa
8	No. 68 of 2008	Consumer Protection Act
9	No 36 of 2005	Electronic Communications Act
10	No. 25 of 2002	Electronic Communications and Transactions Act
11	No. 55 of 1998	Employment Equity Act
12	No. 38 of 2001	Financial Intelligence Centre Act
13	No. 37 of 2002	Financial Advisory and Intermediary Services Act
14	No 68 of 1962	Identification Act
15	No. 58 of 1962	Income Tax Act
16	No. 24 of 1936	Insolvency Act
17	No. 66 of 1995	Labour Relations Act
18	No. 34 of 2005	National Credit Act
19	No. 85 of 1993	Occupational Health and Safety Act
20	No. 24 of 1956	Pension Funds Act
21	No. 4 of 2013	Protection of Personal Information Act
22	No. 2 of 2000	Promotion of Access to Information Act

23	No. 26 of 2000	Protected Disclosures Act
24	No. 70 of 2002	Regulation of Interception of Communications and Provision of Communication – Related Information Act
25	No. 97 of 1998	Skills Development Act
26	No. 9 of 1999	Skills Development Levies Act
27	No. 4 of 2002	Unemployment Insurance Contributions Act
28	No. 89 of 1991	Value Added Tax Act

## 5. Access to records

### 5.1. Records held which must be formally requested via the PAIA Request form

(1) Direct Independent Brokers holds the records listed below. This is not an exhaustive list and access to records not listed below must be requested from the Information Officer listed in this manual. Please note that a requestor is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 and 69 of PAIA.

#### (2) Financial records

- (a) Annual Financial Statements;
- (b) Tax Returns;
- (c) Accounting Records;
- (d) Banking Records;
- (e) Bank Statements;
- (f) Electronic Banking Records;
- (g) Asset Register;
- (h) Rental Agreements;
- (i) Invoices

#### (3) Receiver of Revenue records

- (a) PAYE Records;
- (b) Documents issued to employees for income tax purposes;
- (c) Records of payments made to SARS on behalf of employees;
- (d) All other statutory compliances:
  - (i) VAT;
  - (ii) Skill Development Levies;
  - (iii) UIF;
  - (iv) Workmen's Compensation

#### (4) Companies Act records

- (a) Documents of incorporation;
- (b) Memorandum and Articles of Association;
- (c) Minutes of Board of Directors Meetings;
- (d) Records relating to the appointment of Directors / Auditor / Secretary / Public Officer and other Officers;
- (e) Share Register and other Statutory registers

(5) Personnel documents and records

- (a) Employment Contracts;
- (b) Employment Equity Plan (if applicable);
- (c) Medical Aid records;
- (d) Pension Fund records;
- (e) Disciplinary records;
- (f) Salary records;
- (g) Disciplinary codes;
- (h) Leave records;
- (i) Training records;
- (j) Training Manuals

## **5.2. Request procedure**

- (1) Any person who wishes to request information from Direct Independent Brokers with the aim of protecting or exercising a right may contact the Information Officer.

### **5.2.1. Types of requesters:**

- (1) Personal requester: Direct Investment Brokers will voluntarily provide the requested information or give access to any record about the requester's personal information without the requester having to pay an access fee. However, the prescribed fee for reproduction of the information requested may be charged.
- (2) Other requester: This requester (other than a personal requester) is entitled to request access to information. However, Direct Independent Brokers is not obliged to voluntarily grant access, and such a request may be denied. The requester must fulfil the prerequisite requirements for access in terms of PAIA and POPIA, including the payment of a request and access fee.

### **5.2.2. Form of request – Annexure A:**

- (1)
- (a) The requester must use the prescribed Form C to make the request for access to a record.
  - (b) This request must be sent to the Information Officer to the address or e-mail address of Direct Independent Brokers.
  - (c) The requester must provide sufficient detail on the request form to enable Direct Independent Brokers to identify the record and the requester. The requester should also indicate which form of access is required (for instance if the requester is blind, the access will not be via email).
  - (d) The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
  - (e) If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

- (2) Direct Independent Brokers will process the request within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessitated.
- (3) Where an extension of the 30-day time limit is required, the requester must be notified, together with reasons explaining why such extension is necessitated.
- (4) The requester must be informed whether access granted or denied. If, in addition, a requester who requires the reasons for the decision in any other manner must state the manner and the particulars so required.
- (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 Information Officer.
- (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) The Requester must pay the prescribed fee before any further processing can take place

### **5.2.3. Prescribed fees:**

- (1) PAIA provides for two types of fees namely:
  - (a) A *request fee*, which will be a standard fee; and
  - (b) An *access fee*, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- (2) The following applies to requests:
  - (a) When the request is received, the Information Officer must by notice require the requester, excluding a personal requester, to pay the prescribed request fee (if any) before further processing of the request.
  - (b) A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
  - (c) A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
  - (d) Records may be withheld until the fees have been paid.
  - (e) 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.
  - (f) The fee structure is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za).

### 5.3. Grounds for refusal

- (1) The correct completion and submission of a Request for Access form does not automatically entitle or allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in section 23 (4)(a) of the POPIA read with Part 3 Chapter 4 of PAIA.
- (2) If it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false, or misleading information, legal proceedings may be instituted against such requester.
- (3) In terms of the PAIA, justifiable grounds exist for an entity to refuse or limit access to information. Grounds for refusal include, but are not only limited to the following:
  - (a) Personal information relating to individuals;
  - (b) Certain types of commercial information;
  - (c) Information that is deemed confidential of third parties;
  - (d) Information that is deemed privileged from production in legal proceedings;
  - (e) Research information
- (4) The decision made by the Information Officer is final. Should the requester be dissatisfied with the Information Officer's decision to refuse access to records, the requester may within 30 days after being informed of the refusal apply to court for the appropriate relief.

### 5.4. Records that cannot be found

- (1) If the Direct Independent Brokers has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

### 5.5. Manual Availability

- (1) A copy of this manual is available for inspection free of charge at Direct Independent Broker's registered office.

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<b>Title</b>	Direct Independent Brokers PAIA Manual
<b>Approval Date</b>	01/06/2021
<b>Approver</b>	LM Olivier
<b>Signature</b>	