

**MANUAL
OF
ULTIMA FINANCIAL PLANNERS (PTY) LTD**

PROMOTION OF ACCESS TO INFORMATION ACT (No 2 of 2000)

Manual Prepared In Accordance With Section 51 of
The Promotion Of Access To Information Act, No. 2 of 2000 ("The Act")

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1. INTRODUCTION TO THE PRIVATE BODY

The Promotion of Access to Information Act, No 2 of 2000 ("**the Act**") was enacted on 3rd February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognizes that such right to access to information cannot be unlimited and should be subject to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the 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.

Wherever reference is made to "Private Body" in this manual, it will refer to **Ultima Financial Planners (Pty) Ltd**, a private body and an **Authorised Financial Services Provider** within the Financial Services industry for which this manual is drafted.

2 PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

2.1 CONTACT DETAILS / GENERAL INFORMATION

- 2.1.1 Name of Private Body: **Ultima Financial Planners (Pty) Ltd**
- 2.1.2 Head of Private Body: **Gerrit van Niekerk Viljoen**
- 2.1.3 Registration No: **2000 / 005080 / 07**
- 2.1.4 Vat Registration No: **444-01990-355**
- 2.1.5 Postal Address: **P.O. Box 191, Menlyn, 0063**
- 2.1.6 Telephone No: **012 348 1386**
- 2.1.7 Facsimile No: **012 348 3706**
- 2.1.8 E-mail address: **info@ultimafp.co.za**
- 2.1.9 Website: **www.ultimafp.co.za**
- 2.1.10 FSB Licence No: **26/10/6828**

2.2 THE GUIDE (as described in Section 10) [Section 51(1) (b)]

The guide will be available from the Human Rights Commission as from August 2002, unless otherwise specify queries to:

Name of body: Human Rights Commission
Postal address: Private Bag 2700
Houghton
2041

Telephone number: 011 484 8300
Facsimile number: 011 484 0582
Website: www.sahrc.org.za
E-mail address: P.A.I.A@Sahrc.org.za

2.3 The latest notice regarding the categories of records of the body, which are available with request access in terms of this Act in terms of Section 52 (2) [Section 51 (1) (C)] (if applicable)

3 **RECORDS OF PRIVATE BODY**

3.1 **Records available in terms of any other legislation [Section 51 (1) (b)]**

Records are kept in accordance with the following legislation:

- Basic Conditions of Employment Act 75 of 1997	X
- Companies Act 61 of 1973	X
- Compensation for Occupational Injuries and Diseases Act 130 of 1993	X
- Employment Equity Act 55 of 1998	
- Income Tax Act 66 of 1962	
- Labour Relations Act 66 of 1995	X
- National Environmental Management Act 107 of 1998	
- Skills Development Levies Act 194 of 1993	X
- Trade Marks Act 194 of 1993	
- Unemployment Insurance Act 30 of 1966	X
- Close Corporation Act 69 of 1984	
- Competition Act 89 of 1998	
- Inspection of Financial Institution Act 18 of 1998	X
- Income Tax Act 58 of 1962	X
- Deeds Registries Act 47 of 1937	
- Value Added Tax Act 58 of 1962	X
- Constitution of SA Act 108 of 1996	
- Health Professions Act 56 of 1974	
- Insider Trading Act 135 of 1998	
- Short Term Insurance Act 53 of 1998	X
- Long Term Insurance Act 52 of 1998	X
- Financial Advisory and Intermediary Services Act 37 of 2002 (FAIS)	X
- Financial Intelligence Centre Act 38 of 2001 (FICA)	X
- Pension Funds Act 24 of 1956	X
- Insolvency Act 24 of 1936	
- Medical, Dental and Pharmacy Act 13 of 1928	
- Medical Schemes Act 131 of 1998	X
- Medicines and Related Substances Control Act 101 of 1965	
- Pharmacy Act 53 of 1974	
- Formalities in respect of Leases of Land Act 18 of 1969	

(* Other — please specify)

Reference to the abovementioned legislation shall include subsequent amendments to such Legislation and all relevant sections within such legislation in terms of which the Private Body holds records.

3.2 **Description of subjects of records held and the categories in which these subjects are classed [Section 51 (1) (d)]** - the body maintains the following records:

Company Secretarial

- Company Status	X
- Incorporation Documents	X
- Members Association Documents	X
- Memorandum & Articles of Association	X

- Registers	X
- Minutes of meetings	X
- Statutory returns	
- Powers of attorney	
- Share certificates	X
- Copies of the constitution of business	X
- Internal telephone directory	X
- Franchise agreements	

Movable and Immovable Property

- Title deeds	
- Lease agreements	
- Hire agreements	X
- Hire-purchase agreements	
- Credit sale agreements	
- Ordinary and conditional sale agreements	

Intellectual Property

- Trademarks	
- Copyright	X
- Designs	
- Patents	
- Licencing agreements	

Human Resources

- HR Policies and procedures	X
- Recruitment procedures	X
- Employee induction procedure	X
- Psychometric testing & evaluation records	
- Employee information & personal files	X
- Employment contacts	X
- Leave records	X
- Job descriptions	X
- Job evaluation system	
- Performance management records	
- Succession planning & employee development plans	
- Training records	
- Training manuals & course evaluation	
- Standard letters and notices	X
- Workplace and Union agreements and records	
- Management / Shop Steward meeting minutes	
- Employee benefit schemes – rules and records	
- Employment Equity plan	
- Medical Aid records	
- Pension / Provident Fund records	
- SDL / SETA records	X

- Disciplinary codes and records	X
- Unemployment Insurance records	X
- Workman's Compensation records	X
- Payroll records	X
- Attendance records & clocking history	X
- Absenteeism reports	X

"Personnel" refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body.

Financial Records

- Financial statements (monthly & annual)	X
- Operational budgets	X
- Credit applications (debtors & creditors)	X
- Distributor agreements	
- Rental agreements	X
- Petty cash records	X
- Asset register	X
- Banking detail & signatory information	X
- Bank statements & correspondence	X
- Debtors / creditors statements and invoices	X
- Insurance policies & claims	X
- VAT schedules & returns	X
- Taxation schedules & returns	X
- Delivery notes & tax invoices	X
- Debit & credit notes	X
- Import & export documentation	
- UIF returns	X
- WCA reconciliations & returns	X
- SDL returns	X
- Customer / client account records	X
- Costing records	X
- Wage agreements / Bargaining council agreements / Sectoral agreements	

Operations

- Permits, licenses, consents, approvals, authorisations, applications and registrations	X
- Operational policies and procedures	X
- Departmental budgets	
- Contractor, client and supplier agreements and information	
- Security documents	
- Safe working practices	
- Accident / incident investigation reports	
- Fire prevention / evacuation plans	
- Health & Safety representative appointments & training	
- OshAct appointments	

- Competency certificates	
- Safety meeting minutes	
- Contractor / sub-contractor induction	
- Work instruction manuals	X
- Distribution agreements	
- Records and reports with regards to sales and provision of consulting services	X
- Records with regards to scheduling and supply of goods / services	
- Records with regards to research and development of products / services	
- Purchase requisitions / orders	
- Production targets	
- Production records	
- Equipment manuals	X
- Equipment maintenance reports	
- Defect targets & reports	
- Product manuals	X
- Correspondence with customers	X
- Records with regards to market research	
- Promotional material	X
- Records pertaining to costing / quoting	
- Records relating to customer complaints / assessments / queries	X
- Price list	
- Competitor information	
- Marketing call reports	
- Despatch records	
- Loading bills	
- Transport logistics	
- Transport maintenance records	
- Shrinkage reports	

Information Technology

- System documentation and manuals	X
- Project, disaster recovery and implementation plan	X
- Customer database	X
- Inter-company e-mails	X
- Internet connectivity reports	X
- Intranet reports	
- Software programmes & licenses	X
- Software applications	X
- Computer generated databases	X

3.3 How must a person go about asking for records?

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or e-mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which

form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf on a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee for private bodies is R50-00. The requester may lodge an internal appeal of an application to the courts against the tender or payment of the request fee.
- If the request is granted, then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- The head of the private body will then make a decision on the request and notify the requester in the required form.

3.4 **Other information as may be prescribed [Section 51 (1) (f)]**

3.5 **APPENDIX 2 - Prescribed Fees for Private Bodies**

The fee for a copy of the manual as contemplated in regulation 9 (2) (C) is R1,10 for ever size page or part thereof.

The fees for reproduction referred to in regulation 11(1) are as follows:

			<u>Rand</u>
A		For every photocopy of an A4-size page or part thereof	1.10
B		For every printed copy of an A4-size page of part thereof held on a computer or in electronic or machine-readable form	.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
The request fee payable by a requester, other than a personal requester, referred to in			50.00

The fees payable by a requester referred to in regulation 11 (3) are as follows:

A		For every photocopy of an A4-size page or part thereof	1.10
B		For every printed copy of an A4-size page of part thereof held on a computer or in electronic or machine-readable form	.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		

For purposes of Section 54(2) of the Act, the following applies:

A	Six hours as to be exceeded before a deposit is payable; and
B	One third of the access fee is payable as a deposit by the requester
	The actual postage is payable when a copy of a record must be posted to a requester

3.7 **PRESCRIBED FORMS**

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

[Regulation 10]

A Particulars of private body

The Head:

B Particulars of person requesting access to the record

- (i) The particulars of the person who requests access to the record must be given below
- (ii) The address and/or fax number in the Republic to which the information is to be sent must be given
- (iii) 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 the request is made

- (i) 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

- (i) 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.

(ii) 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.

Description of record or relevant part of the record;

Reference number, if available;

Any further particulars of record:

E Fees

(i) A request for access to a record, other than a record containing personal information a processed only after a request fee has been paid

(ii) You will be notified to the amount required to be paid as the request fee.

(iii) The fee payable for access to a record depends on the form in which access is required to search for a prepared record.

(iii) If you qualify for exemption of the payment of any fee, please state the reason for exemption

F Form of access to record

(i) 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 line with an X

(ii) Compliance with your request in the specified form may depend on the form in which the record is available.

(iii) Access in the form requested may be refused in certain circumstances. In such a case access will be granted in another form.

(iv) The fee payable for access to the record, if any, will be determined partly by the form requested.

1. If the record is in written or printed form:

_____ Copy of record*

_____ Inspection of record

2. If record consists of visual images (this includes photographs, slides, video recordings, computer sketches, etc.):

View the images

_____ Copy of the images*

_____ Transcription of the images*

3. If record is held on computer or in an electronic or machine-readable form:

_____ Listen to the soundtrack (audio cassette)

_____ Transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

_____ Printed copy of record*

_____ Printed copy of information derives from the record*

_____ 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

(i) 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.

Indicate which right is to be exercised or protected;

Explain why the record requested is required for the exercise or protection of the aforementioned right.

H Notice of decision regarding request for access

(i) You will be notified in writing whether your request has been approved I 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 the Request is made

4. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the —

4.1 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;

4.2 mandatory protection of the commercial information of a third party, if the record contains –

4.2.1 trade secrets of that third party;

4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

4.3 mandatory protection of the safety of individuals and the protection of property;

4.4 mandatory protection of the safety of individuals and the protection of property;

4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;

4.6 the commercial activities of the Private Body, which may include:

5. **REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

5.1 **INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information 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 information officer.

5.2 **EXTERNAL REMEDIES**

A requester that is 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. 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.

6. **REQUEST PROCEDURE**

6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

6.2 The requester must complete the prescribed form enclosed herewith in Appendix 1, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer and the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.

6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –

6.3.1 The record or records requested;

6.3.2 The identity of the requester;

6.3.3 Which form of access is required, if the request is granted;

6.3.4 The postal address or fax number of the requester.

6.4 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. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.

6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he / she must state the manner and the particulars so required.

6.7 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.

- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
 - 6.9 The requester must pay the prescribed fee, before any further processing can take place.
-

7. ACCESS TO RECORDS HELD BY THE PRIVATE BODY

7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.

7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

7.2.1 PERSONAL REQUESTER

7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

7.2.2 OTHER REQUESTER

7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a requester and access fee.

8. FEES

8.1 The Act provides for two types of fees, namely:

8.1.1 A request fee, which will be a standard fee; and

8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

8.2 When the Information Officer receives the request, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.

8.3 If the search of 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.

8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.

8.5 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 arrangement to make it available in the request form.

- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.
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9. DECISION

- 9.1 The Private body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period in which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.
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10. AVAILABILITY OF THE MANUAL

- 10.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 10.2 The manual of the Private Body may also be available on the website of the Private Body (if applicable).