



SECTION 51 PAIA MANUAL

FINBOND GROUP LIMITED

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1. INTRODUCTION

Finbond Group Limited is a public company with registration no 2001/015761/06.

The Promotion of Access to Information Act, 2 of 2000 ('the Act') grants private and public bodies the right to request access to records. **Private bodies (such as individuals) that request access to records must be able to show that the record is required for the exercise or protection of a right. Public bodies (such as government departments) that request access to records must be able to demonstrate that the request is in the public's interest.**

A request for information in this document will be called a PAIA request. The Act sets out the procedure and fees when a PAIA request is made.

This manual outlines the kinds of records held by Finbond Group Limited, and guides you how to submit a PAIA request. This manual has also been made available to the human rights commission

Annexure 1 sets out the legislation with which Finbond Group Limited complies;

Annexure 2 sets out the request form to be used when requesting a record; and

Annexure 3 sets out the fees payable when requesting a record.

2. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)

The South African Human Rights Commission has compiled the guide contemplated in Section 10 of the Act. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide is available in all of the official languages and may be inspected at The Offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St Andros Street, Parton, Johannesburg, Gauteng, and at www.sahrc.org.za.

Any enquiries regarding this guide should be directed to:

The South African HUMAN RIGHTS COMMISSION,

at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),

Private Bag X2700, HOUGHTON, 2041;

Telephone Number: (011) 484-8300;

Facsimile Number: (011) 484-1360;

The above guide is available from website: www.sahrc.org.za;

E-mail Address: PAIAI@sahrc.org.za.

3. INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

Business name: Finbond Group Limited

Registration number: 2001/015761/06

Finbond Group Limited’s Head Office is situated at:

Building A

Rigel Park

446 Rigel Ave South

Erasmusrand

Pretoria, 0181

Finbond Group Limited’s postal address:

PO Box 2127, Brooklyn Square, Brooklyn, Pretoria, 0075

Finbond Group Limited’s contact details

Tel: (012) 460 7288

Fax: (012) 460 7285

Email: ben@finbond.com

Website: www.finbondgrouplimited.co.za

Should you have a PAIA request, please address it to Finbond Group Limited’s Information Officer:

Name: Ben Bredenkamp

Email: ben@finbond.com

Tel no: (012) 460 7288 ext. 1330

4. RECORDS HELD BY FINBOND GROUP LIMITED

Finbond Group Limited maintains the categories of information as set out later in this manual. Please note that nothing in this manual implies that a PAIA request will be granted, and each PAIA request is evaluated on a case by case basis in accordance with the provisions of the Act

5. RECORDS AUTOMATICALLY AVAILABLE 51(1)(c)

Records that are automatically available to the public are all records lodged by Finbond Group Limited in terms of regulatory or legislative requirements, with various statutory or regulatory bodies such as the registrar of companies, the registrar of deeds, and the registrar of banks, as

well as all records and booklets published by Finbond Group Limited and all records available on Finbond Group Limited's website.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

Annexure 1 sets out a list of legislation with which Finbond Group Limited complies. Certain records are available in terms of the aforesaid legislation.

7. SUBJECTS AND CATEGORIES OF RECORDS HELD BY FINBOND GROUP LIMITED (SECTION 51(1)(e))

Annexure 2 sets out the categories of information held by Finbond Group Limited

8. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

No notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

9. STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST

Please consider the following steps before submitting a request:

Step 1 Are you entitled to use the act to request the access to information?

Please take note that section 7(1) of the Act states that the Act does not apply to record, if that record is requested for the purpose of criminal or civil proceedings or the production of or access to that record is provided for in terms of any other law.

If section 7 (1) of the Act applies, you may not bring a PAIA request and you must use the rules and procedures for discovery of information in the relevant legal forum in proceedings in which you are involved.

Step 2 - Does the information exist in the form of a record.

The Act does not require anyone to create a record which is not yet in existence at the time that the request is made. The Act cannot be used to obtain reasons for a decision taken by Finbond Group Limited if such reasons are not in the form of a record.

Step 3 - Is Finbond Group Limited in control of the record.

If the record requested is no longer in Finbond Group Limited's possession, then you must apply for access to the record from the party under whose possession it currently is.

10. HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

If you are entitled to request a record, please follow the following steps:

The requester must complete the form set out on Annexure 2 and submit it together with a request fee, to the Information Officer, at the addresses set out in clause 3 of this manual.

The form must:

- provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the requester,
- indicate which form of access is required,
- specify a postal address or fax number of the requester in the Republic,
- identify the right that the requester 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 in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, the requester must state that manner and the necessary particulars to be informed in the other manner.

If the 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 reasonable satisfaction of Information Officer.

Prescribed fees

The Act provides for two types of fees, namely

- a request fee which will be the standard fee; and
- an access fee which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

The requester, other than a personal requester¹ must pay the prescribed R50 request fee before submitting the request and provide proof of payment which must accompany the request form.

If the search for and preparation of the record requires more than the prescribed hours as set out in the regulations, the information officer will request you to pay as a deposit in the prescribed amount which is a portion of the access fee which would be payable if the request is granted. You may ask for a refund of the deposit if your request for access is refused

The information officer may withhold the record until the fee has been paid.

If a PAIA request is granted, an access fee is payable for reproduction and for certain preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.

Considering your request.

Subject to the extensions provided for in the Act, PAIA requests will be processed within 30 days, unless you have stated special reasons which satisfy the Information Officer that circumstances dictate that the above periods should not be complied with.

You will be informed as to whether your request has been granted or denied.

The main grounds for the refusal of request relates to the protection of the privacy of third parties (who is a natural person,) and which would involve the unreasonable disclosure of personal information of that natural person, or the mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third-party

¹ A personal requester means a request seeking access to a record containing personal information about the requester

- financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of that third party, and
- information disclosed in confidence by third party to Finbond Group Limited, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

Requests will also be refused where it involves:

- a record that enjoys mandatory protection of confidential information of third parties protected in terms of an agreement,
- mandatory protection of the safety of individuals and the protection of property; mandatory protection of records which would be regarded as privileged in legal proceedings;
- commercial activities of Finbond Group Limited, which may include trade secrets, financial, commercial, scientific or technical information, which disclosure could likely cause harm to the financial or commercial interests of Finbond Group Limited;
- information that could put Finbond Group Limited at a disadvantage in negotiations or commercial competition,
- a computer programmer which is owned by Finbond Group Limited and which is protected by copyright; and
- research information owned by Finbond Group Limited or a third party if its disclosure would reveal the identity of Finbond Group Limited or the researcher or the subject matter of the research which would place the research at a serious disadvantage

11. WHAT DO I DO IF MY REQUEST IS DENIED?

Finbond Group Limited has no internal appeal procedures. The decision of the Information Officer is final. If your request is denied, you may apply to a court with appropriate jurisdiction for relief.

ANNEXURE 1 RECORDS AVAILABLE IN ACCORDANCE WITH SOUTH AFRICAN LEGISLATION

Finbond Group Limited has records available in terms of the following legislation:

Administration of Estates Act, No.66 of 1965
Banks Act, No. 94 of 1990 as well as any related exemption notices
Basic Conditions of Employment Act No. 75 of 1997
Companies Act No 71 of 2008
Compensation for Occupational Injuries and Diseases Act No 130 of 1993
Electronic Communications Act No 36 OF 2005
Electronic Communications and Transactions Act 25 of 2002
Financial Advisory Intermediary Services Act 37 of 2002
Financial Intelligence Centre Act No 38 of 2001
Home Loan and Mortgage Disclosure Act, No 63 Of 2000
Income Tax Act 58 of 1962
Inspection of Financial Institutions Act 80 of 1998
Labour Relations Act 66 of 1995
National Credit Act 34 of 2005
National Payment System Act No 78 of 1998
Occupational Health & Safety Act No 6 of 1983
Prevention of Organised Crime Act 121 Of 1998
Promotion of Access to Information Act No 2 of 2000
Protection of Information Act No 84 of 1982
Skills Development Act, No 97 of 1998
Unemployment Insurance Contributions Act Number 4 of 2002
Value Added Tax Act 89 of 1991

ANNEXURE 2 – Information categories

COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

FINANCIAL RECORDS

- Asset register
- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Debtors/creditors statements and invoices
- Electronic banking records
- General ledgers and subsidiary ledgers
- Management accounts
- Paid Cheques
- Electronic banking records
- Rental Agreements

INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

LEGAL AND COMPLIANCE

- Agreements
- Customer complaints
- Litigation claims,
- Court documents and records.

INTELLECTUAL PROPERTY

- Copyright
- Licenses
- Trademarks

INFORMATION TECHNOLOGY

- Computer and mobile device usage policy documentation
- Disaster recovery plans.
- Hardware asset registers
- Information security policies, standards and procedures
- Information usage policy documentation
- Project, disaster recovery and implementation plans.
- Software licensing
- System documentation and manuals

MOVABLE AND IMMOVABLE PROPERTY

- Credit agreements
- Lease agreements
- Records evidencing that land and buildings that are fixed assets
- Title deeds

PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records

- Policies, standards and procedures.
- Safety, health and environmental records.
- Standard letters and notices
- Payroll reports and wage register
- Pay slips
- Training records
- Training Manuals

OPERATIONS

- Applications
- Approvals
- Authorizations

PROCUREMENT

- Contractors and supplier agreements
- List of suppliers, products, services and distributions
- Policies and procedures.
- Requests for proposals and requests for information.

RISK MANAGEMENT AND AUDIT

- Audit reports
- Risk management plans.
- Risk management frameworks
- Submissions to the South African Reserve Bank

ANNEXURE 3 - REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

A. Particulars of private body

The Head / Information Officer:

B. Particulars of Person requesting access to the record

- (a) The particulars of the person who requests access to the records must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____

Fax Number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person of 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 the Record or relevant part of the record:

2. Reference number, if available: _____

3. Any further particulars of the record: _____

4. State in which format the records are required:

5. State reasons why the records are required in relation to exercising or protecting a right

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 of the request fee.

(c) The **fee payable for access** to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee:

F. Form of Access to the 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:

ANNEXURE 4 – FEES IN RESPECT OF PRIVATE BODIES

The fee structure for a PAIA request to a private body is as set out below

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

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:
 - (a) For every photocopy of an A4-size page or part thereof R1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - (c) For a copy in a computer-readable form on - (i) stifty disc R 7,50; (ii) compact disc R 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 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:
 1. Copies, Transcripts and Searches:
 - a) For every photocopy of an A4-size page or part thereof R 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 R 0,75;
 - c) For a copy in a computer-readable form on - (I) stifty disc R 7,50; (ii) compact disc R 70,00
 - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
 - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 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.