

**The Promotion of Access to Information Act, ACT 2 of 2000 ("PAIA")**

**SECTION 51 MANUAL FOR  
GINSBURG & SELBY PRIVATE WEALTH (PTY) LTD  
("GINSBURG")**

**REGISTRATION NUMBER: 2010/010143/07**

## 1. **INTRODUCTION**

The Promotion of Access to Information Act of 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 PAIA. Section 9 of PAIA recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

The manual is compiled in accordance with Section 51 of PAIA and contains the following provisions:

- the FSP's street address, postal address, phone and fax number and email address
- a short description of a guidance document on the application of PAIA and the process to be followed in order to obtain a copy of this guide(compiled by the South African Human Rights Commission ("SAHRC") in terms of Section 10 of PAIA.
- a description of the typology of records held by GINSBURG – Refer to Annexure A.
- the process to be followed in order to access information held by GINSBURG – Refer to Annexure B.
- the fees payable when requesting information and records – Refer Annexure C.
- a description of GINSBURG's information which are available in accordance with any other legislation.

## 2. **GINSBURG CONTACT DETAILS**

Telephone Number	:	021 685 6364
Fax Number	:	021 685 6366
Email Address	:	info@ginsburg.co.za
Physical Address	:	Belmont Square, Belmont Road, Rondebosch, 7700
Postal Address	:	P O Box 648, Rondebosch, 7701

## 3. **GUIDE ON THE PROMOTION OF ACCESS TO INFORMATION ACT (SECTION 10 GUIDE)**

A guidance document on the application of PAIA has been compiled by the SAHRC. This 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 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 SAHR at:

The South African Human Rights Commission, PAIA Unit

Telephone Number	:	011 877 3600
Website	:	www.sahrc.org.za
Email Address	:	paia@sahrc.org.za
Postal Address	:	Private Bag 2700, Houghton, 2041

#### **4. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION**

Any person who wishes to request any information held by GINSBURG in order to protect or exercise a right may contact the Information Officer at the following contact details:

Information Officer Name : Jonathan Selby  
Telephone Number : 021 685 6364  
Email address : jonathan@ginsburg.co.za  
Physical address : Belmont Square, Belmont Road, Rondebosch, 7700  
Postal address : P O Box 648, Rondebosch, 7701

A request for access to information must be made in the prescribed form to the Information Officer indicated above as per prescribed "Request for Information form" in Annexure B hereto. 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.

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 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

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) and as set out in Annexure C hereto, that is payable before further processing the request.

If the request is granted, the person who submitted the request will be accordingly notified of the fees 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 personal information will not be charged a request fee.

GINSBURG will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied. Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record. Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right, and
- The requestor complete with the procedural requirements set out in PAIA relating to a request, and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of PAIA.

## Restrictions:

- This process may not be used to obtain information for the use in any legal action. Records for legal action should be obtained using the rules and procedures for discovery of information that are defined for legal proceedings. GINSBURG has the right to claim all expenses and other damages that result from a request that breaks the above restriction.
- This process only applies to records that exist at the time of the request for information. It does not require GINSBURG to create a record which does not exist at the time the request is made.
- Provided that none of the restrictions mentioned above apply, any person wishing to access in terms of PAIA a record that is not freely available, are required to file a request using the prescribed form in Annexure B.
- Failure to fully complete the prescribed form will result in delaying the process while the company requests further information. The completed form is to be submitted to GINSBURG's Information Officer with the details of the authority to request the information.
- A request made on behalf of another person should be accompanied by proof of the capacity or authority to request the information.
- A person wishing to access a record in terms of PAIA is required to pay the fees as prescribed by PAIA, which fees are set out herewith in Annexure C.

## **5. TYPE OF RECORDS HELD**

Request for access to documents held by GINSBURG will be in accordance with PAIA. The type of records available to the person requesting the information are listed in Annexure A.

All clients are allowed to access their own information without having to go through this formal information request process.

## **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
- ASISA Code on Living Annuities
- ASISA Standards Applicable to Third Party Portfolios
- Arbitration Act
- Auditing Professions Act
- Basic Conditions of Employment Act
- Broad-based Black Economic Empowerment Act
- Collective Investment Schemes Control Act
- Companies Act
- Compensation for Occupational Injuries & Diseases Act
- Constitution of the RSA Act
- Consumer Protection Act
- Consumer Affairs 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



## ANNEXURE A

### RECORD TYPOLOGY

Request for access to documents held by GINSBURG will be in accordance with PAIA. The type of records available to the person requesting the information are listed below:

Records are held on the following subjects:

- Client-related records
- Personnel records
- Company records
- Records in the possession of or pertaining to other parties

#### 1. Client-related records

A client includes any natural or juristic entity, who receives services from the company. Client-related information includes the following:

##### 1.1 Company and Trust Client:

- Statutory documents
- Company financial statements
- Trust documents
- Trust financial statements
- Investment/ transactional information
- Taxation information

##### 1.2 Individual Client records:

- Personal details
- Investment/ transactional information
- Taxation information
- Wills
- Long and Short Term insurance details
- Correspondence

#### 2. Personnel Records:

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 any remuneration and any other person who assists in carrying out or conducting the business of the private body. These records relates to the company's own affairs and includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

- Personal Records
- Conditions of employment
- Evaluation records
- Correspondence
- Training Material

3. Company Records:

- Operational records
- Databases
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

4. Other Parties:

GINSBURG may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/ holding/ sister companies, joint venture companies and service providers. Alternatively, such other parties may possess records, which can be said to belong to GINSBURG.

The following records fall under this category:

- Personnel, client or company records which are held by another party as opposed to being held by the company
- Records held by the company pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

**ANNEXURE B**

**REQUEST FOR INFORMATION FORM**

1. Particulars of private body

The Head:

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2. 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:

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Identity number:

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Postal address:

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Fax number:

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Telephone number:

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E-mail address:

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

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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 attach it to this form and sign all additional pages.*

Full Description:

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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

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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 exercise this right.*

Specify Right & Reason

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6. Notification

*You will be notified by email 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

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Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of person submitting the request

## ANNEXURE C

### APPLICABLE PAIA FEES

The request fee payable by a requester, other than a personal requester	R 50,00
The access fees payable by a requester are as follows: For every photocopy of an A4-size page or part thereof	R 1,10
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
For a copy on compact disc or DVD	R 70,00
For a copy in a computer-readable form on compact disc or DVD	R 70,00

To search for and prepare the requested record, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for search and preparation.

Six hours as the hours to be exceeded before a deposit is payable; and

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.