

INFORMATION PAIA MANUAL OF BORWA FINANCIAL SERVICES (PTY) LTD

2001/011051/07

“PAIA MANUAL”

(PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000)

Prepared in accordance with Section 51.

APPROVED BY : THE BORWA BOARD
APPROVAL DATE : 17 JUNE 2021
DRAFTED BY : THE OFFICE OF THE COMPANY SECRETARY
AND LEGAL SPECIALIST

1. INTRODUCTION

The Promotion of Access to Information Act No 2 of 2000, was enacted to give effect or to give recognition to Section 32 of the Constitution of the Republic of South Africa that expressly states that, everyone has a right to access to records and/or information held by the state as well as any information held by any other person (inclusive of private bodies) that is required for the exercise or for the protection of any right.

The Act in Section 51, expressly states that, all private bodies (entities) are required to compile an Information Manual, thus, Borwa Financial Services (Pty) Ltd has compiled same.

2. ABBREVIATIONS

- PAIA = Promotion of Access to Information Act No 2 of 2000 ("the Act").
- Entity = Borwa Financial Services (Pty) Ltd.
- IO = Information Officer.
- DIO = Deputy Information Officer.

3. PURPOSE

The purpose of this policy wording is to comply with the statutory requirements of the Act. Furthermore, it intends to be a guide to information requesters at Borwa Financial Service (Pty) Ltd, for instance, when a request is made in terms of the Act, Borwa Financial Services will be obliged to release the information, subject to applicable legislations or certain regulatory requirements, and to the exception of law (e.g. when the law expressly provides or states that such information must not be released or provided to the information requester).

NOTICE TO ALL INFORMATION REQUESTERS

This Manual is not exhaustive of, nor does it comprehensively deal with, every procedure that has been provided for in the Act. Thus, information requesters are requested to familiarise themselves with the provisions of the Act prior to requesting any information from the entity, as provided for in the Act.

A copy of this Manual is available at Borwa Financial Services (Pty) Ltd, information requestors should be furnished with a copy of same should they be in request of the Manual.

Website (www.borwafs.co.za).

4. KEY CONTACT DETAILS

The Information Officer appointed in this Act also refers to the Information Officer mentioned in the Protection of Personal Information Act 4 of 2013 (POPI) (reference is made to the same responsible Information Officer personnel).

The Information Officer will oversee the responsibilities and functions mentioned in the Act after being registered with the Information Regulator.

All requests for information in terms of the Act for the entity must be directed to the Information Officer, as his/her contact details have been furnished below:

a) Information Officer

Name : Mr. Simon Seripe
Position : Head of Operations
E-mail : simons@borwafs.co.za

b) Deputy Information Officer

Name : Adv. Samkelo Sibiyi
Position : Company Secretary and Legal Specialist
E-mail : samkelo@hgpf.co.za

c) Director

Name : Ms. Jayda Rusty
E-mail : jayda@borwafs.co.za

• Postal Address of Head office

P.O Box 62244
Marshalltown
2107

- **Physical Address of Head office**

5th Floor

70 Fox Street

Marshalltown

Johannesburg

- **Fax Number of Head office**

- 011 838 4194

- 086 565 1588

- **Number of Head office**

- 011 838 3751

5. GUIDE ON HOW TO GO ABOUT USING THE PROMOTION OF ACCESS TO INFORMATION ACT

The Guide on how to go about using PAIA and its Manual is founded at the SA Human Rights Commission, as it has compiled such in fulfilment of Section 10 of the Act. The guide contains information that may reasonable be required by an information requester or/ by a person who may wish to exercise any of his/her rights in the Act.

Enquiries regarding the Guide should be directed to SAHRC:

The South African Human Rights Commission, at:

PAIA Unit (The Research and Document Department)

Private Bag X2700, Houghton, 2041

Telephone number : 011 877 3803

Website : www.sahrc.org.za

E-mail Address : section51.paia@sahrc.org.za

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

At this stage no notice(s) have been published on the categories of records by the Minister that are automatically available without a person having to request access in terms of PAIA.

7. CATEGORIES OF RECORDS HELD BY THE ENTITY

- ✓ Attendance registers;
- ✓ Correspondences;
- ✓ Founding Documents;
- ✓ Minutes of the Managing Meetings;
- ✓ Minutes of Staff Meetings;
- ✓ Shareholder Register;
- ✓ Statutory Returns;
- ✓ Conditions of Service;
- ✓ Employee Records;
- ✓ Employments Contracts;
- ✓ Employment Equity Records;
- ✓ General Correspondences;
- ✓ Industrial and Labour Relations Records;
- ✓ Information relating to Health and Safety Regulations;
- ✓ Pension and Provident Fund Records;
- ✓ Performance Appraisals;
- ✓ Remuneration Records;
- ✓ Salary Surveys;
- ✓ Skills Requirements;
- ✓ Statutory Records;
- ✓ Training Records;
- ✓ Brochures on Company Information;
- ✓ Contracts;
- ✓ Information relating to Employee Sales Performance;
- ✓ Information relating to Work-In-Progress;
- ✓ Marketing Records;
- ✓ Sales Records;
- ✓ Annual Financial Statements;
- ✓ Asset Register;
- ✓ Banking Records;
- ✓ Budgets;
- ✓ Financial Transactions;
- ✓ Insurance Information;
- ✓ Internal Audit Records;
- ✓ Tax Records (company and employee);
- ✓ Company policies.

8. OTHER RECORDS HELD BY THE ENTITY IN TERMS OF OTHER LEGISLATIONS

- ❖ Basic Conditions of Employment Act No. 75 of 1997;
- ❖ Companies Act No. 71 of 2008;
- ❖ Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993;
- ❖ Consumer Protection Act No. 68 of 2008;
- ❖ Employment Equity Act No. 55 of 1998;
- ❖ Financial Advisory and Intermediary Services Act No. 37 of 2002;
- ❖ Financial Services Board Act No. 97 of 1990;
- ❖ Inspection of Financial Institutions Act No. 80 of 1998;
- ❖ Labour Relations Act No. 66 of 1995;
- ❖ Long Term Insurance Act No. 52 of 1998;
- ❖ National Road Traffic Act No. 93 of 1996;
- ❖ Occupational Health and Safety Act No. 85 of 1993;
- ❖ Pension Funds Act No. 24 of 1956;
- ❖ Promotion of Access to Information Act No. 2 of 2000;
- ❖ Skills Development Levies Act No. 9 of 1999;
- ❖ Tax on Retirement Funds Act No. 38 of 1996;
- ❖ Unemployment Insurance Act No. 63 of 2001;
- ❖ Short Term Insurance Act No. 53 of 1998;
- ❖ Constitution of the Republic of South Africa, 1996.
- ❖ Electronic Communications and Transaction Act No. 25 of 2002;
- ❖ Income Tax Act No. 58 of 1962;
- ❖ National Credit Act No. 34 of 2005;
- ❖ Promotion of Access to Information Act No. 2 of 2000;
- ❖ Protection of Personal Information Act No. 4 of 2013.

9. RECORDS AVAILABLE WITHOUT HAVING TO MAKE THE REQUEST TO ACCESS SUCH RECORDS IN TERMS OF THE PAIA ACT

- Public domain information.
 - Information found at the entity's Website.
- Non-confidential records.
 - Records maintained at the CIPC.

NOTE THAT:

- An appointment to view such records will still need to be made with the Information Officer/ Deputy Information Officer (even though no formal application will have to be submitted).

10. INFORMATION REQUEST PROCEDURE / ACCESS PROCEDURE

The requester must complete a Form C as attached, accompanied by the request fee, and submit such to the Information Officer / Deputy Information Officer of the entity.

The completed Form C must be submitted to the office of the IO/DIO or through his/her work e-mail address.

The completed Form C must:

- provide sufficient information or particulars to enable the IO/ DIO to be able to identify the record/s being requested and to further be able to identify the requester;
- indicate which form of access is being requested by the requester;
- specify a postal address or a fax number or an e-mail address of the requester;
- identify the right that the requester is seeking to exercise in terms of the Act;
- provide an explanation of why the requested records are being requested;
- in addition, if the request is being made on behalf of another person, then, proof of capacity in which the requester is making the request must be submitted to the reasonable satisfaction of the IO/ DIO.

11. GROUNDS TO REFUSE ACCESS TO INFORMATION

Access to information at Borwa Financial Services (Pty) Ltd will be refused on the following but not limited grounds, for the:

- Protection of the privacy of a third party/person (natural person, deceased person, juristic person) Section 63 of PAIA.
- Protection of personal information as envisaged in the Protection of Personal Information Act.
- Protection of personal information or disclosure of any personal information that is protected by any other:
 - Legislation;
 - Regulation;
 - Contractual clause.
- Protection of commercial information (Section 64 of PAIA).
- Protection of the safety of an individual and the protection of property (Section 66 of PAIA).
- Protection of confidential information of third parties, if protected by an agreement (Section 65 of PAIA).
- Protection of records that will be regarded as privileged in legal proceedings / in a lawsuit (Section 67 of PAIA).

- Protection of the commercial activities of Borwa Financial Services (Pty) Ltd (Section 68 of PAIA).
- Requests that are unreasonable, that will amount to the waste of Borwa Financial Services' waste of resources.

12. DECISION BY THE IO / DIO

- All requests made will be treated on a case-to-case basis /or on their own merits and the application of the relevant principles and legislations.
- The entity will furnish a reply (grant or refuse the request) to the requester within 30 days of receipt of the information request made.
- The entity may extend the 30 days period of reply, for a further 30 days if:
 - the request made is for a large number of information;
 - the request requires a search for information that is held at another office;
 - the information cannot reasonable be obtained within the first 30 days period.
- The entity will notify the requester should there be a need to extend the time frame of reply.
- If the information being requested cannot be found or if the information being requested for (request made) is not available, the IO/ DIO shall notify the requester in writing or by way of an affidavit or an affirmation.
But, should such information then later be discovered or found, then, the requester will have to be given access to such information unless the IO/ DIO sees it fit to refuse access to such requested information.
- If the request has been refused, the requester must be furnished/ given written reasons for the refusal of such requested information.
- A proper record of all requests made, granted and refused must be kept by the IO/ DIO.

13. PRESCRIBED FEES

The following is applicable to requests (other than personal requests).

- The requester must submit his/her Form C along with the prescribed fee of R50 before the request can be processed.
- The fee structure is available at the website of the SAHRC (www.sahrc.org.za) as well as at the Department of Justice and Constitutional Development (under regulations) www.doj.gov.za

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 record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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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 required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which 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 for exemption.

Reason for exemption from payment of fees:

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F. Form of access to 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 below, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	Form in which record is required:
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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-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	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 derived 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
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G. Particulars of right to be exercised or protected

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. Indicate which right is to be exercised or protected:

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

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / 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?

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Signed at this day of year

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SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE