



**Manual**

**Act 2 of 2000,  
The Promotion of Access to Information**

Prepared in accordance with Section 51 of the Promotion of  
Access to Information Act No. 2 of 2000

**Effective Date: 1 June 2015**

# **Manual - Promotion of Access to Information**

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# Manual - Promotion of Access to Information

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## 1. Introduction

The Promotion to Access to Information Act, No. 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that are required for the exercise of protection of any rights. Where a request is made in terms of the Act, Warwick Wealth is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.**

The limitations to the right of access to information contemplated by the Act, include but are not limited to, limitations aimed at 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.

This manual informs requesters of the procedural and other requirements which a request for access to records held by Warwick Wealth that must be met as prescribed by the Act.

Warwick Wealth the following companies:

- **Warwick Portfolios (Pty) Ltd**
- **Warwick Funds (Pty) Ltd**
- **Warwick Specialists (Pty) Ltd**
- **Warwick Operations (Pty) Ltd**
- **Warwick Trust and Estates (Pty) Ltd**
- **Warwick Cash (Pty) Ltd**
- **Warwick Credit (Pty) Ltd**
- **Warwick Consult (Pty) Ltd**
- **Warwick Advisory (Pty) Ltd**
- **Warwick Wrap Funds (Pty) Ltd**
- **The Warwick Group (Pty) Ltd**

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### **2. Part I: Particulars of the Private Body - (Information required under section 51(1)(a) of the Act):**

- a. Name of the Body  
Warwick Wealth
- b. Head of the Body (Information Officer)  
Rudi Kotze
- c. Postal Address  
P.O. Box 816  
Constantia  
7800
- d. Street Address  
Warwick House  
Alphen Estate  
Alphen Drive  
Constantia  
7806
- e. Telephone Number  
0800 50 50 50
- f. Fax Number  
+27 21 794 8209
- g. Web address  
<http://thewarwickgroup.com/>
- h. Contact Details of Information Officer
  - i. e-mail: [rudi.kotze@thewarwickgroup.com](mailto:rudi.kotze@thewarwickgroup.com)
  - ii. Phone: 0800 50 50 50

### **Part II – PAIA Section 51(b)**

The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

Any enquiries regarding this guide should be directed to:

<b>Postal Address:</b>	The South African Human Rights Commission PAIA Unit The Research and Documentation Department Private Bag X2700 Houghton 2041
<b>Telephone Number:</b>	+27 (0) 11 484 8300
<b>Fax Number:</b>	+27 (0) 11 484 0582
<b>E-mail Address:</b>	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>
<b>Website:</b>	<a href="http://www.sahrc.org.za">http://www.sahrc.org.za</a>

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### **Part III - Voluntary Disclosure and Automatic Availability of Certain Records**

The accessibility of the documents below may be subject to the grounds of refusal set out in this manual:

- Personnel Records
- Client Related records
- Private Body Records (Financial and company secretarial)

### **Part IV - Records available in accordance with any other legislation**

A requester may also request information that is available in terms of other legislation in terms of which Warwick may hold records. These include but are not limited to the following:

No.	Legislation (Select Acts applicable to your company and tick in the corresponding block)
1.	Arbitration Act No. 42 of 1965
2.	Basic Conditions of Employment No. 75 of 1997
3.	Collective Investment Schemes Control Act, 45 of 2002
4.	Companies Act No. 61 of 1973
5.	Companies Act No. 71 of 2008
6.	Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
7.	Copyright Act No. 98 of 1978
8.	Currency and Exchanges Act No. 9 of 1933
9.	Employment Equity Act No. 55 of 1998
10.	Financial Advisory and Intermediary Services Act, 37 of 2002
11.	Financial Intelligence Centre Act, 38 of 2001
12.	Inspection of Financial Institutions Act, 80 of 1998
13.	Income Tax Act No. 95 of 1967
14.	Labour Relations Act No. 66 of 1995
15.	Long Term Insurance Act No. 52 of 1998
16.	National Credit Act, 34 of 2005
17.	Occupational Health & Safety Act No. 85 of 1993
18.	Pension Funds Act No. 24 of 1956
19.	Prevention of Organised Crime Act, 121 of 1998
20.	Protection of Personal Information Act No. 4 of 2013
21.	Security Services Act, 36 of 2004
22.	South African Reserve Bank Act No. 90 of 1989
23.	Short Term Insurance Act No. 53 of 1998
24.	Skills Development Levies Act No. 9 of 1999
25.	Skills Development Act No. 97 of 1998
26.	Stock Exchange Control Act No. 1 of 1985
27.	Tax on Retirement Funds Act No. 38 of 1996
28.	Trade Marks Act No. 194 of 1993
29.	Unemployment Contributions Act No. 4 of 2002
30.	Unemployment Insurance Act No. 63 of 2001
31.	Value Added Tax Act No. 89 of 1991

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### **Part V - Access to Information**

Warwick holds records in respect of the following categories and subjects:

- i. Products and Services
  - Unit trust products
  - Investment and risk products to groups and schemes
  - Long-term insurance
  - Linked investment services
  - Administration of Retirement Annuities and Pension Funds
  - Trust services
  - Money transfer services
  - Lending products
  
- ii. Company Records
  - Finance and supporting information/documentation
  - Client care
  - Product management
  - Marketing
  - Information technology
  - Human Resources
  - All records required to be kept in terms of the Company law of South Africa
  
- iii. Subjects on which records are held
  - Shareholders
  - Directors
  - Board members
  - Employees
  - Advisors
  - Consultants
  - Investors
  - Clients
  - Third part service providers
  - Policyholders
  - Banking institutions
  
- iv. The following records are held in respect of the abovementioned data subjects
  - Confidential
  - Personal
  - Commercial
  - Financial
  - Group/Company (incorporation, financial, departmental, structural)
  - Operational
  - Business
  - Policyholder
  - Contractor
  - Third party service provider
  - Investor

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- Client
- Information technology
- Fund rules
- Shareholder
- Directors
- Employees
- Banking institutions
- Official
- Policy documents

Warwick Wealth may refuse a request for information in respect of information detailed below:

- i. Commercial and Legal
  - Contracts and Agreements
  - Company Confidential – Historical significance
  - Meeting Minutes
  - Shareholders
  - Property Leases and Agreements
  - Trademark
  - Insurance
  - Resolutions – Directors
  - Correspondence
- ii. Financial
  - Financial Year-end Results
  - Financial Analysis and Reports
  - Budgets
  - Tax and Levies
- iii. Human Resources
  - Employees Personnel Information
  - Employees History (skills and experience)
  - Educational Background
  - Training and Development
  - Health
  - Salaries and Wages
  - Contracts and Agreements
  - Employment Equity
- iv. Marketing
  - Advertising
  - Contracts with Suppliers
  - Product Ranges and Pricing
- v. Health & Safety
  - Policies
  - Accidents and Incidents Reports

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### **3. Protection of Personal Information**

The companies that comprise the Warwick group of companies as detailed above in section 2 of this manual may, from time to time, be required to share personal information of data subjects with third parties both locally within South Africa and in other countries.

We acknowledge that we are required to, in sharing such information, comply with the Protection of Personal Information Act.

Accordingly, such sharing will only take place when one of the following requirements are met:

- a. The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that—
  - effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in the Protection of Personal Information Act; and
  - includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- b. the data subject consents to the transfer;
- c. the transfer is necessary for the performance of a contract between the data subject and the company in question, or for the implementation of pre- contractual measures taken in response to the data subject's request;
- d. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party; or
- e. the transfer is for the benefit of the data subject, and—
  - it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
  - if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.



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### **4. Request Procedure**

1. A requester requiring access to information from Warwick Wealth must complete the prescribed Form C.
2. Submit the completed form to the Information Officer at the postal or physical address, fax number or e-mail address detailed above.
3. Warwick Wealth will process the request within 30 days of receipt of request.
4. The requester will be informed in writing whether or not access has been granted.
5. The requester must pay the prescribed fee if applicable, before any further processing takes place.

Kindly note that access to certain records may be denied in terms of the provisions of the Promotion of Access to Information Act.

### **5. Prescribed Fees**

The following applies to requests (other than personal requests):

- A requestor is required to pay the prescribed fees (RS0.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

Signed at Constantia on this \_\_\_\_\_ day of February 2018



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Ian Kilbride (CEO)

# FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(Section 53(1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000)

[Regulation 10J]

A. Particulars of private body

The Head:

B. 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:

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 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.          |

Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- |  |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified</i> of the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

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 hereunder, state your disability and indicate in which form the record is required.

Disability :	Form in which record is required
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request 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 for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

**G Particulars of right to be exercised or protected**

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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.

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1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

**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?

Signed at..... This .. day of .....20

SIGNATURE OF REQUESTER /PERSON ON  
WHOSE BEHALF REQUEST ISMADE

**FORM E**  
**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:**  
 (Section 52 of the Promotion of Access to Information Act, 2000  
 (Act 2 of 2000))  
 [Regulation 9A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 52(1)(b))
FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):	
.....	
FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):	
.....	
FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii):	
.....	
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii):	

## FEES IN RESPECT OF PRIVATE BODIES

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)	<u>For every photocopy of an A4-size page or part thereof</u>	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) stiffy disc	R7.50
	(ii) compact disc	R70.00
d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40.00
	ii For a copy of visual images	R60.00
e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
	ii For a copy of an audio record	R30.00

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)
    - (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) stiffy disc R7,50
      - (ii) compact disc R70,00
    - (d)
      - (i) For a transcription of visual images, for an A4-size page or part thereof R40.00
      - (ii) For a copy of visual images R60.00
    - (e)
      - (i) For a transcription of an audio record, for an A4-size page or part thereof R20.00
      - (ii) For a copy of an audio record R30.00
  - (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.