

# COMPANY MANUAL

## PROMOTION OF ACCESS TO INFORMATION ACT, SECTION 51 (PAIA)

Version: 01.2015  
Date of last review: 2015-08-20  
Manager: C Laidlaw

### 1. Document change control

Date	Version	Amended by	Change/Review
2014/07/01	V01/2014	J Potgieter	Amend manual after ownership change
2014/09/27	V02/2014	C Laidlaw	Amend Information Officer
2015/08/20	V01/2015	R Labuschagne	Document and manual review

### 2. Purpose of the manual

The purpose of the manual is to provide everyone the right of access to information from Kestrel Financial Services in terms of the Promotion of Access to Information Act, 2000, section 32 of the Constitution, which provides that everyone has the right to access information.

The purpose of PAIA is to:

- A culture of transparency and accountability should be fostered by providing public and private bodies the right of access to information.
- To provide and promote public and private bodies with effective access to information as well as to enable these bodies to exercise their right.

Kestrel Financial Services recognises any individuals' right to have access to information and our committed is to provide access to the organisation's records where the proper procedural requirements have been met.

### 3. Contact particulars of Kestrel Financial Services for purposes of the Act

#### 3.1 Information Officer Details:

Full business name	Kestrel Financial Services (Pty) Ltd
Appointed Information Officer	Cris Laidlaw
Street Address	Building 2B, Sunwood Park Office Park 379 Queens Crescent Lynnwood Pretoria
Postal Address	PO Box 35675, Menlo Park, 0102
Telephone number	012 685 5200
Fax number	012 665 5685
E-mail address	complaint@kestrel.co.za
Web site	<a href="http://www.kestrel.co.za">www.kestrel.co.za</a> / <a href="http://www.in4sport.co.za">www.in4sport.co.za</a>

#### Directors

Ross van Reenen (Chairman & CEO)  
Mariëtte Easmus  
Gaylord Mudavanhu

#### Physical address

Sunwood Office Park  
Menlo Park  
379 Queens Crescent  
Lynnwood Pretoria

#### Postal address

Po Box 35675  
0102

#### Contact us

T 012 685 5200  
0861 537 8735  
F 012 665 5685  
E crmmail@kestrel.co.za

#### Company registration number

1995/009819/07

#### Website

[www.kestrel.co.za](http://www.kestrel.co.za)  
[www.in4sport.co.za](http://www.in4sport.co.za)

#### FSP license number

13143

### **3.2 Duties of the Information Officer:**

- Proper publication of this manual by creating policy awareness
- Facilitate any request for access to information
- Providing the requester of information with adequate notice and feedback.
- Determine what information to be granted to the requested by either complete and or partial records thereof.
- Ensure timeously and correct format of information where the request was granted
- Review the PAIA manual on a regular basis for accuracy thereof and communicate all amendments thereof.
- The Information Officer may delegate any power or duty in terms of POPI to the Deputy Information Officer. The delegation may however be withdrawn or amended in writing by the person who made the delegation.

### **Right of Access**

The Information Officer may only provide the record to the requestor if:

- The records to be provided are required for exercise or protection of any right
- The requestor complied with the procedural requirements to request these records
- These records are not refused on the following grounds:
  - The records reveal evidence or may be a contravention of failure to comply with legislation or serious or public or environmental risk
  - The public interest outweigh the harm if the records are to be disclosed
  - The disclosure will involve of the unreasonable personal information about a third party
  - The records requested consists information of trade secrets
  - The records contains information about financial, commercial or technical information
  - Information that was supplied in confidence and that could be expected to place the third party in a disadvantage in any contractual and or any other negotiations
  - The information requested would constitute in an action for breach of duty and or confidence owed to the third party
  - If it is suspected that the information would endanger the life or safety of the third party

## **4. The human rights commission guide on how to use the Act**

The Human Rights Commission is obligated in terms of the Act to compile in each official language, a guide in order to assist persons to exercise their rights in terms of the Act. The guide will be available for inspection by the public at the offices of the Human Rights Commission. Inquiries regarding the guide can be addressed to the Human Rights Commission, the contact details of which are as follows:

South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041  
Telephone number      011 877 3600  
Fax number              011 403 0625  
Web site                 [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail                     PAIA@sahrc.org.za

The completed manual must be submitted to the South African Human Rights Commission. Please e-mail the signed copy to: [lidlamini@sahrc.org.za](mailto:lidlamini@sahrc.org.za) and post a hard copy to the following address: The SA Human Rights Commission, PAIA Unit, Private Bag 2700, Houghton, 2041

## **5. The latest notice in terms of Section 52(2): Section 51(1)(c)**

At this stage 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.

## **6. Records available in terms of other legislation: Section 51(1)(d)**

Kestrel Financial Services holds information/documents in accordance with the following legislation:

- Long-Term Insurance Act, 52 of 1998
- Medical Schemes Act, 131 of 1998
- Employment Equity Act, 55 of 1998
- Policyholder Protection Rules
- Financial Intelligence Centre Act, 38 of 2001
- Financial Advisory and Intermediary Services Act, 32 of 2002
- Income Tax Act, 58 of 1962
- Labour Relations Act, 66 of 1995
- Value Added Tax Act, 89 of 1991
- Basic Conditions of Employment Act, 75 of 1997
- Unemployment Insurance Act, 63 of 2001
- Trade Marks Act, 194 of 1993
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Occupational Health & Safety Act, 85 of 1993
- Skills Development Levies Act, 9 of 1999
- Skills Development Act, 97 of 1998

## **7. Subjects and categories of records held by Kestrel Financial Services:**

### **a. Companies Act records**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors, auditors and other public officers

### **b. Financial records**

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Asset Register
- Lease Agreements
- Business Agreements

### **c. Income Tax records**

- PAYE
- Documents issued to employees for income tax purposes
- Records of payments to SARS on behalf of employees
- All other statutory compliances:
- VAT
- UIF
- Workmen's Compensation

### **d. Personnel documents and records**

- Employment contracts
- Employment Equity Plan (if applicable) Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

## **8. Details on how to make a request for access: Section 51(e)**

The requester must complete the attached Form C and submit this form together with a request fee, to the Information Officer.

The form must be submitted for attention to Information Officer / Deputy Information Officer at:  
Cris Laidlaw  
Building 2B, Sunwood Park Office park, 379 Queens Crescent, Lynnwood, Pretoria  
Fax: 012 665 5685  
E mail: [complaint@kestrel.co.za](mailto:complaint@kestrel.co.za)

The form must: provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the requester.

Your request will then be reviewed by the Kestrel Information Officer. Please take note that should your application be successful an amount as specified in the regulations to the Act must be paid in order to obtain copies of the requested documentation.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right.

If the request is made on behalf of another person, sufficient proof of capacity must be submitted to the Information Officer.

The Information Officer must be advised of the form and manner in which the decision to access the information must be provided to the requester.

## **9. Prescribed fees payable to Kestrel in the event of a request**

Kestrel is allowed to charge specific fees in the event of a request for information. These fees are prescribed by the act.

These fees are payable in the event for requests other than personal requests.

The fees payable should be done before a request is met.

In the event where a request is taking more than 6 hours, an additional deposit shall be paid not more than one third more of the initial fee.

The fee structure is also available on the South African Human Rights Commission's website at [www.sahrc.org.za](http://www.sahrc.org.za)

## **10. Availability of the manual: Section 51(3)**

The manual is available for inspection at the offices of the private body free of charge and copies are available with the South African Human Rights Commission.

Signed at Pretoria on this            day of                            2015.

**C Laidlaw - Manager**  
**Kestrel Financial Services**

**ANNEXURE A: PRESCRIBED FORM C**  
**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 10]

**A. KESTREL FINANCIAL SERVICES**

The Head Information Officer: C Laidlaw

**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.

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

**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:

**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:	Form in which record is required
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Mark the appropriate box with an X.  
 NOTES:  
 Compliance with your request in the specified form may depend on the form in which the record is available. 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.

<b>1. If the record is in written or printed form:</b>					
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record		
<b>2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)</b>					
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images		
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the images*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
<input type="checkbox"/>	Listen to the soundtrack audio cassette	<input type="checkbox"/>	Transcription of soundtrack written or printed document		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
<input type="checkbox"/>	Printed copy of record	<input type="checkbox"/>	Printed copy derived from record		
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form(memory stick/dvd)		
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**

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:
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 IS MADE**

