



Authorised Financial Service Provider (FSP 50839)

# THE PROMOTION OF ACCESS TO INFORMATION ACT

Manual

André Louis Loots  
Customer Information Officer – FunderJet SA

In terms of Section 51 of

THE PROMOTION OF ACCESS TO INFORMATION ACT

(ACT 2 OF 2000) ("hereinafter referred to as "the Act")

of

FUNDERJET SA (Pty)Ltd : FSP number 50839 and company  
number 2019/609241/07

(hereinafter referred to as "the Company")

DATE OF COMPILATION: 01/09/2020 DATE OF REVISION: 14/12/2021

## Introduction

Funderjet SA(Pty)Ltd has no restrictions on business activities as a FSP Cat I approved business by the FSCA.

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## Promotion of Access to Information Act

### INTRODUCTION

#### Description of the Act

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request. The Act is read in conjunction with the Protection of Personal Information Act 4 of 2013.

#### Purpose

This manual is intended to foster a culture of transparency and accountability within the Financial Services Industry as a whole, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the 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 sets out to provide a generic manual to the Financial Services Industry to deal with the requests in a conforming manner, which will enable the requestors to obtain the records which they are entitled to in a quick, easy and accessible manner. This manual may be adapted by the individual role players in the Financial Services Industry to specifically meet their needs. Provisions of sections 18 and 53 of the Act apply to requests made in terms of section 23 of the Protection of Personal Information Act.

Wherever reference is made to "institution" in this manual, it will refer to the private bodies within the Financial Services Industry, for whom this manual is drafted. This manual has been drafted in accordance with the generic manual for the Financial Services Industry, which has been submitted to the Human Rights Commission by the Compliance Institute of South Africa, of which this body is a member.

## Guide In terms of Section 10 of the Act

### Enquiry Details

The guide was made available by the Information Regulator in each of the official languages. This Guide will specifically assist a person on how to access his/her personal information in terms of s23 of POPIA. Any enquiries regarding this Guide should be directed to:

The Information Regulator

<https://inforegulator.org.za/>

The Information Regulator of South Africa is based at:

JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001.

P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za).

Complaints (complete POPIA/PAIA form 5):

[PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za) - should your PAIA request be denied or there is no response from a public or private bodies for access to records you may use this email address to lodge a complaint.

Copies of the Guide is also available at the office of Funderjet in at least two official languages

## Records held by Funderjet Pty(Ltd)

This clause serves as a reference to the records that Funderjet holds.

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The information is classified and grouped according to records relating to the following subjects and categories:

### Personnel Records

This refers to any person who works for, or provides services to or on behalf of Funderjet, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Funderjet. By definition it is all permanent, temporary and part- time staff, as well as contract workers.

- Personal records provided by personnel.
- Records provided by a third party relating to personnel.
- Conditions of employment and other personnel-related contractual and quasi-legal records.
- Internal evaluation records and other internal records.
- Correspondence relating to personnel.
- Training schedules and material.

### Customer Related Records

- Records provided by a customer to a third party acting for or on behalf of Funderjet;
- Records provided by a third party;
- Records generated by or within Funderjet relating to its customers, including transactional records. A “customer” refers to any natural or juristic entity that receives services from Funderjet.

### Private Body Records

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;

- Internal correspondence;
- Product records;
- Statutory records;
- Internal Policies and Procedures;
- Treasury-related records;
- Securities and Equities; and
- Records held by officials of the institution.

These records include, but are not limited to, the records which pertain to Funderjet's own affairs. Records available in accordance with South African legislation

Funderjet holds records in terms of legislation as detailed in Para 2 herein below.

#### Other Party Records

- Personnel, customer or private body records which are held by another party, as opposed to the records held by Funderjet itself;
- Records held by Funderjet 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.

Funderjet may possess records pertaining to other parties, including without limitation contractors, suppliers, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Funderjet.

#### Refusal of Access to Records

##### Grounds to Refuse Access

The main grounds for Funderjet to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party who is a natural person/juristic, which would involve the unreasonable disclosure of personal information of that natural person/juristic;
- Mandatory protection of the commercial information of a third party, if the record contains:
  - trade secrets of the third party;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

– information disclosed in confidence by a third party to Funderjet, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- Mandatory protection of confidential information of third parties if it is protected in terms of any 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;
- The commercial activities of Funderjet, which may include:
  - trade secrets of Funderjet;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Funderjet;
  - information which, if disclosed could put Funderjet at a disadvantage in negotiations or commercial competition;
  - a computer program which is owned by Funderjet, and which is protected by copyright.
  - the research information of Funderjet or a third party, if its disclosure would disclose the identity of Funderjet, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
  - Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Section 23(4)(a) of the Protection of Personal Information Act applies the same grounds to refuse access.

#### Remedies Available when Funderjet Refuses a Request

##### *Internal Remedies*

Funderjet does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

##### *External Remedies*

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.



## Request Procedure

### Procedural Requirements

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete the prescribed form enclosed herewith, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer or the Deputy Information Officer at the postal or physical address or electronic mail address as stated above.

The prescribed form must be filled in with enough to at least enable the Information Officer to identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number of the requester.

The requester must state that they require the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

Funderjet will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The requester shall be informed whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, they must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee, before any further processing can take place.

If an information officer fails to give the decision on a request for access to the requestor concerned within 30 days, the information officer is regarded as having refused the request.

Prescribed Form to be completed by a Requester

FORM C

**REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 10) (A) PARTICULARS OF PRIVATE BODY

The Head \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**(B) PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

1. (a) The particulars of the person who requests access to the records must be recorded below.
2. (b) Furnish an address and/or fax number in the Republic to which information must be sent.
3. (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 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 Name and Surname \_\_\_\_\_ Identity Number  
\_\_\_\_\_

**(D) PARTICULARS OF RECORD**

1. (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.
2. (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:

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2. Reference number, if available:

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3. Any further particulars of the record:

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**(E) FEES**

1. (a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a REQUEST FEE has been paid.
2. (b) You will be notified of the amount of the request fee.
3. (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.
4. (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:

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**(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

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Mark the appropriate box with an "X"

**NOTES**

1. (a) Your indication as to the required form of access depends on the form in which the record is available.
2. (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.
3. (c) The fee payable for access to 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: - Copy of record\* Inspection of record

2. IF THE 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 images\*

3. IF THE RECORD CONSISTS OF RECORDED WORDS OR INFORMATION WHICH CAN BE REPRODUCED IN SOUND:- Listen to the soundtrack or transcription of the recording.

4. IF THE RECORD IS HELD ON COMPUTER OR IN AN ELECTRONIC OR MACHINE-READABLE FORM:

\*If you requested a copy or transaction of a record (above), do you wish the copy or YES NO transcription to be posted to you? A POSTAL FEE IS PAYABLE.

**(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.

Indicate which is to be exercised or protected:

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1. Explain why the requested record is required for the exercising 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 thereof 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 \_\_\_\_\_ 20\_\_

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SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

Printed copy of record

Printed copy of information derived from the record\*

Copy in computer read-able form\* USB

## Access to Records Held By Funderjet

### Prerequisites for Access by Personal/Other Request

Records held by Funderjet may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of Funderjet. There are two types of requesters:

#### Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester.

Funderjet will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

#### Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Funderjet is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## Fees

### Fees Provided by the Act

#### PAIA Fees Government Gazette No 45057 Notice 757 - 27 August 2021

#### Private Body

Item	Description	Amount
1	The request fee payable by every requester	R140-00
2	Photocopy of A4 size page	R2-00 per page or part thereof
3	Printed copy of A4 size page	R2-00 per page or part thereof
4	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requester) (ii) Compact disc <ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to requester</li> </ul>	R40-00 R40-00 R60-00
5	For transcription of visual images per A4 size page	Service to be outsourced. Will depend on quotation from service provider
6	Copy of visual images	
7	Transcription of an audio record, per A4 size	R24-00
8	Copy of an audio record on: (i) Flash drive (to be provided by requester) (ii) Compact disc <ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to requester</li> </ul>	R40-00 R40-00 R60-00

9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonable required for such search and preparation. To not exceed a total cost of	R145-00  R435-00
10	Deposit: If search exceed 6 hours	One third of amount per request calculated in terms of items 2 -8
11	Postage, e-mail, or any other electronic transfer	Actual expense if any

All fees collected must be deposited into the following account held at Absa Bank

Account name: Funderjet Client monies account

Account number 4099106776

Where the institution receives a request for access to information held on a person themselves and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

### Decision

#### Time Allowed to Institution

Funderjet will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period with which Funderjet has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of Funderjet and the information cannot reasonably be obtained within the original 30 day period.

Funderjet will notify the requester in writing should an extension be sought.

## Availability of the Manual

Regulation Number R.187 of 15 February 2002

This manual is made available in terms of Regulation Number R.187 of 15 February 2002. This document is available on the our website [www.funderjet.co.za](http://www.funderjet.co.za)

## RECORDS AVAILABLE IN ACCORDANCE WITH SOUTH AFRICAN LEGISLATION

- 1.1 Administration of Estates Act 66 of 1965
- 1.2 Alienation of Land Act 68 of 1981
- 1.3 Attorneys Act 53 of 1979
- 1.4 Banks Act 94 of 1990
- 1.5 Basic Conditions of Employment Act 75 of 1997
- 1.6 Bills of Exchange Act 34 of 1964
- 1.7 Births and Deaths Registration Act 51 of 1992
- 1.8 Children's Act 38 of 2005
- 1.9 Collective Investment Schemes Act 45 of 2002
- 1.10 Companies Act 71 of 2008
- 1.11 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 1.12 Competition Act 89 of 1998
- 1.13 Constitution Of the Republic of South Africa, 1996
- 1.14 Consumer Protection Act 68 of 2008
- 1.15 Criminal Procedures Act 51 of 1977
- 1.16 Debt Collectors' Act 114 of 1998
- 1.17 Deeds Registries Act 47 of 1937
- 1.18 Designs Act 195 of 1993 (Sect 7(2))
- 1.19 Electronic Communications Act 36 of 2005
- 1.20 Electronic Communications and Transaction Act 25 of 2002
- 1.21 Employment Equity Act 55 of 1998



- 1.22 Estate Agency Affairs Act 112 of 1976
- 1.23 Extension of Security of Tenure Act 62 of 1997
- 1.24 Financial Advisory and Intermediary Services Act 37 of 2002
- 1.25 Financial Institutions (Protection of Funds) Act 28 of 2001
- 1.26 Financial Intelligence Centre Act 38 of 2001
- 1.27 Financial Markets Act 19 of 2012
- 1.28 Firearms Control Act 60 of 2000
- 1.29 Fund Raising Act 107 of 1978
- 1.30 Home Loan and Mortgage Disclosure Act 63 of 2000
- 1.31 Identification Act 68 of 1997
- 1.32 Insolvency Act 24 of 1936
- 1.33 Inspection of Financial Institutions Act 80 of 1998
- 1.34 Labour Relations Act 66 of 1995
- 1.35 Long Term Insurance Act 52 of 1998
- 1.36 National Credit Act 34 of 2005
- 1.37 National Environmental Management Act 107 of 1998
- 1.38 National Environmental Management Waste Act 59 of 2008
- 1.39 National Payment System Act 78 of 1998
- 1.40 National Heritage Resources Act 25 of 1999
- 1.41 Occupational Health and Safety Act 85 of 1993
- 1.42 Patents Act 57 of 1978
- 1.43 Pension Fund Act 24 of 1956
- 1.44 Prevention and Combating of Corrupt Activities Act 12 of 2004
- 1.45 Promotion of Access to Information Act 2 of 2000
- 1.46 Protected Disclosures Act 26 of 2000

- 1.47 Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004.
- 1.48 Protection of Personal Information Act 4 of 2013
- 1.49 Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- 1.50 Short Term Insurance Act 53 of 1998
- 1.51 South African Reserve Bank Act 90 of 1989
- 1.52 Tax Administration Act 28 of 2011
- 1.53 Trade Marks Act 194 of 1993
- 1.54 Transfer Duty Act 40 of 1949
- 1.55 Unemployment Insurance Act 63 of 2001
- 1.56 Value Added Tax Act 89 of 1991