

PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000

(hereinafter referred to as the “Act”)

Introduction

The Promotion of Access to Information Act gives 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.

Specifically, section 51(1) of the Act provides that within six months after the commencement of this section (now the 31st December 2011) or within six months after coming into existence of the private body concerned, the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.

In this context, a “private body” is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

Stockhouse Capital (Pty) Ltd falls within the definition of a “private body” and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act 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.

Pretoria Office
010 493 4644

Pretoria Office
Park Lane West Building
194 Bancor Avenue
Waterkloof Glen
Pretoria, 0010

Directors

- Molefe Seth Phalatse Non-Executive Chairman
- Nomakhosi Skosana Non-Executive Director
- Monhla Hlahla Non-Executive Director
- William MacRobert Executive Director
- Heinrich Odendaal Executive Director

Accordingly, this manual provides a reference to the records held by Stockhouse Capital (Pty) Ltd and the process that needs to be adopted to access such records.

All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named below.

Business and Contact details

Name of Business: Stockhouse Capital (Pty) Ltd
Head of Business: William MacRobert
Position: CEO
Postal Address: Park Lane West Building, 194 Bancor Avenue, Waterkloof Glen, Pretoria
Physical Address: Park Lane West Building, 194 Bancor Avenue, Waterkloof Glen, Pretoria
Phone Number: 082 335 4850 / 010 493 4644
E-mail Address: william@stockhouse.co.za

1. Manual and Guidelines

Any enquiries relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, 2nd Floor, Braampark Forum3, 33 Hoofd Street, Braamfontein. Telephone: 011 877 3750 or Fax: 011 403 0668

Copies of the Guide are also available at the following places:

- The office of the Government Communications and Information Services;
- Library of Parliament, Cape Town;
- The South African Library, Cape Town;
- Natal Society Library, Pietermaritzburg;
- The State Library in Pretoria;
- City Library Services, Bloemfontein;
- The National Film, Video and Sound Archives, Pretoria;

Copies of the Guide are also available in all official languages at the following offices:

- All offices of public bodies;
- All Magistrates' offices;
- All offices of the Department of Justice and Constitutional Development;
- All Post Offices;

The Guide is also available at all offices and on the website of the South African Human Rights Commission, www.sahrc.org.za

Records available in terms of Section 52(2) of the Act

Not Applicable

2. Records that are held at the offices of the business

The following is a list of records that are held at the business' office:

Administration

- Attendance registers
- Correspondence
- Founding Documents
- Licenses (categories)
- Minutes of Management Meetings

Human Resources

- Conditions of Service
- Employee Records
- Employment contracts
- General Correspondence
- Pension and Provident Fund Records
- Performance Appraisals
- Personnel Guidelines, Policies and Procedures
- Remuneration Records and Policies
- Salary Surveys
- Training Records

Operations

- Brochures on Company Information
- Client and Customer Registry
- Contracts
- General Correspondence
- Information relating to Work-in-progress
- Marketing and Future Strategies
- Marketing Records
- Production Records
- Sales Records
- Suppliers' Registry

Finances

- Annual Financial Statements
- Asset Register
- Banking Records
- Budgets
- Contracts
- Financial Transactions

- General Correspondence
- Insurance Information
- Management Accounts
- Purchase and Order Information
- Stock Records
- Tax Records (company and employee)

Statutory Records

At present these include records (if any) held in terms of:

- Companies Act 71 of 2008
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Services Board Act 97 of 1990
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Financial Services Ombud Schemes Act 37 of 2004
- Long Term Insurance Act 52 of 1998
- Pension Funds Act 24 of 1956
- National Credit Act 34 of 2005
- Tax on Retirement Funds Act 38 of 1996
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

3. Information Request Procedure

- The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices
- The request must be made to the Head of Business named above. This request must be made to the address or electronic mail address of the business. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Head of Business aforesaid.
- The prescribed request fee must be attached.

We 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 of 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 complies with the procedural requirements set out in the Act 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 Part 3 of the Act

4. Denial of access

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety of life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer program;
- Disclosures that will put Stockhouse Capital (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Stockhouse Capital (Pty) Ltd;
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Stockhouse Capital (Pty) Ltd.

If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

5. Fees

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two basic types of fees payable in terms of the Act:

Request Fee

The non-refundable request fee of R 100 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

Access Fee

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

6. Manual Availability

This Manual is available at the offices of the South African Human Rights Commission. Copies may also be obtained from the Chief Operating Officer of Stockhouse Capital (Pty) Ltd in respect of hard copies, any transmission costs or postage will be for the account of the requester.

ANNEXURE A – REQUEST FOR A COPY OF THE GUIDE FROM THE INFORMATION REGULATOR

TO: The Information Regulator
P.O. Box 31533
Braamfontein
2017

Email address: enquiries@inforegulator.org.za

Tel number: +27 (0) 10 023 5200

REQUESTOR INFORMATION

I,

Full names: _____

In my capacity as Information Officer _____ Other _____
(mark with "x")

Name of public/private body *(if applicable)* _____

Postal Address: _____

Street Address: _____

Email Address: _____

Facsimile: _____

Contact numbers: Tel. (B): _____ Cellular: _____

Hereby request the following copy(ies) of the guide:

Language (make with "X")	No. of copies	Language (make with "X")	No. of copies
Sepedi		Sesotho	
Setswana		siSwati	
Tshivenda		Xitsonga	
Afrikaans		English	
isiNdebele		IsiXhosa	
isiZulu			

Manner of collection (mark with "x")

Postal address	Electronic communication <i>(please specify)</i>
_____	_____

Signed at _____ on this _____ day of _____ 20_____

Signature of requestor

ANNEXURE B – REQUEST FOR ACCESS TO RECORDS IN TERMS OF PAIA

Note:

- 1 Proof of identity must be attached by the requester.
- 2 If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

Mark with an "X"

<input type="checkbox"/>	Request is made in my own name	<input type="checkbox"/>	Request is made on behalf of another person
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PERSONAL INFORMATION

Full names: _____

Identity number: _____

Capacity in which request is made (*when made on behalf of another person*): _____

Postal Address: _____

Street Address: _____

E-mail Address: _____

Tel. (B): _____

Cellular: _____

Full names of person on whose behalf request is made (*if applicable*): _____

Identity number: _____

Postal Address: _____

Street Address: _____

E-mail Address: _____

Tel. (B): _____

Cellular: _____

ANNEXURE C – FEES IN RESPECT OF ACCESS TO RECORDS IN TERMS OF PAIA

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on:	R40.00
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc + If provided by requestor + If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	Service to be outsourced. Will depend on quotation from Service provider.
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	R40.00
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc + If provided by requestor + If provided to the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00
		R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail, or any other electronic transfer	Actual expense, if any.

ANNEXURE D – OUTCOME OF REQUEST AND OF FEES PAYABLE

Note:

- 1 If your request is granted the requested record/portion of the record will only be released once proof of full payment is received.
- 2 Please use the reference number hereunder in all future correspondence.
- 3 Reference number: _____

TO: _____

Your request dated _____, refers.

You requested:

Personal inspection of information at the registered address of Stockhouse Capital (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this form with you. If you then require any form of reproduction of the information, you are liable for the fees included herein below.

OR

You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

Approved

Denied for the following reasons:

Fees payable with regards to your request:

Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy	R1.50		
Printed copy	R1.50		
For a copy in a computer-readable form on:			
(iii) Flash drive (to be provided by requestor)	R40.00		
(iv) Compact disc			
+ If provided by requestor	R40.00		
+ If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.		
Copy of visual images			
Transcription of an audio record, per A4-size page	R24.00		
Copy of an audio record on:			
(iii) Flash drive (to be provided by requestor)	R40.00		
(iv) Compact disc			
+ If provided by requestor	R40.00		
+ If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL			

Deposit payable (if search exceeds six hours):

Yes

No

Hours of search

Amount of deposit
(calculated on one third of total amount
per request)

The amount must be paid into the following bank account:

Name of bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch code: _____

Reference number: _____

Submit proof of payment to: _____

Signed at _____ on this _____ day of _____

20_____

Signature of Information Officer

ANNEXURE E – REQUEST FOR RECORD/DESCRIPTION OF PERSONAL INFORMATION IN TERMS OF POPIA

Note:

- 1. A request for access to or a description of personal information may entail a fee as outlined in **ANNEXURE C**.
- 2. You will be notified if a fee is payable, the amount of the request fee, as well as the banking details into which the fees must be paid.
- 3. The fee payable for access to or a description of a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- 4. Proof of identity and authority to act (if applicable) should accompany this request.

Name(s) and
surname/registered name if a
company:

Identity number/unique
identifier:

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Residential or business
address:

Contact number(s):

E-mail address:

Name(s) and surname of
representative:

Identity number of
representative:

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Authority to act (resolution,
mandate, birth certificate, etc):

DETAILS OF RESPONSIBLE PARTY

Registered name of
responsible party:

E-mail address:

Signed at _____ on this _____ day of _____ 20 _____

Signature of data subject or representative

ANNEXURE G – REQUEST FOR CORRECTION/DELETION/DESTRUCTION OF PERSONAL INFORMATION IN TERMS OF POPIA

Note:

1. Affidavits or other documentary evidence applicable in support of the objection may be attached.
2. Proof of identification and authority to act should be submitted together with the completed form.
3. If the space provided in this form is inadequate, please submit information on a separate page as an annexure to this form and sign each page.
4. Complete the below as applicable.

A - DETAILS OF THE DATA SUBJECT

Name(s) and surname/
registered name of data
subject:

Unique identifier/
Identity Number:

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Residential, postal, or
business address:

Code ()

Contact number(s):

E-mail address:

B - DETAILS OF RESPONSIBLE PARTY

Registered name of
responsible party:

Business address:

Code ()

C - INFORMATION TO BE CORRECTED/DELETED/DESTROYED

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D - REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.

*(*Please provide detailed reasons for the request)*

Signed at _____ on this _____ day of _____ 20 _____

Signature of data subject or representative