

Access to Information

MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2 OF 2000 FOR:

Satrix Managers (RF) (Pty) Ltd and Satrix Nominees (Pty) Ltd (hereinafter "Satrix")

Satrix Investments (Pty) Ltd
Building 2, 11 Alice Lane, Sandton 2196, South Africa

Satrix Investments (Pty) Ltd Reg no 2011/006611/07
Refer to the Satrix website for directors and company secretary details.

T +27 (0)11 778 6404
F +27 (0)11 778 6327
E info@satrix.co.za

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A INTRODUCTION

In March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") became operative, giving effect to the section 32(2) Constitutional right of access to information.

This 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. Where a request is made in terms of this Act, the private or public body to which the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released.

The Act sets out the requisite procedural issues attached to such a request. One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both types of categories of records held by a private body.

This document serves as the Satrix information manual and provides reference to the records held by Satrix and the process to request access to such records.

B REQUIREMENTS IN TERMS OF SECTION 51 MANUAL

1. Contact Details

The responsibility for the administration of, and the compliance with the Act, will be dealt with by Satrix. All requests of this manual should be directed to:

The Compliance Officer
PO Box 653477
Benmore
2010
South Africa

Building 2
11 Alice Lane
Sandton
2196

CFO: Rick Martin

Telephone: +27 (0)11 778 6404
Fax: +27 (0)11 778 6327
E-mail: info@satrix.co.za

2. The Act and Section 10

The Guide will be available from the South African Human Rights Commission ("SAHRC"), and provides greater clarity on or assistance with the Act. It will, inter alia, include the following:

- What the objects of this Act are;
- The relevant contact details of each public and private body (if available);
- The process that needs to be followed in order to request access to records;
- The assistance available from the information officer of a public body and the SAHRC;
- How to obtain access to a manual of a public and private body;
- All the remedies available in law to you;
- Details on prescribed fees payable in respect of requests for information.

Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department
Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

3. Applicable Legislation

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act, No. 53 of 2003
- Companies Act, No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Constitution of South Africa Act, No. 108 of 1996
- Copyright Act, No. 98 of 1987
- Collective Investment Schemes Control Act, No. 45 of 2002
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Financial Advisory and Intermediary Services Act, No. 37 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Formalities in Respect of Leases of Land Act,

No.18 of 1969

- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- Occupational Health and Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Protected Disclosures Act, No. 26 of 2000
- Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002
- Sales and Service Matters Act, No. 25 of 1964
- Skills Development Act, No. 97 of 1997
- Skills Development Levy Act, No. 9 of 1999
- Securities Services Act, No. 36 of 2004
- South African Reserve Bank Act, No. 90 of 1989
- Tobacco Products Control Act, No. 12 of 1999
- Trade Marks Act, No. 194 of 1993
- Unemployment Insurance Act, No. 63 of 2001
- Value-Added Tax Act, No. 89 of 1991

4. Schedule of Records

a) Client related records

Client records include the following:

- Records provided by the client to a third party acting for or on behalf of Satrix;
- Records provided by a third party to the Satrix;
- Records generated by or within Satrix pertaining to the Clients, including transactional records.

A “client” refers to any natural or juristic entity that receives services from Satrix.

b) Satrix records

This category of records relates, but is not limited to, the following information:

- Financial records
- Operational records
- Databases
- Information technology
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures
- Treasury related records
- Securities
- Records held by officials of Satrix

These records include, but are not limited to the records which pertain to Satrix’s own affairs.

5. Prescribed Access Form

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

In terms of section 53, a request for access to a record of Satrix must be made in the prescribed form to Satrix at the address, fax number or electronic mail address given above. The form requires the requestor to provide the following information:

- sufficient information to enable the information officer to identify the requestor;
- sufficient information to enable the information officer to identify the record(s) requested;
- the form of access required;
- the requestor’s postal address or fax number;
- identification of the right sought to be exercised or protected;
- an explanation on why the record is required to exercise or protect that right;
- the manner in which the requestor wishes to be informed of the decision on the request, if in a manner in addition to written notification; and

if the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the information officer.

Refer to **Annexure A** to this manual for the format of the prescribed form. Requestors please note that all of the information as listed above should be provided, failing which the process will be delayed while Satrix requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished to Satrix by the requestor.

6. Prescribed Fees

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

- 6.1. A requestor is required to pay the prescribed fees of R 50 before a request will be processed;

- 6.2. 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);
- 6.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 6.4. Records may be withheld until the fees have been paid.
- 6.5. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

7. Payment of Fees

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

The access fee must be paid prior to access being given to the requested record.

If the request for access is successful an access fee may be required for the search, reproduction and /or preparation of the record(s) and will be calculated based on the prescribed fees as per Annexure B.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

8. Notification

Satrix 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 within which Satrix has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is for a large volume of information, or the requests requires a search for information at another premises and the information cannot reasonably be obtained in the original 30 day period. Satrix will notify the requester in writing should an extension be sought.

9. Grounds for Refusal of Access to Records

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

- 9.1. Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However Section 63(2) does provide exceptions to this.
- 9.2. Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
 - Trade secrets;
 - Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - Information, supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- 9.3. Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement
- 9.4. In terms of section 66, Satrix must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
 - endanger the life or physical safety of an individual;
 - prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property
 - Satrix may also refuse a request for access to information that would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 9.5. Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 9.6. Section 68 pertains to records containing information about Satrix itself and unlike the other provisions pertaining to the decline of a request, is not mandatory, but rather discretionary. Satrix may refuse access to a record if the record:
 - contains trade secrets of Satrix contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests

of Satrix

- contains information which, if disclosed, could reasonably be expected to put Satrix at a disadvantage in contractual or other negotiations, or prejudice Satrix in commercial competition; or
- consists of a computer program owned by Satrix

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal as serious public safety or environmental risk.

- 9.7. Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to Satrix itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- if the public interest in the disclosure clearly outweighs the harm.

10. Rights of Appeal

A requestor that is dissatisfied with the information officer's refusal to grant access to any information

may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the information officer's decision
- requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or
- an order as to costs.

11. Availability of the Manual

A copy of this manual is available to the public for inspection on the Satrix website at www.satrix.co.za or on request from the designated contact person referred to in this manual.

Access to Information

ANNEXURE A - PRESCRIBED FORM

(SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000
(ACT NO. 2 OF 2000)) [REGULATION 10]

A PARTICULARS OF PRIVATE BODY

The Head:

A PARTICULARS OF REQUESTER (If Natural Person)

Full Names and Surname

--

Identity Number

--	--	--	--	--	--	--	--	--	--

Residential Address

--

Fax Number

--

Telephone

--

Email Address

--

Capacity in which request is made on behalf of another person

- 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.

B PARTICULARS OF REQUESTER (If legal entity)

Name of Entity

--

Registration Number

--

Postal Address

--

Fax Number

--

Telephone

--

Access to Information

ANNEXURE A - PRESCRIBED FORM

Capacity in which request is made on behalf of another person

- 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.

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 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

This section must be completed ONLY if a request for information is made on behalf of another person.

- 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.

Access to Information

ANNEXURE A - PRESCRIBED FORM

Reason for exemption from payment of fees

F FORM OF ACCESS TO RECORD 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:

- ☐ 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
- ☐ Transcription of sound track 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 (eg. 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

In the event of disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required.

Disability

Form in which record is required

Access to Information

ANNEXURE A - PRESCRIBED FORM

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

REPRODUCTION FEES

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)

a	For every photocopy of an A4-size page or part thereof	R 1.10
b	For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form	R 0.75
c	For a copy in a computer-readable form on	
	i. Compact disc	R 70.00
d	i. For a transcription of visual images, for an A4-size page or part thereof	R 40.00
	ii For a copy of visual images	R 70.00
e	i For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
	ii For a copy of an audio record	R 30.00
f	To search for and prepare the record for disclosure – R30.00 for each hour or part thereof reasonably required for such search and preparation	

REQUEST FEES

Where a requester submits a request for access to information held by a private body on a person other than the requester himself/herself, a request fee in the amount of R 50.00 is payable up-front before the private body will further process the request received.

ACCESS FEES

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)

a	For every photocopy of an A4-size page or part thereof	R 1.10
b	For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form	R 0.75
c	For a copy in a computer-readable form on	
	i. Compact disc	R 70.00
d	i. For a transcription of visual images, for an A4-size page or part thereof	R 40.00
	ii. For a copy of visual images	R 60.00
e	i. For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
	ii. For a copy of an audio record	R 30.00
f	To search for and prepare the record for disclosure - R30.00 for each hour or part thereof reasonably required for such search and preparation	

The actual postage fee is payable when a copy of a record must be posted to a requester.

DEPOSITS

Where a private body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one-third of the amount of the applicable access fee.