

SANLAM CAPITAL MARKETS LIMITED

MANUAL

for the

PROMOTION OF ACCESS TO INFORMATION ACT,

NO 2 OF 2000

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1. INTRODUCTION

1.1 Background

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.

1.2 Purpose of the manual

This manual is intended to foster a culture of transparency and accountability within SCM, 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, 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 to 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 manual to SCM to deal with the requests in a conforming manner, which will enable the requesters to obtain the records which they are entitled to in a quick, easy and accessible manner.

PART I

2. CONTACT DETAILS

2.1 Information Officer: *Mark Murning*

Postal address: P O Box 411420
Craighall, 2024

Physical address: 3A Summit Road
Dunkeld West, 2196

Tel: (011) 778-6155

Fax: (011) 778-6912

E-mail: markm@scm.sanlam.co.za

2.2 Deputy Information Officer: *Kerry Caldwell*

Postal address: P O Box 411420
Craighall, 2024

Physical address: 3A Summit Road
Dunkeld West, 2196

Tel: (011) 778-6189

Fax: (011) 778-6917

E-mail: kerryc@scm.sanlam.co.za

The Information Officer and the Deputy Information Officer can also be contacted at the details below:

2.3 General Information

2.3.1 Name of Private Body: Sanlam Capital Markets Limited

2.3.2 Postal address: P O Box 411420, Craighall, 2024

2.3.3 Physical address (or main place of business):
3A Summit Road,
Dunkeld West, 2196

2.3.4 Tel: (011) 778-6000

2.3.5 Fax: (011) 778-6990

PART II

3. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Guide on how to use the Act. Any enquiries regarding the guide contemplated in Section 10 of the Act should be directed to:

The South African HUMAN RIGHTS COMMISSION

At PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT)

Postal address: Private Bag X2700, HOUGHTON, 2041

Telephone number: (011) 484-8300

Facsimile number: (011) 484-1360

Website: www.sahrc.org.za

E-mail address: PIAI@sahrc.org.za

PART III

3.1 Records of SCM

This clause serves as a reference to the records that SCM hold in order to facilitate a request in terms of the Act.

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

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

“SCM” refers to Sanlam Capital Markets and all its subsidiaries.

3.1.1 Staff records

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

“*Staff*” refers to any person who works for, or provides services to or on behalf of the institution, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of SCM. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

3.1.2 Client related records

- Records provided by a client to a third party acting on behalf of SCM;
- Records provided by a third party;
- Records generated by or within SCM pertaining to its clients, including transactional records.

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

3.1.3 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 SCM.

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

3.2 Other party records

- Staff, client or private body records which are held by another party, as opposed to the records held by SCM itself;
- Records held by SCM 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.

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

PART IV

4. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for SCM to refuse a request for information relates to the –

- 4.1** mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2** mandatory protection of the commercial information of a third party, if the record contains:
 - 4.2.1** trade secrets of that third party
 - 4.2.2** financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 4.2.3** information disclosed in confidence by a third party to SCM, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3** mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4** mandatory protection of the safety of individuals and the protection of property;
- 4.5** mandatory protection of records, which would be regarded as privileged in legal proceedings;
- 4.6** the commercial activities of SCM, which may include:
 - 4.6.1** trade secrets of SCM;

- 4.6.2 financial, commercial, scientific or technical information, which disclosure could likely cause harm to the financial or commercial interests of SCM;
 - 4.6.3 information, which if disclosed, could put SCM at a disadvantage in negotiations or commercial competition;
 - 4.6.4 a computer program which is owned by SCM, and which is protected by copyright;
- 4.7 the research information of SCM or a third party, if its disclosure would disclose the identity of SCM, 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.

5. REMEDIES AVAILABLE WHEN SCM REFUSES A REQUEST FOR INFORMATION

5.1 Internal Remedies

If the Information Officer refuses access to the requested information, the Chief Risk Officer or any other member of the Executive Committee can be consulted and must agree before such decision becomes final. Any other decision made by the information officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

5.2 External Remedies

A requester 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.

6. REQUEST PROCEDURE

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in Appendix 1 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, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled with enough particularity 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.
- 6.4 The requester must state that he requires 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.
- 6.5 The institution will process the request within 30 days, unless the requester has staged special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 6.7 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.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

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

7. ACCESS TO RECORDS HELD BY SCM

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

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

7.2.1 Personal requester

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

7.2.2 Other requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, the institution 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.

8. FEES

8.1 The Act provides for two types of fees, namely:

8.1.1 A request fee, which will be a standard fee; and

8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested

form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

- 8.4** The Information Officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5** A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 8.6** 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.

9. DECISION

9.1 SCM 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.

9.2 The 30 day period within which the institution 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 amount of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original 30 day period. The institution will notify the requester in writing should an extension be sought.

10. LIST OF APPLICABLE LEGISLATION

A table of legislation setting out a description of the records of SCM which are available in accordance with other legislation, is annexed hereto marked "Appendix 3".

11. AVAILABILITY OF THE MANUAL

11.1 This manual is made available in terms of Regulation Number R.187 of 15 February 2002.

11.2 The manual of the institution will also be available on the website of SCM.

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

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 records must be recorded below.*
 - b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
 - c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full name and surname: _____

Identity number: _____

Postal address: _____

Tel no: _____ Fax no: _____

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 name 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 the record or relevant part of the record:

2. Reference number, if available: _____

3. Any further particulars of the 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 of the request fee.*
- 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.*
- d) *If you qualify for exemption of the payment of any fee, please state the reason therefore.*

1. Reason for exemption of payment of the fee:

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:
_____	_____
_____	_____
_____	_____

Mark the appropriate box with an "X"

NOTES:

- a) *Your indication as to the required form of access depends 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 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 the images*

3. If the record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	Printed copy of record		Printed copy of information derived from the record*
			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? A postal fee is payable.	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.***

- Indicate which right is to be exercised or protected:

- Explain why the requested record is required for the exercising or protection of the aforementioned right:

H. Notice of decision regarding request for access:

You will be notified 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.

1. How would you prefer to be informed of the decision regarding your request for access to the record ?

Signed at _____ on this _____ day of _____ 200__

**SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF
REQUEST IS MADE**

APPENDIX 2

REPRODUCTION FEES

The only charge that may be levied for obtaining records, will be a fee for reproduction of the record in question.

The applicable fees for reproduction as referred to above are:

	R
<input type="checkbox"/> For every photocopy of an A4-size page or part thereof	1,10
<input type="checkbox"/> For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
<input type="checkbox"/> For a copy in a computer-readable form on	
▪ Compact disc	70,00
<input type="checkbox"/> A transcription of visual images, for an A4-size page or part thereof	40,00
<input type="checkbox"/> For a copy of visual images	60,00
<input type="checkbox"/> A transcription of an audio record, for an A4-size page or part thereof	20,00
<input type="checkbox"/> For a copy of an audio record	30,00

Request Fees:

Where a requester submits a request for access to information held by SCM on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution 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 specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

The applicable access fees which will be payable are:

	R
<input type="checkbox"/> For every photocopy of an A4-size page or part thereof	1,10
<input type="checkbox"/> For every printed copy of an A4-size page or part thereof held on a	0,75

computer or in electronic or machine readable form

- For a copy in a computer-readable form on
 - Compact disc 70,00
- A transcription of visual images, for an A4-size page or part thereof 40,00
- For a copy of visual images 60,00
- A transcription of an audio record, for an A4-size page or part thereof 20,00
- For a copy of an audio record 30,00
- To search for a record that must be disclosed or part of an hour 30,00p/h
reasonably required for such search

Where a copy of a record needs to be posted, the actual postal fee is payable.

Deposits:

Where the institution 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 of 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.

NOTE: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

APPENDIX 3

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
Securities Services Act 36 of 2004	Section 33(m) and 35(h)	The central securities depository shall on request disclose information with regard to the securities held by a participant in a central securities account, and an issuer information about the securities issued by that issuer and held by participants in central securities accounts.	Registrar
The Criminal Procedures Act No 51 of 1977	Section 236	The entries in the accounting records of a bank and any document which is in the possession of any bank and which refers to the said entries or to any business transaction of the bank can be proved in criminal proceedings by producing an affidavit made by any person working for the bank any party to the criminal proceedings against whom the evidence is intended to be adduced. The accused may upon the order of the court before which the proceedings are pending inspect the original of the document or entry in question and any accounting record in which such entry appears or of which such entry forms part and may make copies of such documents or entries.	Accused person
	Section 16(2)	An employer must disclose to a trade union representative all relevant information that will allow the trade union representative to perform effectively the following functions to: (a) assist and represent the employee in grievance and disciplinary proceedings; (b) to monitor the employer's compliance with the workplace related provisions of the Labour Relations Act, any law regulating terms and conditions of employment and any collective	Trade Union Representative

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
		agreement binding on the employer; (c) To report any alleged contravention of the workplace related provisions of this act, any law regulating terms and conditions of employment and any collective agreement binding on the employer to (i) the employer, (ii) the representative trade union, and (iii) any responsible authority or agency; and (d) to perform any other function agreed to between the representative trade union and the employer.	
	Section 21(10)	The employer must make available to the commissioner any information and facilities that are reasonable necessary for the Commissioner to determine the membership or support of the registered trade union.	Commissioner
	Section 89(1)	An employer must disclose to the workplace forum all relevant information that will allow the workplace forum to engage effectively in consultation and joint decision making. In terms of section 90(1) any documented information that is required to be disclosed by the employer to section 89 must be made available on request to the members of the workplace forum for inspection. The employer must provide copies of the documentation on request to the members of the workplace forum.	Workplace Forum
	Section 189(3)	The employer must disclose in writing all relevant information related to dismissals based on operational requirements including, but not limited to: (a) the reasons for the proposed dismissals; (b) the alternatives that the employer considered before proposing the dismissals and the reasons for rejecting each of those alternatives; (c) the number of	Trade Union or representatives of the employers or employees

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
		<p>employees likely to be affected and the job categories of which they are employed; (d) the proposed method for selecting which employees to dismiss; (e) the time when, or the period during which the dismissals are likely to take effect; (f) the severance pay proposed; (g) any assistance that the employer proposes to offer to the employees likely to be dismissed; (h) the possibility of the future employment of the employees who are dismissed; (i) the number of employees employed with the employer; and (j) the number of employees that the employer has dismissed for reasons based on its operational requirements in the preceding 12 months.</p>	
	Section 197(b)	<p>An employer that applies to be wound up or sequestrated whether ito The Insolvency Act 1936 or any other law must at the time of making application provide: (a) any person whom the employer is required to consult in terms of a collective agreement; (b) if there is no collective agreement that requires consultation a workplace forum if the employees likely to be affected by the proposed dismissals are employed in a workplace of which there is a workplace forum; and (c) any registered trade union whose members are likely to be affected by the proposed dismissals; (d) if there is no workplace forum in the workplace in which the employee is likely to be affected by the proposed dismissals are employed, any registered trade union whose members are likely to be affected by the proposed dismissals; or (e) if there is no trade union the employees likely to be affected by the proposed dismissals or their representatives nominated for that purpose with a copy of the applications. In terms of section 197(2)(b) an employer that receives an application</p>	Employees or Workplace Forum or registered Trade Union

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
		for its winding up or sequestration must supply a copy of the application to any consulting party within two days of receipt or if the proceedings are urgent within 12 hours to the Registrar of Labour Relations.	
	Section 205	Every employer must keep the records that an employer is required to keep in compliance with any applicable (a) collective agreement; (b) arbitration award; (c) determination made ito the Wage Act. The employer must retain the records for 3 years from the date of the event or end of the period to which they relate, submit the records in response to a demand made at any reasonable time to any agent of a bargaining council, commissioner or any person whose functions ito this Act includes the resolution of disputes. In terms of section 205(3) an employer must keep a record of the prescribed details of any strike, lockout or protest action involving its employees. The records must be submitted in the prescribed manner.	Bargaining Council or Commissioner or person who functions ito the act in the resolution of disputes
Employment Equity Act No 55 of 1998	Section 18(1)	When a designated employer engages in consultation ito this Act, the employer must disclose to the consulting parties all relevant information that will allow those parties to consult effectively.	Consulting parties
	Section 25(1), (2) & (3)	An employer must display at the workplace where it can be ready by employees a notice in the prescribed form informing them about the provisions of the Employment Equity Act. In terms of sub-section 25(2) a designated employer must in each of its workplaces, place in prominent places that are accessible to all employees: (a) the most recent reports	Employees

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
		submitted by that employer to the Director General; (b) any compliance order, arbitration award or order of the Labour Court concerning the provisions of this Act in relation to that employer; and (c) any other document concerning this Act as may be prescribed. In terms of section 25(3) an employer who has an employment equity plan must make a copy of the plan available to its employees for copying and consultation.	
	Section 26	An employer must establish and for the prescribed period maintain records iro its workforce, its employment equity plan and any other records relevant to its compliance with this Act.	Employee
The Basic Conditions of Employment Act 75 of 1997	Section 29(1)	An employer must supply an employee when the employee commences employment with particulars of work. In terms of sub-section 2 when any matter changes the written particulars must be revised to reflect the change and the employee must be supplied with a copy of the document reflecting the change. In terms of section 29(4) the written particulars must be kept by the employer for a period of 3 years after termination of employment.	Employee
	Section 31(1)	Every employer must keep a record containing at least the following information: (a) the employee's name and occupation; (b) the time worked by each employee; (c) the remuneration paid to each employee; (d) the date of birth of any employee under 18 years of age; and (e) any other prescribed information. The record must be kept by the	Employee

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
		employer for a period of 3 years from the date of the last entry in the record.	
	Section 33(1)	An employer must give an employee the following information in writing on each day the employee is paid: (a) the employer's name and address; (b) the employee's name and occupation; (c) the period for which the payment is made; (d) the employee's remuneration in money; (e) the amount in purpose of any deduction made from the remuneration; (f) the actual amount paid to the employee.	Employee
	Section 66(1)	In order to monitor or enforce compliance with any employment law, a labour inspector may require a person to disclose information either orally or in writing and either alone or in the presence of witnesses on any matter to which an employment law relates and require that disclosure be made under oath, copy any record or document to which an employment law relates.	Labour Inspector
Firearms Control Act 60 of 2000	Section 115	1. The purpose of any enquiry or investigation relating to the application of this Act and subject to sub-section 4, the Registrar or any person authorised in writing by the Registrar may at any reasonable time and without prior notice enter any business or industrial premises.	Registrar or any person authorised in writing by him
		2. The Registrar or person authorised may: (a) inspect and search any premises or dwelling contemplated in sub-section 1 and make such enquiries as may be necessary for purposes of the enquiry or investigation; (b) examine anything found on the premises or dwelling which may have a bearing on the subject	

LEGISLATION	SPECIFIC SECTION / REGULATION	DESCRIPTION OF DOCUMENTS	PERSON (IF LIMITED)
		<p>matter of the enquiry or investigation; (c) request information or an explanation regarding such object from the owner or person in control of those premises or from any person in whose possession or under whose control anything referred to in paragraph (b) is found; (d) make copies of or extracts from any book or document found on or in the premises or dwelling which may have a bearing on the subject matter of the enquiry or investigation and request an explanation of such book, document or any entry therein from any person suspected of having knowledge thereof; and (e) against the issue of a written receipt seize anything on or in the premises or dwelling which may have a bearing on the subject matter of the enquiry or investigation.</p>	
Security Services Act 36 of 2004	Section 82(2)	<p>In addition to its powers ito the Financial Services Board Act, the Financial Services Board may summon any person who is believed to be able to furnish any information on the subject of any investigation or to have in his or her possession or under his or her control any document which has bearing upon that subject, to lodge such document with the Financial Services Board, or to appear at any time and place specified in the summons, to be interrogated or to produce such document.</p>	Financial Services Board
Inspection of Financial Institutions Act 18 of 1998	Section 4	<p>4(1) In clearing out an inspection of the affairs of an institution under section 3 an inspector may, at any time without prior notice enter and search any premises occupied by the institution and require the production of any document relating to the affairs of that institution:</p>	Inspector

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		<ul style="list-style-type: none"> <input type="checkbox"/> Open any strong room, safe or other container in which he or she suspects any document of the institution is kept. <input type="checkbox"/> Examine and make extracts from the copies of any document of the institution or against the issue of a receipt remove such document temporarily for that purposes. <input type="checkbox"/> Against the issue of a receipt, seize any document of the institution which in his or her opinion may afford evidence of an offence or irregularity. <input type="checkbox"/> Retain any seized document for as long as it may be required for any criminal or other proceedings. 	
Compensation for Occupational Injuries and Diseases Act 130 of 1993	Section 6(1)(a)	1(a) The Director General may subpoena any person who in his opinion is able to give information concerning the subject of any enquiry ito this Act or who is suspected to have in the opinion of the Director General has in his possession or custody or under his control any book, document or thing which has a bearing on the enquiry, to appear before him at a time and place specified in the subpoena, to be interrogated or to produce such book, document or thing and the Director General may retain such book, document or thing for further investigation.	Director General
	Section 7	(3) An authorised person may question any person who is or was on the premises either alone or in the presence of any other person or any matter to which this act relates: (a) order any person who has control over or custody of any book, document or thing or in those premises to produce to him forthwith, or at such time and place as may be determined by him, such book, document or thing; (b) at any time and place order any	Authorised person

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		<p>person who has the possession or custody of or is in control of a book, document or thing relating to the business of an employer or previous employer, to produce forthwith or at such time and place as may be determined by him, such book, document or thing seize any book, document or thing which in his opinion may serve as evidence in any matter ito this Act or cause to be examined any book, document or thing produced to him or seized by him, and make extracts therefrom or copies thereof and order any person who, in his opinion, is qualified thereto to explain entry therein.</p>	
	Section 40	<p>(2) An employee or employer shall at the request of the Director General furnish such further particulars regarding the accident and injuries concerned as the Director General may require.</p>	Director General
	Section 18	Employer to register with Director General and to furnish him with particulars	
	Section 1	<p>(1) An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the Commissioner and shall furnish the Commissioner with the prescribed particulars of its business and shall within a period determined by the Commissioner furnish such particulars as the Commissioner may require.</p>	Commissioner
	Section 81	An employer shall keep a register or other record of the earnings and other prescribed particulars of all employees and shall at all reasonable times produce such register or record or a micro film or other micro form reproduction thereof on demand to an authorised	Authorised person

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		<p>person referred to in section 7 for inspection.</p> <p>(2) An employer shall retain the register, record or reproduction referred to in sub-section 1 for a period of at least 4 years after the date of the last entry in that register or record.</p>	
	Section 82	(1) An employer shall not later than the 31 st day of March in each year furnish the Commissioner with a return in the prescribed form, certified by him, her or it as correct showing: (a) the amount of earnings up to the maximum paid by him, it, its employees during the period with effect from the 1 st day of March of the immediately preceding year up to and including the last day of February of the following year; and (b) such further information as may be prescribed that it now may require.	Director General
	Section 32A	(1) Any inspector furnished with inspection authority in writing by the Board may conduct an investigation to determine whether the provisions of the Act are being or have been complied with and may, subject to sub-section 5 for that purpose without giving prior notice at all reasonable times (a)(iii) enter any place in respect of which he has reason to believe that there are books, records, documents to which the provisions of this Act are applicable.	Inspector or the manager
Competition Act 89 of 1998	Section 49A	(1) At any time during an investigation into the Act the Commissioner may summon any person who is believed to be able to furnish any information on the subject of the	Commissioner

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		investigation, or to have possession or control of any book, document or other object that has a bearing on that subject: (a) to appear before the Commissioner or a person authorised by the Commissioner to be interrogated at a time and place specified in the summons; or (b) at a time and place specified in the summons, to deliver or produce to the Commissioner, or a person authorised by the Commissioner, any book, document or other object specified in the summons, to deliver or produce to the Commissioner, or a person authorised by the Commissioner, any book, document or other object specified in the summons.	
	Section 54	The member of the Competition Tribunal presiding at the hearing may: (a) direct or summon any person to appear at any specified time and place; (b) question any person under oath or affirmation; (c) summon or order any person: (i) to produce any book, document or item necessary for the purpose of the hearing.	Member of the Competition Tribunal
	Section 56	(3) The Competition Tribunal may order a person to answer any question, or to produce any article or document, even if it is self-incriminating to do so.	Competition Tribunal
Constitution of SA Act No 108 of 1996	Section 32	1(b) Everyone has the right to access to any information that is held by another person and that is required for the exercise or protection of any rights. The rights in terms of the constitution are limited in terms of Sec 36.	Any member of the public
Companies Act No 71 of 2008	Section 26 (1) – (6)	(1) A person who holds or has a beneficial interest in any securities issued by a company – (a) has a right to inspect and copy the information contained in the records of	Issuer

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		<p>the company</p> <p>(1) A person who holds or has a beneficial interest in any securities issued by a company—</p> <p>(a) has a right to inspect and copy the information contained in the records of the company—</p> <p>(i) mentioned in section 24(3)(a), (b), (c)(i) and (ii), (d) and (e); or</p> <p>(ii) contemplated in section 24(4)(a) or (b);</p> <p>(b) has a right to any other information to the extent granted by the Memorandum of Incorporation, as contemplated in subsection (2); and</p> <p>(c) may exercise the rights set out in paragraph (a) or (b)—</p> <p>(i) by direct request made to the company in the prescribed manner, either in person or through an attorney or other personal representative designated in writing; or</p> <p>(ii) in accordance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).</p> <p>(2) In addition to the information rights set out in subsection (1)(a), the Memorandum of Incorporation of a company may establish additional information rights of any person, with respect to any information pertaining to the company, but no such right may negate or diminish any mandatory protection of any record, as set out in Part 3 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).</p>	

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		<p>(3) The register of members and register of directors of a company, must, during business hours for reasonable periods be open to inspection by any member, free of charge and by any other person, upon payment for each inspection of an amount not more than R100,00.</p> <p>(4) The rights of access to information set out in this section are in addition to, and not in substitution for, any rights a person may have to access information in terms of—</p> <p>(a) section 32 of the Constitution;</p> <p>(b) the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); or</p> <p>(c) any other public regulation.</p> <p>(5) The Minister may make regulations respecting the exercise of the rights set out in this section.</p> <p>(6) It is an offence for a company to—</p> <p>(a) fail to accommodate any reasonable request for access, or to unreasonably refuse access, to any record that a person has a right to inspect or copy in terms of this section; or</p> <p>(b) to otherwise impede, interfere with, or attempt to frustrate, the reasonable exercise by any person of the rights set out in this section.</p>	
	Section 56	<p>(7) A company that falls within the meaning of “regulated company” as set out in section 117(1)(i) must—</p> <p>(a) establish and maintain a register of the disclosures made in terms of this</p>	A person on whose behalf the registered shareholder holds securities

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		<p>section; and</p> <p><i>(b)</i> publish in its annual financial statements, if it is required to have such statements audited in terms of section 30(2), a list of the persons who hold beneficial interests equal to or in excess of 5% of the total number of securities of that class issued by the company, together with the extent of those beneficial interests.</p>	
	Section 93	<p>93. (1) The auditor of a company—</p> <p><i>(a)</i> has the right of access at all times to the accounting records and all books and documents of the company, and is entitled to require from the directors or prescribed officers of the company any information and explanations necessary for the performance of the auditor's duties;</p> <p><i>(b)</i> in the case of the auditor of a holding company, has the right of access to all current and former financial statements of any subsidiary of that holding company and is entitled to require from the directors or officers of the holding company or subsidiary any information and explanations in connection with any such statements and in connection with the accounting records, books and documents of the subsidiary as necessary for the performance of the auditor's duties; and</p> <p><i>(c)</i> is entitled to—</p> <p><i>(i)</i> attend any general shareholders meeting;</p>	Auditor

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		<p>(ii) receive all notices of and other communications relating to any general shareholders meeting; and</p> <p>(iii) be heard at any general shareholders meeting contemplated in this paragraph on any part of the business of the meeting that concerns the auditor's duties or functions</p>	
	Section 28	<p>28. (1) A company must keep accurate and complete accounting records in one of the official languages of the Republic—</p> <p>(a) as necessary to enable the company to satisfy its obligations in terms of this Act or any other law with respect to the preparation of financial statements; and</p> <p>(b) including any prescribed accounting records, which must be kept in the prescribed manner and form.</p> <p>(2) A company's accounting records must be kept at, or be accessible from, the registered office of the company.</p>	Directors of a company
<p>Unemployment Insurance Act 63 of 2001</p> <p>Financial Intelligence Centre</p>	<p>Section 56</p> <p>Act 38 of 2001</p>	<p>(1) Every employer must, as soon as it commences activities as an employer provide information regarding its employees to the commissioner.</p> <p>(a) The objective of the Act is to combat money laundering activities and in this regard impose certain duties on institutions and other persons who might be used for money laundering purposes; (b) In terms of section 22 banks and insurance companies</p>	<p>Unemployment Insurance Commissioner</p> <p>Financial Intelligence</p>

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		<p>shall keep the following information relating to the clients with whom they conclude transactions or with whom they have established a business relationship:</p> <p>The identity of the client:</p> <p>(1) Where the client is acting on behalf of another person:</p> <p>(1.1) the identity of that other person;</p> <p>(1.2) the client's authority to establish the business relationship or to conclude the single transaction on behalf of that other person;</p> <p>(2) If another person is acting on behalf of the client:</p> <p>(2.1) the identity of that other person;</p> <p>(2.2) that other person's authority to act on behalf of the client;</p> <p>(2.3) the manner in which the identity of the client or the other person was established;</p> <p>(3) In the case of a transaction:</p> <p>(3.1) the amount involved;</p> <p>(3.2) the parties involved;</p> <p>(4) All accounts that are involved in:</p> <p>(4.1) transactions concluded by that bank or insurance company in the course of that business relationship; and</p> <p>(4.2) that single transaction:</p>	

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		<p>(4.2.1) the name of the person who obtained the information on behalf of the bank or insurance company;</p> <p>(4.2.2) any document or copy of a document obtained by the bank or insurance company in order to verify a person's identity;</p> <p>(c) The records to be kept in terms of section 22 shall be kept for at least five years from the date on which the business relationship is terminated and five years from the date on which the transaction is concluded.</p>	
Securities Services Act 36 of 2004	Section 15	<p>(1)(a) An exchange may require an issuer of listed securities to disclose about those securities, or about the affairs of the issuer, if such disclosure is necessary to achieve one or more of the objects to the Act.</p> <p>(b) The exchange may require the issuer to disclose that information to the registered holders of the securities, within a period specified by the exchange.</p> <p>(c) Section 89 provides that a regulated person shall keep such accounting records in one of the official languages of the Republic as may be prescribed, preserve such records in a safe place for a period of at least five years as from the date of the latest entry therein; and cause such records to be audited, not later than three months after the financial year end of such regulated person, by an auditor whose appointment has been approved by the Registrar.</p> <p>(d) Section 93 provides that the Registrar may require a regulated person to transmit to the Registrar any document or information at that regulated person's disposal</p>	President of the stock exchange and Registrar of the stock exchange

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		and relating to the person's affairs which the Registrar may reasonably require and that of the regulated person shall comply with the Requirements of the Registrar to his satisfaction within the relevant period or within such further period as the Registrar may allow.	
Value Added Tax	Act 89 of 1991 Sections 55 and 57A	<p>(a) The Act provides for taxation in respect of the supply of goods and services and the importation of goods and matters connected therewith.</p> <p>(b) Section 55 provides that every vendor shall keep such books of accounts or other records as may enable him to observe the requirements of the Act and enable the Commissioner to satisfy himself that the vendor has observed such requirements and every vendor shall, in particular keep the following records and documents:</p> <p>(1) a record of all goods and services supplied by or to the vendor showing the goods and services, the rate of tax applicable to the supply and the suppliers or their agents, in sufficient detail to enable the goods and services, the rate of tax, the suppliers or the agents to be readily identified by the Commissioner and all invoices, tax invoices, credit notes, debit notes, bank statements, deposit slips, stock lists and paid cheques relating thereto: provided that a vendor's records do not have to show the rate of tax where the vendor has been authorised by the Commissioner to calculate the tax payable by him in accordance with a method prescribed by regulation, as contemplated in section 16(1);</p> <p>(2) a record of all importation of goods and documents relating thereto as</p>	Commissioner for SARS

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		<p>contemplated in section 16(2)(d);</p> <p>(3) the charts and codes of account, the accounting instruction manuals and the system and programme documentation which describe the accounting system used in each tax period in the supply of goods and services;</p> <p>(4) any list required to be prepared in accordance with section 15(9); and</p> <p>(5) any documentary proof required to be obtained and retained in accordance with section 11(3).</p> <p>(c) Section 57A provides that the Commissioner or any officer may require a vendor or any other person to furnish such information, documents or things as the Commissioner or such officer may require (to inspect, audit, examine or obtain).</p>	
Skills Development Levies	Act 9 of 1999	<p>(a) The Act provides for the imposition of a skills development levy and for matters connected therewith.</p> <p>(b) The Act contemplates that an employer shall keep records and/or information to which the Act relates. In the case of any employer, these records and/or information would appear to be those relating to registration for payment of the levy imposed by the Act and the payment of the levy.</p> <p>(c) The Act would not appear to require banks and insurance companies to keep any specific records.</p>	Inspectors
The Usury Act	Act 79 of 1968 Sections 3 and 10	(a) The Act provides for the limitation and disclosure of finance charges levied in respect of money lending transactions and for matters incidental thereto.	Credit receiver

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		<p>(b) Section 3(1) provides that a moneylender carrying on the business of money lending or his authorised representative shall, on demand before the conclusion of any money lending transaction in connection with which finance charges are or will be payable, furnish separately, distinctly and in writing to the prospective borrower, and, whether or not any such demand is made, shall set out separately and distinctly in every instrument of debt executed in respect of any such transaction, in so far as the same may be known and determinable, the following particulars:</p> <p>(1) the cash amount in money actually received by or on behalf of the borrower or which will be received by or on behalf of the borrower or prospective borrower;</p> <p>(2) all other charges, shown separately, forming part or which will form part of the principal debt;</p> <p>(3) the principal debt, that is, the sum of the amounts referred to in paragraphs (a) and (b) of this subsection;</p> <p>(4) the amount in rand and cents of the finance charges calculated at the annual finance charge rate mentioned in paragraph (e) of this subsection;</p> <p>(5) the annual finance charge rate; and</p> <p>(6) as the case may be, the date upon which or the number of instalments in which the principal debt together with the finance charges must be paid, the amount of each instalment and the date upon which each instalment must be paid or the manner in which that date is determined.</p>	

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		<p>(c) Section 3(2A) provides that a lessor who transacts leasing transactions in the normal course of his business or his authorised representative shall, on demand before the conclusion of any leasing transaction, furnish separately, distinctly, and in writing to the prospective lessee and, whether or not any such demand is made, shall set out separately and distinctly in every instrument of debt executed in connection with any such transaction, the following particulars:</p> <p>(1) the cash price at which the movable property leased or to be leased is normally sold by the lessor on the date on which such transaction is concluded, or where the lessor is not a trader normally selling any such movable property, the market value of such movable property or, when applicable, the money value determined in terms of section 6K in respect of such movable property;</p> <p>(2) the cash amount in money or the reasonable value of property deducted or to be deducted at the conclusion of the transaction from the cash price, market value or money value referred to above;</p> <p>(3) the present value of the book value of the lease property deducted or to be deducted at the conclusion of the transaction from the cash price, market value or money value referred to above;</p> <p>(4) the book value of the lease property;</p> <p>(5) in so far as the same is known and determinable:</p> <p>(5.1) all other charges forming part or which will form part of the principal debt;</p>	

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		<p>(5.2) the principal debt, that is, the sum of the amounts referred to above less the sum of the amounts referred to above;</p> <p>(5.3) the amount in rand and cents of the finance charges calculated at the annual finance charge rate stated above;</p> <p>(5.4) the annual finance charge rate;</p> <p>(5.5) the date with effect from which finance charges are to be paid by the lessee;</p> <p>and</p> <p>(5.6) as the case may be, the date upon which or the number of instalments in which the principal debt together with the finance charges must be paid, the amount of each instalment and the due date of each instalment or the manner in which the date is determined.</p> <p>(d) Section 10 provides that a credit grantor or lessor shall furnish a credit receiver or lessee with a copy of an instrument of debt which must contain certain information.</p>	
Income Tax	Act 58 of 1962 Sections 70, 71 and 73B	<p>(a) The act consolidates the law relating to the taxation of incomes and donations and matters related thereto.</p> <p>(b) Section 70 provides that where, during any period of twelve months ending on the last day of February in any year, any interest has become due by any company upon or in respect of debentures, debenture stock, loans or advances, the company shall, within 30 days after the end of such period or within such further period as the Commissioner may allow, furnish the Commissioner with a return giving:</p>	Commissioner for South African Revenue Service

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		<p>(1) the full name and address; and</p> <p>(2) in the case of:</p> <p>(2.1) any natural person, his or her identification number: provided that where he or she is not in possession of a South African identity document, any other form of identification; or</p> <p>(2.2) any person other than a natural person, the registration number;</p> <p>(2.3) of each person to whom such interest became due and the amount of such interest.</p> <p>(c) Section 71 provides that every bank carrying on business in the Republic or company dealing in or negotiating bearer warrants shall keep a record of all payments in respect of interest or dividends made to any person by means of bearer warrants and shall in such manner and form and at such times as may be prescribed or as the Commissioner may require, furnish particulars of such payments.</p> <p>(d) Section 73B provides that a person shall retain all records required to determine the taxable capital gain or assessed capital loss of that person for a period of four years from the date on which the return for that year of assessment was received by the Commissioner.</p>	
FAIS Act 37 of 2002	Section 21(3)	The authorised FSP must maintain records in respect of money and assets held on behalf of clients and must in addition to and simultaneously with the financial statements submit to the Registrar a report by the auditors.	Registrar

