

## SECTION 51 MANUAL FOR 36ONE ASSET MANAGEMENT (PTY) LTD

### A. INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, 36ONE Asset Management is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act. It is important to note that the Act recognises certain limitations to the right of access to information, 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.

### B. CONTACT DETAILS AND GENERAL INFORMATION

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### C. GUIDE OF SOUTH AFRICA HUMAN RIGHTS COMMISSION

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at:

29 Princess of Wales Terrace  
Cnr York and St. Andrews Street  
Parktown

and on its website at [http://www.justice.gov.za/forms/form\\_paia.htm](http://www.justice.gov.za/forms/form_paia.htm).

## **D. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**

A requester may also request information that is available in terms of other legislation.:

- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Securities Services Act 36 of 2004
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

## **E. SUBJECTS AND CATEGORIES ON WHICH RECORDS ARE HELD**

### **1. COMPANIES ACT RECORDS**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/auditor/ secretary/public officer and other officers
- Share Register and other statutory registers

### **2. FINANCIAL RECORDS**

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices
- Client Identification

### **3. INCOME TAX RECORDS**

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

#### 4. PERSONNEL DOCUMENTS AND RECORDS

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

## F. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

- The requester must complete Form 2, available at <https://infoeregulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>, and submit this form together with a request fee, to the head of the private body.
- The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address
- The form must:
  - provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester
  - indicate which form of access is required
  - specify a postal address or fax number of the requester in the Republic
  - identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right
  - if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner
  - if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body