

THE PROMOTION OF ACCESS TO INFORMATION

Act 2 Of 2000 Section 51 Manual

Version: 1.5



Effective Date: 01/07/2024

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1. Introduction

Section 32 of the Constitution of South Africa provides that everyone has the right to access any information held by the State and any information that is held by another person that is required for the exercise or protection of any rights, except where the Act expressly provides that the information must not or need not be released.

It also prescribes that national legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the State. In the event that a request is made the said person/body must release such information speedily, inexpensively and effortlessly as reasonably possible.

2. Purpose of the Manual

The purpose of the manual in general is to promote transparency, accountability and effective governance. In more simple terms, granting the people of South Africa access to information enables them to exercise their rights as enshrined in the Constitution.

3. Contact Details of the Company

The following details may be used to obtain information in accordance with the Act:

Chief Executive	Tumi Nkosi
Information Officer	Maureen Pieterse
Phone	087 702 9710
Email	info@vulindlelafs.co.za
Website	www.vulindlelafs.co.za
Street Address	985 Casa da Campo Street, Copperleaf Golf Estate, Centurion 0157

4. Contact Details of The Human Rights Commission

A guide containing the description of the Act, contact details and particulars of all the public bodies, remedies available in law regarding breach of any provisions of the Act and the manner in which information may be accessed may be requested from the South African Human Rights Commission (SAHRC).

Postal Address	:	Private Bag X2700, Houghton, 2041
Phone	:	+27 11 484 8300
Fax	:	+27 11 484 1360
Email	:	PAIA@sahrc.org.za
Website	:	www.sahrc.org.za

5. Who May Request Information

In terms of section 50(1) of the act any person may request information from Vulindlela Financial Services (Pty) Ltd) provided that:

The record is required for the exercise or protection of any rights. That the person complies with the procedural requirements in this Act relating to a request for access to that record.

Access to that record is not refused in terms of any ground for refusal.
There are two types of Requesters:

Personal Requester

Personal Requester is a Requester who is seeking access to a record containing personal information about the Requester. Vulindlela Financial Services will voluntarily provide the requested information or give access to any record with regard to the Requester's personal information.

Other Requester

This Requester (other than a personal Requester) is entitled to request access to information on third parties. However, Vulindlela Financial Services is not obliged to voluntarily grant access. The Requester must fulfil the prerequisite requirements for access in terms of the Act.

6. Records That May Be Requested

The following records may be requested:

Personnel Records

- Records include but are not limited to the following:
- Personnel records provided to Vulindlela Financial Services by their personnel
- Records a third party has provided about any of Vulindlela Financial Services personnel
- Conditions of employment and other contractual and quasi-legal documents
- Internal evaluation records

Company Records

- Records include but are not limited to the following:
- Annual Financial Statements
- Product, information, policy documents and terms and conditions
- Marketing
- Newsletters/Databases
- Information technology
- Internal policies and procedures
- Operational information (sales, customer care and claims)
- Statutory records

Client Records

- Records which contain information of clients that receive a service from Vulindlela Financial Services
- Any records a client has provided to a third party acting for or on behalf of Vulindlela Financial Services
- Any records a third party has provided to Vulindlela Financial Services
- Records generated by or within Vulindlela Financial Services pertaining to its clients

Other Party Records

Records include but are not limited to suppliers and service providers.

7. Access Procedure

- The request must be received in the prescribed format by completing the attached form marked Annexure A. In terms of the Act, the Requester must 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.
- If the Requestor is acting on behalf of another person, the capacity in what the Requestor is acting as well as proof of thereof must be attached.

Vulindlela Financial Services will process the request within thirty (30) days, unless the Requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with. The Requester shall be informed whether access has been granted or denied in writing. 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.

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

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

8. Prescribed Fees

In terms of the Act, a prescribed fee may be levied for any requests to access of any records. The request fee is not applicable to personal requests i.e. records containing personal information that concerns the Requestor.

An access fee is payable by all Requestors when access is granted. The purpose of this fee is to reimburse the private body for the costs involved in searching for the record and preparing it for delivery to the Requestor.

Prescribed fees for public bodies can be accessed on www.justice.gov.za/PAIA

9. Records That Cannot Be Found or Does Not Exist

In the event that a record is requested and could not be found section 55 of the act stipulates that, if:

- all reasonable steps have been taken to find a record requested; and
- there are reasonable grounds for believing that the record; is in the private body's possession but cannot be found; or
- does not exist;

The head of a private body must, by way of affidavit or affirmation, notify the Requester that it is not possible to give access to that record.

If the document cannot be found it is deemed to be a refusal of the request. If, however, the record is later found, the Requestor must be given access if the request would otherwise have been granted.

10. Decision on Request

On receipt of a request, the private body to which the request is made must decide in accordance with the Act to grant the request and notify the Requestor of the decision and must state:

- the access fee (if any) to be paid upon access
- the form in which access will be given; and
- that the Requester may lodge an application with a court against the access fee

Should the request be refused the private body in question must:

- State adequate reasons for the refusal, including the provisions of this Act relied on.
- Exclude, from any such reasons, any reference to the content of the record; and
- State that the Requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

11. Grounds for Refusal

Vulindlela Financial Services reserves its right to refuse and or grant access to records in accordance with the sections and subsections of Chapter 4 of the Act.

Grounds for refusal of access of records for the following reasons:

- Mandatory protection of privacy of third party who is natural person;
- Mandatory protection of certain records of South African Revenue Service;
- Mandatory protection of commercial information of third party;
- Mandatory protection of certain confidential information, and protection of certain other confidential information, of third party;
- Mandatory protection of safety of individuals, and protection of property;
- Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings;
- Mandatory protection of records privileged from production in legal proceedings;
- Defence, security and international relations of Republic;
- Economic interests and financial welfare of Republic and commercial activities of public bodies;
- Mandatory protection of research information of third party, and protection of research information of public body;
- Operations of public bodies;
- Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources
- Mandatory disclosure in public interest;
- Trade secrets of the company and the third party;
- Information disclosed in confidence by a third party to the company;
- Financial, commercial, scientific or technical, the disclosure of which could harm the financial or commercial interests of the company or third party;
- Computer programs and related information technology software owned by Vulindlela Financial Services and protected by copyright;
- Any research information accumulated by Vulindlela Financial Services or a third party that would place the research at a serious disadvantage.

12. Third Party Notification and Intervention

If the request is for a record pertaining to third parties, the Information Officer must take all reasonable steps to notify the relevant third party of the request. This must be done within twenty-one (21) days of receipt of the request. The third party may within twenty-one (21) days thereafter either makes representation to One as to why the request should be refused; alternatively grant written consent to the disclosure of the record.

13. Right of Appeal

A Requestor that is dissatisfied with the Information Officer's refusal to grant access to any information may, within thirty 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 thirty (30) days of notification of the decision, apply to court for relief.

14. Availability of the Manual

The free download of this manual is available on at www.vulindlelafs.co.za or alternatively via email request at info@vulindlelafs.co.za

15. Disclaimer:

The manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act.

ANNEXURE A

REQUEST FOR ACCESS TO A RECORD OF PRIVATE BODY
 (Section 53(1) of the Promotion of Access to Information Act, 2 of 2000)

The Information Officer- Maureen Pieterse
 Vulindlela Financial Services
 1048 Butterworth Street
 Little Falls
 Roodepoort
 1735

1. Particulars of person requesting access to the record

Full Names and Surname	
Identification Number	
Postal Address	
Postal Code	
Fax Number	
Telephone Number	
Email	
Capacity in which request is made, when made on behalf of another person	

(Proof of the capacity in which the request is made, if applicable, must be attached.)

2. 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	
Identification Number	

3. 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.

Reference number (if available)	
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Compliance with your request in the specified form may depend on the form in which the record is available. 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. The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Tick the appropriate box

1. If the record is in written or printed form -					
<input type="checkbox"/>	copy of record*		<input type="checkbox"/>	inspection of record	
2. If the record consists of visual images - (this includes photographs, slides, video recordings, computer generated images, sketches, etc.)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images	<input type="checkbox"/>	* transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound -					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)		<input type="checkbox"/>	transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	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

6. 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 record requested is required for the exercise or protection of the said right

7. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved or denied. If you wish to be advised 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

_____ on this _____ day of _____ 20_____

.....
SIGNATURE OF Requester / PERSON ON BEHALF OF Requester

This policy has been approved by the Board of Directors and will be reviewed annually.