



Part of RMI  
Investment Managers

## Promotion of Access to Information Act Manual

*In terms of Section 51 of the Promotion of Access to Information Act, no 2 of 2002*

March 2017

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## 1. Information under Section 51 (1)(a) of the Act

Registered Company Name	Granate Asset Management (PTY) LTD
Company Registration Number	2015/090537/07
Company registered address	2 Merchant Place, 3 <sup>rd</sup> Floor, Corner Fredman Drive and Rivonia Road, Sandton, 2196
Company business address	2 Merchant Place, 3 <sup>rd</sup> Floor, Corner Fredman Drive and Rivonia Road, Sandton, 2196
Company postal address	PO Box 786273, Sandton, Gauteng, 2146
Telephone number	011 282 8074
Fax number	011 282 4210
Shareholders details	RMI Investment Managers Affiliates 2
Company officer	Chris Meyer
Chief Executive Officer	Chris Meyer
Chief Operating Officer	Andre Rousseau
Company secretary	Schalk Human

## 2. Description of PAIA guide referred to in Section 10: Section 51(1)(b)

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 Braampark forum 3, 33 Hoof Street, Braamfontein, and on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

The Guide describes in each official language:

- what the objects of the Act are;
- the details of each private body (where possible);
- the process that needs to be followed in order to make a request;
- how to get copies of the Guide at no charge;
- how to get access to the manual of a private body; and
- all the remedies available in law to you.

The Guide will be printed in each official language in the Government Gazette.

Please direct queries to:

### **The South African Human Rights Commission:**

PAIA Unit - The Research and Documentation Department

Postal address: Private Bag 2700 HOUGHTON 2041

Telephone: +27 (0)11 877 3600

Fax: +27 (0)11 403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

For your convenience and information, some extracts of the Guide are summarised below. Note that these extracts are abridged and do not purport to be a full or accurate copy. Please refer to the original guide.

## PAIA GUIDE ABRIDGED EXTRACTS

### INTRODUCTION

Section 32(1)(a) of the Constitution of the Republic of South Africa Act, No 108 of 1996 provides that everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights.

#### 1. The Promotion of Access to Information Act

The Promotion of Access to Information Act, No.2 of 2000 (hereinafter referred to as "PAIA") is the national legislation which was enacted to give effect to the constitutional right of access to information. PAIA came into operation on 9 March 2001, with the exception of sections 10, 14, 15 and 51, which came into operation on 15 February 2002.

#### 2. The role and responsibility of the South African Human Rights Commission

As a national institution responsible for protecting, promoting and monitoring the enjoyment of human rights, the Commission is obliged to assist where reasonably possible any person who wishes to exercise a right in terms of PAIA.

### ACCESS TO INFORMATION

PAIA gives all South Africans the right to have access to records held by the state, government institutions and private bodies.

#### 1. The following are the objectives which PAIA seeks to achieve:

To ensure that the state takes part in promoting a human rights culture and social justice;

To encourage openness and to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner as reasonably possible;

To promote transparency, accountability and effective governance of all public and private bodies, by empowering and educating everyone to understand their rights in terms of PAIA so that they are able to exercise their rights in relation to public and private bodies, to understand the functions and operation of public bodies, and

To effectively scrutinise, and participate in decision making by public bodies that affects their rights.

#### 2. The Guide distribution centres

The Guide is available in each official language free of charge for public inspection during office hours at various places mentioned below.

Any person may request to have a copy of the Guide. You have to pay only if you want to make copies. The fee payable is R0.60c per every photocopy of an A4 size or part thereof.

#### 3. Copies of the Guide are available at the following places:

At the office of the head of the national department responsible for government communication: Government Communications and Information Services (GCTS);

At the following places of legal deposit as defined in section 6 of the Legal Deposit Act of 1997 (Act No. 54 of 1997):

- Library of Parliament, Cape Town;
- The South African Library, Cape Town;
- Natal Society Library, Pietermaritzburg;
- The State Library in Pretoria;
- City Library Services , Bloemfontein;
- The National Film, Video and Sound Archives, Pretoria;
- Any other library or institution prescribed by the Minister of Justice and Constitutional Development for the purposes of certain prescribed categories of documents; and
- Every tertiary education institutions established by or under any law.

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

- Office of information officers of public bodies;
- All offices of public bodies;
- All Magistrates' offices;
- All offices of the Department of Justice and Constitutional Development;
- All post offices; and
- In the Government Gazette.

The Guide is also available at all offices and on the website of the South African Human Rights Commission, ([www.sahrc.org](http://www.sahrc.org)).

## THE MANUALS

The manuals are produced by all public bodies as well as private bodies and contain information on how to use PAIA to access the records of public and private bodies. If you want to know about the records that are held by a private body or public body you simply ask for their information manual.

## HOW TO MAKE A REQUEST FOR ACCESS TO INFORMATION

A request for access to a record is made by completing a request form called Form C for private bodies. The request form must be completed and submitted to the information officer of the public body or head of the private body from whom access to a record is sought.

The information officer must respond to the request within 30 days.

The forms are available from the offices and website of the South African Human Right Commission at [www.sahrc.org.za](http://www.sahrc.org.za).

### 1. Manner of request

A requester has a right of access to a record of a private body and must be given access to a record of a public body or private body if the requester complies with the following procedural requirements:

That the request is made on the request form to the information officer of the public body or head of a private body; That the completed request form is faced or electronically mailed or hand delivered to the information officer of the private body concerned; and

That access to the requested record is not refused in terms of any of the grounds for refusal under PAIA.

## 2. How to fill the request form -

The request must be made to the information officer or head of the private body at their address, fax number or electronic mail address.

In the request form, the requester is required to provide the following information:

- Sufficient particulars to identify the requester;
- Sufficient particulars to identify the record, including the reference number, if that is known to the requester;
- Clearly indicate the form of access or nature of the record in which the record should be provided;
- The postal address or fax number of the requester in the Republic;
- State the manner in which the requester would like to be informed about the decision on the request;
- If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request; and
- In the case of a private body, the requester must state the right that is to be exercised or protected and why the record requested is required for the exercise or protection of such right.

## 3. Who can make a request for access to record?

A requester may make a request for access to records of a private or public body. The requester's right to a record of a private or public body includes a right of access to a record containing personal information about the requester, or a person on whose behalf the request is made.

## 4. Costs of requests - private bodies

The head of a private body to whom the request is made will notify you in writing to pay the prescribed request fee, if any, before processing the request. If you require access to records of your personal information, you do not have to pay a request fee.

If the request for access is refused, the notice must state the adequate reasons for the refusal, including the provisions of PAIA relied upon. The notice must also state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request and must indicate the procedure and the period, for lodging the internal appeal or application, as the case may be.

## 5. Legal remedies

You have a right to take further legal steps if the information officer refuses you access to a record you have requested and you had complied with all the requirements of the Act in making the request.

## **WHEN ACCESS TO INFORMATION MAY BE REFUSED**

PAIA balances the requester's constitutional right to information against the information officer's or a head of a private body's right to refuse access to information, if granting the information would harm the public or private body in question on any of the grounds mentioned below.

### 1. Grounds for refusal of access to records of a private body

The information contained in this section is a summary of the grounds upon which a private body is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a requester with clarity as to the reasons why a request may be refused by the private body. The list is a summary of the grounds contained in Part 3, Chapter 4 of PAIA, and is by no means exhaustive.

## 2. Mandatory protection of privacy of a third party who is a natural person

The head of a private body must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. However, a record may not be refused if it consists of information;

- About an individual who has consented in writing to the disclosure of the information;
- Already publicly available;
- About an individual who is deceased and the requester is the individual next of kin, or is making the request with the written consent of the individual's next of kin; and
- About an individual who is or was an official of a private body, and the information relates to the position or functions of the individual.

## 3. Mandatory protection of commercial information of a third party

The head of a private body must refuse a request for access to a record of that private body if the information contains:

- trade secrets of a third party;
- financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would likely to cause harm to the commercial or financial interests of that third party; and
- information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

However, a record may not be refused if it consists of information about a third party who has already consented in writing, to its disclosure to the requester.

## 4. Mandatory protection of certain confidential information of a third party

The head of a private body must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

## 5. Mandatory protection of records privileged from production in legal proceedings

The head of a private body must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

## 6. Commercial information of a private body

The head of a private body may refuse a request for access to a record of that body if the record:

- contains trade secrets of the private body;
- contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely to cause harm to the commercial or financial interests of that body;
- contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations;
- or prejudice the body in commercial competition; and
- is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the

private body, unless it is required to give access to a record in terms of PAIA.

#### 7. Mandatory protection of research information of a third party, and protection of research information of a private body

The head of a private body must refuse a request for access to a record of that body, if the record contains information about research being carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to expose the third party or the person carrying out the research or will be carrying out the research on behalf of the third party, or the subject matter of the research, to a serious disadvantage.

The head of a private body may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed, it would likely to expose the private body or the person carrying out the research or will be carrying out the research on behalf of the private body, or the subject matter of the research to a serious disadvantage.

#### 8. Mandatory disclosure in the public interest

Despite the above listed grounds for refusal, the head of a private body must grant a request for access to a record of that body if the disclosure thereof would reveal evidence of:

- a substantial contravention of, or failure to comply with the law; or
- an imminent and serious public safety or environmental risk; and
- the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.

### **3. The latest notice(s) in terms of Section 52(2)**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

### **4. Introduction to Granate Asset Management**

Granate Asset Management is a company registered in South Africa in accordance with the Companies Act, 71 of 2008. Its ultimate parent company is RMI Investment Managers Affiliates 2 (Reg. No 2015/138457/07), a non-operating holding company.

## 5. Contact details

Company registered address	2 Merchant Place, 3 <sup>rd</sup> Floor, Corner Fredman Drive and Rivonia Road, Sandton, 2196
Company business address	2 Merchant Place, 3 <sup>rd</sup> Floor, Corner Fredman Drive and Rivonia Road, Sandton, 2196
Company postal address	PO Box 786273, Sandton, Gauteng, 2146
Telephone number	011 282 8074
Facsimile number	011 282 4210

## 6. Details on how to make a request for access - Section 51(e)

The requester must complete Form C and submit this form together with a request fee, to the Chief Operating Officer of Granate Asset Management.

The form must:

- provide sufficient particulars to enable the Chief Operating Officer 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 is seeking to exercise or protect, and provide an explanation as to 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, state that manner and the necessary particulars to be informed in the other manner.

If the request is made on behalf of another person, submit written and adequate proof of the capacity in which the requester is making the request.

Once complete, the request must be addressed and mailed

to: The Chief Operating Officer  
Granate Asset Management  
PO Box 786273  
Sandton  
2146

## 7. Records available in terms of other legislation: Section 51(1)(d)

All records that can be accessed without the submission of a formal request (i.e. a formal request as defined by the Promotion of Access to Information Act) can be accessed by contacting our Chief Operating Officer. Additionally, we are required to ensure that certain records are available in terms of other legislation, which is mentioned below:

- Basic Conditions of Employment Act 75 of 1997
- Collective Investment Schemes Control Act 45 of 2002
- Companies Act 71 of 2008

- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Affairs (Unfair Business Practices) Act 71 of 1988
- Consumer Protection Act No. 68 of 2008
- Credit Agreements Act 75 of 1980
- Currency and Exchanges Act 9 of 1933
- Debtor Collectors Act 114 of 1998
- Electronic Communications Act No. 36 of 2005
- Employment Equity Act No. 55 of 1998
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Institutions (Protection of Funds) Act No. 28 of 2001
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Act No. 19 of 2012
- Financial Services Board Act No.97 of 1990
- Income Tax Act No. 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Prevention of Organised Crime Act No. 121 of 1998
- Promotion of Access to Information Act No. 2 of 2002
- Protection of Personal Information Act No. 4 of 2013
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Contributions Act No.4 of 2002
- Value Added Tax Act No. 89 of 1991

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact our Chief Operating Officer.

## **8. Subjects and categories of records held by Granate Asset Management - Section 51(1)(e)**

We set out below the subjects/categories and some examples of the records that are held by Granate Asset Management and which may be the subject of a request for the purpose of the Act. Please note that our records can be found in various forms including electronic or paper.

- a. COMPANIES ACT RECORDS
- b. REVENUE RECORDS
- c. HUMAN RESOURCE DOCUMENTS AND RECORDS
- d. BUSINESS & OPERATIONAL RECORDS
- e. TECHNOLOGY RECORDS
- f. MARKETING AND CUSTOMER RELATIONS RECORDS
- g. COMPLIANCE RECORDS

## 9. Categories of information publicly available

We list hereunder categories of information that are already publicly available without you have to request access in terms of the Act:

- Group (shareholder) annual financial statements
- Group (shareholder) interim audited report
- Press announcements
- Marketing / product material
- Information on the Granate Asset Management website (when such website is activated)

## 10. Availability of the PAIA manual

A copy of this manual may be inspected at the offices of Granate Asset Management, free of charge. Copies are also available from the South African Human Rights Commission.

## 11. FORM C AND FEES

The prescribed Form C is annexed to this manual as Annexure A.

The fees pamphlet is available on request.

Signed at \_\_\_\_\_ on \_\_\_\_\_ 20\_\_

\_\_\_\_\_

For and on behalf of [\*], duly authorised hereto.

## ANNEXURE A

### FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(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:

#### B. Particulars of person requesting access to the record

- |     |   |
|-----|---|
| (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.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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.<br>The requester must sign all the 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**

- (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.

Reason for exemption from payment of fees:

**F. Form of access to 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) 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.	

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

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 \_\_\_\_\_ on \_\_\_\_\_ 20\_\_

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_