



PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

DATE OF COMPILATION: 2014

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE CAPE INVESTMENT ADVISORS

3.1. Chief Information Officer

Name: Hubert Feris
Tel: 021 949 3665
Email: bertie@capeinvest.co.za

3.2. Deputy Information Officer

Name: Tarryn Anderson
Tel: 0219493556
Email: tarryn@capeinvest.co.za

3.3 Access to information general contacts

Email: bertie@capeinvest.co.za

3.4 National or Head Office

Postal Address:

PO Box 2296
Bellville
7535

Physical Address: Unit 9A Old Dutch Square
17 Old Paarl Rd
Bellville
7530

Telephone: 021 – 949 3556
Email: info@capeinvest.co.za
Website: <https://www.capeinvest.co.za/>

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily

comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

4.3.3. the manner and form of a request for-

4.3.3.1. access to a record of a public body contemplated in section 11³; and

4.3.3.2. access to a record of a private body contemplated in section 50⁴;

4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

Afrikaans and English

5. CATEGORIES OF RECORDS OF THE CAPE INVESTMENT ADVISORS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

NB: Please specify the categories of records held by the body which are available without a person having to request access by completing Form C, types of the records and how the records can be accessed. These are mostly records that maybe available on the website and a person may download or request telephonically or by sending an email or a letter.

(a) any matter which is required or permitted by this Act to be prescribed;
(b) any matter relating to the fees contemplated in sections 22 and 54;
(c) any notice required by this Act;
(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
(e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

Category of records	Types of the Record	Available on Website	Available upon request
Compliance Information	Manuals Registers Complaints procedure Financial Sector Conduct Authority Licence Client Advisory Records Disclosure Records		X
Statutory Records	Certificate of registration Member details Income tax registration Value added tax registration		X
Financial Records	Annual financial statements Banking details Insurance details Accounting records & ledgers		X
Human Resources Records	Payroll records Employment contracts Employment policies		X
Operational Information	Operational processes		X

6. DESCRIPTION OF THE RECORDS OF CAPE INVESTMENT ADVISORS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Applicable Legislation
Financial Advisory and Intermediary Services Act No. 37 of 2002
Financial Intelligence Centre Act No. 38 of 2001
Prevention of Organized Crime Act No. 121 of 1998
Promotion of Access to Information Act No. 2 of 2000
Financial Services Board Act No. 97 of 1990
Long Term Insurance Act No. 52 Of 1998
Short Term Insurance Act No. 53 of 1998
Collective Investments Schemes Control Act No. 45 of 2002
Participation Bonds Act No. 55 of 1981
Financial Institutions (Protection of Funds) Act No. 28 of 2001
Securities Services Act No. 36 of 2004
Medical Schemes Act No. 131 of 1998
Income Tax Act No. 58 of 1962
Estate Duty Act No. 45 of 1955
Pension Funds Act No. 24 of 1956
Tax on Retirement Funds Act No. 38 of 1996
Value Added Tax Act No. 89 of 1991
Wills Act No. 7 of 1953
Administration of Estates Act No. 66 of 1965
Trust Property Control Act No. 57 of 1998
Insolvency Act No.24 of 1936
Credit Agreements Act No. 75 of 1980
SA Reserve Bank Act No. 90 of 1989

Transfer Duty Act No. 40 of 1949
Stamp Duties Act No. 77 of 1968
Customs and Excise Duty Act No. 91 of 1964
Companies Act No. 61 of 1973
Insider Trading Act No. 135 of 1998
Close Corporations Act No. 69 of 1984
Matrimonial Property Act No. 88 of 1984
Divorce Act No. 70 of 1979
Skills Development Act No. 97 of 1998
Skills Development Levies Act No. 9 of 1999
Unemployment Insurance Act No. 63 of 2001
Unemployment Insurance Contributions Act No. 4 of 2002
Unsertificated Securities Tax Act No. 31 of 1998
Stock Exchange Control Act No. 1 of 1985
Marketable Securities Tax Act No. 32 of 1948
Labour Relations Act No. 66 of 1995
Employment Equity Act No. 55 of 1998
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Occupational Health & Safety Act No. 85 of 1993
Road Accident Fund Act No. 56 of 1996
Friendly Societies Act No. 25 of 1956
Basic Conditions of Employment Act No. 75 of 1997
Regional Services Council Act No. 109 of 1985
Harmful Business Practices Act No. 23 of 1999
Black Economic Empowerment
The Constitution

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE CAPE INVESTMENT ADVISORS

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	- HR policies and procedures - Advertised posts - Employees records

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

- Use their personal information to provide the client with appropriate financial services.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Name, Last name, Identity number, Driver's license number, Passport number, Birth certificate number, Date of birth (not age), Age (not date of birth), Gender, Nationality, Photographs Marital status, Education records, student grades and evaluations, etc. Home / residential address, First name of children under 18 years of age, Last name of children under 18 years of age, Birth information of children under 18 years of age, Identity number of children under 18 years of age, E-mail address, Home postal address, Home telephone number, Personal cellular, mobile or wireless number, Business e-mail address, Business postal address, Business telephone number, Business cellular, mobile or wireless number	Product Providers
Name, Last name, Identity number, Driver's license number, Passport number, Birth certificate number, Date of birth (not age), Age (not	Masthead (Pty) Ltd

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
date of birth), Gender, Nationality, Photographs Marital status, Education records, student grades and evaluations, etc. Home / residential address, First name of children under 18 years of age, Last name of children under 18 years of age, Birth information of children under 18 years of age, Identity number of children under 18 years of age, E-mail address, Home postal address, Home telephone number, Personal cellular, mobile or wireless number, Business e-mail address, Business postal address, Business telephone number, Business cellular, mobile or wireless number	

8.4 Planned transborder flows of personal information.

- No transborder flows take place

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The nature of Cape Investment Advisors and the security safeguards to be implemented or under implementation to ensure the confidentiality and integrity of

the personal information under the care of the body. This, include Data Encryption; Anti-virus and Anti-malware Solutions.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on <https://www.capeinvest.co.za/> if any;

9.1.2 head office of the **CAPE INVESTMENT ADVISORS** for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of a **CAPE INVESTMENT ADVISORS** will on a regular basis update this manual.

Issued by

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