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**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT, 2 OF 2000 FOR F-WISE CAPITAL PROPRIETARY LIMITED  
(COMPANY REGISTRATION NUMBER 2011/002473/07) (“F-WISE”)**

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**DIRECTORS**

Warren Geers (Managing Director) | J J van Heerden | L M Jacobsz

Reg: 2011/002473/07 | Vat: 4210258432 | SFP No: 48564



## **INTRODUCTION:**

The Promotion of Access to Information Act, 2 of 2000 (“***the Act***”) gives effect to the Constitution of the Republic of South Africa, Act 108 of 1996, which provides for the right of access to information held by public and private bodies, when such information is requested for the exercise or protection of any rights.

The Act, amongst other things, sets out the requisite procedural requirements relating to a request for information and grounds for refusal of a request.

The Act recognises that the right to any information may be limited to the extent that such limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in the Constitution.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

## **CONTACT DETAILS OF INFORMATION AND DEPUTY INFORMATION**

### **OFFICERS:**

Name of Private Body	:	F-Wise Capital Proprietary Limited
Physical Address	:	First floor, 292 Surrey Avenue, Corner Harvey Avenue, Ferndale, Randburg
Postal Address	:	P O Box 3660, Randburg, 2125
Website Address	:	<a href="http://www.fwise.co.za">www.fwise.co.za</a>
Information Officer	:	Mr W Geers
Telephone Number	:	011 787 3666
Facsimile Number	:	011 787 3710
Electronic Mail	:	<a href="mailto:warren@fwise.co.za">warren@fwise.co.za</a>
Deputy Information Officer	:	Mr CAB Dakyns
Telephone Number	:	011 787 3666
Facsimile Number	:	011 787 3710
Electronic Mail	:	<a href="mailto:callum@fwise.co.za">callum@fwise.co.za</a>



### **INFORMATION REGULATOR'S GUIDE:**

1. A guide to assist a requester on how to exercise a right of access to information has been compiled. It contains information which would be reasonably required by any person wishing to exercise any right set out in the Act. The guide is available in all the official languages and may be requested from the Information Regulator, details of which are as follows:

The Information Regulator (South Africa)

JD House

27 Stiemans Street

Braamfontein

Telephone number: 010 023 5200

Website: [www.justice.gov.za/infoereg](http://www.justice.gov.za/infoereg)

Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

[infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

### **AUTOMATIC DISCLOSURE:**

2. F-Wise may, on a voluntary basis, make available a description of categories of records that are automatically available without a person having to request access in terms of the Act. These records include the following:
  - 2.1. All records of F-Wise lodged in terms of regulatory/legislative requirements with various statutory and/or regulatory bodies, which, by virtue of such lodgement, become public knowledge;
  - 2.2. Product Brochures; and
  - 2.3. All other information available on the F-Wise website at [www.F-Wise.co.za](http://www.F-Wise.co.za).

### **RECORDS WHICH MAY BE REQUESTED:**


3. A requester may request information that is available in terms of the following legislation (which is not meant to be an exhaustive list):
  - 3.1. Basic Conditions of Employment Act, 75 of 1997;
  - 3.2. Companies' Act, 61 of 1973;
  - 3.3. Companies' Act, 71 of 2008;



- 3.4. Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- 3.5. Electronic Communications Act, No. 36 of 2005;
- 3.6. Electronic Communications and Transactions Act, 25 of 2002;
- 3.7. Employment Equity Act, 55 of 1998;
- 3.8. Financial Intelligence Centre Act, 28 of 2001;
- 3.9. Financial Markets Act, 19 of 2012;
- 3.10. Labour Relations Act, 66 of 1995;
- 3.11. Pension Fund Act, 24 of 1956;
- 3.12. Regulation of Interception of Communication and Provision of Communications Act, 70 of 2002;
- 3.13. Skills Development Act, 9 of 1999;
- 3.14. Unemployment Insurance Act, 63 of 2001; and
- 3.15. Value Added Tax Act, 89 of 1991.


#### 4. **Corporate Records**

- 4.1. Documents of Incorporation;
- 4.2. Memorandum of Incorporation;
- 4.3. Minutes of meeting of the Board of Directors;
- 4.4. Minutes of meetings of Shareholders;
- 4.5. Register of directors' shareholdings;
- 4.6. Records relating to the appointment of:
  - 4.6.1. Directors;
  - 4.6.2. Auditors;
  - 4.6.3. Company secretary;
  - 4.6.4. Public Officer; and
  - 4.6.5. Any Prescribed Officer.

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- 4.7. Share Register and other statutory registers and/or records and/or related documents;
  - 4.8. Share certificates; and
  - 4.9. Licences and permits (if applicable).
- 5. Financial Records**
- 5.1. Accounting Records;
  - 5.2. Annual Financial Statements;
  - 5.3. Asset Registers;
  - 5.4. Banking details and bank accounts;
  - 5.5. Debtors / Creditors statements and invoices;
  - 5.6. General ledgers and subsidiary ledgers;
  - 5.7. Invoices;
  - 5.8. Rental Agreements; and
  - 5.9. Tax Returns.
- 6. Income Tax Records**
- 6.1. Pay-as-you-earn (PAYE) Records;
  - 6.2. Documents issued to employees for income tax purposes; and
  - 6.3. Records of payments made to South African Revenue Services on behalf of Employees.
- 7. All or any statutory or regulatory compliance**
- 7.1. Value Added Tax;
  - 7.2. Skills Development Levies;
  - 7.3. Unemployment Insurance Fund;
  - 7.4. Workman's Compensation; and
  - 7.5. Applicable JSE Rules.
- 8. Personnel Documents and Records**
- 8.1. Address Lists;
  - 8.2. Disciplinary Code and Records;



- 8.3. Employee benefits arrangements rules and records;
  - 8.4. Employment Contracts or Letters of Appointment;
  - 8.5. Employment Equity Plan (If applicable);
  - 8.6. Grievance Procedures;
  - 8.7. Internal Telephone Lists;
  - 8.8. Leave Records;
  - 8.9. Payroll reports/ Wage register; and
  - 8.10. Salary Records.
9. **Procurement**
- 9.1. Standard Terms and Conditions for supply of services and products;
  - 9.2. Contractor, client and supplier agreements; and
  - 9.3. Lists of suppliers, products, services and distribution.
10. **Legal and Compliance**
- 10.1. Agreements / General Contracts;
  - 10.2. Client Registration Forms;
  - 10.3. Litigation claims/Court documents and related records;
  - 10.4. Transport and vehicle records; and
  - 10.5. Records in terms of Financial Intelligence Centre Act 28 of 2001;
11. **Information security / Information technology**
- 11.1. Information usage policy documentation;
  - 11.2. Software licensing; and
  - 11.3. System documentation and manuals.
12. **Third Party records**
- 12.1. Records held by F-Wise relating to third parties, including, but not limited to, financial records, correspondence, contractual records, records provided by the other party, and records the third parties have provided about any contractors and / or suppliers; and

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- 12.2. Records held by F-Wise relating to contractors, subsidiary companies, joint venture companies, special purpose vehicles and service providers.

**PROCESSING OF PERSONAL INFORMATION:**

13. In certain circumstances, and as part of the business of F-Wise, F-Wise may collect and process clients' personal information as defined in the Protection of Personal Information Act, 4 of 2013 ("**POPI**"). The type of information will depend on the need for which it is collected and will be processed for that specific purpose only. F-Wise will inform a client what information it requires and the reasons therefor. Examples of personal information F-Wise collects includes, but is not limited to:
  - 13.1. A client's or employee's identifying number (such as identity number, registration number or passport number), name, surname, address, and postal code; and/or
  - 13.2. Description of a client's address, business and assets; and/or
  - 13.3. Financial information and banking details; and/or
  - 13.4. Any other information required by F-Wise in the conduct of its business.
14. A client's personal information will only be used for the purpose for which it was collected and agreed. This include:
  - 14.1. Providing services to clients and to implement contracts; and/or
  - 14.2. Conducting credit reference searches and/or verifications; and/or
  - 14.3. Confirming, verifying and updating client or employee details; and/or
  - 14.4. Detection and prevention of fraud, crime, money laundering or other malpractice; and/or
  - 14.5. For audit and record keeping purposes; and/or
  - 14.6. In connection with legal proceedings; and/or
  - 14.7. Providing communications in respect of F-Wise and regulatory matters that may affect clients; and/or
  - 14.8. In connection with, and to comply with, legal and regulatory requirements or when it is otherwise allowed by law.



## 15. Disclosure of personal information

- 15.1. F-Wise may disclose personal information to any of its subsidiaries, joint venture companies and/or approved third party service providers whose services or products clients elect to use. F-Wise will see to it that there are agreements in place to ensure that all parties concerned comply with confidentiality and privacy conditions.
- 15.2. F-Wise may also disclose clients' information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect its rights.

## 16. Safeguarding personal information

- 16.1. F-Wise will, continuously, review its security controls and processes to ensure that personal information remains secure. The following procedures are in place to protect personal information:
  - 16.1.1. The Information Officer is responsible for the compliance with the lawful processing of personal information;
  - 16.1.2. All employees (including new) are requested to acknowledge the provisions of POPI;
  - 16.1.3. All hard copies of documents are stored on site at the offices of F-Wise in a fireproof safe;
  - 16.1.4. In addition, all documents are stored electronically for back up purposes; and
  - 16.1.5. Only a select few employees have access to Personal Information. If not so authorised, access is automatically denied.

## 17. Categories of Recipients for Processing the Personal Information


- 17.1. F-Wise may supply the personal information to service providers who render the following services to F-Wise:
  - 17.1.1. Capturing and organising of data;
  - 17.1.2. Storing of data;
  - 17.1.3. Sending of emails and other correspondence to clients; and
  - 17.1.4. Conducting due diligence checks.






## **PROCEDURE FOR REQUEST FOR ACCESS**

18. The requester must comply, in full, with all the procedural requirements as set out in the Act and this Manual, relating to the request for access to a record. Failure to do so will result in the request being refused.
19. The requester must complete Form C (which can be accessed on the website of the Information Regulator under the link [https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf)), and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to the Deputy Information Officer at the postal or physical address, facsimile number or electronic mail address mentioned above.
20. The prescribed form must be completed with enough particularity so as to at least enable the Deputy Information Officer to identify:
  - 20.1. The records requested;
  - 20.2. The identity of the requester;
  - 20.3. Which form of access to the records is required, should the request be granted; and
  - 20.4. The postal address or facsimile number of the requester.
21. The requester must identify the nature of the right for which purposes access to the records is required. If the right is not clearly defined, the Information Officer may refuse access to the record requested.
22. The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner. If so, the requester must state the manner required with full particularity.
23. If the request is made on behalf of another person the requester must submit proof of the capacity in terms of which the requester is making the request to the reasonable satisfaction of the Information Officer.
24. Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit the request orally to the Deputy Information Officer.
25. Upon receipt of a request, the Deputy Information Officer shall inform the requester of the fees payable in respect of the request. The requester must pay the prescribed fee) before any processing can take place.

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26. F-Wise will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
  27. The 30 day period may be extended with a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of F-Wise, or the records are not located at the building of F-Wise, or consultations amongst divisions within F-Wise or another private body or third party are required.
  28. Should the request be granted, the written notice 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 the Information Regulator or Court against the access fee to be paid or the form of access granted.
  29. Should the request be refused, the written notice must state adequate reasons for the refusal, including the provisions of the Act relied upon.

**GROUNDS FOR REFUSAL OF ACCESS:**

30. The main grounds for F-Wise to refuse a request for information relates to:
  - 30.1. Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
  - 30.2. Protection of commercial information of a third party, if the record contains:
    - 30.2.1. trade secrets of that third party;
    - 30.2.2. financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
    - 30.2.3. information disclosed in confidence to F-Wise by a third party, the disclosure of which could put that third party at a disadvantage in a contractual or other negotiations or would prejudice that third party in commercial competition.
  - 30.3. Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement;

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- 30.4. Protection of safety of individuals and protection of property;
  - 30.5. Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege; and
  - 30.6. Protection of commercial activities of F-Wise, which may include:
    - 30.6.1. trade secrets of F-Wise;
    - 30.6.2. financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of F-Wise;
    - 30.6.3. information which, if disclosed, could put F-Wise at a disadvantage in negotiations or commercial competition;
    - 30.6.4. a computer programme owned by F-Wise, and which is protected by copyright; and
    - 30.6.5. the research information of F-Wise or a third party on behalf of F-Wise if the disclosure would expose the third party, F-Wise, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

**REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION:**

31. F-Wise does not have internal appeal procedures and as such, the decision made by the Information Officer is final.
32. Therefore, should the requester be dissatisfied with the Information Officer's decision to refuse access, the requester may either:
  - 32.1. within 180 days of the decision submit a complaint to the Information Regulator; or
  - 32.2. within 180 days of the decision of F-Wise (in 29 above) or the Information Regulator (in 29.1 above) approach a competent Court on application.
33. Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, it (the third party) may, either:
  - 33.1. within 180 days of the decision of F-Wise submit a complaint to the Information Regulator; or

33.2. within 180 days of the decision of F-Wise or the Information Regulator approach a competent Court on application.

