

**NVEST SECURITIES (PTY) LTD**

**PROMOTION OF ACCESS  
TO INFORMATION  
MANUAL**

Prepared in accordance with Section 51 of the Promotion of  
Access to Information Act, No 2 of 2000.

(Private Body)

Last updated: October 2008

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### ***What is the purpose of the Promotion of Access to Information Act?***

*Section 32 of the Constitution deals with the right of access to information and provides that everyone has the right of access to any information held by the State, and any information that is held by another person and that is required for the exercise or protection of any rights. The Act gives effect to section 32 of the new Constitution subject to justifiable limitations, 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 the right of access to information with any other rights including the rights in the Bill of Rights in Chapter 2 of the Constitution. The Act establishes voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonable possible. The Act also promotes transparency, accountability and effective governance of all public and private bodies by empowering and educating everyone to understand their rights in terms of the Act, 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.*

### ***What is the purpose of this manual?***

*In terms of the Promotion of Access to Information, all Public and Private bodies are required to compile manuals detailing how the bodies are to comply with the requirements of the Act. This manual is intended to foster a culture of transparency and accountability within the Financial Services Industry as a whole, by giving effect to the right of information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights. Section 9 of the Act however recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations.*

*This manual sets out to provide a generic manual to the financial services industry to deal with the requests in a conforming, easy to understand and accessible manner.*

a.) **Introduction to NWest Securities (Pty) Ltd**

Nvest Securities (Pty) Ltd is an independent stock broking company based in East London. The company is wholly owned by NWest Financial Holdings (Pty) Ltd and is a member of the JSE Limited, licensed to provide Trading Services, Investment Services and Money Broking transactions.

**PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

1. **Contact details** [Section 51(1)(a)]

**Information Officer:** Brendan Connellan

**Postal Address:**

Box 8041  
Nahoon  
5210

**Physical Address:**

c/o NFB House  
Ground Floor  
42 Beach Road  
Nahoon  
5241

**Telephone:** 043 7351270  
**Facsimile:** 043 735 1337  
**Email:** [nvest@nvestsecurities.co.za](mailto:nvest@nvestsecurities.co.za)  
**Website:** [www.nvestsecurities.co.za](http://www.nvestsecurities.co.za)

2. **The section 10 Guide on how to use the Act** [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2004. Please direct any queries to:

**The South African Human Rights Commission:**

**PAIA Unit: The Research and Documentation Department**

Postal address: Private Bag 2700  
Houghton  
2041  
Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

3. **Records available in terms of any other legislation** [Section 51(1)(d)]

Records are kept in accordance with such legislation as is applicable, which includes but is not limited to, the following legislation:

Securities Services Act of 2004  
Basic Conditions of Employment Act No 75 of 1997  
Companies Act No 61 of 1973  
Compensation for Occupational Injuries and Health Diseases Act No 130 of 1993  
Employment Equity Act No 55 of 1998

Financial Intelligence Centre Act No 38 of 2001  
Income Tax Act No 95 of 1967  
Insolvency Act No 24 of 1936  
Labour Relations Act No 66 of 1995  
Occupational Health and Safety Act No 85 of 1993  
Promotion of Access to Information Act 2 of 2000  
Skills Development Levies Act No 9 of 1999  
Unemployment Insurance Act No 63 of 2001  
Value Added Tax Act No 89 of 1991

**4. Access to the records held by NWest Securities [Sections 51(1)(c) and 51(1)(e)]**

**4.1 The following records are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]**

All past newsletters (hard copy or emailable) or other marketing documentation of currently marketed products that NWest, as a normal course of business, supply to existing or potential clients.

**4.2 The following records may be requested. [Section 51(1)(e)]**

The information is classified and grouped according to records relating to the following subjects and categories:

It is recorded that the accessibility of the documents listed herein below, maybe subject to the grounds of refusal set out hereinafter:

**4.2.1 PERSONNEL RECORDS**

- 4.2.1.1 Staff recruitment policies;
- 4.2.1.2 Personal records provided by personnel;
- 4.2.1.3 Records provided by a third party relating to personnel;
- 4.2.1.4 Conditions of Employment and other personnel-related contractual and quasi-legal records;
- 4.2.1.5 Internal evaluation records and other internal records;
- 4.2.1.6 Correspondence relating to personnel;
- 4.2.1.7 Training schedules and material;
- 4.2.1.8 Human Resources Manual (“NWest Rule Book”)

*“Personnel” refers to any person who works for, or provides services to or on behalf of NWest, and receives or is entitled to receive, remuneration and any other person who assists in carrying out or conducting the business of NWest. This includes, without limitation, directors (executives and non-executives), all permanent, temporary and part-time staff, as well as contract workers.*

**4.2.2 CUSTOMER RELATED RECORDS**

- 4.2.2.1 Client information reports
- 4.2.2.2 Records provided by a client to a third party acting for or on behalf of NWest;
- 4.2.2.3 Records provided by a third party;
- 4.2.2.4 Records generated by or within NWest relating to its clients, including transactional records and portfolio statements;
- 4.2.2.5 Records, securities and contract notes, held by NWest on behalf of clients;
- 4.2.2.6 Correspondence documentation between NWest and its clients;
- 4.2.2.7 Telephonic messages or recorded conversations;

A “client” refers to any natural or juristic entity that receives services from NVest.

#### **4.2.3 INTERNAL COMPANY RECORDS**

- 4.2.3.1 Financial and accounting records;
- 4.2.3.2 Operational records;
- 4.2.3.3 Company documents including Memorandum of Association and the Articles of Association and any amendments thereto, various registers, minute books and internal resolutions
- 4.2.3.4 Databases
- 4.2.3.5 Internal policies and procedures
- 4.2.3.6 Compliance manuals, rules and regulations
- 4.2.3.7 Information technology;
- 4.2.3.8 Marketing records;
- 4.2.3.9 Internal correspondence;
- 4.2.3.10 Product records;
- 4.2.3.11 Statutory records;
- 4.2.3.12 Company insurance policies;
- 4.2.3.13 Various licences required for general operation;

*These records include, but are not limited to, the records that pertain to NVest’s own affairs.*

#### **4.2.4 OTHER PARTY RECORDS**

- 4.2.4.1 Personnel, client or private body records which are held by another party, as opposed to the records held by NVest itself;
- 4.2.4.2 Records held by NVest pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party and records third parties have provided in respect of these parties.

### **4.3 The request procedures**

#### **4.3.1 Form of request:**

- 4.3.1.1 The requester must use the prescribed form attached as Appendix 1 to make the request for access to a record. This must be made to the Information Officer at the address, fax number or electronic mail address stipulated above [s 53(1)].
- 4.3.1.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- 4.3.1.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- 4.3.1.4 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

#### **4.4 Grounds for refusal of access to records**

The main grounds for NVest to refuse a request for information relates to the:

- 4.4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.4.2 mandatory protection of the commercial information of a third party, if the record contains:
  - 4.4.2.1 trade secrets of that third party
  - 4.4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.4.2.3 information disclosed in confidence by a third party to NVest, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.4.6 the commercial activities of NVest, which may include:
  - 4.4.6.1 trade secrets of NVest
  - 4.4.6.2 financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of NVest;
  - 4.4.6.3 information which, if disclosed could put NVest at a disadvantage in negotiations or commercial competition.
  - 4.4.6.4 any software programmes owned by NVest and protected by copyright.

*Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.*

#### **4.5 Remedies for action when NVest refuses a request for information**

##### **4.5.1 INTERNAL REMEDIES**

NVest does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer.

##### **4.5.2 EXTERNAL REMEDIES**

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

#### **4.6 Fees**

*Please refer to appendix 2*

5. **Other information as may be prescribed** [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. **Availability of the manual** [Section 51(3)]

- a. This manual is available for inspection at the offices of the company free of charge.
- b. Copies of the manual may be obtained, subject to the prescribed fees, at the offices of the company.
- c. The manual will also be available on the company website ([www.nvestsecurities.co.za](http://www.nvestsecurities.co.za))
- d. The manual can also be accessed on the website of the South African Human Rights Council (SAHRC) ([www.sahrc.org.za](http://www.sahrc.org.za)). However it should be noted that the manual accessible on the website of the SAHRC does not include the request forms or fee structure. The request forms and fee structure can be obtained on the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za))(under “regulations”).

**Appendix 1**

**REQUEST FOR ACCESS TO RECORD OF NVEST SECURITIES (PTY) LTD**

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)(Regulation 4))

**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 records must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full name and surname:

\_\_\_\_\_

Identity number:

\_\_\_\_\_

Postal address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

Email address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

\_\_\_\_\_

\_\_\_\_\_



**C. Particulars of person on whose behalf request is being made:**

This section must be completed only if a request for information is made on behalf of another 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. **The requested must sign all the additional folios.**

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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 a 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 therefore.

Reason for exemption from payment of fees:

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**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) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access to 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 to 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>			
	Copy of record*		Inspection of record

<b>2. If the record consists of visual images:</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	View the images		Copy the images*		Transcription of the images

<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack (written or printed document)

<b>4. If the record is held on computer or in an electronic or machine-readable form:</b>					
	Printed copy of record		Printed copy of information derived from the record. *		Copy in computer-readable form * (stiffy or compact disc)

* If you requested a copy of transcription of a record (above), do you wish the copy of the transcription to be posted to you? A postal fee 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.**

Indicate which right is to be exercised or protected:

---



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1. Explain why the requested record is required for the exercising or protection of the aforementioned right.

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**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 thereof 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  
WHOSE BEHALF REQUEST IS BEING MADE**

## Appendix 2

### 4.6 FEES

4.6.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

4.6.1.1 The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].

4.6.1.2 After the head of the private body has made a decision on the request, the requester must be notified in the required form.

4.6.1.3 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

4.6.1.4 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4 size page or part thereof.

4.6.1.5 The fees for reproduction referred to in regulation 11(1) are as follows:

- |       |  |        |
|-------|--|--------|
| b.    | For every photocopy of an A4 size page or part thereof   | R1.10  |
| c.    | For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form | R0.75  |
| d.    | For a copy in a computer-readable form on:   |        |
|       | Stiffy disc  | R7.50  |
|       | Compact Disk   | R70.00 |
| d. i. | For a transcription of visual images, for an A4 size page or part thereof  | R40.00 |
| ii.   | For a copy of visual images  | R60.00 |
| e. i. | For a transcription of an audio record, for an A4 size page or part thereof  | R20.00 |
| ii.   | For a copy of an audio record  | R30.00 |

4.6.1.6 The fee that the requester must pay NVest is R50, in terms of regulation 11(2). The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].

4.6.1.7 The access fees payable by a requester referred to in regulation 11(3) are as follows:

- |       |  |        |
|-------|--|--------|
| a.    | For every photocopy of an A4 size page or part thereof   | R1.10  |
| b.    | For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form                             | R0.75  |
| c.    | For a copy in a computer-readable form on:   |        |
|       | Stiffy disc  | R7.50  |
|       | Compact Disk   | R70.00 |
| d. i. | For a transcription of visual images, for an A4 size page or part thereof  | R40.00 |
| ii.   | For a copy of visual images  | R60.00 |
| e. i. | For a transcription of an audio record, for an A4 size page or part thereof  | R20.00 |
| ii.   | For a copy of an audio record  | R30.00 |
| f.    | To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such a search and preparation |        |
| g.    | For purposes of section 54(2) of the Act, the following applies:   |        |
|       | i. six hours as the hours to be exceeded before a deposit is payable; and  |        |
|       | ii. one third of the access fee is payable as a deposit by the requester   |        |
| h.    | The actual postage is payable when a copy of a record must be posted to a requester.   |        |