

SECTION 51 MANUAL

MEMP GROUP (PTY) LTD

FSP 49562

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SECTION 51 MANUAL ON THE
PROMOTION OF ACCESS TO INFORMATION ACT
MEMP GROUP (PTY) LTD

The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

This manual is compiled in accordance with Section 51 of PAIA.

CONTACT DETAILS

Phone Number	(041) 367 3939	
Email Address	fiona@mempgroup.co.za	
Physical Address	37 ALAN DRIVE	
	WALMER DOWNS	
	GQEBERHA	Code: 6045
Postal Address	PO BOX 34997	
	NEWTON PARK	
	GQEBERHA	Code: 6055

PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Any person who wishes to request any information held by the FSP in order to protect or exercise a right may contact the FSP’s information officer at the following contact details:

Information Officer Name	MRS FIONA DRAKE	
Phone Number	(072) 727 9696	
Email Address	fiona@mempgroup.co.za	
Physical Address	37 ALAN DRIVE	
	WALMER DOWNS	
	GQEBERHA	Code: 6045
Postal Address	PO BOX 34053	
	NEWTON PARK	
	GQEBERHA	Code: 6055

1. A request for access to information must be made in the prescribed form to the information officer indicated above. See **Annexure A** for the prescribed form.
2. Once the “Request for Information Form” has been submitted, the information officer will notify the person who submitted the request of the prescribed fee (if any) payable before further processing the request.
3. A fee of R50 will be charged for access to any records. If the request is granted, the person who submitted the request will be accordingly notified and a further fee will be payable. The additional fee would be for the reproduction, preparation and time reasonably required to search for and prepare the disclosure. The person who submitted the request may lodge an application to court against the tender or payment of the fee.
4. An individual seeking access to a record containing their own personal information will not be charged a request fee.
5. A person submitting the request must:
 - indicate the identity of the person seeking access to the information and indicate the contact details of the person requiring the information
 - provide sufficient particulars to enable the information officer to identify the information requested
 - indicate the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right
 - if the request for information is made on behalf of another person, submit proof that the person submitting the request, has obtained the necessary authorisation to do so

TYPE OF RECORDS HELD BY THE FSP

Request for access to documents held by the FSP will be in accordance with the Act. The type of records available to the person requesting the information are:

<p>Administrative Records</p> <p>These include, but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ the FSP’s license ▪ the FSP’s compliance manual ▪ the FSP’s policies ▪ the FSP’s internal rules and procedures ▪ any personal records provided to the FSP by its personnel ▪ any records which a third party has provided to the FSP about any of its personnel 	<p>Human Resources Records</p> <p>These include, but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ any personal records provided to the FSP by its personnel ▪ any records which a third party has provided to the FSP about any of its personnel ▪ conditions of employment and other personnel-related contractual and quasi-legal records ▪ internal evaluation and training records ▪ other internal records and correspondence
<p>Client-related Records</p> <p>These include, but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ advice records ▪ operational records ▪ databases ▪ information technology ▪ marketing records ▪ internal correspondence ▪ product records ▪ statutory records ▪ internal policies and procedures ▪ treasury-related records ▪ securities and equities ▪ records held by officials of the FSP 	<p>Other Parties</p> <p>The FSP may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies and other financial services providers. These records could include:</p> <ul style="list-style-type: none"> ▪ service level agreements ▪ financial records ▪ correspondence <p>Alternatively, such other parties may possess records which can be said to belong to the FSP. The following records fall under this category:</p> <ul style="list-style-type: none"> ▪ personnel, client or FSP records which are held by another party ▪ records held by FSP pertaining to other parties, including without limitation: <ul style="list-style-type: none"> × financial records × correspondence × contractual records × records provided by the other party
<p>Financial Records</p> <p>These include, but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ financial statements ▪ audit records ▪ assets inventory 	

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

The person requiring the information may also request information which is available in terms of the following legislation:

<ul style="list-style-type: none">▪ Administration of Estates Act▪ Arbitration Act▪ Auditing Professions Act▪ Basic Conditions of Employment Act▪ Collective Investment Schemes Control Act▪ Companies Act▪ Compensation for Occupational Injuries & Diseases Act▪ Consumer Protection Act▪ Copyright Act▪ Electronic Communications and Transactions Act▪ Employment Equity Act▪ Financial Advisory & Intermediary Services Act▪ Financial Institutions (Protection of Funds) Act▪ Financial Intelligence Centre Act▪ Financial Services Board Act▪ Financial Services Ombud Schemes Act▪ Friendly Societies Act▪ Income Tax Act	<ul style="list-style-type: none">▪ Insolvency Act▪ Labour Relations Act▪ Long-term Insurance Act▪ Medical Schemes Act▪ National Credit Act▪ Occupational Health & Safety Act▪ Pension Funds Act▪ Prevention of Organised Crime Act▪ Promotion of Equality and Prevention of Unfair Discrimination Act▪ Protection of Constitutional Democracy against Terrorist and related Activities Act▪ Short-term Insurance Act▪ Skills Development Act▪ Skills Development Levies Act▪ South African Qualifications Authority Act▪ Stamp Duties Act▪ Trademarks Act▪ Unemployment Insurance Act▪ Value Added Tax Act
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GROUND FOR REFUSAL OF ACCESS TO RECORDS

The PAIA provides a number of grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, instances where public interest are not served, the mandatory protection of commercial information of a third party, as well as the mandatory protection of certain confidential information of a third party. A complete list of the grounds for refusal are indicated within Chapter 4 of the Act.

MANUAL AVAILABILITY

The manual is available for inspection at the FSP's office free of charge. Copies of this manual is also available at the South African Human Rights Commission.

Signed at **Gqeberha (Port Elizabeth)** on this **1st** day **of August 2022**


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SIGNATURE OF KEY INDIVIDUAL OF THE FSP:

ANNEXURE A - REQUEST FOR INFORMATION DOCUMENT

DETAILS OF PERSON REQUESTING ACCESS TO INFORMATION	
Full Name & Surname	
ID Number	
Phone Number	
Fax Number	
Email Address	
Postal Address	
	Code:

DETAILS OF PERSON ON BEHALF OF WHOM THE REQUEST IS BEING MADE	
Full Name & Surname	
ID Number	

FULL PARTICULARS OF INFORMATION REQUESTED <i>(with sufficient information so as to allow for the identification of what information is requested)</i>	

FORMAT IN WHICH INFORMATION REQUESTED <i>(will be dependent on original format)</i>	

RIGHT TO BE EXERCISED OR PROTECTED <i>(indicate why / how the information is required is to protect or exercise this right)</i>	

NOTIFICATAION <i>(how do you wish to be notified of the approval or denial of the request - provide alternatives)</i>	
1st option	
2nd option	

Signed at on this day of

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Signature of person submitting the request