

Promotion of Access to Information Act, 2 of 2000

Section 51 Manual for

ES BROKERS

FSP No: 13589

Introduction

This entity – ES Brokers – is an authorised financial services provider that provides financial advice and renders intermediary services to clients on financial products under a licence issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002.

Details in terms of Section 51 of PAIA Act

Contact details

Name of business	Shelfco 139 Investments cc T/A ES Brokers
Designated contact person	- Key Individual - Andrew Ensor-Smith
Physical address	10 Kingfisher Office Park 28 Siphosethu Rd Mount Edgecombe
Postal address	PO Box 22003 Glenashley 4022
Telephone number	031-5021922
Fax number	031-5021900
E-mail address	Andrew@esbrokers.co.za

Section 10 Guide on how to use the Act

This guide is available in hard copy from the South African Human Rights Commission or can be accessed on their website. The details are as follows:	
Postal address	The South African Human Rights Commission – PAIA Unit The Research and Documentation Department Private Bag 2700 Houghton 2041
Telephone number	011 877 3600
Fax number	See SAHRC website for regional office fax numbers
E-mail address	lidlamini@sahrc.org.za
Website	www.sahrc.org.za

Records available in terms of any other legislation

Basic Conditions of Employment Act No. 75 of 1997
Collective Investments Schemes Control Act No. 45 of 2002
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Consumer Protection Act No. 68 of 2008
Employment Equity Act No.55 of 1998
Financial Advisory and Intermediary Services Act No. 37 of 2002
Financial Intelligence Centre Act No. 38 of 2001
Financial Institutions (Protection of Funds) Act No. 28 of 2001
Financial Services Board Act No. 97 of 1990
Financial Services Ombud Schemes Act No. 37 of 2004
Friendly Societies Act No. 25 of 1956
Income Tax Act No. 58 of 1962
Insurance Laws Amendment Act No. 27 of 2008
Labour Relations Act No. 66 of 1995
Long-term Insurance Act No. 52 of 1998
Medical Schemes Act No. 131 of 1998
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
Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
Security Services Act No. 36 of 2004
Short Term Insurance Act No. 53 of 1998
Skills Development Act No.97 of 1998
Skills Development Act No.97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

Access to records held by ES Brokers

- The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of section 52 (2) of this Act, and at no cost:

Brochures; Pamphlets; Documents related to business activities

- Records which may be requested in terms of this Act:

<p>Administration:</p> <ul style="list-style-type: none"> ○ Licence of product categories ○ Minutes of management meetings ○ Minutes of staff meetings ○ Correspondence
<p>Human resources:</p> <ul style="list-style-type: none"> ○ Employment contracts ○ Mandates ○ Policies and procedures ○ Training ○ Remuneration and benefits policies, and records thereof
<p>Operations:</p> <ul style="list-style-type: none"> ○ Production records ○ Compliance manual – FAIS ○ Compliance reports ○ Complaints procedures ○ Contractual agreements with suppliers ○ Procedures manual - FICA ○ Records of advice ○ Register of key individuals ○ Register of representatives ○ Register of non-compliance ○ Record of continued compliance by representatives ○ Register of premature cancellation of products ○ Clients register
<p>Finances:</p> <ul style="list-style-type: none"> ○ Accounting and audit records ○ Financial statements ○ Assets inventory

- The request procedure is as follows:

Form of request – Annexure A:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body 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.
- 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.
- 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.

Fees payable for request – Annexure B:

- 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:
- The head of the private body 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.
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- 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.

Other information as may be prescribed

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

Availability of the PAIA Manual

The manual is available for inspection at the offices of ES Brokers free of charge. Copies are also available with the SAHRC and www.esbrokers.co.za.

Annexure A - Request For Access to Record of ES Brokers

Particulars of private body

ES Brokers

Particulars of person requesting access to the record

Instructions: <ul style="list-style-type: none">○ The particulars of the person who requests access to the record must be given below.○ The address and/or fax number in the Republic to which the information is to be sent must be given.○ 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	
E-mail address	
Capacity in which request is made, when made on behalf of another person	

Particulars of person on whose behalf request is made

Instructions: <ul style="list-style-type: none">○ This section must be completed ONLY if a request for information is made on behalf of another person.	
Full name and surname	
Identity number	

Particulars of record

Instructions: <ul style="list-style-type: none">○ 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.
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<ul style="list-style-type: none"> ○ 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. 	
Description of record or relevant part of the record	
Reference number, if available	
Any further particulars of record	

Fees

<p>Instructions:</p> <ul style="list-style-type: none"> ○ A request for access to a record, other than records containing personal information about you, will be processed only after a request fee has been paid. ○ You will be notified of the amount required to be paid as the request fee. ○ 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. ○ If you qualify for exemption of the payment of any fee, please state the reason for exemption. 	
Reason for exemption from payment of fees	

Form of access to record

Instructions:

- 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

Instructions:

- Mark the appropriate box with an **X**
- Compliance with your request in the specified form may depend on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

Copy of record

Inspection of record

2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches etc):

View images

Copy of images

Transcription of images

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to soundtrack (audio cassette)

Transcription of soundtrack (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

Printed copy

Printed copy of information derived from record

Copy in computer-readable form (stiffy 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?

YES

NO

Postage is payable.

Particulars of right to be exercised or protected

Instructions: <ul style="list-style-type: none">o 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	
Explain why the record requested is required for the exercise or protection of the aforementioned right	

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 this _____ day of _____ 20_____

Full Name of Requester / Person on whose behalf the request is made

Signature of Requester / Person on whose behalf the request is made

Annexure B – Fees in respect of private bodies

1. 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.	
<p>2. The fees for reproduction referred to in regulation 11(1) are as follows:</p> <p>a. For every photocopy of an A4-size page or part thereof</p> <p>b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form</p> <p>c. For a copy in a computer-readable form on:</p> <p style="padding-left: 20px;">i. Stiffy disc</p> <p style="padding-left: 20px;">ii. Compact disc</p> <p>d. For a transcription of visual images:</p> <p style="padding-left: 20px;">i. A4 size page or part thereof</p> <p style="padding-left: 20px;">ii. A copy of visual images</p> <p>e. For a transcription of an audio record:</p> <p style="padding-left: 20px;">i. A4 size page or part thereof</p> <p style="padding-left: 20px;">ii. A copy of an audio record</p>	<p>R0.00</p> <p>1.10</p> <p>0.75</p> <p>7.50</p> <p>70.00</p> <p>40.00</p> <p>60.00</p> <p>20.00</p> <p>30.00</p>
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.	
<p>4. The access fees payable by a requester referred to in regulation 11(3) are as follows:</p> <p>a. For every photocopy of an A4-size page or part thereof</p> <p>b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form</p> <p>c. For a copy in a computer-readable form on:</p> <p style="padding-left: 20px;">i. Stiffy disc</p> <p style="padding-left: 20px;">ii. Compact disc</p> <p>d. For a transcription of visual images:</p> <p style="padding-left: 20px;">i. A4 size page or part thereof</p> <p style="padding-left: 20px;">ii. A copy of visual images</p> <p>e. For a transcription of an audio record:</p> <p style="padding-left: 20px;">i. A4 size page or part thereof</p> <p style="padding-left: 20px;">ii. A copy of an audio record</p> <p>For purposes of section 54(2) of the Act, the following applies:</p> <p>(a) Six hours as the hours to be exceeded before a deposit is payable; and</p> <p>(b) One third of the access fee is payable as a deposit by the requester.</p> <p>The actual postage is payable when a copy of a record must be posted to a requester.</p>	<p>R0.00</p> <p>1.10</p> <p>0.75</p> <p>7.50</p> <p>70.00</p> <p>40.00</p> <p>60.00</p> <p>20.00</p> <p>30.00</p>