

THE PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000 (“the Act”)

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Introduction

The Promotion of Access to Information Act, 2 of 2000 (“the PAIA Act”) was enacted on the 3rd February 2000. The Act gives effect to the constitutional right of access to information [whether held by the State or by any other person] provided that the information is required for the exercise or protection of any right/s.

Where a request is made to a body in terms of this Act, such body is obliged to release the information, except where the Act expressly provides otherwise. The Act contains requisite procedural issues attached to such request

Purpose of manual

This Manual is intended to proclaim Lebashe’s commitment to a culture of transparency and accountability and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights more fully. The company does this by giving effect to the right to access information required for the exercise or protection of a right.

To promote the effective governance of all private institutions, Lebashe recognises that South Africans should be empowered and educated to understand their rights in terms of this Act to enable them to exercise those rights vis a vis all institutions, whether those institutions are of a private or public nature

In following the example set out in terms of Section 36 of the Constitution of South Africa (Act 108 of 1996), Section 9 of the Information Act recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations.

Ownership of this manual

Ownership of this manual is vested with the The Lebashe Group of Companies

The Lebashe Group of Companies (the company) (“Lebashe”) consists of

- Lebashe Investment Group (Pty) Ltd, REG NO: 2015/03244/07 (“LIG”)
- Lebashe Financial Services (Pty) Ltd, REG NO: 2017/501103/07 (“LFS”)
- Lebashe Capital (Pty) Ltd, REG NO: 2013/120134/07 (“LC”) (Formally known as TSS Capital (Pty) Ltd)
- Lebashe PrefCo (Pty) Ltd , REG NO: 2018/298968/07(“PrefCo”)

PART ONE

1. Contact details

NAME OF BODY : Lebashe
HEAD OF BODY : Mr. Warren Wheatley
POSTAL ADDRESS : 34 Impala Road,Chislehurst,Sandton
STREET NUMBER: 34 Impala Road,Chislehurst, Sandton
PHONE NUMBER: 010 020 8300
FACSIMILE NUMBER: 086 459 0839
EMAIL ADDRESS: warren@lebashe.com

2. Guidance from the South African Human Rights Commission

The south African human rights commission : paia unit

Research and documentation department

WEBSITE : www.sahrc.org.za
EMAIL: PAIA@sahrc.org.za
TELEPHONE: +27 11 484-8300
FAX : +27 11 484-0582
POSTAL ADDRESS : Private Bag 2700, Houghton, 2041

PART TWO

3. Records available in terms of any other legislation

- I. Basic Conditions of Employment No. 75 of 1997;
- II. Companies Act 71 of 2008 ;
- III. Employment Equity Act No. 55 of 1998;
- IV. Finance Act No. 35 of 2000;
- V. Financial Intelligence Centre Act No.38 of 2001;
- VI. Financial Services Board Act. No 97 of 1990;
- VII. Income Tax Act No. 95 of 1967;
- VIII. Insolvency Act No. 24 of 1936;
- IX. Insurance Act No.27 of 1943;
- X. Labour Relations Act No. 66 of 1995;
- XI. National Credit Act No.34 of 2005;

- XII. Occupational Health & Safety Act No.85 of 1993;
- XIII. Pension Funds Act. No 24 of 1956;
- XIV. Tax on Retirement Funds Act No. 38 of 1996;
- XV. Trade Marks Act No. 194 of 1993;
- XVI. Trust Property Control Act 57 of 1988;
- XVII. Unemployment Insurance Act No. 63 of 2001;
- XVIII. Value Added Tax Act. 89 of 1991

PART THREE

4. Access to records and availability

Lebashe –

- 4.1 Must during office hours and upon request, make available for public inspection a copy of the manual;
 - 4.2 May not charge a fee for a public inspection referred to in paragraph (a);
- and
- 4.3 May, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph (a) and charge the fee prescribed.

5. Records: Companies Act

- 5.1 Documents of incorporation;
- 5.2 Memorandum of incorporation;
- 5.3 Minutes of Board of Directors meetings;
- 5.4 Records relating to the appointment of directors/auditors; and
- 5.5 Share register and other statutory registers.

6. Records: Financial

- 6.1 Annual Financial Statements;
- 6.2 Tax Returns;
- 6.3 Accounting records;
- 6.4 Banking records;
- 6.5 Bank statements;
- 6.6 Electronic banking records;
- 6.7 Asset register; and

6.8 Lease agreements.

7. Records: Income Tax

7.1 PAYE Records;

7.2 Documents issued to employees for income tax purposes;

7.3 Records of payments made to SARS on behalf of employees;

7.4 All other statutory compliances;

7.5 VAT; and

7.6 UIF

8. Records: Personnel Documents

8.1 Employment contracts;

8.2 Disciplinary records;

8.3 Salary or commission records;

8.4 Disciplinary code;

8.5 Leave records.

THE ABOVE-MENTIONED RECORDS ARE OF A CONFIDENTIAL NATURE AND ONLY ACCESSIBLE TO AUTHORISED PEOPLE.

PART FOUR

9. The Request Procedures

9.1 FORM OF REQUEST

9.1.1 The requester must use the prescribed form hereto attached under annexure A to make the request for access to a record. This must be made to Lebashe. This request must be made to the address , fax number or electronic mail address of the body concerned

9.1.2 The requester must provide sufficient detail on the request form to enable Lebashe 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

9.1.3 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

9.1.4 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 Lebashe

9.2 FEES

9.2.1 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 of R50.00

9.2.2 Lebashe must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any)

9.2.3 The fee that the requester must pay to Lebashe is R50. The requester may lodge an application to the court against the tender or payment of the request fee before further processing the request.

9.2.4 After Lebashe has made a decision on the request, the requester must be notified in the required form.

9.2.5 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.

10. Other information as may be described.

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

11. Grounds for refusal of access to Records

The main grounds for Lebashe to refuse a request for information relates to the-

11.1 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

11.2 mandatory protection of the commercial information of a third party, if the record contains – trade secrets of that third party;

11.3 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

11.4 information disclosed in confidence by a third party Lebashe, if the disclosure

could put that third party at a disadvantage in negotiations or commercial competition;

11.5 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

11.6 mandatory protection of the safety of individuals and the protection of property;

11.7 mandatory protection of records which would be regarded as privileged in legal proceedings;

11.8 the commercial activities of Lebashe, which may include, without limitation

11.8.1 trade secrets of Lebashe;

11.8.2 information which, if disclosed could put Lebashe at a disadvantage in negotiations or commercial competition;

11.8.3 computer programs and related information technology software which is owned by Lebashe, and which is protected by copyright.

11.8.4 the research information of Lebashe or a third party, if its disclosure would disclose the identity of Lebashe, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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

11.8.6 Financial, commercial, scientific or technical information which

disclosure of could likely cause harm to the financial or commercial interest of Lebashe

12. Remedies available when Lebashe refuse a request for information

12.1 Internal Remedies

Lebashe does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer

12.2 External Remedies

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

Likewise, a third party dissatisfied with an 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

13. Availability of the Manual

The Manual is also available for inspection at the offices of Lebashe free of charge

SIGNED AT SANDTON ON THE 22nd DAY OF MAY 2018



MR WARREN WHEATLEY

LEBASHE INVESTMENT GROUP (PTY) LTD

ANNEXURE A

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

A. PARTICULARS OF LEBASHE

NAME OF BODY : Lebashe Group of Companies
POSTAL ADDRESS : 34 Impala Road,Chislehurston,Sandton
STREET NUMBER: 34 Impala Road,Chislehurston, Sandton
PHONE NUMBER: 010 020 8300
FACSIMILE NUMBER: 086 459 0839
EMAIL ADDRESS: warren@lebashe.com

B. PARTICULARES OF PERSON REQUESTING ACCESS TO THE RECORD

- a) The particulars of the person who request access to the record must be given below
- b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity Number: _____

Postal Address: _____

Fax Number: _____

Telephone Number: _____

Email Address: _____

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

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 the 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 for exemption

1. Reason for exemption from payment of fees: _____

F. FORM OF ACCES TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form access provided for in 1 to 4 below, state your disability and indicated in which form the record is required.

Disability	Form in which record Is required
Mark the appropriate box with an X	
NOTES:	
a) Compliance with your request for access in the specified form may depend on the form in which the records is available	
b) 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.

- c) 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, etc.)					
View the images		Copy of the images		Transcription of the images	
3. If record consists of recorded words or information which can be reproduced in sound					
Listen to the soundtrack (audio cassette)			Transcription of soundtrack (Written or printed document)		
4. If record is held on computer or in electronic or machine-readable form					
Printed Copy of the record		Printed copy of information		Copy in computer readable form	

If you requested a copy or transcription of a record(above), do you wish the copy or transcription to be posted to you? Postage is payable	YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available		
In which language would you prefer the record?		

G. 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 _____ this day _____ of _____

Signature of requester/
Person on whose behalf request is made

