

PAIA MANUAL



This document serves to provide the necessary information required in terms of the Promotion of Access to Information Act 2 of 2002 (Section 51)

DATE: 2008/06/06



Section 51 Manual for Private Bodies

Section 51 (1) (a) – Company and contact details

Name of business: 10X Investments (Pty) Ltd

Company type: Private company

Registration number: 2005/033587/07

VAT number: 4650227350

Contact person: Kim Harrison

Physical address: Suite 219B Sovereign Quays
34 Somerset Road
Green Point
8005

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34 Somerset Road
Green Point
8005

Telephone: +27 21 412 1010

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Website: www.10x.co.za

E-mail: info@10x.co.za

Section 51(1)(b) – The section 10 guide on how to use the Act

The Guide is available from the South African Human Rights Commission.

Please direct 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 0582

Website: www.sahrc.org.za

E-Mail: PAIA@sahrc.org.za

Section 51(1) (d) – Information available

Information is available in terms of the following legislation, if and where applicable:

Basic Conditions of Employment Act No. 75 of 1997

Companies Act No. 61 of 1973

Compensation of Occupational Injuries and Diseases Act No. 130 of 1993

Electronic Communications and Transactions Act No. 25 of 2002

Income Tax Act No. 58 of 1962

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 No. 2 of 2000

Skill development Levies Act No. 9 of 1999

Unemployment Insurance Act No. 30 of 1966

Value- Added Tax Act No. 89 of 1991

Pension Fund Act No. 24 of 1956

Specific records held by 10X Investments include:

COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of management meetings
- Register of directors
- Declaration of director's minutes

GENERAL RECORDS

- FSB licence
- Fidelity and Indemnity insurance policy
- Unit trust performance

FINANCIAL RECORDS

- Annual financial statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Electronic banking records
- Rental agreements
- Invoices
- General ledger

INCOME TAX RECORDS

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payment made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills development levies
 - UIF

PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Training manuals
- General HR policies and procedures
- Payroll records

CONTRACTS

- Contract with pension and provident funds
- Contract with auditors

Section 51 (1) (c) and 51 (1) (e) Access to the records held

Records which are available without a person having request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

This information can be defined as operational information needed in the day to day running of the company and is generally of little or no use to persons outside the company.

(Examples of such information are: Requisitions, internal phone lists, company policies, contracts, employee records and general accounting records).

Any request for access to records in terms of the Act must be completed on the prescribed form in terms of the Act and the Regulations thereto.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

Notification of extension period (if required)

Applications must take note that in terms of the Act the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension);

The access fee and/or deposit

The applicant will be informed of the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

Grounds for refusal

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse include:

- Protecting personal information that the Company holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Company or third party);
- If disclosure of the record which result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the company;
- Disclosure of the record would put the company at a disadvantage in contractual or other negotiations of prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party of the company.

Records that cannot be found or do not exist

If the company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

Third party information

If access is requested to a record that contains information about a third party, the company is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted or not.

Section 51(1)(f) – Other information as may be prescribed

The Ministry of Justice and Constitutional Department has not made any regulations in this regard.

Section 51 (3) – Availability of the material

This manual is available at our offices free of charge; and copies are available from the Human Rights Commission (see details above).