

PAIA MANUAL



This manual provides the necessary information for the Promotion of Access to Information Act No. 2 of 2002 (“Act”) to enable persons entitled to information (“you”) to gain access to information from 10X Investments (Pty) Ltd (“we” or “us”).

DATE: 2012/12/05



Preamble

The Promotion of Access to Information Act No 2 of 2000, (“the Act”) came into operation on 9 March 2001. Section 51 of the Act requires that we, as a private body, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this private body

We are registered as a financial services provider with the Financial Services Board (“FSB”). Our primary business is to administer and manage the investments of specific retirement funds.

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
Information Officer:	Kim Harrison
Physical address:	Suite 105 Sovereign Quays 34 Somerset Road Green Point 8005
Postal address:	Suite 105 Sovereign Quays 34 Somerset Road Green Point 8005
Telephone:	+27 21 412 1010
Fax:	+27 21 412 1011
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 produced and 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 applicable:

Basic Conditions of Employment Act No. 75 of 1997

Companies Act No. 71 of 2008

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

Financial Advisory and Intermediary Services Act No. 37 of 2002

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 licences
- 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



- Contracts with pension and provident funds
- Contract with auditors
- Contracts with service providers

Section 51 (1) (c) and 52 (2) Access to the records held

The records generally available without a person having to request access are:

- a) our documents of incorporation;
- b) internal contact lists;
- c) our company policies;
- d) FSB licences;
- e) the general product terms and conditions of the retirement funds that we manage;
- f) the rules of the retirement funds that we manage; and
- g) marketing material.

Section 50 Are you entitled to access to information?

You may only be granted access to information to which you are entitled. In deciding this we will consider whether:

- a) you require the information in order to exercise or protect a right;
- b) you have complied with the procedural requirements of the Act; and
- c) the record you have requested contains any information that falls within the grounds for refusal of access to information.

Requests for Records

Any request for access to other records must be made on the prescribed form (Form C), which appears below.

Your request for information will be evaluated and you will be notified within 30 days of receipt of your request of our decision.

Notification of extension period (if required)

In terms of the Act the 30 (thirty) day period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances. Should we need to extend this period, we will provide you with notification of such extension.

The request fee; access fee and/or deposit

You will be informed of the request and/or access fee (if any) that is payable for making a request or having access to the records. A deposit may be requested whilst your request is being considered for the access fee, which is fully refundable should your request be refused. You must pay the request and access fee prior to the information being provided to you.

Decision on request

Your request for information may be granted or refused. You will be informed accordingly.



Should your request be refused you will be given adequate reasons for the refusal and you may lodge an application to court against the refusal of the request. We will also provide you with details of the procedure for such application to court.

Grounds for refusal

We may legitimately refuse to grant you access to a requested record (if the information does not hide a substantial breach of the law, or a public safety or environmental risk) that falls within any of the following grounds for refusal:

- we are protecting personal information that we hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- we are protecting commercial information that we hold about a third party (for example trade secrets, financial, commercial, scientific or technical information where disclosure may harm the commercial or financial interests of that third party);
- the disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- the disclosure of the record would endanger the life or physical safety of an individual;
- the disclosure of the record would prejudice or impair the security of property or means of transport;
- the disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- the 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, and the person entitled to legal privilege has not waived the privilege;
- the disclosure of the record (where the record contains trade secrets, financial, commercial, scientific, or technical information) would harm our commercial or financial interests;
- the disclosure of the record would put us at a disadvantage in contractual or other negotiations or prejudice us in commercial competition;
- The record is a computer programme; and
- the disclosure of the record (where the record contains information about research being carried out or to be carried out by or on behalf of us or a third party) would expose us, the third party, the person carrying out the research or the subject matter of the research itself to serious disadvantage.

Records that cannot be found or do not exist

If we have searched for a record and it is believed that the record either does not exist or cannot be found, you will be notified by way of an affidavit or affirmation of this fact. We will include information regarding 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, you must provide specific written consent of the third party or show that you require the information in order to exercise or protect a right. We are obliged to attempt to contact the third party to inform them of your request. This enables the third party the opportunity to respond by either



consenting to the access or by providing reasons why access should be denied. In the event of the third party furnishing reasons for the denial of access, we will consider these reasons in determining whether access should be granted or not, and advise you accordingly.

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

The Minister of Justice and Constitutional Development has not made any regulations as to prescribed information in terms of this section of the Act.

Section 51 (3) – Availability of the material

This manual is available at our offices free of charge or on our website (www.10x.co.za); and copies are available from the Human Rights Commission (see details above).



FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

[Regulation 10]

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 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:..... E-mail address:

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

.....

C. Particulars of person on whose behalf request is 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 requester must sign all the additional folios.**

- 1. Description of record or relevant part of the record:
- 2. Reference number, if available:
- 3. Any further particulars of record:

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.

Reason for exemption from payment of fees:

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) Compliance with your request in the specified form may depend on the form in which the record 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
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images	copy of the images*	transcription of the images*
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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)
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4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you (at the postal address provided in this Annexure A)?

Postage is payable.

YES	NO
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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.***

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:



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 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..... thisday of.....20

.....

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF
REQUEST IS MADE

