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Strictly Confidential

Prepared by
NMG Benefits

NMG Agency(Pty)Ltd
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Manual in Terms of Section 51 of the Promotion of
Access to Information Act, 2000

Table of Contents

Table of Contents	2
1. Introduction	3
2. Contact details	4
3. The request procedure	5
4. Availability of the Manual	6
5. Records held in accordance with the legislation	7
5.1 Information is kept in accordance with the following legislation:	7
5.2 Description of record held	7
5.3 Refusal of access and protection of information	8
Annexure A	9
Annexure B	12

1. Introduction

- 1.1 The Promotion to Access to information Act, 2000 No. 2 of 2000 (“the Act”) has been enacted in order to promote a culture of transparency, accountability and good governance by giving effect to the right of access to information.
- 1.2 The Act establishes voluntary and mandatory procedures which enable the public to obtain records of bodies as swiftly, effortlessly and inexpensively as possible to exercise and protect all rights as enshrined in the constitution.
- 1.3 NMG-Agency (Pty) Ltd (‘NMG-Agency’) is an employee benefits and financial services consulting company which operates under the license of the Liberty Group Limited in terms of a franchise agreement. Our focus is to provide a broad range of clients with an all encompassing range of services designed to meet their current and future needs.
- 1.4 NMG-Agency is part of the NMG Group which is a multi-national financial consultancy, intermediary and research organisation.
- 1.5 This manual may be amended from time to time and as soon as any amendments have been finalised, the latest version will be made public.
- 1.6 This manual has been compiled in compliance with the provisions of the Act, and lists the records in possession of NMG-Agency.

2. Contact details

2.1 The contact details of the Head are as follows:

Name:	Colin Horwitz
Registered Address:	411 Main Avenue, Ferndale, Randburg, 2125
Postal Address:	PO Box 3075, Randburg 2125
Telephone Number:	+27 11 509 3150
Facsimile Number:	086 3665441/011 886 5534
Email Address:	chorwitz@nmg.co.za

2.2 In terms of section 10 of the Act, the Human Rights Commission is required to compile, in each of the official languages, a guide to the Act to assist people to exercise their rights under the Act. This guide is available from the Human Rights Commission. The contact details for the Human Rights Commission are:

Address:	The South African Human Rights Commission PAIA Unit The Research and Documentation Department Private Bag 2700 Houghton 2041
Telephone:	+27 11 877 3600 – Head Office +27 11 877 3750 – Gauteng Provincial Office
Facsimile:	+27 11 403 0668
Website:	http://www.sahrc.org.za
Email:	PAIA@sahrc.org.za or info@sahrc.org.za

3. The request procedure

- 3.1 Any request for access to records must be made to the appointed Head as reflected in Section 2. A request for records in terms of the Act must be completed on the prescribed form which is attached hereto and marked “**Annexure A**”. A copy of the prescribed form is also available from the South African Human Rights Commission website being: www.sahrc.org.za. The duly completed form may be submitted by post, fax or email.
- 3.2 The requester must provide sufficient detail on the request form to enable the Head to identify the record and the requester. The requester should also indicate what form of access is required.
- 3.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested records are required for the exercise or protection of that right. If a request is made on behalf of a person, the requester must then submit the proof of the capacity in which the requester is making the request to the satisfaction of the Head.
- 3.4 If the request is for personal information, no request fee or deposit is payable. The requester must be notified to pay the access fee. If the request is not of a personal nature, the requester must be notified to pay a request fee as well as an access fee and deposit, the details of which are contained in “**Annexure B**” which is attached hereto. The request need not be processed any further before receipt of payment of the access fee in respect of a personal request or the request fee and deposit (if applicable) in respect of other requests.
- 3.5 The Head will then make a decision whether to grant the request or not and notify the requester in the required form. If the request is granted, then a further access fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 3.6 If the request is refused the requester must be advised of the full reasons for the refusal as well as the remedies he/she may follow in objecting to the refusal.
- 3.7 If the search for a preparation of the record will take longer than the allowed 30 days, a further 30 days may be used, provided the requester is furnished with a notice in this regard.
- 3.8 If a request for access to information pertaining to a third party is received, the third party must first be informed of the request by way of notice.

4. Availability of the Manual

- 4.1 In terms of section 9 (1) of the Act, immediately after the manual has been compiled, the Head must:
- Make a copy of the manual available to the Human Rights Commission
 - Make a copy of the manual available to the controlling body of which the private body is a member
 - Arrange for publication in the Government Gazette
 - Publish the manual on the website, if any, of the private body.
- 4.2 The Head is required to make a copy of the manual available for public inspection during office hours. A fee may not be charged for public inspection.
- 4.3 The manual will be available in English only.
- 4.4 In terms of Section 52 of the Act the Minister of Justice is entitled to publish a list of records submitted by the group to which the public may have access without the necessity of formally applying for access to such records.
- 4.5 The Minister may then publish such information by way of a notice in the Government Gazette.
- 4.6 At the time of drafting this manual, the group has given no such information to the Minister and no information has therefore been published. However, no formal application need be submitted in terms of the following information:
- General information pertaining to the companies
 - Services information and brochures.

5. Records held in accordance with the legislation

5.1 Information is kept in accordance with the following 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 Levies Act No. 9 of 1999
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

5.2 Description of record held

5.2.1 The following records may be requested by the following procedure outlined in Section 3.

- **Documentation of Incorporation, the Constitution of the various companies, registers and minute books** - Company documents including the Memorandum of Incorporation and the Articles of Association and any amendments thereto, various registers, minute books and internal resolutions.
- **Accounting** – Books of account, vouchers, invoices, fixed asset registers, inventories
- **Taxation** – Records pertaining to VAT, Company Tax, STC, PAYE and Capital Gains
- **Intellectual Property** – Records relating to trade marks, patents, designs, licenses and licensing agreements
- **Insurance** – Records relating to insurance arrangements, policies and claims

- **Moveable and immovable property** – Title deeds, lease agreements, mortgage, bonds, liens, notarial bonds, hire purchase agreements and security interests on property
- **Agreements** – Agreements in respect of technical aid, license, agents, distributors, suppliers, customers, banking, loans, indemnities and guarantees, acquisitions and disposals of assets with service providers
- **Human Resources** – Employee records, conditions of employment, payrolls, arrangements with service providers, dealings with unions, labour related matters and benefit funds
- **Operational** – Technical, procurement, marketing information, customer related records, management records, data bases, correspondence, procedures, banking records and legal proceedings

5.3 Refusal of access and protection of information

5.3.1 Chapter 4 of the Act, which pertains to the “Grounds for Refusal of Access to Records”, provides mandatory protection for the following information, save in the special circumstances provided for in the Act:

- Information for the protection of the privacy of individuals (s63)
- Information for the protection of commercial information and confidential information of third parties (s64 and 65)
- Information for the protection of the safety of individuals and the protection of property (s66)
- Information privileged from production in legal proceedings (s67).

Annexure A

Request for Access to Record of Private Body Section (Act No. 2 of 2000) [Regulation 10]	
A. Particulars of Private Body	
The Head:	NMG Agency (Pty) Ltd
B. Particulars of Person requesting access to the record	
<p><i>a. The particulars of the person who requests access to the record must be given below:</i></p> <p><i>b. The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p><i>c. Proof of the capacity in which the request is made, if applicable must be attached.</i></p>	
Full names and surname:	
Identify Number:	
Postal Address:	
Fax Number:	
Telephone Number:	
E-mail address:	
<i>Capacity in which request is made, when made on behalf of another person:</i>	
C. Particulars of person on whose behalf request is made	
<i>This section must be completed ONLY if a request for information is made on behalf of another person</i>	
Full names and surname:	
Identify Number:	

D. Particulars of person on whose behalf request is made

- 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.

Reasons 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
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- 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			
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 read-able form:				
Printed copy*	Printed copy of information derived from record*	Copy in computer-readable form* (stiffy or compact disc)		
*If your 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
G. Particulars of right to be exercised or protected				
<i>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.</i>				
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				
<i>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.</i>				
How would you prefer to be informed of the decision regarding your request for access to the record?				
Signed atthis.....day of20.....				

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.	
2. The fees for reproduction referred to in regulation 11 (1) are as follows:	R
<ul style="list-style-type: none"> a. For every photocopy of an A4-size page or part thereof b. For every printed copy of an A4 –size page or part thereof held on a computer or in electronic or machine-readable form. c. For a copy in a computer-readable form on one of the following media: <ul style="list-style-type: none"> i. Stiffy disc ii. Compact disc d. (i) For a transcription of visual images, for an A4-size page or part thereof ii) For a copy of visual images <ul style="list-style-type: none"> (i) For a transcription of an audio record, for an A4 size page or part thereof (ii) For a copy of an audio record 	1,10 0.75 7.50 70.50 40,00 20,00 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50.00.	

4. The access fee payable by a requester referred to in regulation 11 (3) are as follows:	
	R
1)	
(a) For every photocopy of an A4 -size page or part thereof	1,10
(b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c) For a copy in a computer-readable form on	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4 size or part thereof	40,00
(ii) For a copy of visual images	60,00
e) (i) For a transcription of an audio record, for an A4 size part or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	
2) For purposes of section 54(2) of the Act , the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
3) The actual postage is payable when a copy of a record must be posted to a requester.	