



**GENESIS CAPITAL** (PTY) LTD

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# **Access to Information Manual**

**Prepared in accordance with Section 51 of the  
Promotion of Access to Information Act,**

**V1 of 2017**

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### **1. Introduction**

The Promotion of Access to Information Act, No.2 of 2000 ("the Act") is an Act that was passed to give effect to the constitutional right held by South African citizens, of access to any information held by the State or by another person, which is required for the exercise or protection of any right. Where a request is made in terms of the Act, the body to which the request is made is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released. Therefore, the right of access to information and this Manual is only applicable to South African citizens, as defined in the Constitution of the Republic of South Africa Act 108 of 1996.

It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

### **2. Purpose**

This manual is compiled in accordance with Section 51 of the Act. It is intended to give a description of the records held by and on behalf of Genesis Capital (Pty) Ltd, its subsidiaries and associated companies as stipulated in this manual; to stipulate grounds for refusal of access to any such records; to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information; with a view of enabling requestors to obtain records which they are entitled to in a quick, easy and accessible manner.

### 3. Scope

The scope of this manual includes:

Genesis Capital (Pty) Ltd and the following subsidiaries and associated companies:

- Genesis Advisory Services (Pty) Limited (a Juristic Representative of Discovery Life Limited, Discovery Life Limited is an Authorised Financial Services Provider).
- Genesis Advisory Services UK Limited is a subsidiary of Genesis Advisory Services (Pty) Limited.
- Genesis Risk and Investment (Pty) Limited (an Authorised Financial Services Provider).
- Genesis EB Solutions (Pty) Limited (an Authorised Financial Services Provider).
- Gen-Assist Insurance Brokers (Pty) Limited (an Authorised Financial Services Provider).
- GCP Fund Managers (Pty) Limited (an Authorised Financial Services Provider).
- Genesis Trading and Portfolio Management (Pty) Limited (an Authorised Financial Services Provider).
- 1<sup>st</sup> Fusion Asset Management (Pty) Limited (an Authorised Financial Services Provider).
- 1<sup>st</sup> Beta Asset Management (Pty) Limited (an Authorised Financial Services Provider).
- Genesis Private Wealth (Pty) Limited (an Authorised Financial Services Provider).
- Genesis Capital Partners (Pty) Limited
- Genesis Properties (Pty) Limited
- Genesis Securities (Pty) Limited
- Shapiro Shaik Defries & Associates (SSDA) (Pty) Limited
- Destination Capital (Pty) Limited
- Capita Holdings (Pty) Limited
- Monash Private Capital (Pty) Limited

Hereinafter collectively referred to as “Genesis”

### 4. Availability

A copy of this manual is available to the public for inspection on the Genesis Capital website at [www.gencapital.co.za](http://www.gencapital.co.za) or on request from the designated contact person referred to in this manual.

### 5. Contact details

<b>Information Officer:</b>	Amanda Turi
<b>Postal Address:</b>	P.O. Box 1820 Parklands 2121
<b>Physical Address:</b>	27 Fricker Road Illovo 2196
<b>Telephone Number:</b>	(011) 731 5000
<b>Fax Number:</b>	(0) 86 527 7065
<b>E-mail Address:</b>	<a href="mailto:mturi@genesisadvisory.co.za">mturi@genesisadvisory.co.za</a>
<b>Website:</b>	<a href="http://www.gencapital.co.za">www.gencapital.co.za</a>

## 6. The Human Rights Commission Guide

The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, containing information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act, in a manner that is easily comprehensible to any such person. As at the date of publishing this manual, the guide had not yet been compiled. Any enquiries regarding the guide should be directed to:

<b>Postal Address:</b>	The South African Human Rights Commission, PAIA Unit The Research and Documentation Department Private Bag 2700 Houghton 2041
<b>Telephone Number:</b>	(011) 877 3600
<b>Fax Number:</b>	(011) 403 0668
<b>E-mail Address:</b>	<a href="mailto:Paia@sahrc.org.za">Paia@sahrc.org.za</a>
<b>Website:</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## 7. Types of Records

### (a) Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to any of the entities listed in this Manual and the Financial Services Industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation.

### (b) Records available without requesting access in terms of the Act

Genesis Capital (Pty) Limited may, on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by notice in the Gazette. The identified entities have not submitted any such description for publication in the Gazette. Certain records are however freely available on the Internet at [www.gencapital.co.za](http://www.gencapital.co.za)

### (c) Records available on request

We set out below the subjects and categories of records that are, subject to access being denied as set out in the Act, available for the purposes of the Act:

Records are held on the following subjects:

- i. Administrative records;
- ii. Human Resource/ Personnel records;
- iii. Client-related records;
- iv. Financial records;
- v. Records in the possession of or pertaining to other parties.

**(i) Administrative records**

The following are considered to include but not be limited to records, which pertain to Genesis Capitals (Pty) Ltd own affairs:

- The Financial Services Provider's license;
- The Financial Services Provider's compliance manual;
- The Financial Services Provider's policies;
- The Financial Services Provider's internal rules and procedures;
- Any personal records provided to the Financial Services Provider by its personnel; or
- Any records which a third party has provided to the Financial Services Provider about any of its personnel.

**(ii) Human Resource/ Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of Genesis Capital (Pty) Ltd and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Genesis Capital (Pty) Ltd. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- Any personal records provided to Genesis Capital (Pty) Ltd by their personnel;
- Any records a third party has provided to Genesis Capital (Pty) Ltd about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; or
- Other internal records and correspondence.

**(iii) Client-related records**

A client includes any natural or juristic entity, who receives services from Genesis Capital (Pty) Ltd. Client related information, includes but is not limited to the following:

- Any records a client has provided to a third party acting for or on behalf of Genesis Capital (Pty) Ltd;
- Any records a third party has provided to Genesis Capital (Pty) Ltd;
- Records generated by or within Genesis Capital (Pty) Ltd pertaining to the client, including:
  - × Transactional records;
  - × Advice records;
  - × Operational records;
  - × Databases;
  - × Information Technology;
  - × Marketing records;
  - × Internal correspondence;
  - × Product records;
  - × Statutory records;
  - × Internal Policies and Procedures;
  - × Treasury-Related records; or
  - × Securities and Equities

**(iv) Financial records**

The following are considered to include but not be limited to records, which pertain to Genesis Capitals (Pty) Ltd own affairs:

- Financial statements;
- Audit records; or
- Assets inventory;

**(v) Other parties**

Genesis Capital (Pty) Ltd may possess records pertaining to other parties, including without limitation: contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers.

Alternatively, such other parties may possess records, which can be said to belong to Genesis Capital (Pty) Ltd.

The following records fall under this category:

- Personnel, Client or Financial Services Provider records which are held by another party as opposed to being held by Genesis Capital (Pty) Ltd; and
- Records held by Genesis Capital (Pty) Ltd pertaining to other parties, including without limitation: Financial records, Correspondence, Contractual records, Records provided by the other party, and
- Records third parties have provided about the contractors/suppliers:
  - × Service Level Agreement;
  - × Financial records; or
  - × Correspondence

## 8. Ground for Refusal of Access to Records

- 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;
- Mandatory protection of the commercial information of a third party, if the record contains:
  - × Trade secrets of that third party;
  - × Financial, Commercial, Scientific or Technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
  - × Information disclosed in confidence by a third party to Genesis Capital (Pty) Ltd, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The Commercial activities of Genesis Capital (Pty) Ltd, which may include:
  - × Trade secrets of Genesis Capital (Pty) Ltd;
  - × Financial, Commercial, Scientific or Technical information which disclosure could likely cause harm to the financial or commercial interests of Genesis Capital (Pty) Ltd;
  - × Information which, if disclosed, could put Genesis Capital (Pty) Ltd at a disadvantage in negotiations or commercial competition; or

- ✘ A computer program which is owned by Genesis Capital (Pty) Ltd and which is protected by copyright.
- The research information of Genesis Capital (Pty) Ltd or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage; or
- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## 9. Request Procedure

A requester requiring access to information held by Genesis Capital (Pty) Ltd must complete the prescribed form, enclosed herewith as “**Annexure A**”, submit it to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in Part II and pay a request fee and a deposit, if applicable.

The prescribed form must be completed with enough particularity to at least enable the Information Officer to identify:

- The record or records requested;
- The identity number of the requester;
- The form of access required, if the request is granted;
- The contact details of the requester;
- The right to exercise and/or to protect, and specify the reasons why the information required will enable the person to protect and/or exercise the right;
- The information the requester wishes to be informed of, the decision of the request in a particular manner, the stated manner and particulars to be so informed; and
- The request for information made on behalf of another person, submitted proof that the person submitting the request, has obtained the necessary authorisation to do so.

Genesis Capital (Pty) Ltd will process the request **within 30 days**, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee, before any further processing can take place.

## 10. Fees

Where Genesis Capital (Pty) Ltd has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

### **THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE: (VAT inclusive)**

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form.	<b>R0,75</b>
For a copy in a computer-readable form on:	
• Compact disc.	<b>R70,00</b>
• A transcription of visual images, for an A4-size page or part thereof.	<b>R40,00</b>
• For a copy of visual images.	<b>R60,00</b>
• A transcription of an audio record, for an A4-size page or part thereof.	<b>R20,00</b>
• For a copy of an audio record.	<b>R30,00</b>

#### **Request fees:**

Where a requester submits a request for access to information held by Genesis Capital (Pty) Ltd on a person other than the requester himself/herself, a request fee in the amount of **R57,00** is payable up-front before Genesis Capital (Pty) Ltd will further process the request received.

#### **Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

### **THE APPLICABLE ACCESS FEES WHICH WILL BE PAYABLE ARE:**

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form.	<b>R0,75</b>
For a copy in a computer-readable form on:	
• Compact disc.	<b>R70,00</b>
• A transcription of visual images, for an A4-size page or part thereof.	<b>R40,00</b>
• For a copy of visual images.	<b>R60,00</b>
• A transcription of an audio record, for an A4-size page or part thereof.	<b>R20,00</b>
• For a copy of an audio record.	<b>R30,00</b>
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	<b>R30,00</b>

Where a copy of a record needs to be posted the actual postal fee is payable.

#### **Deposits:**

Where Genesis Capital (Pty) Ltd receives a request for access to information held on a person other than the requester himself/ herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take **more than 6 (six) hours**, a deposit is payable by the requester.

The amount of the deposit is equal to **1 /3 (one third)** of the amount of the applicable access fee.

**Please Note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations. Therefore, the fees reflected above are VAT inclusive.

## **11. Decision**



Genesis Capital (Pty) Ltd will, **within 30 days** of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The **30 day** period with which Genesis Capital (Pty) Ltd has to decide whether to grant or refuse the request, may be extended for a further period of **not more than 30 days** if the request is for a large number of information, or the request requires a search for information held at another office of Genesis Capital (Pty) Ltd and the information cannot reasonably be obtained within the **original 30 day** period. The Information Officer will notify the requester in writing should an extension be sought.

## 12. Remedies

### a. Internal Remedies

Genesis Capital (Pty) Ltd does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

### b. External Remedies

A requester or a third party, who is dissatisfied with an Information Officer's refusal to disclose information or the disclosed information may **within 30 days** of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.