

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the
Promotion of Access to Information Act, 2 of 2000 ('the Act')
PAIA - Promotion of Access to Information Act

in respect of

NAGRIK SA FINANCIAL SERVICES CO-OPERATIVE LIMITED

Registration no (2013/015732/24)

here in after referred to as

“Nagrik SA”

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1. Overview of Nagrik SA

Nagrik SA is a registered financial services Co operative located in Laudium, Pretoria. It is a member owned and controlled financial co-operative that takes care of the financial needs of its members. The co-operative allows members to mobilise their own savings and turn them into loans for their social and economic benefit.

Nagrik SA is a not-for-profit financial co-operative that is member owned and member controlled. Nagrik SA was formed with the purpose of providing sustainable banking and other related services to its members at reasonable costs.

2. Introduction to the access to information manual:

The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as “the Act”) gives effect to Section 32(1) (a) & (b) of the Constitution of the Republic of South Africa, Act 108 of 1996, which provides for the right of access to information held by public and private bodies when such information is requested for the exercise or protection of any rights.

The Act, inter alia, sets out the requisite procedural requirements in relation to a request for information, the requirements to be met, and grounds for refusal of the request.

The Act recognises that the right to any information may be limited to the extent that such limitations (including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance), are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

3. Information required in terms of section 51 (1) (a) of the act for Nagrik SA

Managing Director : Mr A K Soma
Physical address : Suite 100
1st floor Tangerine Investment Centre
266 Tangerine Street
Laudium, 0037
Postal address : (as above)
Tel : +27 (0) 74 522 3323
Email : Nagriksa @gmail.com
Website : www.nagriksa@gmail.com

Chief Information Officer : Mrs Mansi NAndani
Physical address : Suite 100
1st floor Tangerine Investment Centre
266 Tangerine Street
Laudium, 0037
Postal address : (as above)
Tel : +27 (0) 74 522 3323
Email : Nagriksa @gmail.com
Website : www.nagriksa@gmail.com

4. Further guidance from the South African Human Rights Commission (SAHRC)

The South African Human Rights Commission (hereinafter referred to as “the SAHRC”) has compiled a guide. It sets out information which would be reasonably required of any person wishing to exercise any right set out in the Act. The guide is available in all of the official languages, and is available for inspection at:

The South African Human Rights Commission PAIA Unit;
The Research and Documentation Department;

Postal address: Private Bag 2700
Houghton
2041

Physical Address: 29 Princess of Wales Terrace
Cnr York and St Andrews Streets Houghton
Parktown
Johannesburg
2041

Telephone: +27 (0)11 484 8300

Fax: +27 (0)11 484 1360

Email: paia@sahrc.org.za

Human Rights Commission’s guide to the Act may be accessed electronically by using an Internet web browser to access <http://www.sahrc.org.za>

Alternatively you may call the Human Rights Advice Line on: 086-012-0120

5. Notice in terms of section 51(1) (c) for NAGRIK SA:

At this stage no notices have been published on the categories of records automatically available without a person having to request access thereto in terms of the Act.

The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of the Act:

All pertinent information is freely available on NAGRIK SA's web page – www.nagriksa.co.za

6. Records available in accordance with legislation in terms of section 51 (1) (d):

All records are available in terms of the following legislation:

- Basic Conditions of Employment Act, 75 of 1997;
- Companies' Act, 71 of 2008;
- Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- Competition Act, 89 of 1998;
- Customs & Excise Act, 91 of 1964;
- Employment Equity Act, 55 of 1998;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;
- Skills Development Act, 97 of 1998;
- Trademarks Act, 194 of 1993;
- Unemployment Insurance Act, 63 of 2001;
- Value Added Tax Act, 89 of 1991.

7. Information required in terms of section 51 (1) (e) (subject to part 6 and Appendix 1 to this manual):

NAGRIK SA CFI keeps the following records in terms of various regulatory requirements having an impact on its operations:

1. Memorandum of Incorporation;
2. Minutes of meeting of the Board of Directors;
3. Minutes of meetings of Shareholders;
4. Records relating to the appointment of:
 - 4.1. Directors;
 - 4.2. Auditors;
 - 4.3. Secretary;
 - 4.4. Public Officer;
 - 4.5 Any other Officer.
5. Share Register and other statutory registers and/or records and/or documents.

Income Tax Act Records:

1. Pay-as-you-earn (PAYE) Records;
2. Documents issued to employees for income tax purposes;
3. Records of payments made to South African Revenue Services on behalf of Employees.
4. All or any statutory compliances:
5. Value Added Tax;
6. Regional Services Levies;
7. Skills Development Levies;
8. Unemployment Insurance Fund;
9. Workman's Compensation;
10. Customs and Excise.

Labour Relations Records:

1. Personnel Documents and Records;
2. Employment Contracts;
3. Employment Equity Plan (If applicable);
4. Medical Aid Records;
5. Pension Fund Records;
6. Disciplinary Records;
7. Salary Records;
8. Disciplinary Code and /or procedures;
9. Leave Records;
10. Training Records;
11. Training Manuals;
12. Address Lists;
13. Internal Telephone Lists.

Third Party Records:

1. Records held by NAGRIK SA pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about any contractors and / or suppliers;

2. Records held by NAGRIK SA pertaining to contractors, subsidiary companies, joint venture companies, special purpose vehicle companies and service providers.[In cases where information requested by the requester may impact on a third party, the Information Officer is obliged to comply with the requirements as set out in terms of the Act (especially Sections 71 to 73 of the Act).]

8. PROCEDURE FOR REQUEST FOR ACCESS TO INFORMATION HELD BY NAGRIK SA (SECTIONS 53 TO 57 AND 60 OF THE ACT):

8.1. Considerations before submitting a request

Before you submit a formal request for access the following need to be considered:

8.1.1 Are you submitting the request for the exercise or protection of any of your legitimate rights?

The exercise of your rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. This legislation may not be used for access to a record for criminal or civil proceedings, or requested after the commencement of such proceedings.

8.1.2 Is the information you require in record form, and under the control of Nagrik SA CFI?

This Act only applies to records that have already been created, at the date of the request, and that are under the control of Nagrik SA CFI. Nagrik SA CFI is not obliged to retrieve any records on your behalf that are no longer under its control, even where Nagrik SA CFI created the record.

8.1.3 Do you have a legitimate right to access the record?

A request may only be made to exercise your own right, or where the request is made on behalf of another person, the requestor must submit proof of his/her capacity to act on behalf of the person in whose name the request is made. For example, a power of attorney must be submitted with the request where a legal representative makes the request on behalf of his/her client.

8.2. Procedural compliance when submitting a request

8.2.1 The requester must comply with all the procedural requirements as set out in the Act, relating to the request for access to a record.

8.2.2 The requester must complete the prescribed form enclosed herewith as Appendix 1 (Form C), and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to Nagrik SA CFI under PART 3 above.

8.2.3 The prescribed form must be completed with sufficient detail so as to enable the Information Officer to identify:

- a. The records requested;
- b. The identity of the requester;
- c. Which form of access to the records is required, should the request be granted;
- d. The postal address or facsimile number of the requester.

8.2.4 The requester must explain what other right is being protected or exercised

- 8.2.5 The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner.
- 8.2.6 If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- 8.2.7 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Information Officer.
- 8.2.8 The requester must pay the prescribed fee (if applicable) before any further processing can take place.

8.3. APPLICABLE TIME-PERIODS:

- 8.3.1 Investec will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 8.3.2 The 30 day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Investec or the records are not located at Investec, or consultations amongst divisions and/or subsidiaries of Investec or another private body are required.

8.4. THE OUTCOME OF A REQUEST (GRANTING OR REFUSING):

8.4.1 Should the request be granted, the notice will state the access fee (if any) to be paid upon access, the form in which access will be given and further that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.

8.4.2 Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a Court against the refusal of the request, and the procedure (including the time period) for lodging the application.

8.5. GROUND FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT):

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for Nagrik SA CFI to refuse a request for information as contemplated by the Act relates to:

- 8.5.1 Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (Section 63(1));
- 8.5.2 Protection of commercial information of a third party as defined by the Act, if the record contains:

- trade secrets of that third party;
- financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
- information disclosed in confidence to Investec by a third party, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or would prejudice that third party in commercial competition (Section 64).

8.5.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);

8.5.4 Protection of safety of individuals and protection of property (Section 66);

8.5.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);

8.5.6 Protection of commercial activities of Nagrik SA CFI, which includes:

- trade secrets of Nagrik SA
- financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of Nagrik SA CFI;
- information which, if disclosed, could put Investec at a disadvantage in negotiations or commercial competition;
- a computer programme owned by Nagrik SA CFI, and which is protected by copyright. (Section 68)

8.5.7 The research information of Nagrik SA CFI or a third party on behalf of Nagrik SA CFI if the disclosure would expose the third party, Nagrik SA CFI, the researcher or the subject matter of the research to serious disadvantage (Section 69).

8.6. REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT):

8.6.1 Nagrik SA CFI does not have internal appeal procedures and as such, the decision made by the Information Officer is final.

8.6.2 Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

8.6.3 Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, it (the third party) may within 30 days of notification of such decision, apply to a Court for the appropriate relief.

9. FEES IN RESPECT OF REQUESTS FOR INFORMATION FROM NAGRIK SA CFI **TERMS OF SECTION 51(1)(f)FEES**

The prescribed fee for requests to private bodies is available on the website of the SAHRC under the link : <http://www.sahrc.org.za>

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) for every photocopy of an A4-size page or part thereof) is R1,10.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

(a) For every photocopy of an A4-size page or part thereof	R1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or Machine-readable form	R0,75
(c) For a copy in a computer-readable form on	
(i) stiffy disc	R7,50
(ii) compact disc	R70,00
(d) (i) For a transcription of visual images (for an A4-size page or part thereof	R40,00
(ii) For a copy of visual images	R60,00
(e) (i) For a transcription of an audio record,(for an A4-size page or part thereof	
R20,00	
(ii) For a copy of an audio record	R30,00
2. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

(1) (a) For every photocopy of an A4-size page or part thereof	R1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c) For a copy in a computer-readable form on:	
(i) stiffy disc	R7,50
(ii) compact disc	R70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	
R40,00	
(ii) For a copy of visual images	R60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	
R20,00	
(ii) For a copy of an audio record	R30,00
(f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30,00
(2) For purposes of section 54(2) of the Act, the following applies: If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	
(4) A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;	
(5) Records may be withheld until the fees have been paid.	

APPENDIX 1 [Form C](#) - Request for Access to Record of Private Body

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) You will be <i>notified of</i> the amount required to be paid as the request fee. |
| (c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) If you qualify for exemption <i>of</i> the payment <i>of</i> 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
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)		
'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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

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..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE