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Reg. No. 1988/003863/07

**INFORMATION MANUAL**

**OF**

**CAPE FINANCE CORPORATION (PTY) LTD**

**("The Company")**

**Prepared in accordance with Section 51 of the Promotion of Access to Information  
Act, No. 2 of 2002 ("the Act")**

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## 1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (“THE ACT”)

- 1.1. The Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the Constitutional right in terms of Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa, 108 of 1996 (“the Constitution”), namely, the right of access to any information.
- 1.2. Section 51 of the Act provides that all private bodies, as defined in Section 1 of the Act, are required to compile an information manual in accordance with the Act (“PAIA Manual”).
- 1.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislation and/or regulatory requirements, except where the Act expressly provides that the information must not be released. The Act sets out the relevant information pertaining to the procedure to be adopted when requesting specific information from a private body.

## 2. CAPE FINANCE CORPORATION (PTY) LTD (“THE COMPANY”)

- 2.1. The Company is a duly established and incorporated private body in accordance with the laws of South Africa with Registration No. This PAIA Manual is relevant and has application for any major subsidiaries or portfolios or subgroups of the Company.

## 3. PURPOSE OF THIS PAIA MANUAL

- 3.1. This PAIA Manual is intended to ensure that the Company complies with the Act and is transparent and accountable, by giving effect to the right of information that is required for the exercise and protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

3.2. Section 9 of the Act recognises that the right of access to information cannot be unlimited and should be subject to certain, justifiable limitations, including, but not limited to: -

3.2.1. limitations aimed at the reasonable protection of privacy.

3.2.2. commercial confidentiality; and

3.2.3. effective, efficient, and good governance; and

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights.

3.3. This PAIA Manual complies with the requirements of Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act No.4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and the Regulations thereto.

#### 4. CONTACT DETAILS [Section 51(1)(a)]

Persons designated/duly authorised persons:

Managing Director (“MD”): Richard Innes

Finance Manager (“FM”): Neil Coetzee

Risk and Compliance Manager: Melinita Kitching

Registered Address: Block B Granger Court  
V and A Waterfront  
Cape Town  
8001

Postal Address: PO Box 3970  
Cape Town  
8001, Western Cape

Contact Person: Richard Innes

Telephone Number: 021 911 2603

Website: [www.capefin.co.za](http://www.capefin.co.za)

## 5. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE (“THE GUIDE”) ON HOW TO USE THE ACT IN TERMS OF SECTION 10 OF THE ACT [SECTION 51(1)(b)(i)]

5.1. The South African Human Rights Commission (“SAHRC”) has compiled the Guide as required in terms of Section 10 of the Act. The Guide contains such information, in an easily comprehensible form and manner, which may reasonably be required by a person who wishes to exercise any right contemplated in the Act and accordingly it contains information on how to use the Act and includes and describes: -

5.1.1. the objectives of the Act.

5.1.2. particulars of every information officer of every private body, such particulars of every private body as are practicable.

5.1.3. the manner and form for requests for access to records of private bodies.

5.1.4. the assistance available from the head of the Company and Human Rights Commission in terms of the Act.

5.1.5. All remedies in law available regarding an act or failure to act in respect a right or duty conferred or imposed by the Act; and

5.1.6. the Regulations promulgated under the Act.

- 5.2. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 5.3. The Guide shall be updated and published at least every two years.
- 5.4. The Guide is available in all 11 official languages of South Africa.
- 5.5. Any requests pertaining to the Guide are to be submitted to the Risk and Compliance Manager, alternatively, CEO or the CFO.
- 5.6. The contact details of the Commission are: -

**Head Office:** Johannesburg  
**Telephone Number:** (011) - 877 - 3600  
**Fax Number:** (011) – 403 - 06284  
**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)  
**E-mail Address:** [info@sahrc.org.za](mailto:info@sahrc.org.za)

- 5.7. The guide is available for inspection on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

## 6. THE LATEST NOTICE IN TERMS OF SECTION 52(2) [SECTION 51(1)(b)(ii)]

At this stage, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

## 7. RECORDS AVAILABLE ON REQUEST TO ACCESS IN TERMS OF THE ACT [SECTION 51(1)(b)(iv)]

## **RECORDS HELD BY THE COMPANY**

7.1. For the purposes of this clause, "Personnel" refers to any person who works for, or provides services to, or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

7.2. This clause serves as a reference to the categories of information that the Company holds. The information is classified and grouped according to records relating to the following subjects and categories: -

### 7.2.1. Personnel Records

- 7.2.1.1. Personal records provided by personnel.
- 7.2.1.2. Records provided by a third party relating to personnel.
- 7.2.1.3. Conditions of employment and other personnel-related contractual and quasi-legal records.
- 7.2.1.4. Internal evaluation records and other internal records.
- 7.2.1.5. Correspondence relating to personnel; and
- 7.2.1.6. Training schedules and materials.

### 7.2.2. Customer Related Records

- 7.2.2.1. Records provided by a customer to a third party acting for or on behalf of the Company.
- 7.2.2.2. Records provided by a third party.
- 7.2.2.3. Records generated by or within the Company relating to its customers, including transactional records.

### 7.2.3. Private Body Records

- 7.2.3.1. Financial records.
- 7.2.3.2. Operational records.

- 7.2.3.3. Databases.
- 7.2.3.4. Information Technology.
- 7.2.3.5. Marketing records.

7.2.4. Internal Correspondence

- 7.2.4.1. Product records.
- 7.2.4.2. Statutory records.
- 7.2.4.3. Internal Policies and Procedures.
- 7.2.4.4. Records held by officials of the institution.

These records include, but are not limited to, the records which pertain to the Company's own affairs.

7.2.5. Other Party Records

- 7.2.5.1. Personnel, customer, or private body records which are held by another party, as opposed to the records held by the Company itself.
- 7.2.5.2. Records held by the company 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.
- 7.2.5.3. The Company may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies and service providers.

7.3. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Company will consider access.



8. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT [SECTION 51(1)(b)(iv)]

- 8.1. Records of a public nature, typically those disclosed on the Company's website and in its various annual reports, may be accessed without the need to submit a formal application.
- 8.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the head of company, as set out in Clause 4.

9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SECTION 51(1)(b)(iii)]

- 9.1. Where applicable to its operations, the Company also retains records in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these Acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

No	Ref	Act
1.	No. 53 of 1979	Attorneys Act
2.	No. 26 of 2005	Auditing Professions Act
3.	No. 75 of 1997	Basic Conditions of Employment Act
4.	No. 53 of 2003	Broad-Based Black Economic Empowerment Act
5.	No. 71 of 1991	Business Act
6.	No. 71 of 2008	Companies Act
7.	No. 130 of 1993	Compensation of Occupational Injuries and Disease Act
8.	No. 89 of 1998	Competition Act

9.	No. 108 of 1996	Constitution of the Republic of South Africa
10.	No. 98 of 1978	Copyright Act
11.	No. 91 of 1964	Customs and Excise Act
12.	No. 114 of 1998	Debt Collectors' Act
13.	No. 195 of 1993	Designs Act
14.	No. 25 of 2002	Electronic Communications and Transactions Act
15.	No. 55 of 1998	Employment Equity Act
16.	No. 37 of 2002	Financial Advisory and Intermediary Services Act
17.	No. 38 of 2001	Financial Intelligence Centre Act
18.	No. 68 of 1997	Identification Act
19.	No. 58 1962	Income Tax Act
20.	No. 24 of 1936	Insolvency Act
21.	No. 80 of 1998	Inspection of Financial Institutions Act
22.	No. 28 of 2013	Intellectual Property Laws Amendment Act
23.	No. 66 of 1995	Labour Relations Act
24.	No. 18 of 1969	Leases of Land Act
25.	No. 52 of 1998	Long term Insurance Act
26.	No. 85 of 1993	Occupational Health and Safety Act
27.	No. 34 of 2005	National Credit Act
28.	No. 93 of 1996	National Road Traffic Act
29.	No. 107 of 1998	National Environmental Management Act
30.	No. 57 of 1978	Patents Act
31.	No. 24 of 1956	Pension Funds Act
32.	No. 68 of 1969	Prescription Act
33.	No. 121 of 1998	Prevention of Organised Crime Act
34.	No. 2 of 2000	Promotion of Access to Information Act
35.	No. 4 of 2013	Protection of Personal Information Act
36.	No. 61 of 2008	Revenue Laws Second Amendment Act
37.	No. 74 of 1977	Road Transportation Act
38.	No. 9 of 1999	Skills Development Levies Act
39.	No. 53 of 1998	Short-Term Insurance Act
40.	No. 1 of 1985	Stock Exchanges Control Act
41.	No. 193 of 1994	Trademarks Act
42.	No. 40 of 1949	Transfer Duty Act

43.	No. 31 of 1998	Uncertificated Securities Tax Act
44.	No. 4 of 2002	Unemployment Insurance Contributions Act
45.	No. 89 of 1991	Value Added Tax Act

9.2. It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

## 10. PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013 (“THE POPI ACT”) [SECTION (51)(1)(c)]

10.1. The purpose of processing personal information, a description of the categories of data subjects and of the information or categories of information relating thereto, the recipients or categories of recipients to whom the personal information may be supplied, the planned transborder flows of personal information and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed, is contained in the Company’s Privacy Policy.

10.2. A copy of the Company’s Privacy Policy is available at the Company’s principal place of business as well as on the Company’s Website at [www.capefin.co.za](http://www.capefin.co.za)

## 11. REQUEST PROCEDURE [SECTION 53]

11.1. The requester must complete the prescribed form enclosed herewith and submit same as well as payment of the request fee and a deposit (if applicable) to the Company at the postal or physical address, fax number or electronic mail address as set out in Clause 4 above.

11.2. The prescribed form must be filled in with sufficient information to enable the head of the Company to identify the record or records requested and the identity of the requester.

- 11.3. The requester should indicate which form of access is required and specify a postal address or fax number of the requester in the Republic.
- 11.4. The requester shall identify the right the requester is seeking to exercise or protect and explain why the requested record is required for the exercise or protection of that right.
- 11.5. The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 11.6. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request is making the request to the reasonable satisfaction of the head of the Company.
- 11.7. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 11.8. The head of the Company shall sever a record, if possible, and grant only access to that portion requested, and which is not prohibited being disclosed (Section 59).

## 12. PRESCRIBED FEES [SECTION 54]

- 12.1. The Act provides for two types of fees, namely:
  - 12.1.1. A request fee, to be paid by all requesters except personal requesters, before the request is considered; and
  - 12.1.2. An access fee, which is paid by all requesters if request for access is granted. This fee is inclusive of costs involved by the Company in obtaining and preparing a record for delivery to the requester.

- 12.2. The requester must pay the Request Fee (if any), on notice thereof by the head of the Company before any further processing of the request can take place (Section 54(1)).
- 12.3. If the search for the record of the Company, in respect of which a request for access by the requester has been made, and the preparation of the record for disclosure would, in the opinion of the head of the Company, require more than the hours prescribed for this purpose, the head of the Company shall by notice require the requester to pay as a deposit the prescribed portion, being not more than 1/3 (one third) of the access fee which would be payable if the request is granted.
- 12.4. The notice referred to in Clauses 11.2 and 11.3 above shall state: -
  - 12.4.1. the amount of the deposit payable in terms of Clause 11.3, if applicable.
  - 12.4.2. that the requester may lodge a complaint with the Information Regulator or launch an application with a court against the tender or payment of the request fee in terms of Section 54(2), and
  - 12.4.3. the procedure and period for lodging the complaint to the Information Regulator or the application.
- 12.5. If a deposit is paid in respect of a request for access, which is refused, the head of the Company shall repay the deposit to the requester.
- 12.6. The head of the Company may withhold a record until the request has paid the fees, if any.
- 12.7. A requester whose request for access to a record has been granted, must pay a reasonable access fee for: -
  - 12.7.1. the costs of making a copy of the record, or of a transcription of the content of a record and, if applicable, the postal fee; and

12.7.2. the time reasonably required more than the prescribed hours to search for and prepare the record for disclosure, including deciding to make it available in the request form.

12.8. The fee structure is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za)

### 13. REQUEST FEES

13.1. Where a request to submit a request for access to information held by an institution on a person other than the request himself/herself, a Request Fee in the amount of R50.00 is payable upfront before the institution will further process the request received.

### 14. ACCESS FEES

14.1. 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 via specifically excluded in terms of the Act or an exclusion is determined by the minister in terms of Section 54(8).

### 15. DEPOSITS

15.1. Where institution receives a request for access to information held on a person other than the requester himself/herself and the head of the Company 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.

15.2. The amount of the deposit is equal to 1/3 of the amount of the applicable access fee.

### 16. COLLECTION OF FEES

- 16.1. The initial **Request Fee** of **R 50.00 (current prescribed rate)** should be deposited into the bank account of the Company and a copy of the deposit slip, application form and other correspondence/documents, should be forwarded to the head of the Company via fax/email.
- 16.2. The head of the Company will collect the initial Request Fee of applications received directly by the head of the Company via email.
- 16.3. All fees are subject to change as allowed for in the Act consequently, such escalations may not always be immediately available at time of their request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

## 17. DECISION ON REQUEST AND NOTIFICATION THEREOF [SECTIONS 56, 57 AND 58 OF THE ACT]

- 17.1. The head of the Company, to whom the request is made, shall, as soon as reasonably possible, but within 30 (thirty) days, after the request has been received or after the particulars required in terms of Section 53(2) have been received, decide in accordance with the Act, whether to grant the request and notify the requester of the decision.
- 17.2. Should the request for access be granted, the head of the Company on notice to the requester shall set out the access fee, if any, to be paid upon access; the form in which the access will be given; that the requester may lodge a complaint to the Information Regulator or launch an application with a court against the access of form of access granted, as the case may be; and the procedure and period for lodging the complaint to the Information Regulator or the application.
- 17.3. Should the request for access be refused, the head of the Company on notice to the requester shall state the adequate reasons for the refusal, exclude, from any such reasons, any reference to the content of the record; and that the requester may lodge a complaint to the Information Regulator or launch an application with a court against the refusal of the request; and the procedure

and period for lodging the complaint to the Information Regulator or the application.

- 17.4. The 30 (thirty) day period referred to in Clause 17.1 may be extended, once, for a further period of not more than 30 (thirty) days if the request is for a large number of records or requires a search through a large number of records; the request requires a search for records in, or collection from, an office of the Company not situated in the same town or city as the head of the Company; consultation among divisions of the Company or with another company is necessary or desirable; or the requester consents in writing to such extension.
- 17.5. The head of the Company must, as soon as reasonably possible, and within 30 (thirty) days, after the request is received, notify the requester of that extension, the period of extension and the reasons for the extension.
- 17.6. If the head of the Company fails to give the decision on a request for access to the requester within the period contemplated, the head of the Company is regarded as having refused the request.

## 18. REFUSAL OF ACCESS TO RECORDS [SECTIONS 62 – 70 OF THE ACT]

- 18.1. The Company is entitled to refuse a request for information which relates to the:
  - 18.1.1. Mandatory protection of the privacy of a third party who is a natural person and includes deceased persons (Section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural juristic person.
  - 18.1.2. Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013.



18.1.3. Mandatory protection of the commercial information of a third party (Section 64), if the record contains:

18.1.3.1. Trade secrets of the third party.

18.1.3.2. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party.

18.1.3.3. information disclosed in confidence by a third party, the disclosure of which could put that third party at a disadvantage in negotiations or commercial competition.

18.1.3.4. mandatory protection of confidential information of third parties (Section 65) if it is protected in terms of any agreement.

18.1.3.5. mandatory protection of the safety of individuals and protection of property (Section 66).

18.1.3.6. mandatory protection of record which would be regarded as privileged in legal proceedings (Section 67).

18.2. The commercial activities (Section 68) of the Company, which may include:

18.2.1. trade secrets of the Company.

18.2.2. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company.

18.2.3. information which, if disclosed could put the Company at a disadvantage in contractual and other negotiations or commercial competition.

18.2.4. a computer program, as defined in Section 1(1) of the Copyright Act No. 98 of 1978, which is owned by the Company, except in so far as it is required to give access to a record to which access is granted in terms of this Act.

- 18.3. Mandatory protection of research information of third party and protection of research information of the Company (Section 69).
- 18.4. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 18.5. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 18.6. If requested record cannot be found or if the record does not exist, the head of the Company shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the head of the Company refuses access to such record.

## 19. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST

### 19.1. Internal Remedies

The Company does not have internal appeal procedures. The decision made by the head of the Company is final. Requesters may exercise such external remedies at their disposal, if their request for information is refused, and the requestor is not satisfied with the answer supplied by the head of the Company.

### 19.2. External Remedies

- 19.2.1. A requestor or third party aggrieved by a decision of the head of the Company or Information Regulator, may, by way of application, within 180 (one hundred and eighty) days, apply to court for appropriate relief in terms of Section 82.

19.2.2. A third party aggrieved by a decision of the head of the Company in relation to a request for access to a record of the Company or that is aggrieved by any decision of the Information Regulator, may, by way of application, within 180 (one hundred and eighty) days apply to court for appropriate relief in terms of Section 82.

## 20. AVAILABILITY AND UPDATING OF THIS PAIA MANUAL

20.1. The Company will update this PAIA Manual at such intervals as may be deemed necessary.

This PAIA Manual of the Company is available to view at its principal place of business situate as well as on its website [www.capefin.co.za](http://www.capefin.co.za).