



PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended)**

**DATE OF COMPILATION: 01/12/2021
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1. INTRODUCTION TO THE COMPANY

The company conducts business as The Wealth Counsel cc, an authorised financial services provider as required by the Financial Advisory and Intermediary Services Act (FSP No: 43258)

2. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------------|--|
| 1.1 | “DIO” | Deputy Information Officer; |
| 1.2 | “IO” | Information Officer; |
| 1.3 | “Minister” | Minister of Justice and Correctional Services; |
| 1.4 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as amended); |
| 1.5 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.6 | “Regulator” | Information Regulator; and |
| 1.7 | “Republic” | Republic of South Africa |

3. THE ACT

- 3.1. The ACT grants a requestor access to records of the COMPANY, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the ACT, shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7.
- 3.3 Requestors 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 to exercise Constitutional Rights. The Guide is available from the SAHRC:

Division	:	PAIA UNIT
Physical address	:	Braampark Forum 3, 33 Hoofd Street, Braamfontein
Postal address	:	Private Bag 2700, Houghton, 2041
Phone number	:	011 877 3600
Fax number	:	011 403 0668
Email	:	paia@sahrc.org.za
Website	:	www.sahrc.org.za

4. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 4.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 4.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 4.3 know the description of the records of the body which are available in accordance with any other legislation;
- 4.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 4.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 4.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 4.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 4.8 know the recipients or categories of recipients to whom the personal information may be supplied;

4.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

4.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE WEALTH COUNSEL

5.1 Chief Information Officer

Name: Gareth Sydney Davies
Tel: 011 616 0804
Email: gareth@wealthounsel.co.za

5.2 Deputy Information Officer

Name: Susara Johanna Davies
Tel: 011 616 0804
Email: sarie@wealthcounsel.co.za

5.3 Access to information general contacts

Email: info@wealthcounsel.co.za

5.4 Head Office

Postal Address: P O Box 2427, Bedfordview, 2008, Johannesburg

Physical Address: 186 Derby Road, Kensington, 2094, Johannesburg

Telephone: 011 616 0804

Email: info@wealthcounsel.co.za

Website: www.wealthcounsel.co.za

6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

6.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

6.2 The Guide is available in each of the official languages and in braille.

6.3 The aforesaid Guide contains the description of –

6.3.1 the objects of PAIA and POPIA;

6.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

6.3.2.1 the Information Officer of every public body, and

6.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

6.3.3 the manner and form of a request for-

6.3.3.1 access to a record of a public body contemplated in section 11³; and

6.3.3.2 access to a record of a private body contemplated in section 50⁴;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 6.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 6.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 6.3.6.1 an internal appeal;
 - 6.3.6.2 a complaint to the Regulator; and
 - 6.3.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 6.3.7 the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 6.3.8 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

6.3.9 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

6.3.10 the regulations made in terms of section 92¹¹.

6.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

6.5 The Guide can also be obtained-

6.5.1 upon request to the Information Officer;

6.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>), available in all 11 official languages

[Documents | Information Regulator SA \(justice.gov.za\)](#).

7. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY

7.1 A requester requiring access to information held by the Company must complete the prescribed form available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za), and submit it to the Public Officer at the address, fax number or electronic mail address provided for above, and also make the payment of the prescribed fees.

Refer to Annexure 1.

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7.2 The prescribed form must be completed with enough particularity to enable the Public Officer to identify:

7.2.1 the record(s) requested;

7.2.2 the identity of the requester;

7.2.3 indicate which form of access is required, if the request is granted;

7.2.4 specify the postal address or fax number of the request in the Republic.

7.3 The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.

7.4 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 manner, she or he must state the manner and the particulars so required.

7.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is requesting the reasonable satisfaction of the Public Officer.

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

7.7 The Company will process the request within 30 days unless the requester has stated special reasons which would satisfy the Public Officer that circumstances dictate that the above periods not be complied with.

8. PRESCRIBED FEES

The following applies to requests (other than personal requests):

- 8.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 8.2 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);
- 8.3 A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 8.4 Records may be withheld until the fees have been paid.
- 8.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>
- 8.6 Refer to Annexure 2.

9. CATEGORIES OF RECORDS OF THE WEALTH COUNSEL WHICH ARE AVAILABLE WITHOUT OUR CLIENTS HAVING TO REQUEST ACCESS BY COMPLETING FORM C

Category of records	Types of the Record	Available on Website	Available upon request
Client records	Record of advice, Policy documents, Tax related documents	No	Yes

10. DESCRIPTION OF THE RECORDS OF THE WEALTH COUNSEL WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Human Resources	<ul style="list-style-type: none"> • Basic Conditions of Employment Act, No. 75 of 1997 • Labour Relations Act, No. 66 of 1995 • Unemployment Contributions Act, No.4 of 2002 • Unemployment Insurance Act, No.63 of 2001
Company	<ul style="list-style-type: none"> • Close corporation Act, 69 of 1984 • Income Tax Act, no 95 of 1967 • Value Added Tax Act, No. 89 of 1991 • Financial and Intermediary Services Act, No. 37 of 2002 • Financial Intelligence Centre Act, No. 38 of 2001 as amended
Customer / Client and third parties	<ul style="list-style-type: none"> • Promotion of Access to Information Act, No.2 of 2000 • Protection of Personal Information Act, No.4 of 2013

11. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE WEALTH COUNSEL

Subjects on which the company holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan
Human Resources	<ul style="list-style-type: none"> - Employee information - Personnel files - Policies and procedures - Conditions of employment - Advertised posts - Proof of payment of annul registration fees
Financial and Administration	<ul style="list-style-type: none"> - Financial statements - Reports and returns - Banking records - Debtors/Creditors lists, statements, and invoices - Supplier contracts
Information Management and Technology	<ul style="list-style-type: none"> - System documentation - Equipment register - Manuals - Software licences

Movable and Immovable Property	- Title Deeds - Lease Agreements
Operations	- Archived administration documentation - Insurance (policies, claims) - Income Tax files - Professional indemnity
Marketing and communication	- Marketing strategies - Communication strategies - Agreements
Other records	- Legal proceeding records

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of Processing Personal Information

We process client's data to fulfil our obligation as a financial advisor to provide protection of their financial situation with respect to FAIS (Financial Advisory and Intermediary Services Act 2002). Personal information is used to setup Life Assurance and Investment portfolios for clients, and without processing this information we cannot fulfil our obligation as an advisor.

12.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, email address and contact numbers, registration numbers and identity numbers and copy, employment, remuneration and bank details, tax details and reference, beneficiary details, source of funds, health/medical data
Service Providers	names, registration number, SARS vat and tax numbers, address, trade secrets and bank details, FSCA licence details
Employees	address, qualifications, gender and race, copy of identity document, tax details, fit and proper requirements as per the FAISA Act, continuous professional development records and maintenance, credit and criminal record checks

12.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

12.4 Planned transborder flows of personal information

- Microsoft and Sage domiciled cloud servers
- Physical records held at head office in South Africa

12.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

- Cyber security technology - Antivirus & Anti-malware
- Data encryption technologies
- Firewalls

13. AVAILABILITY OF THE MANUAL

13.1 A copy of this Manual is available-

13.1.1 on www.wealthcounsel.co.za

13.1.2 head office of the Wealth Counsel for public inspection during normal business hours;

13.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

13.1.4 to the Information Regulator upon request

13.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

14. UPDATING OF THE MANUAL

The head of The Wealth Counsel will on a regular basis update this manual.

Issued by

Gareth Davies
Wealth Manager

ANNEXURE 1

FORM C (of Regulation 10)

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 the 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 the 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:
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <ul style="list-style-type: none">(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 the images		copy of the images*	<i>transcription of the images*</i>	
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)		
4. If a record is held on a computer or in an electronic or machine-readable form:					
	A printed copy of record*		A printed copy of information derived from the record*	copy in the computer-readable form* (usb)	
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				YES	NO
Postage is payable.					

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 the 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 of _____ 20__

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE 2

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 reproduction fees referred to in regulation 11(1) and 11(3) are as follows:

	R
(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) Usb provided by requestor	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(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.	
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. 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) third of the access fee is payable as a deposit by the requester.
5. The actual postage is payable when a copy of a record must be posted to a requester.