

Manual prepared in terms of Section 51 of the Promotion of Access to Information Act, No 2 of 2000

(April 2020)

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1. Company Information and contact details

Retail Capital (Pty) Limited is a limited liability company, incorporated in the Republic of South Africa. It provides financial support predominantly to small and medium sized commercial enterprises within South Africa.

All requests for information in terms of this manual should be directed to:

The Head of Compliance
Retail Capital (Pty) Limited
4th Floor, The Palms
145 Sir Lowry Road
Woodstock
Cape Town
7915
Tel: 086 117 1717
Email: legal@retailcapital.co.za

2. The Section 10 Guide on how to use the Act

Should you require greater clarity on or assistance with the Act, we refer you to the Guide that has been published by the South African Human Rights Commission ('SAHRC') in terms of section 10 of the Act. It includes:

- a. what the objectives of this Act are;
- b. the relevant contact details of each public and private body (where possible);
- c. the process that needs to be followed in order to request access to records;
- d. assistance available from the SAHRC and information officers of public bodies;
- e. how to get access to the manual of a private body;
- f. all the remedies available in law to you; and
- g. details on prescribed fees payable in respect of requests for information.

This Guide is available in English only.

Please direct any queries to:

The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Postal address:

Private Bag X2700
Houghton 2041
Telephone: +27 11 877 3803
Fax: +27 11 403 0625
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

3. Types of Records

a. Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to Retail Capital, as it applies to the specific environment in which Retail Capital operates, are available in accordance with said legislation. This legislation includes:

- Basic Conditions of Employment Act, 75 of 1997
- Companies Act, 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Competition Act, 89 of 1998
- Constitution of the Republic of South Africa, 1996
- Electronic Communications Act, 36 of 2005
- Electronic Communications and Transactions Act, 25 of 2002
- Employment Equity Act, 55 of 1998
- Financial Intelligence Centre Act, 38 of 2001
- Insolvency Act, 24 of 1936
- Labour Relations Act, 66 of 1995
- National Environmental Management Act, 107 of 1998
- National Environmental Management Waste Act, 59 of 2008
- Occupational Health and Safety Act, 85 of 1993
- Patents Act, 57 of 1978
- Prevention of Combating of Corrupt Activities Act, 12 of 2004
- Promotion of Access to Information Act, 2 of 2000
- Protected Disclosures Act, 26 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act, 33 of 2004
- Protection of Personal Information Act, 4 of 2013
- Tax Administration Act, 28 of 2011
- Trade Marks Act, 194 of 1993
- Unemployment Insurance Act, 63 of 2001
- Value-added Tax Act, 89 of 1991

b. Records available without requesting access in terms of the Act

A private body 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. Retail Capital has not submitted any such description for publication in the Gazette. Certain records are however freely available on the Internet at www.retailcapital.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 upon request for the purposes of the Act:

Records are held on the following subjects:

- i. Personnel records;
- ii. Customer-related records;
- iii. Private body records; and
- iv. Records in the possession of or pertaining to other parties.

(i) *Personnel records*

Personnel refers to any person who works for or provides services to or on behalf of Retail Capital and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Retail Capital. 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 Retail Capital by their personnel;
- Any records a third party has provided to Retail Capital about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

(ii) *Customer-related records*

A Customer includes any natural or juristic entity, who receives services from Retail Capital.

Customer-related information includes the following:

- Any records a Customer has provided to a third party acting for or on behalf of Retail Capital;
- Any records a third party has provided to Retail Capital; and
- Records generated by or within Retail Capital pertaining to the Customer, including transactional records.

(iii) *Private body records*

A private body's records relate to Retail Capital's own affairs and are considered to include, but not limit to:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal policies and procedures;
- Treasury-related records;
- Securities and equities; and
- Records held by officials of Retail Capital.

(iv) *Other parties*

Retail Capital may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers.

The following records fall under this category:

- Personnel, client or private body records which are held by another party as opposed to being held by Retail Capital; and
- Records held by Retail Capital 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.

4. Requesting procedures

A person who wants access to the records of Retail Capital must complete the necessary request form enclosed herewith (Form C).

The request form can also be accessed on www.sahrc.org.za. If a person needs assistance to obtain the form or on any other matter, please contact the Head of Compliance (the Information Officer) at the telephone number provided in paragraph 1. The completed request form must be sent to the address or email address provided in paragraph 1 and marked for the attention of the Information Officer. The Information Officer will process the request and inform the requester of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalised. A copy of the fee structure applicable to private bodies can be accessed on <https://www.sahrc.org.za>. All the pertinent sections of the request form must be completed fully, failing which the process will be delayed while the Information Officer obtains such additional information. NOTE: Access to certain records may be or must be denied on the grounds set out in the Act. Mandatory grounds for refusal include but are not limited to:

- i. Information for the protection of the privacy of individuals;
- ii. Information for the protection of commercial information and confidential information of third parties;
- iii. Information privileged from production in legal proceedings;
- iv. Commercial information of the company; and
- v. Research information.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

5. Remedies Available if Retail Capital Refuses a Request

Retail Capital does not have internal appeal procedures. The decision made by the Information Officer is final. A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 180 days of notification of the decision, apply to a Court for relief.

6. Availability of the manual

Copies of this manual are available for inspection, free of charge, at the offices of Retail Capital Proprietary Limited. Copies are also available at the South African Human Rights Commission and on our website (www.retailcapital.co.za).

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 in the Republic and / or email address 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: _____

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 for information 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

- | |
|--|
| <p>(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.</p> <p>(b) You will be <i>notified</i> of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees: _____

F. Form of access to record

<p>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.</p>
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Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <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
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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"/>	transcription of the images*
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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
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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"/>	copy in computer readable form* (stiffy or compact disc)
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<p>'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.</p>	YES	NO
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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

FEE STRUCTURE FOR PRIVATE BODIES

Reproduction Fees:

Where a private body 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.

[Refer to clause 3.b of the manual]

The applicable fees for reproduction as referred to above are:

	R
For every photocopy of an A4-size page or part thereof	1.10
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
For a copy in a computer-readable form on - stifty disc Compact disc	7.50 70.00
For a transcription of visual images, for an A4-size page or part thereof For a copy of visual images	40.00 60.00
For a transcription of an audio record, for an A4-size page or part thereof For a copy of an audio record	20.00 30.00

Request Fees:

Where a requester submits a request for access to information held by a private body on a person other than the requester himself/herself, a request fee in the amount of R 50.00 is payable up-front before the private body 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 specifically 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 photocopy of an A4-size page or part thereof	1.10
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
For a copy in a computer-readable form on - stifty disc For a copy in a computer-readable form on – compact disc	7.50 70.00
For a transcription of visual images, for an A4-size page or part thereof	40.00

For a copy of visual images	60.00
For a transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
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.	
Where a copy of a record needs to be posted the actual postage fee is payable.	

Deposits:

Where a private body 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 for disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one-third of the amount of the applicable access fee.