

# SECTION 51 MANUAL

## MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000 ("PAIA")

### 1. INTRODUCTION

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- 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 South Africa 108 of 1996 of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual.
- Foord Asset Management (Pty) Ltd was established in 1980 and acts as an asset management company. It is an authorised Financial Services Provider in terms of the Financial Advisory and Intermediary Services Act ("FAIS") and an approved pension fund administrator in terms of Section 13B of the Pension Funds Act.
- In this PAIA manual, any reference to "Foord" includes any of the entities as listed below:
  - Foord Group Holdings (Pty) Ltd
  - Foord Fund Managers (Pty) Ltd
  - Foord Asset Management (Pty) Ltd
  - Foord Unit Trusts (RF) (Pty) Ltd - an approved management company in terms of section 42 of the Collective Investment Schemes Control Act ("CISCA")
  - African Capital Management (Pty) Ltd
  - Foord Holdings (Pty) Ltd
  - Imbewu Yethu Empowerment Investments (RF) (Pty) Ltd
  - Imbewu Yethu Trust
  - Foord Umbrella Provident Fund – an approved umbrella provident fund in terms of the Pension Funds Act no 24, 1956 and registered with the Financial Sector Conduct Authority

### 2. CONTACT DETAILS AND GENERAL INFORMATION

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Foord Asset Management (Pty) Ltd will deal with all requests relating to any of the entities. All requests for information in terms of this manual should be directed to:

**The Compliance Officer:** Diane Behr  
**Street and postal address:** 8 Forest Mews, 96 Forest Drive, Pinelands, 7405, Cape Town  
**Tel. number:** +27(0)21- 532 6988  
**Fax. number:** +27(0)21- 532 6999  
**E- Mail address:** [info@foord.co.za](mailto:info@foord.co.za)  
**Website:** [www.foord.co.za](http://www.foord.co.za)

### 3. PAIA

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- 3.1 PAIA grants a requester access to records of a private body, if the records are required for the exercise or protection of any rights. If a public body lodges a request for access to records, the public body must be acting in the public interest.
- 3.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures. The forms and prescribed tariff rates are set out in paragraphs 6 and 7 of the Act.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (“SAHRC”), which will contain information for the purposes of exercising constitutional rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

<b>Postal address:</b>	Private Bag 2700, Houghton, 2041
<b>Telephone number:</b>	+27(0)11-877 3600
<b>Fax number:</b>	+27(0)11-403 0625
<b>Website:</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## 4. LEGISLATION APPLICABLE TO AVAILABLE RECORDS

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Foord keeps records 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. Refer Appendix 2 for a list of applicable legislation and regulations.

## 5. SCHEDULE OF AVAILABLE RECORDS

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The following categories of records, available on request, are maintained by Foord:

### 5.1 INVESTOR RECORDS

Investors include any natural or juristic person who has received products or services from Foord. Records include those generated by Foord, or provided by the investor to Foord or a contracted third party, or those provided by a contracted third party to Foord in respect of the investor.

### 5.2 FOORD STAFF

Foord staff includes temporary and contractual staff, and FAIS representatives. Records include those generated by Foord, or provided by Foord staff to Foord or a third party, or those provided by a third party to Foord in respect of Foord staff, and internal records and correspondence.

### 5.3 FOORD BUSINESS RECORDS

Foord maintains records relating to its private internal affairs, including but not limited to the following:

- Financial records
- Operational records
- Information technology records
- Marketing records
- Internal correspondence
- Records related to products and services
- Statutory records
- Internal policies and procedures
- Records held by third party Foord officials
- Personnel records

## 6. FORM OF REQUEST

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To facilitate the processing of a request, kindly:

- 6.1 Use the prescribed form, attached in Appendix 1 and available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za).
- 6.2 Address the request to the Foord Chief Operating Officer.
- 6.3 Provide sufficient details to enable Foord to identify:
  - (a) The record(s) requested;
  - (b) The identity of the requester;
  - (c) Identity and proof of capacity of an agent acting on behalf of the requester, if applicable;
  - (d) The form of access required;
  - (e)
    - (i) The postal address or fax number of the requester in the Republic;
    - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the particulars thereof;
  - (f) The right which the requester is seeking to exercise or protect with an explanation of the reason the requester seeks to exercise or protect the right.

**NOTE: Access to certain records may be denied on the grounds set out in terms of PAIA.**

Mandatory grounds for refusal include but are not limited to:

- (a) Information for the protection of the privacy of individuals;
- (b) Information for the protection of commercial information and confidential information of third parties;
- (c) Information privileged from production in legal proceedings;
- (d) Commercial information of the company; and
- (e) Research information.

## 7. PRESCRIBED FEES

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The following applies to requests:

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2 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);
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za).



## **8. AVAILABILTY OF THE MANUAL**

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Copies of this manual are available for inspections, free of charge, at the offices of Foord Asset Management (Pty) Ltd. Copies are also available from the South African Human Rights Commission and on Foord's website [www.foord.co.za](http://www.foord.co.za).

**APPENDIX 1**

**PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER**

**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))

**A. Particulars of private body**

Name of the private body: *(check applicable)*:

1.  Foord Asset Management (Pty) Ltd
2.  Foord Unit Trusts (RF)(Pty) Ltd
3.  African Capital Management (Pty) Ltd
4.  Foord Holdings (Pty) Ltd
5.  Foord Group Holdings (Pty) Ltd
6.  Foord Fund Managers (Pty) Ltd
7.  Imbewu Yethu Empowerment Investments (RF)(Pty) Ltd
8.  Imbewu Yethu Trust
9.  Foord Umbrella Provident Fund

The Head: Chief Operating Officer

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**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:

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Identity number:

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Postal address:

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Fax number:

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Telephone number:

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E-mail address:

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Capacity in which request is made, when made on behalf of another person:

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**C. Particulars of 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:

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Identity number:

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## 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.
- c) The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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## 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:

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## 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 Nature:

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Mark the form in which record is required with an X.

## NOTES:

- 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 for 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 transcription of the images

**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 record is held on computer or in an electronic or machine-readable form:**

- printed copy of record
- printed copy of information derived from the record
- copy in computer readable form

\*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.

- 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:

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2. Explain why the record requested is required for the exercise or protection of the abovementioned right:

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**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?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX 2**

**RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999
- Financial Advisory and Intermediary Services Act 37 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Protection of Personal Information Act 2 of 2013