

PROMOTION OF ACCESS TO INFORMATION

MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000, FOR THE FOLLOWING ENTITIES:

This Manual applies to Long Beach Capital (Pty) Ltd, its divisions and subsidiaries.

Registered by the Financial Services Board (“FSB”) as authorised Financial Services Providers:
Long Beach Capital (Pty) Ltd

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A. Introduction

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, Long Beach Capital is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act. It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

This manual is available for inspection, free of charge, at the physical address of Long Beach Capital recorded below.

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

This Manual has been compiled in accordance with the Promotion of Access to Information Act 2 of 2000 (the Act) and applies to all the identified entities.

1. Contact details

Long Beach Capital will deal with all requests relating to any of the entities. All requests for information in terms of this manual must be directed to:

The Head of Legal and Compliance

Long Beach Capital (Pty) Ltd
Prescient House
Otto Close
Tokai
7945

PO Box 30067
Tokai
7966

Telephone: +27 - 21 – 700 3600
Fax: +27 - 21 – 700 5495
compliance@longbeachcapital.co.za

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

The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

Postal Address: The South African Human Rights Commission PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone Number: +27 (0) 11 484 8300
Fax Number: +27 (0)11 484 0582
E-mail Address: paia@sahrc.org.za
Website: <http://www.sahrc.org.za>

3. Subjects and categories on which records are held

The accessibility of the documents listed below may be subject to the grounds of refusal set out in this manual.

3.1 Personnel Records

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

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Correspondence relating to personnel; and
- Training schedules and material.

3.2 Client Related Records

A "client" refers to any natural or juristic entity that receives services from Prescient.

- Records provided by a client to an intermediary;
- Records provided by a third party;
- Records generated by or within Long Beach Capital relating to clients, including transactional records.

3.3 Private Body Records

Finance:

- Financial records.

Actuarial:

- Statutory records.

Client care:

- Policy documents;
- Applications;
- Amendments;
- Financial transactions;
- Alterations;
- General information.

Alternate:

- Company secretarial records;
- Product records;
- Operational records;
- Databases
- Information technology;
- Marketing records;
- Internal correspondence;
- Treasury-related records;
- Internal Policies and Procedures
- Securities and equities; and
- Records held by officials of Long Beach Capital.

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

3.4 Other Records

Further records are held pertaining to:

- Shareholders;
- Directors;
- Employees;
- Officials;
- Consultants;
- Intermediaries; and
- Service Providers.

4. Records available in terms of any other legislation

A requester may also request information that is available in terms of other legislation.

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act, 75 of 1997
- Collective Investment Schemes Control Act 45 of 2002
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Electronic Communications and Transaction Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1991
- Insolvency Act 24 of 1936
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Medical Schemes Act 131 of 1998
- National Credit Act 34 of 2005
- Pension Funds Act 24 of 1956
- Policyholder Protection Rules
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Securities Services Act 36 of 2004
- Short-term Insurance Act
- Skills Development Levies Act 9 of 1999
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1996
- Value-added Tax Act 89 of 1991

5. Grounds for refusal of access to records

Long Beach Capital may refuse a request for information on the following basis:

- 5.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 5.2 Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - Information disclosed in confidence by a third party to Long Beach Capital, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

- 5.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- 5.4 Mandatory protection of the safety of individuals and the protection of property;
- 5.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 5.6 The commercial activities of Long Beach Capital, which may include:
 - Trade secrets of Long Beach Capital;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Long Beach Capital;
 - Information which, if disclosed, could put Long Beach Capital at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by Long Beach Capital and which is protected by copyright.
- 5.7 The research information of Long Beach Capital or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 5.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6. Request procedure

- 6.1 A requester requiring access to information held by Long Beach Capital must complete the prescribed Form C annexed as "A" hereto.
- 6.2 Submit the completed form to the Head of Legal and Compliance at the postal or physical address, fax number or electronic mail address recorded in paragraph 2 of this manual and pay a request fee and a deposit, if applicable.
- 6.3 The prescribed form must be completed with enough particularity to at least enable the Long Beach Capital to identify:
 - The record or records requested;
 - The identity number of the requester;
 - The form of access required, if the request is granted;
 - The e-mail, postal address, or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 Long Beach Capital will process the request within 30 days, unless the requester has stated special reasons which would satisfy Long Beach Capital that circumstances dictate that the above time periods could not be complied with.
- 6.6 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 other manner, he/she must state the manner and the particulars so required.
- 6.7 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 to the reasonable satisfaction of Long Beach Capital.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee if applicable, before any further processing can take place.

7. Access to records held by Long Beach Capital

Records held by Long Beach Capital may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of or held by Long Beach Capital. There are two types of requesters:

7.1 Personal requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Long Beach Capital will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

7.2 Other requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Long Beach Capital is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

8. Decision

8.1 Long Beach Capital will, within 30 day of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

8.2 The 30 day period with which Long Beach Capital has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of Long Beach Capital and the information cannot reasonably be obtained within the original 30 day period. Long Beach Capital will notify the requester in writing should an extension be sought.

9. Remedies available when Long Beach Capital refuses a request for information

9.1 Internal Remedies

Long Beach Capital does not have internal appeal procedures. Therefore, the decision made by Long Beach Capital is final. Requesters who are dissatisfied with a decision of Long Beach Capital will have to exercise external remedies at their disposal.

9.2 External Remedies

A requester or a third party, who is dissatisfied with Long Beach Capital's refusal to disclose information or the disclosed information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

10. Fees

10.1 The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

10.2 When the request is received by Long Beach Capital, the officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

10.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, Long Beach Capital will notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.

10.4 Long Beach Capital will withhold a record until the requester has paid the fees as indicated in table below.

10.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

10.6 If a deposit has been paid in respect of a request for access, which is refused, then Long Beach Capital will repay the deposit to the requester.

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 3.2 of the manual].

The applicable fees for reproduction as referred to above are:

For every photocopy of an A4-size page or part thereof	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0.85
For a copy in a computer-readable form on - stifty disc	8.55
- compact disc	79.80
For a transcription of visual images, for an A4-size page or part thereof	46.60
For a copy of visual images	68.40
For a transcription of an audio record, for an A4-size page or part thereof	22.80
For a copy of an audio record	34.20

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	1.25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0.85
For a copy in a computer-readable form on - stifty disc	8.55
For a copy in a computer-readable form on – compact disc	79.80
For a transcription of visual images, for an A4-size page or part thereof	45.60
For a copy of visual images	68.40
For a transcription of an audio record, for an A4-size page or part thereof	22.80
For a copy of an audio record	34.20
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.

Where a copy of a record needs to be posted the actual postage fee is payable.

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 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:

.....

Mark the appropriate box 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 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:

<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"/>	Transcription of the images*	<input type="checkbox"/>	copy 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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*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.	<input type="checkbox"/>	YES	<input type="checkbox"/>	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