



BENGUELA GLOBAL
FUND MANAGERS

BENGUELA GLOBAL FUND MANAGERS (PTY) LTD

REGISTRATION NUMBER: 2013/028139/07

**PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2002
MANUAL**

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1 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, Benguela Global Fund Managers (Pty) Ltd (“BENGUELA GLOBAL FUND MANAGERS”) 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 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.

2 PARTICULARS OF THE PRIVATE BODY

(Information required under Section 51(1)(a) of the Act)

- 1.1. Name of the body: Benguela Global Fund Managers (Pty) Ltd
- 1.2. Information Officer: Mukesh Hurryparsad
- 1.3. Postal Address: PO Box 1035, Rivonia, 2128
- 1.4. Street Address: 3rd Floor Rivonia Village, Cnr Rivonia Boulevard and Mutual Road, Rivonia, 2191
- 1.5. Telephone Number: +2710 596 8500 / +27 73 127 3221
- 1.6. Email: mukesh@benguelaglobal.com
- 1.7. Website: www.benguelaglobal.com

3 GUIDE OF THE INFORMATION REGULATOR

The Information Regulator 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:

Street Address: JD House, 27 Stiemens Street, Braamfontein,
Johannesburg,
2001

Postal Address: P.O. Box 31533,
Braamfontein,
Johannesburg,
2017

Telephone Number: +27 (0) 10 023 5200

E-mail Address: enquiries@infoeregulator.org.za

Website: <http://www.infoeregulator.org.za>

4 VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

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

- Personnel Records
- Client Related Records
- Private Body Records
- Supplier and Service Provider Records
- Third Party Information
- Marketing Records (brochures, leaflets)

5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION (Section 51(1)(c))

Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws. As legislation changes from time to time, and new laws may stipulate new manners and extend the scope of access by persons specified in such entities, this list should not be read as being a final and complete list.

Legislation	Tick
1. Administration of Estates Act, No. 66 of 1965	
2. Arbitration Act No. 42 of 1965	
3. Basic Conditions of Employment No. 75 of 1997	✓
4. Broad Based Black Economic Empowerment Act No. 53 of 2003	✓
5. Companies Act No. 71 of 2008	✓
6. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993	✓
7. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988	
8. Consumer Protection Act No. 68 of 2005	✓
9. Copyright Act No. 98 of 1978	
10. Currency and Exchanges Act No. 9 of 1933	
11. Debtor Collectors Act No. 114 of 1998	
12. Electronic Communications and Transactions Act No. 25 of 2002	✓
13. Electronic Communications Act No. 36 of 2005	✓
14. Employment Equity Act No. 55 of 1998	✓
15. Finance Act No. 35 of 2000	
16. Financial Intelligence Centre Amendment Act No. 11 of 2008	✓
17. Financial Markets Act No. 19 of 2012	✓
18. Financial Sector Regulation Act No. 9 of 2017	✓
19. Financial Services Board Act No. 97 of 1990	✓
20. Financial Relations Act No. 65 of 1976	
21. Harmful Business Practices Act No. 23 of 1999	
22. Income Tax Act No. 58 of 1962	✓
23. Insolvency Act No. 24 of 1936	
24. Insurance Act No. 18 of 2017	✓
25. Intellectual Property Laws Amendments Act No. 38 of 1997	
26. Labour Relations Act No. 66 of 1995	✓

27. Long Term Insurance Act No. 52 of 1998	
28. Medical Schemes Act No. 131 of 1998	
29. Occupational Health & Safety Act No. 85 of 1993	✓
30. Pension Funds Act No. 24 of 1956	✓
31. Post Office Act No. 44 of 1958	
32. Protection of Businesses Act No. 99 of 1978	
33. Protection of Personal Information Act No. 4 of 2013	✓
34. Regional Services Councils Act No. 109 of 1985	
35. SA Reserve Bank Act No. 90 of 1989	✓
36. Short Term Insurance Act No. 53 of 1998	
37. Skills Development Levies Act No. 9 of 1999	✓
38. Skills Development Act No. 97 of 1998	✓
39. Telecommunications Act No. 103 of 1996	✓
40. Trade Marks Act No. 194 of 1993	
41. Unemployment Contributions Act No. 4 of 2002	
42. Unemployment Insurance Act No. 63 of 2001	✓
43. Value Added Tax Act No. 89 of 1991	✓

6 ACCESS TO INFORMATION

Benguela Global Fund Managers may refuse a request for information in respect of information detailed below:

1. Personal information belonging to third parties who are natural persons.
2. Commercial information belonging to third parties, if the record contains:
 - (a) Trade secrets of that third party;
 - (b) Financial, commercial scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - (c) information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

3. Confidential information of third parties, if such disclosure would constitute a breach of duty of confidence owed to the third party in terms of any agreement
4. Information impacting the safety of individuals and the protection of property
5. Information which would be regarded as privileged in legal proceedings
6. Commercial activities of a private body such as Benguela Global Fund Managers, which may include:
 - (a) Trade secrets of Benguela Global Fund Managers;
 - (b) Financial, commercial scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Benguela Global Fund Managers;
 - (c) information which, if disclosed could put Benguela Global Fund Managers at a disadvantage in negotiations or commercial competition;
 - (d) a computer program which is owned by Benguela Global Fund Managers and which is protected by copyright
7. Research information of Benguela Global Fund Managers or a third party, if its disclosure would place Benguela Global Fund Managers, the third party or the subject matter of the research at a serious disadvantage.

7 REQUEST PROCEDURE

- 7.1. Requests for access to information to records held by Benguela Global Fund Managers must be made on the prescribed Form C in the Act (See Annexure A), or from the Information Regulator's website (www.inforegulator.org.za) as well as payment of a request fee and a deposit (if applicable).
- 7.2. Submit the completed form to the Information Officer at the postal or physical address, fax number or e-mail address detailed above.
- 7.3. The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
 - (a) the record or records requested;
 - (b) the identity of the requester;
 - (c) which form of access is required, if the request is granted;
 - (d) the postal address or fax number of the requester within the Republic

- 7.4 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 is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right.
- 7.5 Benguela Global Fund Managers will process the request within 30 (thirty) days.
- 7.6 The requester shall be informed whether access granted or denied. If the requester requires reasons for the decision in any other manner, the requester will be obliged to state the manner and the particulars.
- 7.7 The requester must pay the prescribed fee (see Annexure B) if applicable, before any further processing takes place.
- 7.8 The Information Officer may sever a record, if possible, and grant access only to that portion which the law does not prohibit access to.

8 PRESCRIBED FEES (Section 51(1)(f))

- 8.1. The Act provides for two types of fees, namely:
 - (a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and which is not refundable; and
 - (b) An access fee, which is paid by all requesters in the event that a request is granted. This fee is inclusive of costs involved in obtaining and preparing a record for delivery to the requester.
- 8.2. 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, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 8.3. Information may be withheld until the request fee and the deposit (if applicable) have been paid.
- 8.4. 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 request form.
- 8.5. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

8.6. The fees can be downloaded from the following URL:

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>

9 REMEDIES AVAILABLE WHEN REQUEST IS REJECTED

9.1. Internal Remedies

Benguela Global Fund Managers does not have internal appeal procedures. The decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer. Information may be withheld until the request fee and the deposit (if applicable) have been paid.

9.2. External Remedies

A requestor that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief.

Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief.

The courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated magistrate.

10 AVAILABILITY OF THE MANUAL (Section 51(3))

10.1. This manual is available for inspection at the offices of the company free of charge upon prior arrangement with the said contact person of the company as per section 2.

10.2. A copy is also made available on the website of the company.

Name : Mukesh Hurryparsad

Signature :

Designation : Chief Operating Officer

Signed on this day of at Rivonia

Date of Compilation:

August 2023

Date updated: August 2023

Version Control: Version 3.0

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 Information Officer:

[Redacted area for Information Officer details]

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

[Redacted area for Full names and surname]

ID number

[Redacted area for ID number]

Postal address

[Redacted area for Postal address]

Fax number

[Redacted area for Fax number]

[Redacted area for Postal address]

Telephone number

[Redacted area for Telephone number]

[Redacted area for Postal address]

E-mail address

[Redacted area for E-mail address]

[Redacted area for Postal address]

[Redacted area for Postal address]

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

[Redacted area for Capacity in which request is made]

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

ID 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 a tick.

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:

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* (stiffy or compact disc)	
*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

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

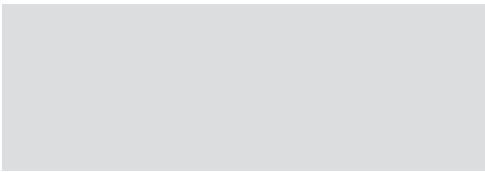
H. Notice of decision regarding request for access

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 on the day of 20

Signature of requester/person on whose behalf
request is made



ANNEXURE B

FEES IN RESPECT OF PRIVATE BODIES

	Description	Amount
1	The request fee payable by every requester	R140.00
2	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3	Printed copy of A4-size page	R2.00 per page or part thereof.
4	For a copy in a computer-readable form on:	
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc	R40.00
	• If provided by requestor	R60.00
	• If provided to the requestor	
5	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6	Copy of visual images	
7	Transcription of an audio record, per A4-size page	R24.00
8	Copy of an audio record on:	
	(i) Flash drive (to be provided by requestor)	
	(ii) Compact disc	
	• If provided by requestor	
	• If provided to the requestor	R40.00
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed a total cost of	R435.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.