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**MANUAL**

**in terms of  
Section 51 of**

**The Promotion of Access to Information Act  
2/2000  
(the "Act")**

<b>Date of issue/update</b>	Created: 1 October 2019 Last reviewed and/or updated: 23 March 2021	<b>Version</b>	2
<b>Policy owner</b>	NS Mazwi		
<b>Approved by</b>	NS Mazwi	30 November 2020	

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## A. INTRODUCTION

Bayakha Infrastructure Partners Proprietary Limited (registration number: 2016/175173/07) is an authorised, 100% Black-owned and majority youth-owned, specialist private markets fund manager licensed by the Financial Sector Conduct Authority as a Category II financial services provider (FSP number: 47414) (the **Company**).

Directors:                    Mr. Ben Kodisang  
                                     Mr Sakhile Mazwi  
                                     Mr Mpho Mokwele  
                                     Ms. Fumani Mthembu  
                                     Mr. Obakeng Moloabi  
                                     Ms Thokozile Zambane

CEO:                            Mr. Sakhile Mazwi

Postal Address:            Unit 4, Upper Ground, Katherine & West, 114 West Street,  
                                     Sandton, 2196

Street Address:            Unit 4, Upper Ground, Katherine & West, 114 West Street,  
                                     Sandton, 2196

Telephone Number:    +27 76 650 8882

Fax Number:                please use the email address provided for information requests

Email:                        sakhile@bayakha.co.za

## B. THE ACT

1. The ACT grants a requester access to records of a private body, 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.
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 of the Act.
3. Requesters 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 for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

Postal Address:            Private Bag 2700, Houghton, 2041

Telephone Number:    +27-11-877 3600

Fax Number: +27-11-403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### C. APPLICABLE LEGISLATION

(Section 51 (1) (c)). Please note that each entity needs to assess which legislation is applicable to it and thereafter list such legislation, below is just an example for ease of reference.

Name of Act
Broad-Based Economic Empowerment Act
Companies Act
Disaster Management Act
Financial Advisory and Intermediary Services Act
Financial Intelligence Centre Act
Financial Sector Regulation Act
Financial Services Board Act
Income Tax Act
Labour Relations Act
Occupational Health and Safety Act
Prevention and Combating of Corrupt Activities Act
Prevention of Organised Crime Act
Protection of Constitutional Democracy against Terrorist and Related Activities Act
Protection of Personal Information Act

### D. SCHEDULE OF RECORDS

Records	Subject	Availability
Public Affairs	<ul style="list-style-type: none"><li>Public Product Information</li></ul>	Freely available on website <a href="http://www.bayakha.co.za">www.bayakha.co.za</a>

	<ul style="list-style-type: none"> <li>• Public Corporate Records</li> </ul>	
Financial	<ul style="list-style-type: none"> <li>• Financial Statements</li> <li>Financial and Tax Records (Company &amp; Employees)</li> </ul>	<p>Request in terms of PAIA</p> <p>Request in terms of PAIA.</p> <p>Not available.</p>
Marketing	<ul style="list-style-type: none"> <li>• Market Information</li> <li>• Public Customer Information: <ul style="list-style-type: none"> <li>○ Product Brochures</li> <li>○ Owner Manuals</li> </ul> </li> <li>• Field Records</li> <li>• Performance Records</li> <li>• Product Sales Records</li> <li>• Marketing Strategies</li> <li>• Customer Database</li> <li>• Dealer Franchise Documents</li> </ul>	<p>Request in terms of PAIA</p> <p>Request in terms of PAIA</p> <p>Request in terms of PAIA</p> <p>Request in terms of PAIA</p> <p>Request in terms of PAIA</p> <p>Request in terms of PAIA</p>

## E. FORM OF REQUEST

To facilitate the processing of your request, kindly:

1. Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).
2. Address your request to the Head of the Company (**CEO**).
3. Provide sufficient details to enable the Company to identify:
  - a) The record(s) requested;
  - b) The requester (and if an agent is lodging the request, proof of capacity);
  - c) The form of access required;
  - d) The postal address or fax number of the requester in the Republic;
  - e) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof; and
  - f) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## **F. PRESCRIBED FEES**

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

1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
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);
3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
4. Records may be withheld until the fees have been paid.
5. The fee structure is attached as Annexure A and available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).
6. The prescribed form C is attached as Annexure B and available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

## **G. MEASURES TO AVOID COI:**

As conflicts of interest affecting clients could undermine the integrity and professionalism of our business, any instances must be identified as early as possible. If conflict situations cannot be avoided, they must be managed equitably and in the client's interest. Detecting potential or recognized conflicts of interest that could compromise the interest of our clients and managing and limiting the impact of conflicts of interest therefore constitute an integral part of BIP' management duties and obligations. Potential conflicts of interest are inherent in any business and therefore it is not our aim to avoid all conflicts but rather to take steps to identify and manage conflicts of interests to ensure that our clients are not unduly prejudiced.

## **H. SOUTH AFRICAN HUMAN RIGHTS DISCLAIMER**

1. The South African Human Rights Commission reserves all rights and makes no warranty, either express or implied, with respect to the information and/or promotional material contained herein and is not responsible for any expenses, inconvenience, damage (whether special or consequential) or claims arising out of posting, time and costs incurred and or associated with this information and will not be liable for the latter. Specific exemption from any liability is claimed with regard to the following:
  - a) The SAHRC does not endorse any third party private service provider and will not bear any costs related to your transaction to compile the manual on your behalf.

- b) Submission to the SAHRC is free and the SAHRC does not charge any fees for advice or administration however all cost to lodge manuals is at the relevant private entities own cost e.g. registered mail etc.
- c) Manuals are subject to review and comment with the possibility of manuals being rejected on the basis of not meeting the minimum requirements and the SAHRC is not liable for the amendment costs if any and resubmission if any of any manuals. At the earliest reasonable opportunity, BIP and its representative must, in writing, inform a client of the Conflict of Interest Management Policy and how it may be accessed.

## ANNEXURE A - PAIA Manual

### NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the **Commission**) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (**PAIA**) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (**VAT**) is only payable by institutions who have registered as VAT vendors.

#### 1. **The Promotion of Access to Information Act**

PAIA gives effect to the Constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

#### 2. **Regulations to PAIA**

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

##### Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14.712 per annum (if single) and R27.192 per annum (if married or have a life partner), are also exempt from paying the request fees.

##### Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for preparation of and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

##### **Public Bodies:**

- Copy per A4 page - 60 cents
- Printing per A4 page - 40 cents
- Copy on a CD - R40
- Transcription of visual images per A4 page - R22
- Copy of a visual image - R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording - R17
- Search and preparation of the record for disclosure - R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee



**Private Bodies:**

- Copy per A4 page – R1.10
- Printing per A4 page •- 75 cents
- Copy on a CD -- R70
- Transcription of visual images per A4 page - R40
- Copy of a visual image-- R60
- Transcription of an audio recording per A4 page R20
- Copy of an audio recording-- R30
- Search and preparation of the record for disclosure - R30 per hour or part thereof. excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

**3. Registered VAT Vendors**

The Commission further confirms that Value-Added Tax (**VAT**) is only payable by institutions who have registered as VAT vendors as required under section 23 of the Value Added Tax Act of 1991.

**ANNEXURE B - PAIA Manual - Form C**



**REPUBLIC OF SOUTH AFRICA**

**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.<br>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.<br>(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: (.....) .....

Fax 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**

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 below, 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 <b>X</b> .	
NOTES:	
(a) Compliance with your request for access 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	
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**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*
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**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 ..... this day..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE