

# **PAIA SECTION 51 MANUAL**

for

## **ATEKSANA LIMITED AND SUBSIDIARIES**

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND WAS LAST  
UPDATED IN DECEMBER 2011

**Registered office address:**

118 Jarrah Road  
Benoni Agricultural Holdings  
Benoni  
(in the process of being changed)

**Company:** ATEKSANA LIMITED *trading as Dinamika Makelaars*  
**Registration number:** 2000/006692/06 hereafter referred to as ***The Company***

This manual applies to ATEKSANA LIMITED and its subsidiaries. (Hereafter collectively referred to as ATEKSANA). These subsidiaries are:

Stone Buttrass Investments (Pty ) Ltd 2004/034151/07 (51% share)  
Zenagis Properties 1001 (Pty) Ltd 2003/029261/07 (100% share)

## 1. INTRODUCTION

The promotion of Access to Information Act, 2000 (the "Act") gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

### **Nature of business**

The Company is operating as a financial services provider FSP NO.12693 .

## 2. CONTACT DETAILS

**Name of body:** ATEKSANA LIMITED

**Head of body:** Willem Adriaan Smit (Chief Executive Officer)

**Information Officer:** Willem Adriaan Smit

### **Physical Address:**

111 Jarrah Road  
Benoni Agricultural Holdings  
Benoni

### **Postal Address :**

PO Box 7045  
Petit  
1512

**Telephone Number:** +27 11 749 7300

**Facsimile Number:** +27 11 749 7323

**Email address:** [willemas@mweb.co.za](mailto:willemas@mweb.co.za)

**Website URL:** [www.dinamika.co.za](http://www.dinamika.co.za)

### 3. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:  
PAIA Unit (the Research and Documentation Department)  
Postal address: Private Bag 2700, Houghton, 2041  
Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### 4. ACCESS TO RECORDS HELD BY ATEKSANA

Records held by the Company may be accessed on request only once the requirements for access have been met.

A requester is any person making a request for access to a record of **The Company** and in this regard, the Act distinguishes between two types of requesters:

#### **Personal Requester:**

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will 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 by **The Company**.

#### **Other Requester:**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, **The Company** is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by **The Company**.

### 5. REQUEST PROCEDURE

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record.

The requester must use the prescribed form to make the request for access to a record. This form is available from The Department of Justice ([http://www.justice.gov.za/forms/paia/J752\\_paia\\_Form\\_C.pdf](http://www.justice.gov.za/forms/paia/J752_paia_Form_C.pdf)).

This must be sent to the head of **The Company**. This request must be made to the address, or electronic mail address of **The Company**.

The prescribed form must be filled in with enough particularity to at least enable the information officer to identify:

- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal address or fax number of the requester.

A requester must state that he or 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 also provide an explanation of why the requested record is required for the exercise or protection of that right.

**The Company** will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this time period not be complied with.

The requester shall 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 or she must state the manner and the particulars so required.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

## 6. DECISION

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect.

The 30 day period within which **The Company** has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of **The Company** (other than the head office) and the information cannot reasonably be obtained within the original 30 day period. The information officer will notify the requester in writing should an extension be necessary.

## 7. FEES

The Act provides for two types of fees:

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 where applicable.

When a request is received by the information officer of **The Company**, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the

request. If a search for the record is necessary 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.

The information officer shall withhold a record until the requester has paid the fee or fees as indicated.

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.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

## **8. REMEDIES AVAILABLE IF THE COMPANY REFUSES A REQUEST FOR INFORMATION**

### **Internal Remedies:**

*The Company* does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

### **External Remedies:**

A requestor that is dissatisfied with the 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 the 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. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **9. LIST OF APPLICABLE LEGISLATION**

Records of *The Company's* and other legal entities in which *The Company* has a direct controlling interest or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company and/or its subsidiaries from time to time:

Basic Conditions of Employment Act 57 of 1997  
Broad-based Black Economic Empowerment Act 53 of 2003  
Collective Investment Schemes Control Act 45 of 2002  
Companies Act 61 of 1973  
Companies Act 71 of 2008  
Compensation for Occupational Injuries and Diseases Act 130 of 1993

Currencies and Exchanges Act 9 of 1993  
Electronic Communications and Transactions 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  
Financial Institutions (Protection of Funds) Act 28 of 2001  
Financial Services Board Act 97 of 1990  
Financial Services Ombud Schemes Act 37 of 2004  
Income Tax Act 58 of 1962  
Inspection of Financial Institutions Act 80 of 1998  
Labour Relations Act 66 of 1995  
Long-term Insurance Act 52 of 1998  
Occupational Health and Safety Act 85 of 1993  
Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002  
Pension Funds Act 24 of 1956  
Prevention of Organised Crime Act 121 of 1998  
Prevention and 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  
Skills Development Act 97 of 1998  
Skills Development Levy Act 9 of 1999  
Securities Services Act 36 of 2004  
Securities Transfer Tax Act 25 of 2007  
Securities Transfer Tax Administration Act 26 of 2007  
Trade Marks Act 194 of 1993  
Trust Property Control Act 57 of 1988  
Unemployment Insurance Act 30 of 1966  
Unemployment Insurance Contributions Act 4 of 2002  
Value Added Tax Act 89 of 1991

## **10. AVAILABILITY OF THE MANUAL**

The manual is available for inspection, on reasonable prior notice, at the office of **The Company** free of charge. Copies of this manual are also available from the SAHRC and **The Company's** website.