

**B A C C I**  
INVESTMENT SOLUTIONS

**MANUAL IN TERMS OF SECTION 51 OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT  
ACT No. 2 OF 2000  
(the "Act")**

**for**

**BACCI TRADING (PTY) LTD  
(Registration Number: 2001/029132/07)**

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## ANNEXURE A – FORM C

### **1. INTRODUCTION**

This manual is published in accordance with Section 51 of the Promotion of Access to Information Act, 2000 (“PAIA”). PAIA gives effect to the public’s constitutional right to have access to information that is required for the exercise or protection of any rights.

**BACCI TRADING (PTY) LTD (“BT”)** is a private body as defined and is an authorised financial services provider that provides advisory, intermediary and discretionary financial services to its clients, under license number 808, issued in terms of the Financial Advisory and Intermediary Services Act, 37 of 2002.

This document serves as the manual of BT as required in terms of PAIA and describes the categories of records held by the company and the procedures that need to be followed to request access to such records.

### **2. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

#### **2.1 COMPANY ADDRESS AND CONTACT DETAILS**

(as required in terms of Section 51(1)(a))

Name of private body: **Bacci Trading (Pty) Ltd**

Information officer: **Ulf Brinkmann**

Physical address: Bree Street Studios,  
17 New Church Street,  
Cape town,  
8000

Postal address: As above

Telephone number: **021 434 7455**  
Fax number: **021 434 7966**  
Email: **ulf@brinkmann.co.z**  
Website: **a www.bacci.co.za**

## **2.2 THE ACT AND THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE**

(as required in terms of Section 51(1)(b))

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.

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.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission ("SAHRC"), and contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the SAHRC are:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: (011) 877 3600  
Fax Number: (011) 403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## **2.3 APPLICABLE LEGISLATION**

(as required in terms of Section 51(1)(c))

The following is a list of applicable legislation (list not exhaustive):

- Basic Conditions of Employment Act No. 75 of 1997
- Collective Investment Schemes Control Act No. 45 of 2002
- Companies Act No. 71 of 2008
- Consumer Protection Act No. 68 of 2008
- Electronic Communications Act No. 36 of 2005
- Employment Equity Act No. 55 of 1998
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Institutions (Protection of Funds) Act No. 28 of 2001
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Act No. 19 of 2012
- Financial Services Board Act No.97 of 1990
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Prevention of Organised Crime Act No. 121 of 1998
- Promotion of Access to Information Act No. 2 of 2002
- Protection of Personal Information Act No. 4 of 2013
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Contributions Act No.4 of 2002
- Value Added Tax Act No. 89 of 1991

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

2.4.1 No records are available without request for access [Section 51(1)(c)].

2.4.2 Records that may be requested [Section 51(1)(d)].

BT holds the information/ documents listed herein below:

### **2.4.2.1 Companies Act records**

- Company registration documents
- Memorandum of Incorporation
- Minutes of Board Meetings
- Records pertaining to the appointment of directors, auditors, company secretary and other officers (where applicable)
- Share register and other statutory registers

### **2.4.2.2 Financial records**

- Annual Financial Statements
- Tax returns
- Accounting records (journals and ledgers)
- Banking records
- Bank statements
- Register of fixed assets
- Invoices

### **2.4.2.3 Income Tax records**

- PAYE records
- Documents issued to employees for income tax purposes

- Salaries and wages records
- Records of payments made to SARS on behalf of employees
- Workmen's compensation
- All other statutory compliances –
  - VAT
  - Skills development levies
  - UIF
  - Income Tax
  - Provisional Tax

#### 2.4.2.4 Human resources records

- Employment contracts
- Salary records
- Leave records
- Job descriptions

#### 2.4.2.5 Information Technology records

- Agreements
- Accounting system
- Hardware register
- Software license register
- Internet service provider

#### 2.4.2.6 Compliance/ Regulatory records

- Conflicts of interest policy
- Risk management policy
- Disclosure document
- Insurance policy
- Business continuity plan
- FICA internal rules

- Compliance manual
- Complaints resolution policy and register
- Treating customers fairly policy

## **2.5 FORM OF REQUEST**

(as required in terms of Section 51(1)(e))

To facilitate the processing of your request, kindly follow the steps as set out below:

- a) Use the prescribed form (Form C), attached as annexure A to this manual. The prescribed form is also available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za).
- b) Address your request to the Information officer.
- c) Provide sufficient details to enable BT to identify:
  - The record(s) requested;
  - The requester (and if an agent is lodging the request, proof of capacity);
  - The form of access required;
  - (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 manner and particulars thereof;
  - 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.

## **2.6 PRESCRIBED FEES**

(as required in terms of Section 51(1)(f))

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

A requestor is required to pay the prescribed fees before a request will be processed. 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).

A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

Records may be withheld until the fees have been paid.

The fee structure is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za).

## **2.7 AVAILABILITY OF THE PAIA MANUAL**

(as required in terms of Section 51(3))

This manual can be inspected at the physical address listed under the 'Address and Contact Details' section, free of charge.

The manual can also be accessed on BT's website.

A copy of the manual is also available at the SAHRC.

## **2.8 FORM C AND FEES**

The prescribed Form C is annexed to this manual as Annexure A.

The fees pamphlet is available on request.

Signed at \_\_Cape Town\_\_\_\_\_ on 08 July\_\_\_\_\_ 2015.

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For and on behalf of BT, duly authorised hereto.

**ANNEXURE A****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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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**

- |  |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

**F. Form of access to record**

<p>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.</p>
--

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	printed copy of record*		printed copy of information derived from the record"
			copy in computer readable form* (mobile storage device 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 .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE