

**MELVILLE DOUGLAS INVESTMENT MANAGEMENT (PTY) LTD**

**(Registration Number 1987/005041/07)**

**INFORMATION MANUAL**

Published in terms of Section 51  
of the Promotion of Access To Information Act, 2 of 2000

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## INTRODUCTION

This information manual (“Manual”) provides an outline of the types of records held by Melville Douglas Investment Management (“MD”) and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (the “Act”).

The Act gives effect to everyone’s constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requestor’s rights.

A guide to the Act is available from the South African Human Rights Commission (“SAHRC”) website: [www.sahrc.org.za](http://www.sahrc.org.za). Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Private Bag 2700

Houghton

2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

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

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

### 1 AVAILABILITY OF THIS MANUAL

This Manual is published on Melville Douglas’s website – [www.melvilledouglas.co.za](http://www.melvilledouglas.co.za) or can be accessed by requesting a copy by e-mail from MD’s Information Officer as provided for in paragraph **Error! Reference source not found.** below. This manual has been made available to the Human Rights Commission.

## **2 PARTICULARS IN TERMS OF SECTION 51**

### **2.1 Contact Details – [Section 51(1)(a)]**

#### **2.1.1 The Managing Director of MD in terms of the Act is:**

Name: Mr Guy Anthony Norman MacRobert

Postal Address: Melville Douglas Investment Management (Pty) Ltd  
PO Box 411184  
Craighall  
2024

Physical Address: 35 Morsim Road  
Hyde Park  
2196

E-mail: [admin@meldoug.co.za](mailto:admin@meldoug.co.za)

#### **2.1.2 The Managing Director has duly authorised the person below as the Information Officer for purposes of the Act:**

The Information Officer: Martie Nunes

Postal Address: Melville Douglas Investment Management (Pty) Ltd  
PO Box 411184  
Craighall  
2024

Physical Address: 35 Morsim Road  
Hyde Park  
2196

Telephone: +27 11 772 0100

Fax: +27 11 772 0132

E-mail: [admin@meldoug.co.za](mailto:admin@meldoug.co.za)

### **3 RECORDS HELD BY MD**

MD maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

#### **3.1 Records Automatically Available – [see Section 51(1)(c) of the Act]**

Records that are automatically available to the public are all records of MD lodged in terms of regulatory/legislative requirements with various statutory/regulatory bodies, including The Companies and Intellectual Property Commission (CIPC), the Registrar of Deeds, the Registrar of Banks, The Financial Services Board and The Department of Justice and Constitutional Development all records in the booklets and pamphlets published by MD and all records available on MD's website – [www.melvilledouglas.co.za](http://www.melvilledouglas.co.za) .

#### **3.2 Records available in accordance with South African legislation**

MD has records available in terms of the following legislation:

**3.2.1** Administration of Estates Act No. 66 of 1965

**3.2.2** Banks Act 94 of 1990

**3.2.3** Basic Conditions of Employment Act No. 75 of 1997

**3.2.4** Collective Investment Schemes Control Act 45 of 2002

**3.2.5** Companies Act No 71 of 2008

**3.2.6** Compensation for Occupational Injuries and Diseases Act No 130 of 1993

**3.2.7** Competition Act No 89 of 1998

**3.2.8** Consumer Protection Act No. 68 of 2008

**3.2.9** Electronic Communications Act No 36 OF 2005

**3.2.10** Electronic Communications and Transactions Act 25 of 2002

**3.2.11** Estate Duty Act 45 Of 1955

**3.2.12** Extension of Security of Tenure Act 62 of 1997

**3.2.13** Financial Advisory and Intermediary Services Act 37 of 2002

- 3.2.14 Financial Institutions (Protection of Funds) Act No 28 of 2001
- 3.2.15 Financial Intelligence Centre Act No 38 of 2001
- 3.2.16 Income Tax Act 58 of 1962
- 3.2.17 Insolvency Act No 24 of 1936
- 3.2.18 Inspection of Financial Institutions Act 80 of 1998
- 3.2.19 Labour Relations Act 66 of 1995
- 3.2.20 Long-Term Insurance Act 52 of 1998
- 3.2.21 National Payment System Act No 78 of 1998
- 3.2.22 Occupational Health & Safety Act No 6 of 1983
- 3.2.23 Pension Funds Act 24 of 1956
- 3.2.24 Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- 3.2.25 Prevention of Organised Crime Act 121 Of 1998
- 3.2.26 Promotion of Access to Information Act No 2 of 2000
- 3.2.27 Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
- 3.2.28 Protection of Information Act No 84 of 1982
- 3.2.29 Regulation of Interception Act 70 of 2002
- 3.2.30 Securities Services Act No. 36 of 2004
- 3.2.31 South African Reserve Bank Act 90 of 1989
- 3.2.32 Trust Property Control Act No 57 of 1988
- 3.2.33 Uncertificated Securities Tax Act No 31 Of 1998
- 3.2.34 Value Added Tax Act 89 of 1991
- 3.2.35 Wills Act No. 7 of 1953

### **3.3 INTERNAL RECORDS**

MD holds records in the following categories:

### **3.3.1 Movable and Immovable Property**

- (i) Title deeds;
- (ii) Records evidencing the land and buildings which are fixed assets;
- (iii) Lease Agreements;
- (iv) Hire-purchase Agreements; and
- (v) Credit Sale Agreements.

### **3.3.2 Intellectual Property**

- (i) Trade Marks;
- (ii) Patents;
- (iii) Copyright;
- (iv) Designs; and
- (v) Licences.

### **3.3.3 Insurance**

- (i) Policies;

(ii) Insurance investigation reports; and

(iii) Insurance claim records.

#### **3.3.4 Taxation**

(i) Income tax returns;

(ii) VAT returns;

(iii) PAYE returns; and

(iv) UIF returns.

#### **3.3.5 Human Resources**

(i) Policies/Standards/Procedures;

(ii) Employee information;

(iii) Employment agreements;

(iv) Forms and applications;

(v) Standard letters and notices;

(vi) Payroll reports/ Wage register;



- (vii) Pay slips;
- (viii) IRP5's;
- (ix) Leave records;
- (x) Accident books and records;
- (xi) Workplace and Union agreements and records;
- (xii) Employee benefits arrangements rules and records;
- (xiii) Safety, Health and Environmental records;
- (xiv) Labour dispute records;
- (xv) Disciplinary records;
- (xvi) Employment and termination agreements;
- (xvii) Grievance Procedures; and
- (xviii) Employee training.

### **3.3.6 Finance**

- (i) Audited annual financial statements;

- (ii) Management accounts;
- (iii) Banking details and bank accounts;
- (iv) Debtors/Creditors statements and invoices;
- (v) General ledgers and subsidiary ledgers;
- (vi) General ledger reconciliation; and
- (vii) Policies and Procedures.

#### **3.3.7 Procurement**

- (i) Requests for proposals/requests for information;
- (ii) Preferential procurement policies/standards;
- (iii) Tender documentation;
- (iv) Standard Terms and Conditions for supply of services and products;
- (v) Contractor, client and supplier agreements; and
- (vi) Lists of suppliers, products, services and distribution;
- (vii) Policies and Procedures.

### **3.3.8 Operations**

- (i) Customers/suppliers;
- (ii) Products and services.

### **3.3.9 Legal and Compliance**

- (i) Agreements/General Contracts;
- (ii) Permits/licences;
- (iii) approvals;
- (iv) authorisations;
- (v) applications;
- (vi) registrations;
- (vii) Submissions to parliament and other regulatory/statutory bodies; and
- (viii) Litigation claims/ Court documents and records.

### **3.3.10 Information security/Information technology**

- (i) System documentation and manuals;

- (ii) Project, disaster recovery and implementation plans;
- (iii) Information usage policy documentation;
- (iv) Software licensing;
- (v) Hardware asset registers;
- (vi) Disaster recovery plans;
- (vii) Information security policies/standards/procedures; and
- (viii) Computer/mobile device usage policy documentation.

#### **3.3.11 Risk Management and audit**

- (i) Risk management plans;
- (ii) Risk management frameworks;
- (iii) Audit reports; and
- (iv) Submissions to the South African Reserve Bank.

#### **3.3.12 Corporate Records**

- (i) Incorporation and reorganisation records (Articles of Incorporation/ Memorandum of Association);

- (ii) Combined Company Register;
- (iii) Minutes of Meetings;
- (iv) Statutory Returns;
- (v) Powers of attorney;
- (vi) Delegation of authority;
- (vii) Share Certificates
- (viii) Company registers;
- (ix) Attendance register of director's and manager's meetings;
- (x) Special resolution /Resolutions passed at General and Class meetings;
- (xi) Index of names of members of the company;
- (xii) Proxy forms (in respect of meetings of members of the company);
- (xiii) Research and development;
- (xiv) Documents on business processes;
- (xv) Documents on sales and marketing, and distribution;

- (xvi) Strategic planning document;
- (xvii) Register of allotments of shares in a company;
- (xviii) Register of debenture-holders;
- (xix) Register of directors, officers of the company and secretaries thereof which are body corporate;
- (xx) Register of directors shareholdings;
- (xxi) Complaints submitted by a client to the ban; and
- (xxii) Records of telephonic and electronic instructions.

### **3.3.13 Occupational Health and Safety**

- (i) A comprehensive and updated list of all the contractors on site accountable to the principal contractor, the agreements between the parties and the type of work being done;
- (ii) Record for every lift, escalator and passenger conveyor;
- (iii) Schematic electrical wiring diagram in respect of every lift, escalator or passenger conveyor;
- (iv) Policies and procedures; and
- (v) Personal injury records.

## **4 STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST**

The following steps must be considered before submitting a request:

#### **4.1 Step 1: Are you entitled to use the Act to request access?**

Please take note of section 7(1) of the Act which states:

“This Act does not apply to a record of a public body or a private body if –

- (a) that record is requested for the purpose of criminal or civil proceedings;
- (b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.”

If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. MD reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

#### **4.2 Step 2: Does the information requested exist in the form of a record?**

Please note that the Act only applies to records that are in existence at the time of us receiving your request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, the Act cannot be used to obtain reasons for a decision taken by MD if such reasons are not in the form of a record.

#### **4.3 Step 3: Is the record in the possession or under the control of MD?**

The Act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by MD or at some point in MD’s possession (but no longer in MD’s control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

### **5 HOW TO SUBMIT REQUEST FOR ACCESS**

Please consider the steps in paragraph 4 above before submitting your request. Once you are satisfied that none of the foregoing prohibitions apply to you, you may proceed to submit a request as follows:

#### **5.1 *Request form***

Please complete the request form in Annexure 1 to this Manual (the “Request Form”). You can send the completed request form as is or under cover of a separate letterhead or fax cover.

In the Request Form, you need to provide sufficient information to enable us to adequately identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number of the requester.

#### **5.2 *Description of the right***

Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated.

It is important to note that MD’s Information Officer may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act.

#### **5.3 *Representatives***

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 MD’s Information Officer.

#### **5.4 *Illiteracy or disability***

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

#### **5.5 *Prescribed fee***

The prescribed access fee, if applicable, as provided for in paragraph 6.2 below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request.

### **6 PRESCRIBED FEES**

**6.1** 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.



- 6.2 The requester, other than a *personal requester*<sup>1</sup>, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.
- 6.3 If the search for and 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 will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 6.4 The Information Officer may withhold a record until the requester has paid the fees as indicated in **Annexure 2**.
- 6.5 A requester whose request 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.
- 6.6 You may ask for a refund of the deposit if your request for access is refused.

## 7 **CONSIDERING YOUR REQUEST**

- 7.1 Subject to the provisions in the Act in respect of extension of time periods, MD will process the request within 30 days, unless you have stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 7.2 You will be informed in writing whether access has been granted or denied.
- 7.3 The main grounds for MD to refuse a request for information relate to the -
- 7.3.1 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;
- 7.3.2 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;

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<sup>1</sup> “personal requester” means a requester seeking access to a record containing *personal information* (as defined in the Act) about the requester.

- information disclosed in confidence by a third party to MD, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

**7.3.3** mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

**7.3.4** mandatory protection of the safety of individuals and the protection of property;

**7.3.5** mandatory protection of records which would be regarded as privileged in legal proceedings;

**7.3.6** the commercial activities of MD, which may include –

- trade secrets of MD;
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of MD;
- information which, if disclosed could put MD at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by MD, and which is protected by copyright.

**7.3.7** the research information of MD or a third party, if its disclosure would disclose the identity of MD, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

## **8 YOUR REMEDIES**

MD does not have internal appeal procedures. As such, the decision made by the Information Officer is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief.

**ANNEXURE 1:**

**REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

This annexure must accompany the cover letter addressed to the relevant Information Officer

**A. Particulars of Melville Douglas Investment Management (Pty) Ltd**

The Information Officer

35 Morsim Road

Hyde Park

2196

Telephone: +27 11 772 0100

Fax: +27 11 772 0132

E-mail: [admin@meldoug.co.za](mailto:admin@meldoug.co.za)

**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 the request is made, when made on behalf of another person:

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**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:

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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:

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2 Reference number, if available:

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3 Any further particulars of record:

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**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:

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**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:	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 for 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"/>	copy of the images"	<input type="checkbox"/>	transcription of 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)
--------------------------	-------------------------	--------------------------	-----------------------------------------------------------	--------------------------	-------------------------------------------------------------

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
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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:

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

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**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?

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Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 201\_

\_\_\_\_\_  
Signature of requester / person on whose behalf request is made

**FOR MELVILLE DOUGLAS INVESTMENT MANAGEMENT (PTY) LTD'S INTERNAL USE ONLY**

Reference number:

Information Officer:

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

\_\_\_\_\_  
SIGNATURE OF INFORMATION OFFICER (or duly authorised representative)



**ANNEXURE 2:**

**FEEs IN RESPECT OF PRIVATE BODIES**

DESCRIPTION		Rand
<b>1</b>	The fee for a <b>copy of the manual</b> as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
<b>2</b>	The fees for <b>reproduction</b> referred to in regulation 11 (1) are as follows:	
(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	7,50
(ii)	Compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(d)(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii)	For a copy of an audio record	30,00
<b>3</b>	The <b>request fee</b> payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
<b>4</b>	The <b>access fees</b> payable by a requester referred to in regulation 11 (3) are as follows:	
4.1(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a	0,75

	computer or in electronic or machine-readable form	
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	7,50
(ii)	Compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii)	For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
4.2	For purposes of section 54 (2) of the Act, the following applies:	
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	One third of the access fee is payable as a deposit by the requester.	
4.3	The actual postage is payable when a copy of a record must be posted to a requester.	