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No. 24450

MANUAL

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO INFORMATION ACT (NO. 2 OF 2000)



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

PART I**3. CONTACT DETAILS:**

- 3.1 Information Officer: Mr André Boucher
- Postal Address: PO Box 1120
Johannesburg
2000
- Physical Address: 75 President Street
Johannesburg
- Telephone No: (011) 374-9111
- Fax No: (011) 834-9033
- E-mail: aboucher@mf.co.za

3.2 GENERAL INFORMATION:

- 3.2.1 Name of Private Body: Mutual & Federal Insurance
Company (Pty) Ltd
- 3.2.2 Postal Address: PO Box 1120
Johannesburg
2000
- 3.2.3 Physical Address: 75 President Street
Johannesburg
2001
- 3.2.4 Telephone Number: (011) 374-9111
- 3.2.5 Fax Number: (011) 834-9033
- 3.2.6 E-mail address: aboucher@mf.co.za
- 3.2.7 Website address: <http://www.mf.co.za>

Part II**4. GUIDANCE FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

As at the date hereof, the South African Human Rights Commission has not yet compiled a Guide contemplated in Section 10 of the Act.

The guide will contain 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 must be directed to:

The South African

HUMAN RIGHTS COMMISSION at

PAIA unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT)

**Private Bag X2700
Houghton
2041**

Telephone Number: 484-8300

Fax Number: 484-1360

Website address: www.sahrc.org.za

E-mail address: paia@sahrc.org.za

PART III

5. RECORDS

This clause is aimed at serving as a reference to the records that Mutual & Federal holds in order to facilitate a request in terms of the Act.

All information held by Mutual & Federal is classified and grouped according to records relating to the following subjects and categories:

5.1 PERSONNEL RECORDS:

- 5.1.1 Personal records provided by employees of Mutual & Federal;
- 5.1.2 Records provided by individuals other than employees;
- 5.1.3 Conditions of employment and other employee-related contractual and *quasi*-legal records;
- 5.1.4 Internal records;
- 5.1.5 Correspondence relating to personnel;
- 5.1.6 Training schedules and material.

5.2 CUSTOMER/CLIENT RELATED RECORDS:

- 5.2.1 Records provided by a customer/client to Mutual & Federal;
- 5.2.2 Records provided by a customer to a third party acting for or on behalf of Mutual & Federal;
- 5.2.3 Records provided by third parties to Mutual & Federal;
- 5.2.4 Records generated by or within Mutual & Federal relating to its customers/clients, including transactional records.

5.3 RECORDS RELATING TO MUTUAL & FEDERAL:

- 5.3.1 Financial records;
- 5.3.2 Operational records;
- 5.3.3 Databases;
- 5.3.4 Information technology;
- 5.3.5 Marketing records;
- 5.3.6 Internal correspondence;
- 5.3.7 Product related records;
- 5.3.8 Statistical records;
- 5.3.9 Product records;
- 5.3.10 Statutory records;
- 5.3.11 Internal policies and procedures;
- 5.3.12 Securities and equities;
- 5.3.13 Records held by officials of Mutual & Federal.

5.4 OTHER RECORDS:

- 5.4.1 Employee-, customer/client-, and records relating to Mutual & Federal itself, which are held by another party, as opposed to being held by Mutual & Federal itself;

- 5.4.2 Records held by the institution pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by other parties, and records that third parties have provided which relate to contractors and suppliers;
- 5.4.3 Mutual & Federal may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Mutual & Federal.

PART IV

6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The grounds upon which Mutual & Federal could refuse access to records are:

- 6.1 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;
- 6.2 Mandatory protection of the commercial information of a third party, where the requested record/s contain:
 - 6.2.1 Trade secrets of that third party;
 - 6.2.2 Financial, commercial, scientific or technical information, the disclosure of which would cause harm to the financial or commercial interests of that third party;
 - 6.2.3 Information disclosed in confidence by a third party to the institution, if the disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition.
- 6.3 Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.
- 6.4 Mandatory protection of the safety of individuals and the protection of property;
- 6.5 Mandatory protection of records which are regarded as privileged in legal proceedings;
- 6.6 The commercial activities of Mutual & Federal, which include:
 - 6.6.1 Trade secrets;
 - 6.6.2 Financial, commercial, scientific or technical information, the disclosure of which would harm the financial or commercial interests of Mutual & Federal;
 - 6.6.3 Information which, if disclosed, could put Mutual & Federal at a disadvantage in negotiations or commercial competition;
 - 6.6.4 Computer programs and related information technology software owned by Mutual & Federal and protected by copyright.
- 6.7 Research information compiled by Mutual & Federal or a third party, if its disclosure would place the research at a serious disadvantage.

7. REMEDIES AVAILABLE TO A REQUESTER UPON REFUSAL OF ACCESS

7.1 Internal remedies:

Mutual & Federal does not have any internal appeal procedures that may be followed after a request to access information has been refused. As such, 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.

7.2 External remedies:

A requester dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a competent court for relief.

Likewise, a third party that is 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 competent court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

8. REQUEST PROCEDURE

- 8.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 8.2 The requester must complete the prescribed form [Appendix 1], and submit the form together with payment of a request fee [if applicable] and a deposit, [where a request is made for access to information relating to a third party] to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraph 3.1 above.
- 8.3 The prescribed form must be completed with enough particularity to at least enable the information officer to identify the following:
 - 8.3.1 The record or records required by the requester;
 - 8.3.2 The identity of the requester and such person acting on behalf of the requester where applicable;
 - 8.3.3 What form of access is required, if the request is granted;
 - 8.3.4 The telephone number, postal address or fax number of the requester (within the Republic of South Africa);
- 8.4 **The requester must state that the information is required in order to exercise or protect a right, and clearly indicate what the nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such right.**
- 8.5 The institution will process the request within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is necessitated.
- 8.6 Where an extension of the 30 day time limit is required, the requester shall be notified, together with reasons explaining why such extension is necessitated.
- 8.7 The requester shall be informed whether access will be granted or whether it is refused. If, in addition, the requester requires reasons to be provided for the decision, this requirement must be stated by the requester.

- 8.8 If a request is made on behalf of another person, the requester must advise the information officer of the capacity in which the requester is making the request.
- 8.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make a request orally.
- 8.10 Where applicable, the requester must pay the prescribed fee/s before any further processing can take place (see paragraph 10 below).

9. ACCESS TO RECORDS HELD BY MUTUAL & FEDERAL

Records in the possession of Mutual & Federal may only be accessed by a requester once the pre-requisite requirements for access have been met.

9.1 Personal requester

Mutual & Federal 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 will be charged.

9.2 Other requester

This requester is entitled to request access to information held on any third party or parties. However, Mutual & Federal is not obliged to grant access to such records. The requester must fulfil the pre-requisite requirements for access in terms of the Act, including the payment of a request and access fee.

10. FEES

10.1 The Act provides for two types of fees that might be payable, namely:

10.1.1 A **request fee** which will be a standard fee prescribed by Regulation published in the Government Gazette; and

10.1.2 An **access fee**, which must be calculated by taking the following factors into account: reproduction costs; search and preparation time and cost and postal costs.

10.2 When the request is received by the Information Officer, such Officer shall by notice require the requester (other than a personal requester) to pay the prescribed request fee (if applicable), before further processing the request.

10.3 If the search for and preparation of the record for disclosure [including arrangements to make the records available in the requested form] requires more than the time prescribed by Regulation, 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.

10.4 The Information Officer shall withhold a record until a requester has paid the fees as indicated in Appendix 2.

10.5 A requester whose request for access 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 required form.

- 10.6 Where a deposit has been paid in respect of a request for access, which is subsequently refused, then the information officer concerned shall refund the deposit to the requester.

11. DECISION

- 11.1 The Information Officer (or person/s properly authorised to fulfil such function in the absence of the Information Officer or Deputy Information Officer) will, within 30 days after receipt of the request, decide whether to grant or decline the request and give notice with reasons (if so required by the requester) to that effect.
- 11.2 The 30 day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office of Mutual & Federal and the information cannot reasonably be obtained within the original 30 day period.
- 11.3 Unless otherwise required by the requester, Mutual & Federal will notify the requester in writing should an extension be necessary.

12. LIST OF APPLICABLE LEGISLATION

A table of legislation setting out a description of the records of the institution which are available in accordance with other legislation, is annexed hereto marked Appendix 3.

13. AVAILABILITY OF THIS MANUAL

- 13.1 This manual is made available in terms of Regulation Number R187 of 15 February 2002.
- 13.2 This Manual is also available on the website of Mutual & Federal, being: www.mf.co.za
- 13.3 This manual is further available at the South African Human Rights Commission and shall be published in English in the Government Gazette.
- 13.4 Copies of this Manual can also be obtained from the Information Officer.

APPENDIX 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM A

REQUEST FOR ACCESS TO RECORDS OF MUTUAL & FEDERAL

(in terms of section 53(1) of the Promotion of Access to Information Act,
No 2 of 2000)

(Regulation 4)

A. Particulars of Mutual & Federal

B. Particulars of person requesting access to the record/s

(a) *The particulars of the person who requests access to the records must be provided in the space provided below*

(b) *Furnish an address and/or fax number within the Republic of South Africa to which information must be sent*

(c) *Proof of the capacity in which a person is making the request must be attached, if applicable*

- Full Name and Surname: _____
- Identity Number: _____
- Postal Address: _____
- _____
- Postal Code: _____
- Telephone Number: _____
- Fax Number: _____
- E-mail address: _____
- Capacity in which request is made, when request is made on behalf of another person: _____
- _____
- _____

C. Particulars of person on whose behalf request is made:

This section must only be completed if a request for information is made on behalf of another person.

Full names and Surname:

Identity Number:

D. Particulars of record/s required:

- (a) *Provide full particulars of the record/s to which access is required, 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.*
- (c) *All additional folios or other annexures must be signed by the requester.*

1. Description of the record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the record/s required:

E. FEES

- (a) A request for access to a record, **other than a record containing personal information about the requester** will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount of the request fee.
- (c) The fee payable for access to a record depends on the form in which the access is required
- (d) If you qualify for exemption from the payment of any fee, please state the reason.

Reason for exemption from payment of the fee/s:

F. Form of Access required

If you are prevented, by a disability, from reading, viewing or listening to the record in the form of access provided for in 1 – 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 below with an 'X'
Note:
 (a) Your indication as to the required form of access depends 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 required.

1. If the record is in writing or in printed form:

	Copy of record		Inspection of record
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2. If the 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 the record consists of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack (audio cassette)		Transcription of the soundtrack (written or printed document)
--	---	--	---

4. If the 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 disk)
--	------------------------	--	---	--	--

	YES	NO
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable		

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 pages

Indicate which right is to be exercised or protected:

Explain why the requested record(s) is required for the exercise or protection of the aforementioned right(s):

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 thereof 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 this, the _____ day of _____ 2003.

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

APPENDIX 2

REPRODUCTION FEES

The applicable fees for reproduction as referred to above are:

	Description	Fee in Rands
1.	For every photocopy of an A4 size page or part thereof	1,10
2.	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
3.	For a copy in a computer-readable form on: <input type="checkbox"/> Stiffy disc <input type="checkbox"/> Compact disc	7,50 70,00
4.	A transcription of visual images, for an A4 size page or part thereof	40,00
5.	For a copy of visual images	60,00
6.	A transcription of an audio record, for an A4 size page or part thereof	20,00
7.	For a copy of an audio record	30,00

Request fee:

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself/itself, a request fee in the amount of R50.00 is payable before the institution will process the request further.

Access fee:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

	Description	Fee in Rands
1.	For every photocopy of an A4 size page or part thereof	1,10
2.	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
3.	For a copy in a computer-readable form on: <input type="checkbox"/> Stiffy disc <input type="checkbox"/> Compact disc	7,50 70,00

4.	A transcription of visual images, for an A4 size page or part thereof	40,00
5.	For a copy of visual images	60,00
6.	A transcription of an audio record, for an A4 size page or part thereof	20,00
7.	For a copy of an audio record	30,00
8.	To search for a record that must be disclosed (per hour or part thereof reasonably required for such search)	30,00 p/h
9.	Where a copy of a record needs to be posted, the actual postal fee will be payable	

Deposits:

Where the institution receives a request for access to information held on a person other than the requester himself/herself/itself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one-third) of the amount of the applicable access fee.

Note: in terms of regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

APPENDIX 3

TABLE OF LEGISLATION

Legislation	Section	Description of document/s	Person to be granted access
Basic Conditions of Employment Act, 75 of 1997	29	An employer must supply an employee when the employee commences employment with particulars of the employer and the work to be engaged in by the employee	Employee
	33	An employer must give an employee the following information in writing on each day the employee is paid: (a) the employer's name and address (b) the employee's name and occupation; (c) the period for which the payment is made (d) the employee's remuneration in money (e) the amount in purpose of an deduction made from the remuneration (f) the actual amount paid to the employee	Employee
	66	In order to monitor compliance with any employment law, a labour inspector may require a person to disclose information, either orally or in writing, and, either alone or in the presence of witnesses, on any matter to which an employment law relates. Such labour inspector may also require that disclosure be made under oath and may copy any record or document to which an employment law relates.	Labour Inspector
Companies Act, 61 of 1973 (Special Resolutions)	22-25; 44(1); 55-57; 62; 75; 79(2); 81-83 with 87; 99-100; 223; 226-227; 258; 344;	These sections contain all the matters for which a special resolution is prescribed by the Companies Act. Since Special Resolutions must be lodged with the Registrar of Companies, the Registrar has access to this information.	Registrar of Companies

	349; 389-390; 422;		
	260	Any director, officer or agent must produce all books and documents relating to the company at the request of an inspector and must afford him such assistance within his/her power as the inspector may require.	Inspector of Companies
	179; 186; 192	Notices of general meetings must be sent to every member, debenture holder and person entitled to receive notices. Any adjournments of general meetings must be published in a newspaper circulating in the province where the registered office is situated. This must be accompanied by the reason for the adjournment and a notice of the new time, date and place of the meeting.	Members, debenture holders and entitled persons
	302; 309; 303	Copies of the last annual financial statements must be sent to every member or debenture holder without charge. The same applies to interim reports	Member or debenture holders
	185 & 186	Notice of resolutions to be moved at the AGM must be given to all members	Members
	299	Directors' report to be laid before the AGM	Members
	67 & 68	Copies of the company's articles of association and alterations thereto must be sent to every member or be made available to them by photocopy	members
	311 & 312	Any proposed compromise or arrangement must be notified to relevant persons together with supporting documentation	Creditors, members, directors and trustee/s for debenture holders
	130	Copies of any trust deeds must be sent to every debenture holder	Debenture holders on payment
	211; 297; 234;235	Directors' consent to act and their emoluments and their interests in contract must be disclosed and lodged with the company or with the auditor	The company and/or the auditor
	240	A register of Directors' interests must be kept at the registered office for inspection by members	Members
	227	Full details of any payment to directors for loss of office must be disclosed to members before any such payment is made	members
	245	Directors' attendance at meetings is to be kept in a register and is to be open for inspection by any member without charge	members

	204; 206; 130	A minute book must be kept at the registered office and must be open without charge to inspection by any member of the company for at least two hours every day A register of debenture holders must be likewise kept and be open without charge to inspection by any debenture holder or his duly authorised agent and against payment by any other person	Members Debenture holders for free and any other person against payment Members for free and any other person against payment.
	103	A register of members must be likewise kept and be open for inspection by members	Members for free and against payment by any other person. Members for free and any other person against payment.
	113	A Transfer Register must be likewise kept and be open for inspection.	
	215	A register of directors and officers must be likewise kept and be open for inspection	
	206(2)	A certified copy of the minutes of any general meeting must be furnished, on request, to any member at a charge	Members on request and against payment
	140A	(3) where securities of an issuer are registered in the name of a person and that person is not the holder of the beneficial interest in all the securities held by the registered shareholder, the registered shareholder shall, at the end of every three month period after 30/06/1999, disclose to the issuer the identity of its person on whose behalf the registered shareholder holds securities and the number and class of securities issued by that issuer held on behalf of each such person	Issuer
		(8) (A) all issuers of securities shall establish and maintain a register of their disclosures made in terms of this section and shall publish in the annual financial statements a list of the persons who hold the beneficial interest equal to or in excess of 5% of the total number of securities of that class issued by the issuer together with the extent of those beneficial interests. Such register shall be open to inspection by any member of the company or	A person on whose behalf the registered shareholder holds securities

		his duly authorised agent or any person.	
	281	An auditor of the company shall have the right of access at all times to the accounting records and all books and documents of the company and be entitled to require from the directors or officers of the company such information and explanations as he thinks necessary for the performance of his duties as auditor	Auditor
	284	Every company shall keep in one of the official languages of the Republic such accounting records that are necessary to present the state of affairs and business of the company and to explain the transactions and financial position of the trade or business of the company (showing the assets and liabilities of the company). A register of fixed assets, records containing entries, records of all goods sold and purchased, statements of annual stocktaking	Directors of a company
	309	(1) any member or holder of debentures of a company shall be entitled to be furnished on demand without charge with a copy of the last annual financial statements (including group annual financial statements) and provisional unknown financial statements and of the last interim report of the company.	A member or holder of debentures
Compensation for Occupational Injuries and Diseases Act, 130 of 1993	1	An employer carrying on business in the Republic shall within the prescribed period and in the prescribed manner register with the Commissioner and shall furnish the Commissioner with the prescribed particulars of its business and shall within a period determined by the Commissioner furnish such particulars as the Commissioner may require	Commissioner
	6	(1) (a) the Director General may subpoena any person who in his opinion is able to give information concerning the subject of any enquiry in terms of this Act or who is suspected to have in the opinion of the Director General has in his possession or custody or under his control any book, document or thing which has a bearing on an enquiry, to appear before him at a time and place specified in the subpoena, to be interrogated or to produce such book, document or thing, and the Director General may retain such book, document or thing for further investigation	Director General
	7	(3) an authorised person may: question any person who is or was on the premises either alone or in the presence of any other person on any matter to which this act relates or: [c] order any person who has control over or custody of any book, document or thing or in those premises to produce to him forthwith, or at	Authorised person

		such time and place as may determined by him, such book document or thing. (d) At any time and place, order any person who has the possession or custody of or is in control of a book, document or thing relating to the business of an employer or previous employer, to produce forthwith or at such time and place as may be determined by him, such book, document or thing; seize any book, document or thing which in his opinion may serve as evidence in any matter in terms of this Act or cause to be examined any book, document or thing produced to him or seized by him, and make extracts therefrom or copies thereof and order any person who, in his opinion, is qualified thereto to explain entry therein	
	32A	(1) any inspector furnished with inspection authority in writing by the Board may conduct an investigation to determine whether the provisions of the Act are being or have been complied with and may, subject to subsection 5, for that purpose, without giving prior notice, at all reasonable times enter any place in respect of which he has reason to believe that there are books, records or documents to which the provisions of this Act are applicable.	Inspector or manager
	40	(2) an employee or employer shall at the request of the Director General furnish such further particulars regarding the accident and injuries concerned as the Director General may require	Director General
	81	(1) an employer shall keep a register or other record of the earnings and other prescribed particulars of all employees and shall at all reasonable times produce such register or record or a micro film or other micro form reproduction thereof on demand to an authorised person referred to in section 7 for inspection	Authorised person
	82	(1) an employer shall not later than the 31 st day of March in each year furnish the Commissioner with a return in the prescribed form, certified by him, her or it, as correct and showing: (a) the amount of earnings up to the maximum paid by him/it and it's employees during the period with effect from the 1 st day of March of the immediately preceding year up to and including the last day of February of the following year and (b) such further information as may be prescribed that it now may require	Director General

Competition Act, 89 of 1998	49A	<p>(1) at any time during an investigation in terms of the Act, the Commissioner may summon any person who is believed to be able to furnish any information on the subject of the investigation, or to have possession or control of any book, document or other object that has a bearing on that subject:</p> <p>(a) to appear before the Commissioner or a person authorised by the Commissioner, to be interrogated at a time and place specified in the summons or</p> <p>(b) at a time and place specified in the summons, to deliver or produce to the Commissioner, or a person authorised by the Commissioner, any book, document or other object specified in the summons</p>	Commissioner
	54	<p>The member of the Competitions Tribunal presiding at the hearing may:</p> <p>(a) direct or summon any person to appear at any specified time and place</p> <p>(b) question any person under oath or affirmation</p> <p>(c) summon or order any person:</p> <p>(i) to produce any book, document or item necessary for the purpose of the hearing</p>	The Competition Tribunal
	56	<p>(3) the Competition Tribunal may order a person to answer any question, or to produce any article or document, even if it is self-incriminating to do so</p>	The Competition Tribunal
Constitution Act of SA, 108 of 1996	32	<p>1 (b) Everyone has the right of access to any information that is held by another person and that is required for the exercise or protection of any rights. These rights conferred by the Constitution are limited in terms of section 36.</p>	Any person
Consumer Affairs (Unfair Business Practices) Act, 71 of 1988	7	<p>(3A) Unless the owner or person in charge of the premises concerned has consented thereto in writing, an investigating officer shall enter premises and exercise any power contemplated in subsection (3) only under a search warrant issued by the magistrate if it appears to him or her from information given on oath or affirmation that there are reasonable grounds to suspect that:</p> <p>(a) an unfair business practice exists or may come into existence; and</p> <p>(b) a book, document or other object which may afford evidence of such an unfair business practice is on or in those premises</p>	Investigating officer
Designs Act, 195 of 1993	7	<p>(2) copies of all deeds, agreements, licences and other documents affecting any registered design or application for the registration of a design which are required to be recorded in the register, shall be supplied in a prescribed</p>	Registrar

Electronic Communications & Transactions Act, 25 of 2002	43	<p>manner for filing in the Designs Office</p> <p>(1) a supplier offering goods or services for sale, for hire or for exchange by way of an electronic transaction must make the following information available to consumers on the web site where such goods or services are offered:</p> <ul style="list-style-type: none"> (a) its full name and legal status; (b) its physical address and telephone number; (c) its web site address and e-mail address; (d) membership of any self-regulatory or accreditation bodies to which that supplier belongs or subscribes and the contact details of that body; (e) any code of conduct to which that supplier subscribes and how that code of conduct may be accessed electronically by the consumer; (f) in the case of a legal person, its registration number, the names of its office bearers and its place of registration; (g) the physical address where that supplier will receive legal service of documents; (h) a sufficient description of the main characteristics of the goods or services offered by that supplier to enable a consumer to make an informed decision on the proposed electronic transaction; (i) the full price of the goods or services, including transport costs, taxes and any other fees or costs; (j) the manner of payment; (k) any terms of agreement, including any guarantees, that will apply to the transaction and how those terms may be accessed, stored and reproduced electronically by consumers; (l) the time within which the goods will be dispatched or delivered or within which the services will be rendered; (m) the manner and period within which consumers can access and maintain a full record of the transaction; (n) the return, exchange and refund policy of that supplier; (o) any alternate dispute resolution code to which that supplier subscribes and how the wording of that code may be accessed electronically by the consumer; (p) the security procedures and privacy policy of that supplier in respect of payment, payment information and personal information; 	The public
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		<p>(q) where appropriate, the minimum duration of the agreement in the case of agreements for the supply of products or services to be performed on an ongoing basis or recurrently; and</p> <p>(r) the rights of consumers in terms of section 44, where applicable</p>	
	82	<p>(1) a cyber inspector may, in the performance of his or her functions, at any reasonable time, without prior notice and on the authority of a warrant issued in terms of section 83(1), enter any premises or access an information system that has a bearing on an investigation and:</p> <p>(a) take extracts from, or make copies of any book, document or record that is on or in the premises or in the information system and that has a bearing on the investigation;</p> <p>(b) inspect any facilities on the premises which are linked or associated with the information system and which have a bearing on the investigation;</p> <p>(c) have access to and inspect the operation of any computer or equipment forming part of an information system and any associated apparatus or material which the cyber inspector has reasonable cause to suspect is or has been used in connection with any offence;</p> <p>(d) use or cause to be used any information system or part thereof to search any data contained in or available to such information system;</p> <p>(e) require the person by whom or on whose behalf the cyber inspector has reasonable cause to suspect the computer or information system is or has been used, or require any person in control of, or otherwise involved with the operation of the computer or information system to provide him or her with such reasonable technical and other assistance as he or she may require for the purposes of this Chapter.</p>	Cyber inspector
Employment Equity Act, 55 of 1998	18	(1) When a designated employer engages in consultation in terms of this Act, the employer must disclose to the consulting parties all relevant information that will allow those parties to consult effectively.	Consulting parties
	25	<p>(1) An employer must display at the workplace where it can be read by employees a notice in the prescribed form informing them about the provisions of the Employment Equity Act.</p> <p>(2) A designated employer must in each of its workplaces, place in prominent places that are accessible to all employees:</p> <p>(a) the most recent reports submitted by that employer to the Director</p>	Employees

		<p>General</p> <p>(b) any compliance order, arbitration award or order of the Labour Court concerning the provisions of this Act in relation to that employer and</p> <p>(c) any other document concerning this Act as may be prescribed.</p> <p>(3) An employer who has an employment equity plan must make a copy of the plan available to its employees for copying and consultation.</p>	
	26	An employer must establish and for the prescribed period maintain records in respect of its workforce, its employment equity plan and any other records relevant to its compliance with this Act	Employees
Financial Intelligence Centre Act, 38 of 2001	22	<p>(a) The objective of the Act is to combat money laundering activities and in this regard impose certain duties on institutions and other persons who might be used for money laundering purposes.</p> <p>(b) Banks and insurance companies shall keep the following information relating to the clients with whom they conclude transactions or with whom they have established a business relationship:</p> <p>(i) the identity of the client</p> <p>(ii) where the client is acting on behalf of another person:</p> <p>(1) the identity of that other person</p> <p>(2) the client's authority to establish the business relationship or to conclude the single transaction on behalf of that other person.</p> <p>(iii) if another person is acting on behalf of the client:</p> <p>(1) the identity of that other person</p> <p>(2) that other person's authority to act on behalf of the client</p> <p>(3) the manner in which the identity of the client or the other person was established</p> <p>(iv) In the case of a transaction:</p> <p>(1) the amount involved</p> <p>(2) the parties involved</p> <p>(v) All accounts that are involved in:</p> <p>(1) transactions concluded by that insurance company in the course of that business relationship and</p> <p>(2) that single transaction</p> <p>(aa) the name of the person who obtained the information on behalf of the insurance company</p> <p>(bb) any document or copy of a document obtained by the</p>	Financial Intelligence Centre

		<p>insurance company in order to verify a person's identity</p> <p>(c) the records to be kept shall be kept for at least five years from the date on which the business relationship is terminated and five years from the date on which the transaction is concluded</p>	
Income Tax Act, 58 of 1962	70; 71 and 73B	<p>Section 70 – Where, during any period of twelve months ending on the last day of February in any year, any interest has become due by any company upon or in respect of debentures, debenture stock, loans or advances, the company shall, within a 30 day period after the end of such period or within such further period as the Commissioner may allow, furnish the Commissioner with a return giving:</p> <p>(1) the full name and address and</p> <p>(2) in the case of any natural person, his or her identification number or any other form of identification in the case of a natural person who is not in possession of a South African identity document</p> <p>(3) in the case of a juristic person, the registration number of each person to whom such interest became due and the amount of such interest.</p> <p>Section 71 – any company dealing in or negotiating bearer warrants shall keep a record of all payments in respect of interest or dividend made to any person by means of bearer warrants, and shall in such manner and form and at such times as may be prescribed or as the Commissioner may require, furnish particulars of such payments.</p> <p>Section 73B – a person shall retain all records required to determine the taxable capital gain or assessed capital loss of that person for a period of four years from the date on which the return for that year of assessment was received by the Commissioner.</p>	Commissioner for SARS
Inspection of Financial Institutions Act, 18 of 1998	3	<p>(3) If the registrar has reason to believe that a person, partnership, company or trust which is not registered or approved as a financial institution, is carrying on the business of a financial institution, he or she may instruct an inspector to inspect the affairs, or any part of the affairs, of such person, partnership, company or trust.</p> <p>(4) Any person who holds shares in an institution as a nominee or in trust on behalf of another person, must upon the request of an inspector or the registrar, disclose the name of that other person</p>	Inspector
	4	(1) In carrying out an inspection of the affairs of an institution under	Inspector

		<p>section 3, an inspector may at any time without prior notice, enter and search any premises occupied by the institution and require the production of any document relating to the affairs that institution including:</p> <p>(2) Open any strong room, safe or other container in which he or she suspects any document of the institution is kept</p> <p>(3) Examine and make extracts from the copies of any document of the institution or against the issue of a receipt remove such document temporarily for that purpose.</p> <p>(4) Against the issue of a receipt, seize any document of the institution which in his or her opinion may afford evidence of an offence or irregularity.</p> <p>(5) Retain any seized document for as long as it may be required for any criminal or other proceedings</p>	
Pension Funds Act, 24 of 1956	15	Every registered fund shall within six months from the expiration of every financial year furnish to the registrar such statements in regard to its revenue, expenditure and financial position as may be prescribed by regulation, duly audited and reported on by the auditor of the fund	Registrar of Pension Funds
	35(1)	Every registered fund shall deliver to any member or demand by such member, and on payment of such sum as may be determined by the rules of the fund, a copy of any of the following documents: (a) the rules of the fund; (b) the last revenue account and the last balance sheet prepared in terms of sub-section (1) of section 15	Members of the pension fund
	35(2)	Any member shall be entitled to inspect without charge at the registered office of a registered fund, a copy of any of the following documents and make extracts therefrom: (a) the documents referred to in sub-section 1 (b) the last report (if any) by a valuator prepared in terms of section 16 (c) the last statement (if any) and report thereon prepared in terms of section 17 (d) any scheme which is being carried out by the fund in accordance with the provisions of section 18	Members of the pension fund
Short-term Insurance Act 53	47	(1) A person who enters into or varies a short-term policy which constitutes	Policyholder

of 1998		<p>personal lines business, other than a short-term reinsurance policy, shall be provided by the short-term insurer concerned, within 30 days after so entering into or varying the policy, with a copy of the document which embodies the contract of short-term insurance concerned</p> <p>(2) The policyholder, and the person who entered into the sort-term policy, shall be entitled, against payment of a fee not exceeding that which may be prescribed by the Registrar, to be provided, upon request, with a coy of the policy</p>	
	48	<p>A short-term insurer shall not authorise an independent intermediary to enter into a short-term policy on their behalf, otherwise than in terms of an agreement which has been entered into between that short-term insurer and independent intermediary, or renewed in writing, and which contains, in addition to any other terms and conditions, a term:</p> <p>(a) setting out the kinds of short-term policies which may so be entered into, the premiums or the basis for the calculation of premiums to be charged in terms of those short-term policies, the wording of those policies and the maximum value of the policy benefits which may be undertaken to be provided under each such kind of short-term policy;</p> <p>(b) if such intermediary is empowered to settle or pay claims under any such short-term policies, setting out the scope of the intermediary's powers to do so and the circumstances under which it may be done;</p> <p>(c) if such intermediary is by virtue of such agreement entitled to any remuneration other than by way of commission only, setting out the basis on which the intermediary is remunerated for services rendered in terms of such agreement;</p> <p>(d) requiring that such intermediary shall, prior to entering into a short-term policy on behalf of the short-term insurer, disclose to the prospective policyholder the name of the short-term insurer and the fact that the intermediary is acting in terms of the agreement</p> <p>(e) a short-term insurer shall not enter into such an agreement by which an independent intermediary is entitled to any remuneration other than by way of commission only in relation to any particular kind of short-term policy, with more than one such independent intermediary.</p>	Policyholder
	55	Without derogating from the generality of subsection (1)(a), a rule may	Policyholder

		provide that (b) particular information in relation to a policy shall be made known in a particular manner to a prospective policyholder or policyholder, and what the legal consequences shall be if that is not done:	
Skills Development Levies Act, 9 of 1999		An employer shall keep records and/or information to which the Act relates. In the case of any employer, these records and/or information would appear to be those relating to registration for payment of the levy imposed by the Act and the payment of the levy.	Inspectors
Stamp Duties Act, 77 of 1968	31	The Commissioner or any officer may, for the purposes of the administration of the Act in relation to any person liable for the duty, require such person or any other person to furnish such information, documents or things as the Commissioner or such officer may require (to inspect, audit, examine or obtain).	Commissioner for SARS
Unemployment Insurance Act, 63 of 2001	56	(1) every employer must, as soon as it commences activities as an employer, provide the information referred to in subsection (2) regarding its employees to the Commissioner, irrespective of the earnings of such employees.	Unemployment Insurance Commissioner
Value Added Tax Act, 89 of 1991	55 and 57A	Section 55 – Every vendor shall keep such books of account or other records as may enable him to observe the requirements of the Act and enable the Commissioner to satisfy himself that the vendor has observed such requirements, and every vendor shall, in particular, keep the following records and documents: (1) a record of all goods and services supplied by or to the vendor showing the goods and services, the rate of tax applicable to the supply and the suppliers or their agents, in sufficient detail to enable the goods and services, the rate of tax, the suppliers or the agents to be readily identified by the Commissioner, and all invoices, tax invoices, credit notes, debit notes, bank statements, deposit slips, stock lists and paid cheques relating thereto: Provided that a vendor's records do not have to show the rate of tax where the vendor has been authorised by the Commissioner to calculate the tax payable by him in accordance with a method prescribed by regulation, as contemplated in section 16(1); (2) a record of all importations of goods and documents relating thereto as contemplated in section 16(2)(d) (3) the charts and codes of account, the accounting instruction manuals and	The Commissioner

		<p>the system and programme documentation which describe the accounting system used in each tax period in the supply of goods and services;</p> <p>(4) any list required to be prepared in accordance with section 1599);</p> <p>(5) any documentary proof required to be obtained and retained in accordance with section 11(3).</p> <p>Section 57A – the Commissioner or any officer may require a vendor or any other person to furnish such information, documents or things as the Commissioner or such officer may require to inspect, audit, examine or obtain.</p>	
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