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M A N U A L

IN ACCORDANCE WITH

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



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

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THE SASFIN GROUP

THE SASFIN GROUP

Access to Information Manual

Prepared in accordance with Section 51 of
the Promotion of Access to Information Act,
No. 2 of 2000

Last updated: 04 February 2003

sasfin

UNLIMITED FINANCIAL HORIZONS

TREASURY	COMMERCIAL	CORPORATE	STOCKBROKING	FINANCIAL	PERSONNEL	FREIGHT
	FINANCE	FINANCE	AND ASSET	ADVISORY	SERVICES	FORWARDING
			MANAGEMENT	SERVICES		

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1. INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (***“the Act”***) was enacted on 03 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or may not be released.** The Act sets out the requisite procedural issues attached to such request.

1.2 Purpose of the Manual:

This manual sets out to provide the responsible officials with a set of guidelines to deal with access to information requests in terms of the Act. This will enable requesters to obtain the records which they are entitled to in a quick, easy and accessible manner.

This manual will support a culture of transparency and accountability by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

And in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

PART I

2 CONTACT DETAILS

2.1 General

- 2.1.1 Company Name: SASFIN HOLDINGS LTD and its subsidiaries and associates from time to time ("THE SASFIN GROUP")
- 2.1.2 Postal Address: P.O. Box 95104, Grant Park, 2051
- 2.1.3 Physical Address: Sasfin Place, 13 – 15 Scott Street, Waverley, Johannesburg
- 2.1.4 Telephone Number: Head Office (011) 809-7500
- 2.1.5 Fax Number: Head Office (011) 887-2489 / 6167
- 2.1.6 Website: www.sasfin.com

2.2 Information Officer:

- 2.2.1 Name: Bill Blair
- 2.2.2 Postal Address: P.O. Box 95104, Grant Park, 2051
- 2.2.3 Physical Address: Sasfin Place, 13 – 15 Scott Street, Waverley
- 2.2.4 Tel: (011) 809-7770
- 2.2.5 Fax: (011) 887-6132
- 2.2.6 E-mail: bblair@sasfin.com

2.3 Deputy Information Officer:

- 2.3.1 Name: Maston Lane
- 2.3.2 Postal Address: P.O. Box 95104, Grant Park, 2051
- 2.3.3 Physical Address: Sasfin Place, 13 – 15 Scott Street, Waverley
- 2.3.4 Tel: (011) 809-7630
- 2.3.5 Fax: (011) 887-6132
- 2.3.6 E-mail: mlane@sasfin.com

PART II

3. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission has at the date of printing hereof, not yet compiled the 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 should be directed to:

The South African HUMAN RIGHTS COMMISSION,

at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),

Private Bag X2700, HOUGHTON, 2041

Telephone Number: (011) 484-8300

Fax Number: (011) 484-1360

Website: www.sahrc.org.za

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

PART III

3.1 Records of the Banking Industry

This clause serves as a reference to the records that the institutions within the banking industry hold in order to facilitate a request in terms of the Act.

The information is classified and grouped according to records relating to the following subjects and categories:

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out, as set out in part 4 of this document.

3.1.1 Personnel Records

- 3.1.1.1 Personal records provided by personnel;
- 3.1.1.2 Records provided by a third party relating to personnel;
- 3.1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 3.1.1.4 Internal evaluation records and other internal records;
- 3.1.1.5 Correspondence relating to personnel;
- 3.1.1.6 Training schedules and material;

"Personnel" refers to any person who works for, or provides services to or on behalf of the Sasfin Group, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the institution. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

3.1.2 Customer related records

- 3.1.2.1 Records provided by a customer to a third party acting for or on behalf of the Sasfin Group;
- 3.1.2.2 Records provided by a third party;
- 3.1.2.3 Records generated by or within the Sasfin Group relating / pertaining to its customers, including transactional records;

A "customer" refers to any natural or juristic entity that receives services from the Sasfin Group.

3.1.3 The Sasfin Group records

- 3.1.3.1 Financial Records;
- 3.1.3.2 Operational Records;
- 3.1.3.3 Databases;
- 3.1.3.4 Information Technology;
- 3.1.3.5 Marketing Records;
- 3.1.3.6 Internal Correspondence;
- 3.1.3.7 Product Records;
- 3.1.3.8 Statutory Records;
- 3.1.3.9 Internal Policies and Procedures;
- 3.1.3.10 Treasury-related records;
- 3.1.3.11 Securities and Equities; and
- 3.1.3.12 Records held by officials of the Sasfin Group.

These records include, but are not limited to, records which pertain to the Sasfin Group's own affairs.

3.1.4 Other Party Records

- 3.1.4.1 Personnel, customer or private body records which are held by another party, as opposed to the records held by the Sasfin Group itself;
- 3.1.4.2 Records held by the Sasfin Group pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

The Sasfin Group 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 The Sasfin Group.

PART IV

4. GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Sasfin Group to refuse a request for information relate to the –

- 4.1** 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;
- 4.2** mandatory protection of the commercial information of a third party, if the record contains –
 - 4.2.1** trade secrets of that third party;
 - 4.2.2** financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 4.2.3** information disclosed in confidence by a third party to the Sasfin Group;
- 4.3** mandatory protection of confidential information of third parties if it is protected in terms of any agreement: express, tacit or implied;
- 4.4** mandatory protection of the safety of individuals and the protection of property;
- 4.5** mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6** the commercial activities of the Sasfin Group, which may include-
 - 4.6.1** trade secrets of the institution;
 - 4.6.2** financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of The Sasfin Group;
 - 4.6.3** information which, if disclosed could put the Sasfin Group at a disadvantage in negotiations or commercial competition;
 - 4.6.4** a computer program which is owned by the Sasfin Group, and which is protected by copyright.
- 4.7** the research information of the Sasfin Group or a third party, if its disclosure would disclose the identity of the Sasfin Group, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

4.8 Information which would place an investor or potential investor with "inside information"

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

5. REMEDIES AVAILABLE WHEN THE SASFIN GROUP REFUSES A REQUEST FOR INFORMATION

5.1 Internal Remedies

There is no internal appeal procedure. The decision made by the information officer or her / his deputy is final, and requesters will have to exercise such external remedies as are at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

5.2 External remedies

A requester who is dissatisfied with an 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 an 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, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or other courts of similar status.

6. REQUEST PROCEDURE

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

6.2 The requester must complete the prescribed form enclosed herewith as **Appendix 1** and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as stated in 3.1 or 3.2 above.

6.3 The prescribed form must be completed with enough particularity at least to enable the Information Officer to identify –

6.3.1 the record or records requested;

6.3.2 the identity of the requester;

- 6.3.3 which form of access is required should the request is granted;
- 6.3.4 the postal address or fax number of the requester.
- 6.4 The requester must state that he 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. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Sasfin Group will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods can not be complied with.
- 6.6 The requester shall be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 6.7 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 the Information Officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

7. ACCESS TO RECORDS HELD BY THE SASFIN GROUP

- 7.1 Records held by the Sasfin Group may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Group. There are two types of requesters:

7.2.1 Personal Requester

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Sasfin Group will voluntarily 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.

7.2.2 Other Requester

- 7.2.2.1** This requester (other than a personal requester) is one who is entitled to request access to information on third parties. However, the Group is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

8. FEES

- 8.1** The Act provides for two types of fees, namely:
- 8.1.1** a request fee, which will be a standard fee, and
 - 8.1.2** an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2** 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 any), before further processing of the request.
- 8.3** If the search for the record has been made 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.
- 8.4** The Information Officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5** 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.
- 8.6** If a deposit has been paid in respect of a request for access, which is declined, then the Information Officer concerned must repay the deposit to the requester.

9. DECISION

- 9.1** The Sasfin Group will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice within reasons (if required) to that effect.
- 9.2** The 30 day period within which the Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Bank and the information cannot reasonably be obtained within the original 30 day period. The Group will notify the requester in writing should an extension be sought.

10. LIST OF APPLICABLE LEGISLATION:

- 10.1** A table of legislation setting out a description of the records of the Group which are available in accordance with other legislation, is annexed hereto marked "**Appendix 3**"

11.1 AVAILABILITY OF THE MANUAL

- 11.1** This manual is made available in terms of Regulation Number R187 of 15 February 2002.
- 11.2** The manual will also be available on the Intranet and Websites of the Sasfin Group.

APPENDIX

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UNLIMITED FINANCIAL OPTIONS

TELECOM

COMMERCIAL

CORPORATE

STRUCTURING

FINANCIAL

PERSONNEL

TRADING

FINANCE

FINANCE

AND ASSET

ADVISORY

SERVICES

FORGOTTEN

MANAGEMENT

SERVICES

APPENDIX - 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF THE SASFIN GROUP

--

(Section 53 (1) of the Promotion of Access to Information Act, No. 2 of 2000)

(Regulation 4)

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 records must be recorded below. |
| b) | Furnish an address and/or fax number in the Republic to which information must be sent. |
| c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____

Fax Number: _____

E-mail Address: _____

Capacity in which request is made, when made on behalf of another person:

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

This section must be completed only if a request for information is made on behalf of another 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 the Record or relevant part of the record:

2. Reference number, if applicable: _____

3. Any further particulars of the record:

E. Fees:

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
 b) You will be notified of the amount of the request fee.
 c) The **fee payable for access** to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee:

F. Form of Access to the 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:
_____	_____
_____	_____
_____	_____

Mark the appropriate box with an "X"**NOTES:**

- (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 requested.

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

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
--------------------------	-----------------	--------------------------	----------------------

2. If the 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 the images*
--------------------------	-----------------	--------------------------	--------------------	--------------------------	------------------------------

3. If the 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)
--------------------------	--	--------------------------	---

4. If the 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?

YES**NO****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 folios*

Indicate which right is to be exercised or protected:

1. Explain why the requested record is required for the exercising 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 thereof in another manner, please specify 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 _____ 200__.

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

APPENDIX - 2**FEES****Reproduction Fees:**

- | | |
|--|--------|
| ▪ For every photocopy of an A4-size page or part thereof | R 1.10 |
| ▪ For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | R 0.75 |
| ▪ For a copy in a computer-readable form on | |
| ○ Stiffy disc | R 7.50 |
| ○ Compact disc | R70.00 |
| ▪ A transcription of visual images, for an A4-size page or part thereof | R40.00 |
| ▪ For a copy of visual images | R60.00 |
| ▪ A transcription of an audio record, for an A4-size page or part thereof | R20.00 |
| ▪ For a copy of an audio record | R30.00 |

Request Fees:

Where a requester submits a legitimate request for access to information held by the Bank on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the request will be processed.

Access Fees:

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).

The applicable access fees which will be payable are:

- | | |
|--|------------|
| ▪ For every photocopy of an A4-size or part thereof | R 1.10 |
| ▪ For every printed copy of an A4-size page or part thereof held On a computer or in electronic or machine readable form | R 0.75 |
| ▪ For a copy in computer-readable form on | |
| ○ Stiffy disc | R 7.50 |
| ○ Compact disc | R70.00 |
| ▪ A transcription of visual images, for an A4-size or part thereof | R40.00 |
| ▪ For a copy of visual images | R60.00 |
| ▪ To search for a record that must be disclosed (per hour of part of an hour reasonably required for such search) | R30.00 p.h |
| ▪ Where a copy or a record needs to be posted the actual postal fee is payable. | |

Deposits:

Where the Bank receives a legitimate request for access to information held on a person other than the requester himself/herself 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.

These fees are subject to amendment without notice.

Appendix – 3

Table of Legislation

Legislation	Specific Section/ regulation	Industry (Banking/ Insurance)	Description of Documents	Person (If limited)
Administration of Estates Act 66 of 1965	Section 28(5)	Banking	Banks must keep information of a cheque account or savings account that has been opened by an executive in the name of the estate and all information relating to vouchers in relation to the cheque or savings account.	The Master or any surety of the executor have the same rights to this information
Short term Insurance Act 53 of 1998	Section 4(3)	Insurance	The short term insurer upon notice from the Registrar may be directed to furnish the Registrar within a specified period with specified information or documents required by the Registrar for purposes of this Act	Registrar
	Section 47	Insurance	A short term insurer is required to provide a person who enters into short term policy with a copy of the policy within 30 days after entering into or varying the policy	The insured person
Deeds Registries Act 47 of 1937.	Section 27	Bank	The bank must produce a copy of the bond together with written consent to the petitions and substitution of land.	The Registrar
	Section 82	Bank	For the registration of a notarial bond specially hypothecating a registered lease or sub-lease the deed of lease or sub-lease must be produced	The Registrar
The Long Term Insurance Act 52 of 1998	Section 27	Insurance	A long-term insurer shall whenever required to do so, furnish a return in the form and containing the particulars and information which the Registrar determines i.r.o. the following: (a) its shareholders and (b) any person who directly or indirectly has the power to require those shareholders to exercise their rights as shareholders in the long term insurer in accordance with such person's directions or instructions (c) a person in whose name shares in a long term insurer are registered, or (d) a person who wishes shares in a long term insurer to be alluded or issued to such person or to be registered in such person's name	The Registrar
	Section 36	Insurance	A long-term insurer shall furnish the Registrar with returns relating to its business.	The Registrar
	Section 48	Insurance	A long term insurer must furnish in writing to a person who enters into or varies a long term policy with information relating to the following matters: (a) representations made by or on behalf of that person to the insurer which were regarded by that insurer as material to its assessment of the risks under the policy (b) the premiums payable and the policy benefits to be provided under the policy and seek the event i.r.o. which the policy benefits are to be provided and the circumstances if any in which those benefits are not to be provided.	Insured

The Credit Agreements Act 75 of 1980	Section 4	Bank	Any prospective credit granter or employee shall before entering into a credit agreement at a place not being his business premises in writing draw the attention of a prospective credit receiver to the provisions of section 13. In terms of section 13 when any credit agreement is signed by any credit receiver at a place other than the business premises where the credit granter conducts business the credit receiver may within 5 days after the date of the credit agreement terminate the agreement in writing and by tendering the return of any goods delivered to him i.t.o. the credit agreement	Credit receiver
	Section 26	Banking	The inspector furnished with inspection authority in writing by the Director General of Trade and Industry may conduct an investigation to gather information that the Director General or official may require to determine whether the provisions of this Act are being or have been complied with and may for that purpose at all reasonable times enter any place and order any person to produce to him any book or record or other document in the possession or under the control of such person.	Inspector
Designs Act no. 195 of 1993	Section 7(2)	Banking/ Insurance	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 manner for filing in the Designs Office	Registrar
Debt Collectors' Act no. 114 of 1998	Section 19(4)	Banking	A debt collector shall deliver to a debtor, upon request and against payment of a prescribed fee a settlement account containing a complete exposition of all debits and credits in connection with a specific collection provided that a debtor shall be entitled to request a settlement account free of charge once in every six months	Debtor
	Section 20(4)	Banking	A debt collector is required to keep proper accounting records in respect of all monies received, held or paid by him or her on behalf of or to any other person. The council of debt collectors may itself or through its nominee examine the accounting records of a debt collector in order to satisfy itself that the provisions of this section are complied with	Council of Debt Collectors or its nominees
The Custody and Administration of Securities Act no. 85 of 1992	Section 3(3)	Banking	A depositor institution shall on request disclose information with regard to the holdings of a client in a securities account, unless the client concerned directs otherwise in writing in a case where the client may do so in terms of any law	Registrar
	Section 15(2)	Banking	An executive officer of a central securities depository shall furnish all notices, minutes and documents which are furnished to members of the controlling body thereof or a sub-committee of that body to the Registrar as if the Registrar were a member of that body or sub-committee	Registrar
The Criminal Procedures Act no. 51 of 1977	Section 236	Banking	The entries in the accounting records of a bank and any document which is in the possession of any bank and which refers to the said entries or to any business transaction of the bank can be proved in criminal proceedings by producing an affidavit made by any person working for the bank any party to the criminal proceedings against whom the evidence is intended to be adduced. The	Accused Person

			accused may upon the order of the court before which the proceedings are pending inspect the original of the document or entry in question and any accounting record in which such entry appears or of which such entry forms part and may make copies of such documents or entries.	
The Labour Relations Act 66 of 1995	Section 13(5)	Banking/ Insurance	With each monthly remittance the employer must give (a) A List of the names of every member from whose register employer has made the deductions that are included in the remittance (b) Details of the amounts deducted and remitted and the period to which the deductions relate and (c) A copy of every notice of revocation.	Representative Trade Union
	Section 16(2)	Banking/ Insurance	An employer must disclose to a trade union representative all relevant information that will allow the trade union representative to perform effectively the following functions to (a) assist and represent the employee in grievance and disciplinary proceedings (b) to monitor the employer's compliance with the workplace related provisions of the Labour Relations Act, any law regulating terms and conditions of employment and any collective agreement binding on the employer. (c) To report any alleged contravention of the workplace related provisions of this act, any law regulating terms and conditions of employment and any collective agreement binding on the employer to (i) The employer (ii) The representative trade union and (iii) any responsible authority or agency and (d) to perform any other function agreed to between the representative trade union and the employer	Trade Union Representative
	Section 21(10)	Banking/ Insurance	The employer must make available to the commissioner any information and facilities that are reasonable necessary for the commissioner to determine the membership or support of the registered trade union	Commissioner
	Section 89(1)	Banking/ Insurance	An employer must disclose to the workplace forum all relevant information that will allow the workplace forum to engage effectively in consultation and joint decision making. In terms of section 90(1) any documented information that is required to be disclosed by the employer i.t.o. Section 89 must be made available on request to the members of the workplace forum for inspection. The employer must provide copies of the documentation on request to the members of the workplace forum.	Workplace Forum
	Section 189(3)	Banking/ Insurance	The employer must disclose in writing all relevant information related to dismissals based on operational requirements including but not limited to (a) The reasons for the proposed dismissals (b) The alternatives that the employer considered before proposing the dismissals, and the reasons for rejecting each of those alternatives. (c) The number of employees likely to be affected and the job categories of which they are employed. (d) The proposed method for selecting which employees to dismiss. (e) The time when, or the period during which the dismissals are likely to take effect. (f) The severance pay proposed. (g) Any assistance that the employer proposes to offer to the employees likely to be dismissed. (h) The possibility of the future employment of the employees who are dismissed. (i) The number of employees employed with the employer and (j)	Trade Union or representatives of the employees or employees

			The number of employees that the employer has dismissed for reasons based on its operational requirements in the preceding 12 months.	
	Section 197(b)	Banking/ Insurance	An employer that applies to be wound up or sequestrated whether i.t.o. The Insolvency Act 1936 or any other law must at the time of making application provide (a) Any person whom the employer is required to consult in terms of a collective agreement (b) If there is no collective agreement that requires consultation a workplace forum if the employees likely to be affected by the proposed dismissals are employed in a workplace of which there is a workplace forum and (b) Any registered trade union whose members are likely to be affected by the proposed dismissals. (c) If there is no workplace forum in the workplace in which the employee is likely to be affected by the proposed dismissals are employed, any registered trade union whose members are likely to be affected by the proposed dismissals or (d) If there is no trade union the employees likely to be affected by the proposed dismissals or their representatives nominated for that purpose with a copy of the applications. In terms of section 197(2)(b) an employer that receives an application for its winding up or sequestration must supply a copy of the application to any consulting party within two days of receipt or if the proceedings are urgent within 12 hours. to the Registrar of Labour Relations.	Employees or workplace forum or registered Trade union
	Section 205	Banking/ Insurance	Every employer must keep the records that an employer is required to keep in compliance with any applicable (a) Collective Agreement (b) Arbitration Award (c) determination made i.t.o. the Wage Act. The employer must retain the records for 3 years from the date of the event or end of the period to which they relate, submit the records in response to a demand made at any reasonable time to any agent of a bargaining council, commissioner or any person whose functions i.t.o. this Act includes the resolution of disputes. In terms of section 205(3) an employer must keep a record of the prescribed details of any strike, lockout or protest action involving its employees. The records must be submitted in the prescribed manner	Bargaining Council or Commissioner or person who functions i.t.o the act in the resolution of disputes
Employment Equity Act no. 55 of 1998	Section 18(1)	Banking/ Insurance	When a designated employer engages in consultation i.t.o. this Act the employer must disclose to the consulting parties all relevant information that will allow those parties to consult effectively.	Consulting parties
	Section 25(1), (2) & (3)	Banking / Insurance	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. In terms of sub-section 25(2) a designated employer must in each of its workplaces, place in prominent places that are accessible to all employees (a) the most recent reports submitted by that employer to the Director General (b) Any compliance order, arbitration award or order of the Labour Court concerning the provisions of this Act in relation to that employer and (c) any other document concerning this Act as may be prescribed. In terms of section 25(3) an employer who has an employment equity plan must make a copy of the plan available to its employees for copying and consultation.	Employees

	Section 26	Banking / Insurance	An employer must establish and for the prescribed period maintain records i.r.o. its workforce, its employment equity plan and any other records relevant to its compliance with this Act.	Employees
The Basic Conditions of Employment Act 75 of 1997	Section 29(1)	Banking / Insurance	An employer must supply an employee when the employee commences employment with particulars of work. In terms of sub-section 2 when any matter changes the written particulars must be revised to reflect the change and the employee must be supplied with a copy of the document reflecting the change. In terms of section 29(4) the written particulars must be kept by the employer for a period of 3 years after termination of employment.	Employee
	Section 31(1)	Banking / Insurance	Every employer must keep a record containing at least the following information: (a) the employee's name and occupation (b) the time worked by each employee (c) the remuneration paid to each employee (d) the date of birth of any employee under 18 years of age and (e) any other prescribed information. The record must be kept by the employer for a period of 3 years from the date of the last entry in the record.	Employee
	Section 33(1)	Banking / Insurance	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 any deduction made from the remuneration (f) the actual amount paid to the employee.	Employee
	Section 66 (1)	Banking / Insurance	In order to monitor or enforce 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 and require that disclosure be made under oath, copy any record or document to which an employment law relates.	Labour Inspector
Firearms Control Act 60 of 2000	Section 20(6)	Insurance/ Bank	6A. Every holder of a licence issued i.t.o. this section must keep a register of all firearms in its possession containing such information as may be prescribed. 7(b) The holder of a licence issued in terms of Act must, at the request of a police official, produce for inspection every licence issued i.t.o. this Act.	Police official or Person Authorised by the Registrar
	Section 115	Insurance/ Bank	1(a) The purposes of any enquiry or investigation relating to the application of this Act and subject to sub-section 4, the Registrar or any person authorised in writing by the Registrar may at any reasonable time and without prior notice enter any business or industrial premises. 2(a) The Registrar or person authorised may (a) inspect and search any premises or dwelling contemplated in sub-section 1 and make such enquiries as may be necessary for purposes of the enquiry or investigation (b) examine anything found on the premises or dwelling which may have a bearing on the subject matter of the enquiry or investigation (c) request information or an explanation regarding such object from the owner or person in control of those premises or from any person in whose possession or under whose control anything referred to in paragraph (b) is found. (d) Make copies of or extracts from any book or document found on or in the premises or dwelling which may have a bearing on the subject matter of the enquiry or investigation and request an explanation of	Registrar or any person authorised in writing by him

			such book, document or any entry therein from any person suspected of having knowledge thereof and (e) against the issue of a written receipt seize anything on or in the premises or dwelling which may have a bearing on the subject matter of the enquiry or investigation	
Formalities in respect of Leases of Land Act 18 of 1969	Section 11(1)	Bank / Insurance	(1) An owner who intends to evict a person i.t.o. the provisions of this chapter shall give the Labour Tenant and the Director General no less than two calendar months written notice of his or her intention to obtain an order for eviction	Labour Tenant or Director General
	Section 17	Bank/ Insurance	Section 2 – on receiving an application for the acquisition of land and servitudes the Director General shall (a) forthwith give notice of receipt of the application to the owner of the land and the holder of any other security in the land in question (d) call upon the owner by written request to furnish him or her within 30 days (l) with the names and addresses of the holders of all unregistered rights in the land in question, together with a copy of any document in which such rights are contained, or if such rights are not contained in any document, full particulars thereof, (ii) with any documents or information i.r.o. the land in question and the rights in such land as the Director General may reasonably require.	Director General
The Fund Raising Act 107 of 1978	Section 4	Bank / Insurance	3 – the Director may direct the organisation concerned to furnish such further information i.r.o. its application as the Director may deem necessary or expedient and may cause the application to be investigated and may obtain such further information as he may deem necessary for the consideration of the application	
	Section 7		No fund raising organisation, registered branch or holder shall grant a special permission to any person unless such organisation, branch or holder and such person has entered into an agreement for that purpose and unless such agreement has been reduced to writing and a copy thereof has been furnished to the Director	Director
	Section 12	Bank/ Insurance	Every fund raising organisation, registered branch or holder shall, in one of the official languages of the Republic, keep the prescribed records of all the monies received and expended by it and of all its or assets and liabilities and of all financial transactions entered into by it or and shall furnish the director with the prescribed reports, returns and financial statements at the prescribed times. 3. The reports, returns and financial statements of a fund raising organisation, registered branch or holder shall lie for inspection by the public at such places and during such periods and after such notice as may be prescribed.	Director Public
	Section 13	Bank/ Insurance	If any authority or temporary authority or registration certificate lapses or is withdrawn i.t.o. this Act such organisation or branch or any holder discontinues its or his activities the management of such organisation or branch or the holder concerned shall, within the prescribed period (a) submit to the director the prescribed returns, statements, liquidation and distribution account and such information as the director may demand.	Director

	Section 28	Bank/ Insurance	No authority or a temporary authority or special authority shall be granted to any organisation and no branch shall be registered i.t.o. this Act unless it is managed according to a written constitution which shall comply with the prescribed requirements and a certified copy of the constitution is furnished, in the case of an authorised organisation, to the board granting the special authority or any other case to the director	Director
	Section 13	Bank/ Insurance	(6) The director or an inspector who carries out an inspection of the affairs of an organisation or person i.t.o. this section (a) may at any time with the approval of the Minister and without prior notice, enter any premises of the said organisation or person and, without a warrant, search such premises for money, securities, records, accounts or documents and demand the delivery to him of any or all of the securities, records, accounts or documents of such organisation or person. (b) May examine any or all of such securities, records, accounts or documents and make or cause to be made extracts therefrom or copies thereof or after he has issued a receipt therefor, remove from the premises of the said organisation or person fresh securities, records, accounts or documents for examination by him or for the making of any extract therefrom or copy thereof or may seize them if, in his opinion, they may provide proof of the commission of any offence or irregularity. (c) May demand from the said organisation or person any such explanations of any entry in the said records, accounts or documents as he may deem necessary.	Director
		Bank / Insurance	(8) Any person requested thereto i.t.o. Sub-section 6(a) shall forthwith deliver to the director or inspector any security, record, account or document referred to in that sub-section which is in his possession or under his control or to which he has access and shall at the request of the director or inspector furnish the director or inspector with the information relating to the offence or activities, securities, records, accounts or documents of the said organisation or person at his disposal.	
	Section 31	Bank / Insurance	1. If the director has reason to suspect that any contributions have been collected in contravention of any provision of this act, or that provisions of section 7(5) or (6) have not been complied with i.r.o. any collection of contributions he may (a) direct any person who has collected such contributions to furnish the director with the name and address and any other information which he may require in order to enable him to identify or trace any other person who, to the knowledge of such person, has collected such contributions or has such contributions in his possession or under his control.	Director
The Home Loan and Mortgage Disclosure Act 63 of 2000	Section 1	Bank	A financial institution must, i.r.o. home loans, disclose the following information: (a) the total number and amount in rent of completed home loan applications received during the financial year i.r.o. which the financial statements have been prepared i.r.o. such (i) categories of borrowers as may be prescribed and (ii) geographic areas as may be prescribed. (d) The total number an amount in rent of home loan applications declined and the reasons for the rejections i.r.o. such (i) Categories of prospective borrowers as may be prescribed and (ii) geographic areas as may be	Office of disclosure

			prescribed (iii) The total number and amount in rent of all home loans disclosed and disbursed by a financial institution during the financial year i.r.o. which such financial statements have been prepared, the total number and amount in rent of all home loans approved by a financial institution during the financial year i.r.o. which financial statements have been prepared, which must include information i.r.o. such particular (l) categories of borrowers as may be prescribed and (ii) geographic areas as may be prescribed and (e) such information as may be prescribed.	
	Section 2	Bank	When a financial institution discloses the required information i.t.o. sub-section 1, it must also disclose such information i.r.o. the immediately preceding financial year	Office of disclosure
	Section 5	Bank	2(c). The office may require financial institutions to substantiate information disclosed i.t.o. This Act where reasonable doubt may exist whether or not the information disclosed is fully accurate or comprehensive and (d) investigate and institute proceedings to verify the validity of information disclosed by a financial institution in accordance with the requirements of this Act, and for that purpose, such financial institution must afford the office all reasonable assistance and access to premises and information to enable the office to analyse and interpret such information.	Office of disclosure
Identification Act 68 of 1997	12	Bank and insurance	The Director General may (a) request any person to furnish the Director General with proof of the correctness of any particulars which have been furnished i.r.o. such person in any document i.t.o. this act and (b) investigate or cause to be investigated any matter i.r.o. which particulars are required to be recorded in the Population Register	Director General of Home Affairs
Insider Trading Act 135 of 1998	Section 11(2)	Bank	In addition to its powers i.t.o. the Financial Services Board Act, the Financial Services Board may summon any person who is believed to be able to furnish any information on the subject of any investigation or to have in his or her possession or under his or her control any book, document or other object which has bearing upon that subject, to note such book, document or other object with the Financial Services Board, or to appear at any time and place specified in the summons, to be interrogated or to produce such book, document or other object	Financial Services Board
Inspection of Financials Institutions Act 18 of 1998	Section 4	Bank	4(1) In clearing out an inspection of the affairs of an institution under 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 of that institution. Open any strong room, safe or other container in which he or she suspects any document of the institution is kept. 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 purposes. 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. Retain any seized document for as long as it may be required for any criminal or other proceedings	Inspector

Alienation of Land Act 68 of 1981	Section 7(1)	Bank	If the land sold i.t.o. a contract is encumbered by one or more than one mortgage bond, the seller shall within 30 days after the conclusion of the contract hand to the purchaser or send to him by registered post a certificate drawn up and dated not more than 4 months before the conclusion of the contract, by each mortgagee in which is indicated the amount the mortgagee requires to be paid i.t.o. section 9 for the discharge of his mortgage bond or for the release of land from his mortgage bond, as the case may be as well as the rate or rates at which interest shall be levied as from the date of the certificate	Purchaser
	Section 10	Bank	(a) A remote purchaser may, by written notice, require the owner or any intermediary who alienated the land in question prior to the date the contract concerned was concluded, to furnish him with the particulars of the outstanding balance under the deed of alienation i.t.o. which the owner of that intermediary alienated the land and with particulars as to any amount which in terms of the deed of alienation is due and unpaid.	Purchaser
	Section 10(2)	Bank	10(2) Any owner or intermediary receiving a written notice referred to in sub-section 1 shall, within 30 days of the date of that notice, furnish the remote purchaser concerned with the outstanding balance and the particulars referred to in that sub-section, but shall not be obliged to do so more often than three times in one calendar year.	Purchaser
	Section 10(3)	Bank	(3). The owner of land alienated i.t.o. a contract and any intermediary who has alienated that land shall furnish any subsequent intermediary or remote purchaser as the case may be: (a) in regard to any intermediary who alienated the land prior to him with the information regarding content of a contract (b) in regard to the deed of alienation under which he alienated the land with (i) the certificate bearing a date when the land was sold (ii) the certificate referred to in sub-section 1 of this section (iii) information relating to the amount, if any, owing at the end of the period i.t.o. any alienation of the land in question before the time the contract was concluded.	Intermediary or Purchaser
	Section 16	Bank	Section 16(1) – While a contract is in force, the seller shall free of charge hand to the purchaser a statement of account or send such statement by registered post to him at his address no later than 12 months from the date of the contract and thereafter within 30 days at the end of each successive period of 12 months following on the date of the first statement of account.	Purchaser
Legislation Attorneys Act 53 of 1979	Section 71(2)(a)(i)	Bank or insurance	For the purposes of an enquiry the council may under the hand of the President or the Secretary of its society summon any person who in the opinion of the council may be able to give material information concerning the subject matter of the enquiry or who is believed by the council to have in his possession or custody or under his control any books, documents, records or thing which has any bearing on the subject matter of the enquiry, to appear before it at a time and place specified in the summons, to be interrogated or to produce that book, document, record or thing, and may retain for inspection any book, document, record or thing so produced.	Council

	Section 78(13)	Bank	Any banking institution or building society at which a practitioner keeps his trust account or any separate account forming part of his trust account, shall if so directed by the council of the society of the province in which such practitioner is practising furnish the council with a signed certificate which indicates the balance of such account at the date or dates stated by the council	Council
Compensation for Occupational Injuries and Diseases Act 130 of 1993	Section 6(1)(a)	Bank or insurance	1(a) The Director General may subpoena any person who in his opinion is able to give information concerning the subject of any enquiry i.t.o. 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 the 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
	Section 7	Bank or insurance	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 or any matter to which this act relates, (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 such time and place as may be 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 i.t.o. 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	Authorised Person
	Section 40	Bank or insurance	2 An employee or employer shall at the request of the Director General furnish such further particulars regarding the accident and injuries concerned a the Director General may require	Director General
	Section 18	Bank or insurance	Employer to register with Director General and to furnish him with particulars.	
	Section 1	Bank / Insurance	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
	Section 81	Bank or insurance	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	Authorised Person

			for inspection. (2) An employer shall retain the register, record or reproduction referred to in sub-section 1 for a period of at least 4 years after the date of the last entry in that register or record.	
	Section 82	Bank or insurance	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 showing (a) the amount of earnings up to the maximum paid by him, it, its 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
	Section 32A	Bank	(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 sub-section 5 for that purpose without giving prior notice at all reasonable times (a)(iii) enter any place i.r.o. which he has reason to believe that there are books, records, documents to which the provisions of this Act are applicable.	Inspector or the manager
Estate Agency Affairs Act 112 of 1976	Section 48	Banking or insurance industry	1 An inspector who is authorised to enter in such premises may (a) enter upon or into those premises (b) search those premises (c) search any person on those premises if there are reasonable grounds for believing that a person has personal possession of an article or document that has a bearing on the investigation (d) examine any article or document that is on or in those premises that has a bearing on the investigation (e) request information about any article or document from the owner of, or person in control of, the premises or from any person who has control of the article or document, or from any other person who may have the information. (f) Take extracts from or make copies of any book or document that is on or in the premises that has a bearing on the investigation. (g) Use any computer system on the premises, or require assistance of any person on the premises to use the computer system to (i) search any data contained or available on that computer system (ii) reproduce any record from that data and (iii) seize any output from that computer for examination copying and (h) attach and if necessary remove from the premises for examination and safekeeping anything that has a bearing on the investigation	Inspector
Competition Act 89 of 1998	Section 49A	Banking or insurance	1 At any time during an investigation i.t.o. 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 (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 (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	Commissioner

	Section 54	Banking or insurance	The member of the Competition Tribunal presiding at the hearing may (a) direct or summon any person to appear at any specified time and place (b) question any person under oath or affirmation (c) summon or order any person (i) to produce any book, document or item necessary for the purpose of the hearing	Member of the Competition Tribunal
	Section 56	Banking or insurance	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	Competition Tribunal
Insolvency Act 24 of 1936	Section 21	Bank or insurance	7 Before awarding any creditor a share in the proceeds, the trustee may require the creditor to lodge with him, within a period to be determined by the Master, an affidavit, supported by such evidence as may be available, setting forth the result of such excursion and disclosing the balance of his claim which remains unpaid	Trustee
	Section 44	Banking or insurance	4 Every claim shall be proved by affidavit which may be made by the creditor or by any person fully cognisant of the claim. The said affidavit or a copy thereof and any documents submitted in support of the claim shall be delivered at the office of the officer who is to preside at a meeting of creditors	Officer who is to preside at a meeting of creditors
	Section 152	Banking or insurance	If at any time after the sequestration of the estate of a debtor and before his rehabilitation, the Master is of the opinion that the insolvent or the trustee of that estate or any other person is able to give any information which the Master considers desirable to obtain concerning the insolvent or concerning his estate or the administration of the estate or concerning any claim or demand made against the estate he may by notice in writing deliver to such other person summon him to appear before the Master or before a magistrate or an officer in the public service mentioned in such notice at a place and on a date and hour stated in such notice and to furnish the Master or other officer before him he is summoned to appear with all the information within his knowledge concerning the insolvent or concerning the insolvent's estate or the administration of the estate	The Master or Magistrate or an Officer in the public service
Constitution of SA Act no. 108 of 1996	Section 32	Banking or insurance	1(b) Everyone has the right to access to any information that is held by another person and that is required for the exercise or protection of any rights. The rights in terms of the constitution are limited in terms of sec 36.	Any member of the public
Companies Act no. 61 of 1973	Section 140A	Banking or insurance	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

		Bank / Insurance	8A All issuers of securities shall establish and maintain a register of their disclosures made i.t.o. 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 his duly authorised agent or any person.	A person on whose behalf the registered shareholder holds securities
	Section 281	Insurance	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
	Section 284	Insurance	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
	Section 309	Insurance	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
	Section 92	Insurance	Every liquidator shall give the Master such information and such access to and facilities for inspecting the books and documents of the company and generally such aid as may be requested for enabling an officer to perform his duties under this Act	Liquidator
Unemployment Insurance Act 63 of 2001	Section 56	Insurance / Bank	(1) Every employer must, as soon as it commences activities as an employer provide information regarding its employees to the commissioner	Unemployment Insurance Commissioner
The Banks Act 94 of 1990	Sections 7, 53, 58, 59, 67 and 75.	Banks	(a) The Act provides for the regulation and supervision of the business of public companies taking deposits from the public; and for matters connected therewith. (1) Section 7 of the Act provides that the Registrar may by notice direct a bank to furnish such information as may be specified in the notice and as the Registrar may reasonably require. Section 7 does not specify what records and/or information the Registrar shall require. (2) Section 53 contemplates that the Banks shall have the following records and/or information, which shall be made available to the Registrar on request: - Particulars relating to its shareholding or other interest in its subsidiaries; any joint venture within or outside the Republic if the investment results in the bank being exposed to an amount representing more than five per cent of its capital and reserves. - Particulars relating to the acquisition of an interest in any undertaking having its registered office or principal place of business outside the Republic. - Any trust or financial or other business undertaking	Registrar of Banks

			<p>contemplated in section 52 of the Act. - Section 58 requires banks and every controlling company to furnish the Registrar with a copy of its register of directors and officers referred to in section 215 of the Companies Act 61 of 1973. The Companies Act 61 of 1973 requires companies to keep this register at their registered address. - Section 59 requires banks to furnish the Registrar with a return regarding its shareholders. The Companies Act 61 of 1973 requires companies to keep these records at their registered address. - Section 67 provides that in the case of an individual shareholder in a bank who holds more than 25% of all the issued shares in that bank to which voting rights are attached, the sum of the amounts of such bank's investments with or loans or advances or other exposures to such individual shareholder exceeds the total nominal value of the said shares so held by that individual shareholder, the bank shall in its financial statements mention the name of such individual shareholder. - Section 75 requires banks to furnish returns to the Registrar. The return contemplated in section 75 includes, but are not limited to return relating to the extent and management of risk exposures in the conduct of the bank's business.</p>	
Financial Intelligence Centre Act 38 of 2001	Section 22	Banks and Insurance	<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. (b) In terms of section 22 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: - The identity of the client. (1) Where the client is acting on behalf of another person - (1.1) The identity of that other person; (1.2) The client's authority to establish the business relationship or to conclude the single transaction on behalf of that other person. (2) If another person is acting on behalf of the client - (2.1) the identity of that other person; (2.2) that other person's authority to act on behalf of the client. (2.3) The manner in which the identity of the client or the other person was established. (3) In the case of a transaction - (3.1) The amount involved, (3.2) The parties involved. (4) All accounts that are involved in - (4.1) Transactions concluded by that bank or insurance company in the course of that business relationship; and (4.2) That single transaction. (4.2.1) The name of the person who obtained the information on behalf of the bank or insurance company. (4.2.2) Any document or copy of a document obtained by the bank or insurance company in order to verify a person's identity. (c) The records to be kept in terms of section 22 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>	Financial Intelligence Centre
South African Reserve Bank Act 90 of 1989		Banks	<p>(a) The Act consolidates the laws relating to the South African Reserve Bank and matters connected therewith. (b) Section 10A (11) provides that a bank shall, in order to enable the Governor to determine whether the bank is complying with the provisions of section 10A, furnish the Registrar of banks with a return on the prescribed form and in respect of the prescribed period.</p>	Governor

			The return contemplated in section 10A (11) shall be prepared in conformity with generally accepted accounting practice. (c) The Act would not appear to require banks and insurance companies to keep any specific records.	
Stamp Duties Act 77 of 1968	Section 31	Banks and Insurance Companies	(a) The Act consolidates and amends the law relating to stamp duties. (b) Section 31A provides that 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). (c) The Act would not appear to require banks and insurance companies to keep any specific records.	Commissioner for South African Revenue Service.
Stock Exchanges Control Act 1 of 1985	Sections 19, 43 and 47.	Banks and Insurance Companies	(a) The Act consolidates the laws relating to the regulation and control of stock exchanges and matters connected therewith. (b) Section 19 provides that the president may require any issuer whose securities are included in the list referred to in section 16 (a) of the Act to disclose within a period specified in such a notice, any information at such issuer's disposal pertaining to such securities or to the affairs of that issuer which is in the public interest and, after giving such issuer an opportunity of making representations to him, require such issuer to disclose that information to the registered holder of the securities in question within a further period specified in the said notice. (c) Section 43 provides that every member shall keep such accounting records in one of the official languages of the Republic as may be prescribed, preserve such records in a safe place for a period of at least five years as from the date of the latest entry therein; and cause such records to be audited, not later than three months after the financial year end of such member, by an auditor whose appointment has been approved by the Registrar. (d) Section 47 provides that the Registrar may require a member to transmit to the Registrar any document or information at that member's or person's disposal and relating to member's or person's affairs which the Registrar may reasonably require and that member or person shall comply with the Requirements of the Registrar to his satisfaction within the relevant period or within such further period as the Registrar may allow. (e) The Act would not appear to require banks and insurance companies to keep any specific records.	President of the Stock Exchange and Registrar of the Stock Exchange.
Unit Trust Control Act 54 of 1981	Sections 10, 31, 33 and 34	Banks and Insurance Companies	(a) The Act consolidates the laws relating to the regulation and control of the establishment, carrying on and management of certain trust schemes relating to securities and matters connected therewith. (b) Section 10 (1) provides that every management company shall not later than three months after the close of its financial year transmit to the registrar a copy of the duly audited financial statements of such company and of every unit trust scheme managed by it. Copies of the financial and other statements shall be kept available at the registered office of the management company for inspection during ordinary office hours by any holder of unit certificates in the unit trust scheme concerned or other person bona fide interested in the purchase of unit certificates from the	Registrar of Units Trusts.

		<p>company. (c) Section 10 (2) provides that every management company shall, not later than three months after the close of the financial year of every unit trust scheme managed by it, transmit to every holder of unit certificate in such scheme such information relating to the state of affairs and results of the operation of the unit trust scheme as may be prescribed. (d) Section 10(4) provides that every management company shall lodge with the Registrar copies of all advertisements, brochures and pamphlets published or proposed to be published by the company and of all additions thereto and variations thereof; and copies of every return or notice which the company is required to furnish to the Registrar of Companies under section 216 (2) of the Companies Act 61 of 1973. (e) Section 31 provides that every management company in property shares shall, within two months after its registration as such and thereafter within two months after the close of every financial year furnish the Registrar with a statement setting forth – (1) full details of the underlying securities comprised in the unit portfolio in which it sells units, or in each such unit portfolio, if there are two or more; (2) the date on which every such unit portfolio was established and the number of units into which every such unit portfolio is divided; (3) full particulars of all immovable property owned by every fixed property company of which there are securities included in any such unit portfolio, including a description of each individual property so owned, its situation, and an estimate of the annual income and expenditure likely to be derived from and incurred in connection therewith; (4) the total cost to the management company of the securities in and of each fixed property company which are included in any such unit portfolio; (5) the price at which units in every such unit portfolio are sold by the management company. (f) Whenever a registered management company in property shares alters the composition of any unit portfolio in which units have been sold, by adding to it further underlying securities or by dealing with existing underlying securities in any manner contemplated in the Act, the management company shall within two months after any such alteration has taken place, furnish to the registrar a statement setting forth - (1) full details as to any securities in and of any fixed property company which have been added to or included in any such unit portfolio as a result of such alteration; (2) the date upon which such alteration took place and the number of units into which any such unit portfolio is divided after the alteration; (3) full particulars of all movable property owned by ever fixed property company securities of which have been added to or included in any such unit portfolio as a result of the alteration; (4) the total cost to the management company of the securities in and of each fixed property company which have been added to or included in any such unit portfolio as a result of the alteration in its composition; (5) If such alteration has taken place in consequence of the sale, by the management company, of any of the underlying securities comprised in any such unit portfolio, then the cost to the management company of the underlying securities so sold and the amount of the net proceeds of the sale; and (6) the price at which units in any such unit portfolio will thereafter be sold by the management company. (g) Section 33 (1) provides that every</p>	
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			<p>management company in property shares shall, at least once in every calendar year, furnish to every holder of a unit certificate in the unit trust scheme managed by that company, and to the registrar, a balance sheet and an income and expenditure account, duly audited, and such other statements as may be necessary, in regard to the operation of that scheme during the period which ended not more than two months prior to the date upon which such balance sheet, account and statements are so furnished, and in regard to the company's position as at the end of that period, reflecting <i>inter alia</i>-(1) the management company's capital resources actually employed or immediately available for employment for the purposes of the scheme; (2) the amount actually invested or employed by the management company from its own resources in every unit portfolio; (3) in respect of each unit portfolio, the amount of cash held in the unit portfolio, and the total value of each of the several securities included in that unit portfolio, and the value of each of those securities expressed as a percentage of the total value of assets in the unit portfolio concerned; (4) the amount of the dividends and interest and any other income for distribution which have accrued to the underlying securities comprised in every unit portfolio, indicating the classes of income and the amount derived from each class, and how the income has been or is intended to be allocated, mentioning specifically the amount, if any, retained and invested in the scheme in respect of depreciation of assets; (5) The amount of the proceeds of capital gains, rights and bonus issues and any other accruals and receipts of a capital nature which have been or are to be invested in the scheme for the benefit of unit certificate holders, indicating the classes thereof and the amount derived from each class, but excluding amounts derived from the sale of units; (6) the total amount derived from the sale of units, indicating the total amount paid in respect of compulsory charges, and the total amount, if any, paid in respect of the repurchase of units; (7) the management company's income derived from all sources in the operation of the scheme, indicating the sources and the amount derived from each such source, and its net profit or loss derived from such operation; (8) in respect of each unit portfolio, a review of fluctuations in the prices per single unit during the period in question; and (9) if amounts are retained in respect of depreciation of assets, the basis applied during the period in question for such depreciation. (h) Section 33 (2) provides that every management company in property shares shall furnish to every holder of a unit certificate in the unit trust scheme managed by it, and to the registrar, together with the documents referred to in subsection (1), a balance sheet and an income and expenditure account, duly audited, relating to a period, which ended upon a date not more than two months prior to the date upon which such balance sheet and account are furnished, in respect of- (1) in the case of the registrar, every fixed property company shares of which are held in any unit portfolio; and (2) in the case of such holder, every fixed property company shares of which are held in any unit portfolio in which such holder owns units on the first-mentioned date.</p> <p>(i) Section 33 (4) provides that a management company shall in addition, within a period of 30 days</p>	
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			<p>after receipt of a written request from the registrar, or within such further period thereafter as the registrar may allow, lodge with the registrar such further information and explanations in connection with any balance sheet, account or statement referred to in subsection (1) or (2), as may be specified in the request.</p> <p>(j) Section 33 (5) provides that every management company shall, in accordance with the regulations, lodge with the registrar - (1) copies of all advertisements, brochures and pamphlets published or proposed to be published by the management company or any of its authorized agents, and of all proposed additions thereto and variations thereof, signed and certified in the prescribed manner by or on behalf of the directors of the management company: Provided that the registrar may exempt the management company to such extent and on such conditions as he may deem fit, from the obligation to lodge with him a copy of any such advertisement, brochure or pamphlet, prior to its publication; (2) a copy of every return or notice which the management company is required to furnish to the Registrar of Companies under section 216 (2) of the Companies Act 61 of 1973. (3) Section 34 (1) provides that the undermentioned particulars shall be disclosed in any price list, advertisement, brochure or similar document published by a management company or any of its authorized agents, and at his request to every prospective purchaser of units from the company, namely- (3.1) the number and nominal value of each of the several underlying securities comprised in each of its unit portfolios; (3.2) whether or not the management company undertakes to repurchase units from the holders thereof and, if so, the terms and conditions on which such repurchase will take place. (k) Section 34 (2) provides that there shall further be disclosed in any price list, advertisement, brochure or similar document published by a management company or any of its authorized agents, and the management company shall also bring up in its accounts, details of all immovable property held by every fixed property company of which there are shares included in any of its portfolios, showing separately, in the case of each such property, the net price or valuation at which it was acquired by the fixed property company concerned, and any other expenditure incurred by the company in connection with the acquisition thereof, such as agents' commission and transfer costs. (l) Section 34 (3) provides that the registrar may in his discretion, and subject to such conditions as he may deem fit, exempt a management company or any of its authorized agents from the obligation to comply with any provision of subsection (1) or (2) in respect of any advertisement, brochure, pamphlet or similar document the scope of which is confined to one or more of the following matters, namely- (1) stating the name and type of the unit trust scheme; (2) describing and commending the class of investment authorized; (2.1) indicating the minimum amount which can be invested under the scheme; (2.2) stating that full information can be obtained on application at a given address. (m) Section 34 (4) provides that a management company of a unit trust scheme in property shares shall not- (1) introduce into or have in a unit portfolio shares in a fixed property company an asset of which is pledged, hypothecated or otherwise encumbered (other than by a praedial servitude or</p>	
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			leasehold approved by the registrar as contemplated in paragraph (b) of the definition of 'fixed property company' in section 1) or which is liable under a guarantee to discharge the liabilities of any other person in the event of the failure of that person to do so; and (2) sell to or place in a unit portfolio shares in a fixed property company at a price which exceeds the price actually paid by the management company therefor: Provided that this paragraph shall not be construed as prohibiting the management company from taking into account any appreciation in the value of shares in determining the aggregate value of the underlying securities comprised in a unit portfolio.	
Value Added Tax Act 89 of 1991	Sections 55 and 57A	Banks and Insurance Companies	(a) The Act provides for taxation in respect of the supply of goods and services and the importation of goods and matters connected therewith. (b) Section 55 provides that 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 system and programme documentation which describe the accounting system used in each tax period in the supply of goods and services; (4) any list required to be prepared in accordance with section 15 (9); and (5) any documentary proof required to be obtained and retained in accordance with section 11 (3). (c) Section 57A provides that 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).	Commissioner for South African Revenue Service.
Skills Development Levies Act 9 of 1999		Banks and Insurance Companies	(a) The Act provides for the imposition of a skills development levy and for matters connected therewith. (b) The Act contemplates that 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. (c) The Act would not appear to require banks and insurance companies to keep any specific records.	Inspectors.
The Usury Act 79 of 1968	Sections 3 and 10	Banks and Insurance	The Act provides for the limitation and disclosure of finance charges levied in respect of money lending transactions and for matters incidental thereto. (b) Section 3 (1) provides that a	Credit receiver

		Companies to the extent that they grant credit.	<p>moneylender carrying on the business of money lending or his authorized representative shall, on demand before the conclusion of any money lending transaction in connection with which finance charges are or will be payable, furnish separately, distinctly and in writing to the prospective borrower, and, whether or not any such demand is made, shall set out separately and distinctly in every instrument of debt executed in respect of any such transaction, in so far as the same may be known and determinable, the following particulars: (1) the cash amount in money actually received by or on behalf of the borrower or which will be received by or on behalf of the borrower or prospective borrower; (2) all other charges, shown separately, forming part or which will form part of the principal debt; (3) the principal debt, that is, the sum of the amounts referred to in paragraphs (a) and (b) (of this subsection); (4) the amount in rand and cents of the finance charges calculated at the annual finance charge rate mentioned in paragraph (e) (of this subsection); (5) the annual finance charge rate; and (6) as the case may be, the date upon which or the number of instalments in which the principal debt together with the finance charges must be paid, the amount of each instalment and the date upon which each instalment must be paid or the manner in which that date is determined. (c) Section 3 (2A) provides that a lessor who transacts leasing transactions in the normal course of his business or his authorized representative shall, on demand before the conclusion of any leasing transaction, furnish separately, distinctly, and in writing to the prospective lessee and, whether or not any such demand is made, shall set out separately and distinctly in every instrument of debt executed in connection with any such transaction, the following particulars: (1) The cash price at which the movable property leased or to be leased is normally sold by the lessor on the date on which such transaction is concluded or, where the lessor is not a trader normally selling any such movable property, the market value of such movable property or, when applicable, the money value determined in terms of section 6K in respect of such movable property; (2) the cash amount in money or the reasonable value of property deducted or to be deducted at the conclusion of the transaction from the cash price, market value or money value referred to above; (3) the present value of the book value of the leased property deducted or to be deducted at the conclusion of the transaction from the cash price, market value or money value referred to above; (4) the book value of the leased property; (5) in so far as the same is known and determinable- (5.1) all other charges forming part or which will form part of the principal debt; (5.2) the principal debt, that is, the sum of the amounts referred to above less the sum of the amounts referred to above; (5.3) the amount in rand and cents of the finance charges calculated at the annual finance charge rate stated above; (5.4) the annual finance charge rate; (5.5) The date with effect from which finance charges are to be paid by the lessee; and (5.6) as the case may be, the date upon which or the number of instalments in which the principal debt together with the finance charges must be paid, the amount of each instalment and the due date of each instalment or the manner in which the date is determined. (d) Section 10 provides that a credit grantor or</p>	
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			lessor shall furnish a credit receiver or lessee with a copy of an instrument of debt which must contain certain information.	
Participation Bonds Act 55 of 1981	Section 5	Banks and Insurance Companies	(a) The Act consolidates the laws relating to the securing of the rights of holders of participations in certain mortgage bonds and matters incidental thereto. (b) Section 5 provides that every manager shall at its registered office or its or his place of business or such other place or places as the registrar may approve on such conditions as he may determine, keep a register, which shall be subject to annual audit, and in which shall be recorded- (1) the particulars of each participation bond; (2) the amount owing from time to time by the mortgagor under such bond; (3) the names of the participants in such bond and the extent of their participations from time to time as well as all amounts repaid to participants in respect of their participations; and (4) the rules of the scheme in which such bond are included.	Registrar
Pension Funds Act 24 of 1956	Sections 15 and 35	Insurance Companies /Pension Funds	(a) The Act provides for the registration, incorporation, regulation and dissolution of pension funds and for matters incidental thereto. (b) Section 15 provides that every registered fund shall within six months as 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. (c) Section 35 (1) provides that every registered fund shall deliver to any member on 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, that is to say- (1) the rules of the fund; (2) The last revenue account and the last balance sheet prepared in terms of sub-section (1) of section fifteen. (d) Section 35 (2) provides that 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, that is to say- (1) the documents referred to in sub-section (1); (2) the last report (if any) by a valuator prepared in terms of section sixteen; (3) the last statement (if any) and report thereon prepared in terms of section seventeen; (4) any scheme which is being carried out by the fund in accordance with the provisions of section eighteen.	Registrar of Pension Funds Members of pension funds.
Income Tax Act 58 of 1962	Sections 70, 71 and 73B	Banks and Insurance Companies	(a) The Act consolidates the law relating to the taxation of incomes and donations and matters related thereto. (b) Section 70 provides that 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 days after the end of such period or within such further period as the Commissioner may allow, furnish the Commissioner with a return giving - (1) the full name and address; and (2) in the case of - (2.1) any natural person, his or her identification number: Provided that where he or she is not in possession of a South African identity document, any other form of identification; or (2.2) any person other than a natural person, the registration number, (2.3) of each person to whom such interest became due and the amount of such interest. (c) Section 71 provides that every bank	Commissioner for South African Revenue Services.

			<p>carrying on business in the Republic or company dealing in or negotiating bearer warrants shall keep a record of all payments in respect of interest or dividends 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. (d) Section 73B provides that 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>	
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APPENDIX - 4

IMPORTANT DEFINITIONS

The term "**private body**" is defined in the AIA as follows:

- "a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- b) a partnership which carries or has carried on any trade, business or profession; or
- c) Any former or existing juristic person' but excludes a public body."

The term "**public body**" is defined in the AIA as follows:

- "a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- b) any other functionary or institution when-
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution;
 - (ii) exercising a public power or performing a public function in terms of any legislation."

A "**requester**" can be a natural or juristic person, and includes public bodies or officials acting on behalf of public bodies. This means that both private individuals and entities, and public bodies, can make requests for access to records of private bodies.

A "**record**" means any recorded information regardless of form of medium, which is in the possession or under the control of the relevant private body, whether or not it was created by that body.

The AIA defines "**head**" of a private body as follows:

- "a) in the case of a natural person, that natural person or any person duly authorised by that person;
- b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- c) in the case of a juristic person-
 - (i) the Chief Executive Officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
 - (ii) the person who is acting as such or any person duly authorised by such acting person."