



## **MANUAL TO ACCESSING INFORMATION (“Manual”)**

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

This Manual has been prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (“PAIA”) and updated in the light of the Protection of Personal Information Act 4 of 2013 (“POPIA”). The Manual applies to TriAlpha Investment Management Proprietary Limited (“TriAlpha”) and is intended

- | To give a description of the records held by and on behalf TriAlpha;
- | To outline the procedure to be followed and
- | To outline the fees payable when requesting access to any of these records in the exercise of the right of access to information, with a view of enabling requesters to obtain records which they are entitled to in a quick, easy and accessible manner.

#### **1. Purpose of PAIA**

PAIA is an act that was passed to give effect to the constitutional right, held by everyone in South African, of access to information which is held by the State or by another person and which is required for the exercise or protection of any right. Where a request is made in terms of PAIA, the body to which the request is made is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released.

It is important to note that PAIA recognises certain limitations to the right of access to information, including, but not exclusively, 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.

POPIA was enacted in November 2013, to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed.

**Physical Address:** The Information Regulator (South Africa)  
JD House  
27 Stiemens Street  
Braamfontein, Johannesburg, 2001

**Postal Address:** P.O Box 31533  
Braamfontein, Johannesburg, 2017

**Complaints email:** [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**General enquiries email:** [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

## 2. Availability of Manual

For public inspection at the TriAlpha Head Office from the designated Information Officer free of charge; on this website free of charge; and on request by any person (along with payment of a prescribed fee).

## 3. Contact Details

Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officer as follows:

### Head Office

**Telephone Number** +27 (0) 21 809 1210

**Physical Address** Room 12B, 2<sup>nd</sup> Floor  
Ou Kollege Building  
Stellenbosch  
South Africa  
7600

**Postal Address** Postnet Suite Number 227  
Private Bag X5061  
Stellenbosch  
South Africa  
7599

**Email address** [privacy@trialpha.co.za](mailto:privacy@trialpha.co.za)

**Information Officer** Prudence Lebina

**Deputy Information Officer** Simphiwe Khumalo

## 4. Types of Records

### a) Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to any of the entities listed in this manual and the financial services industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation.

### b) Records available on request

We set out below the subjects and categories of records that are, subject to access being denied as set out in the Act, available upon request for the purposes of the Act:

Records are held on the following subjects:

- a. Personnel records;
- b. Client-related records;
- c. Private body records; and
- d. Records in the possession of or pertaining to other parties.

(i) **Personnel records**

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

Personnel records include the following:

- | Any personal records provided to the private body by their personnel;
- | Any records a third party has provided to the private body about any of their personnel;
- | Conditions of employment and other personnel-related contractual and quasi-legal records;
- | Internal evaluation records; and
- | Other internal records and correspondence.

(ii) **Client-related records**

A client includes any natural or juristic entity, who receives services from the private body. Client-related information includes the following:

- | Any records a client has provided to a third party acting for or on behalf of the private body;
- | Any records a third party has provided to the private body; and
- | Records generated by or within the private body pertaining to the client, including transactional record.

(iii) **Private body records**

A private body's records relate to the body's own affairs and are considered to include, but not limit to:

- | Financial records;
- | Operational records;
- | Databases;
- | Information technology;
- | Marketing records;
- | Internal correspondence;
- | Records relating to products and services;
- | Statutory records;
- | Internal policies and procedures;
- | Records held by officials of the private body.

(iv) **Other parties**

The private body may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers.

The following records fall under this category:

- | Personnel, client or private body records which are held by another party as opposed to being held by the private body; and

- | Records held by the private body 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.

## **5. Requesting Procedures**

A person who wants access to the records of any of the identified private bodies must complete the necessary request form.

The request form can be accessed on [www.trialpha.co.za](http://www.trialpha.co.za) or [www.sahrc.org.za](http://www.sahrc.org.za). If a person needs assistance to obtain the form or on any other matter, please contact the Information Officer at the telephone number provided in paragraph 3.

The completed request form must be sent to the physical, postal or e-mail address provided in paragraph 3 and marked for the attention of the Information Officer.

The Information Officer will process the request and inform the requester of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalised. A copy of the fee structure applicable to private bodies can be accessed on [www.trialpha.co.za](http://www.trialpha.co.za).

All the pertinent sections of the request form must be completed fully, failing which the process will be delayed while the Information Officer obtains such additional information.

### **Access to certain records may be or must be denied on the grounds set out in the Act.**

Mandatory grounds for refusal include but are not limited to:

- | Information for the protection of the privacy of individuals;
- | Information for the protection of commercial information and confidential information of third parties.
- | Information privileged from production in legal proceedings;
- | Commercial information of the company; and
- | Research information

## **6. Remedies upon Refusal**

The decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

### **Complaints to the Information Regulator**

- | The requester or third party may submit a complaint in writing to the Information Regulator, within 180 days of the decision, alleging that the decision was not in compliance with the provisions of PAIA.
- | The Information Regulator will investigate the complaint and reach a decision - which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee established in terms of POPIA. The Information Regulator may serve an enforcement notice confirming, amending or setting aside the impugned decision, which must be accompanied by reasons.

### Application to court

An application to court may be brought in the ordinary course. For purposes of PAIA, any reference to an application to court includes an application to a Magistrates' Court.

## FEE STRUCTURE FOR PRIVATE BODIES

### Reproduction Fees:

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

The applicable fees for reproduction as referred to above are:

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For every photocopy of an A4-size page or part thereof	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	0.75
For a copy in a computer-readable form on	
- stiffy disc	7.50
- compact disc	70.00
For a transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
For a transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

### Request Fees:

Where a requester submits a request for access to information held by a private body on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the private body will further process the request received.

### 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 specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).



**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

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2. Reference number, if available:

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3. Any further particulars of record:

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**E. Fees**

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

Reason for exemption from payment of fees:

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**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, 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 <b>X</b> .	
NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

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

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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

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**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at ..... this day..... of .....year .....

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