

# ETON NOMINEES PROPRIETARY LIMITED

*1995/001845/07*

*ACCESS TO INFORMATION MANUAL  
As required by Section 51 of the Promotion to  
Access of Information Act No 2 of 2000*



Accounting Compilations Administration Secretarial  
Administration of Non-Residents' Affairs  
Independent Reviews Audit File Preparation Payroll  
Taxation Management Other Related Services

Eton Nominees (Pty) Ltd • Registration Number: 1995/001845/07 • Vat Number: 4860175225 • SAICA Practice Number: 20026144  
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MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000

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## 1. INTRODUCTION

ETON NOMINEES (PTY) LTD was established in 1995.

### 1.1. The following words bear the following meanings in terms of this manual:

"the Act"	shall mean the Promotion of Access to Information Act, No.2 of 2000, together with all relevant regulations published;
"the / this manual"	shall mean this manual together with all annexures thereto as available at the offices of ETON NOMINEES (PTY) LTD from time to time;
"The firm"	shall mean ETON NOMINEES (PTY) LTD structured as an incorporated company which carries on business as "Nominee and Financial Service Company";
"SAHRC"	shall mean the South African Human Rights Commission;
"Information Officer"	The current " <b>Director</b> " has been appointed as the Information Officer of ETON NOMINEES (PTY) LTD, to whom requests for information in terms of the Act, should be addressed;
"Deputy Information Officer"	The current " <b>Accountant</b> " has been appointed as the Deputy Information Officer of ETON NOMINEES (PTY) LTD, to whom requests for information in terms of the Act, should be addressed.

1.2. On 9 March 2001, the Act came into effect as a direct response to section 32(2) of the Constitution of South Africa – the right of access to information – which requires that the government implements laws in an effort to make information pertaining to both public and private entities more accessible to all.

1.3. The object of the Act is to give the public access to the records of the incorporated Company under certain circumstances. The Act seeks to promote a society in which the public has access to information to enable them to exercise and protect their rights as well as promoting a culture of clearness, transparency and accountability.

- 1.4. Section 51 of the Act requires all private business bodies to compile a manual containing information including the body details, a description of the records of the body, as well as means that a record may be accessed.
- 1.5. ETON NOMINEES (PTY) LTD is a private body and therefore this manual has been compiled in terms of and in order to comply with Section 51 of the Act.
- 1.6. This manual is to assist any potential requesters as to the procedure to be followed when requesting access to information and/or documents from the firm as contemplated in terms of Section 51 of the Act.
- 1.7. The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.
- 1.8. Any requester is advised to contact the Information Officer should he / she require any assistance in respect of the utilisation of this manual and/or the requesting of information and documents from the firm.

## 2. CONTACT DETAILS

(Section 51(1)(a) of the Act)

### 2.1. Name of body

ETON NOMINEES (PTY) LTD

2.2. Appointed Information Officer  
Lloyd Jonathan Lategan  
Director

Appointed Deputy Information Officer  
Melody Hugo  
Accountant

### 2.3. Address

Block 1, 1st Floor  
Oxford Manor  
196 Oxford Road  
Entrance in Chaplin Road  
Illovo, 2196

### Address

Block 1, 1st Floor  
Oxford Manor  
196 Oxford Road  
Entrance in Chaplin Road  
Illovo, 2196

### 2.4. Postal Address

P.O. Box 52606  
Saxonwold  
2132

### Postal Address

P.O. Box 52606  
Saxonwold  
2132

### 2.5. Telephone

+27 11 880 9390

### Telephone

+27 11 880 9390

### 2.6. Facsimile

+27 11 880 9129

### Facsimile

+27 11 880 9129

### 2.7. E-mail Address

[lloydj@etonnominees.co.za](mailto:lloydj@etonnominees.co.za)

### E-mail Address

[melodyh@etonnominees.co.za](mailto:melodyh@etonnominees.co.za)

### 2.8. Website

[www.etonnominees.co.za](http://www.etonnominees.co.za)

### Website

[www.etonnominees.co.za](http://www.etonnominees.co.za)

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT  
(Section 51(1)(b) of the Act)

- 3.1. In terms of Section 10 of the Act, a guide will be compiled by the South African Human Rights Commission containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available in all official languages by the SAHRC and is obtainable from the SAHRC.
- 3.2. Contact details of the South African Human Rights Commission are as follows:

PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

Telephone: +27 11 877 3600

Facsimile: +27 11 403 0668

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

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

4. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT  
(Section 51(1)(c) of the Act)

- 4.1. The firm is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so. Nevertheless the firm does make certain information available to the public in various brochures, press releases and publications. Certain information is also made available to employees of the firm which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained by the firm's employees from the Information Officer.

5. INFORMATION AND DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION  
(Section 51(1)(d) of the Act)

5.1. The firm retains information and documents in accordance with the following legislation. Please note that the undermentioned Acts are those "as amended" and that the list is not exhaustive.

- 5.1.1 Administration of Estates Act, No. 66 of 1965
- 5.1.2 Basic Conditions of Employment Act, No. 75 of 1997
- 5.1.3. The Companies Act, No. 61 of 1973
- 5.1.4. Close Corporations Act, No. 69 of 1984
- 5.1.5. Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
- 5.1.6. Employment Equity Act, No. 55 of 1998
- 5.1.7. Income Tax Act, No. 58 of 1962
- 5.1.8. Labour Relations Act, No. 66 of 1995
- 5.1.9. Occupational Health & Safety Act 85 of 1993
- 5.1.10. Skills Development Act, No. 97 of 1998
- 5.1.11. Skills Development Levies Act, No. 9 of 1999
- 5.1.12. Stamp Duties Act, No. 77 of 1968
- 5.1.13. Unemployment Contributions Act, No. 4 of 2002
- 5.1.14. Unemployment Insurance Act, No. 63 of 2001
- 5.1.15. Value Added Tax Act, No. 89 of 1991

5.2. The above Acts, in so far as it being of a public nature are available automatically without a person having to request access thereto in terms of the Act, as envisaged in Section 52.



6. DOCUMENTS AND INFORMATION HELD BY THE FIRM IN TERMS OF THE ACT  
(Section 51(1)(e) of the Act)

6.1. The firm holds the following information and documents in electronic and / or physical form:  
(This list is by no means exhaustive.)

6.1.1. Company Secretarial Records

6.1.2. Financial records of the firm

6.1.3. Administration

6.1.4. Insurance of the firm

6.1.5. Employees

## 7. OTHER INFORMATION

(Section 51(1)(f) of the Act)

- 7.1. The Minister of Justice and Constitutional Development has to date not published any regulations in terms of this Section. However, as soon as this is published, this page will be removed and a page/s providing full details will be inserted in its place.

8. AVAILABILITY OF THE MANUAL  
(Section 51(3) of the Act)

- 8.1. This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 8.2. This manual is available for inspection at the offices of the firm free of charge.
- 8.3. Copies of the manual may be obtained, subject to the prescribed fees, at the offices of the firm.
- 8.4. The manual can also be accessed on the website of the SAHRC ([www.sahrc.org.za](http://www.sahrc.org.za))

## 9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 9.1. The Act provides that any and all documents and information requested pertaining to the firm shall only be made available to a requester subject to the provisions of the Act.
- 9.2. The main grounds for the firm to refuse a request for information relates to the following:
  - 9.2.1. The mandatory protection of the privacy of a third party who is a natural or juristic person, which would involve the unreasonable disclosure of personal information of that natural person.
  - 9.2.2. The mandatory protection of the commercial information of a third party, if the record contains the following:
    - 9.2.2.1. Trade secrets of that third party.
    - 9.2.2.2. Financial, commercial, scientific or technical information which disclosure would in all probability cause harm to the financial or commercial interests of that third party.
    - 9.2.2.3. Information disclosed in confidence by a third party to the firm, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
  - 9.2.3. The mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
  - 9.2.4. The mandatory protection of the safety of individuals and the protection of property.
  - 9.2.5. The mandatory protection of records which would be regarded as privileged in legal proceedings.
  - 9.2.6. The commercial activities of the firm, which may include:
    - 9.2.6.1. Trade secrets of the firm.
    - 9.2.6.2. Financial, commercial, scientific or technical information which disclosure would in all probability cause harm to the financial or commercial interests of the firm.
    - 9.2.6.3. Information which, if disclosed could put the firm at a disadvantage in negotiations or commercial competition;
    - 9.2.6.4. A computer program which is owned by the firm, and which is protected by copyright.
  - 9.2.7. The research information of the firm or a third party, if its disclosure would disclose the identity of the firm, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 9.3. Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## 10. REMEDIES AVAILABLE WHEN THE FIRM REFUSES A REQUEST FOR INFORMATION

### 10.1. Internal Remedies

The firm does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

### 10.2. External Remedies

A requester that 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 another court of similar status.

## 11. REQUEST PROCEDURE

- 11.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 11.2. The requester must complete the prescribed form enclosed herewith in Annexure 1 and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2 above.
- 11.3. The prescribed form must be filled in with enough detail to at least enable the Information Officer to identify:
  - 11.3.1. The record or records requested.
  - 11.3.2. The identity of the requester.
  - 11.3.3. Which form of access is required, if the request is granted.
  - 11.3.4. The postal address or fax number of the requester.
- 11.4. The requester must state the reason 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.
- 11.5. The firm 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 not be complied with.
- 11.6. The requester shall be informed whether access has been granted or denied in writing. 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.
- 11.7. 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.
- 11.8. If a requester does not use the standard form (Annexure 1), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.
- 11.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 11.10. The requester must pay the prescribed fee, before any further processing can take place.

## 12. ACCESS TO RECORDS HELD BY THE FIRM

12.1. Records held by the firm may be accessed by requests only once the prerequisite requirements for access have been met.

12.2. A requester is any person making a request for access to a record of the firm. There are two types of requesters:

### 12.2.1. Personal requester

12.2.1.1. A personal requester is a requester who is seeking access to a record containing personal information about the requester.

12.2.1.2. The firm 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.

### 12.2.2. Other requester

12.2.2.1. This requester (other than a personal requester) is entitled to request access to information on third parties. However, the firm is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 12.3. Completion of the access request form

In order to facilitate a timely response to access requests, all requesters should take note of the following when completing the Access Request Form:

12.3.1. The Access Request Form (Annexure 1) must be completed in English.

12.3.2. Type or print in BLOCK LETTERS an answer to every question.

12.3.3. If a question does not apply, state "N/A" in response to that question. If there is nothing to disclose in reply to a particular question state "NIL" in response to that question.

12.3.4. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional blank sheet of paper. When the use of an additional sheet of paper is required, precede each answer thereon with the title applicable to that question.

## 12.4. Submission of access request form

12.4.1. The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer as indicated above.

### 13. FEES

- 13.1. Section 52 (3) of the Act states that fees payable for access to records are to be prescribed. The Act provides for two types of fees:

#### **13.1.1. A Request Fee**

This will be a standard fee.

#### **13.1.2. An Access Fee**

This must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

- 13.2. 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.
- 13.3. 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.
- 13.4. An initial, non-refundable R50.00 (excluding VAT) request fee is payable on submission. This fee is not applicable to personal requesters seeking access to records that contain their personal information.
- 13.5. The Information Officer shall withhold a record until the requester has paid the fees as indicated in Annexure 2.
- 13.6. 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.
- 13.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.
- 13.8. The prescribed fees are set out in the Fee Schedule which is available at [www.sahrc.org.za](http://www.sahrc.org.za), and is also attached to this manual as Annexure 2.
- 13.9. Payment details can be obtained from the Information Officer as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.



#### 14. DECISION

- 14.1. The firm will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 14.2. The 30 day period with which the firm 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 number of information, or the request requires a search for information held at another office of the firm and the information cannot reasonably be obtained within the original 30 day period. The firm will notify the requester in writing should an extension be sought.

## 15. FREQUENTLY ASKED QUESTIONS

### 15.1. Who may request access to a record?

Any person, including a department of state and a person acting on behalf of another person.

**ANNEXURE 1**

**FORM C (of Regulation 10)**  
**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
 (Section 53(1) of the promotion of Access to Information Act, 2000)  
 (Act No. 2 of 2000)

**[Regulation 10]**

**A. Particulars of private body**

Eton Nominees (Pty) Ltd

**B. Particulars of person requesting access to the record**

<i>(a) The particulars of the person who requests access to the record must be given below.</i>	
<i>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</i>	
<i>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</i>	

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

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

<i>This section must be completed ONLY if a request for information is made on behalf of another person.</i>
--

Full names and surname:

Identity number:

**D. Particulars of record**

<i>(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.</i>
<i>(b) 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></i>

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

2. Reference number, if available:

3. Any further particulars of record:

**E. Fees**

<p>(a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p>

Reason for exemption from payment of fees:

**F. Form of access to record**

<p>If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.</p>	
Disability :	Form in which record is required :
<p>Mark the appropriate box with an X</p> <p>NOTES :</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances, In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	
<p><b>1. If the record is in written or printed form :</b></p>	
copy of record*	inspection of record

<b>2. If record consists of visual images</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)		
view the images	copy of the images*	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound;</b>		
listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)	
<b>4. If record is held on computer or in an electronic or machine-readable form :</b>		
printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (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 ? <b>Postage is payable.</b>		YES      NO

**G. Particulars of right to be exercised or protected**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right

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

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE

**ANNEXURE 2****FEES IN RESPECT OF PRIVATE BODIES**

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows :
 

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c)	For a copy in a computer-readable form on –	
	i. stiffy disc	R7,50
	ii. compact disc	R70,00
(d)	For a transcription of visual images,	
	i. for an A4-size page or part thereof	R40,00
	ii. for a copy of visual images	R60,00
(e)	For a transcription of an audio record,	
	i. for an A4-size page or part thereof	R20,00
	ii. for a copy of an audio record	R30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows :
 

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c)	For a copy in a computer-readable form on –	
	i. stiffy disc	R7,50
	ii. compact disc	R70,00
(d)	For a transcription of visual images,	
	i. for an A4-size page or part thereof	R40,00
	ii. for a copy of visual images	R60,00
(e)	For a transcription of an audio record,	
	i. for an A4-size page or part thereof	R20,00
	ii. for a copy of an audio record	R30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
5. For purposes of section 54(2) of the Act, the following applies:
  - (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) one third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.