

**MERGENCE AFRICA HOLDINGS (PROPRIETARY) LIMITED**  
**REGISTRATION NUMBER 2004/021264/07**

**A Guide to**

# **ACCESSING OUR INFORMATION**

**Our Manual in terms of Section 51 of the  
Promotion of Access to Information Act**



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## **Preamble**

The Promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

## **Introduction to this private body**

### ***Nature of this business***

*Mergence Africa Holdings (Pty) Ltd is a South African owned and managed financial services group.*

*With two operating subsidiaries, Mergence Africa Investments (Pty) Limited and Mergence Africa Capital (Pty) Limited, specializing in asset management and capital solutions respectively, the group is focused on delivering practical solutions to the financial services industry.*

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website [www.mergence.co.za](http://www.mergence.co.za)

## Section A – Our details

Full Name : MERGENCE AFRICA HOLDINGS (PROPRIETARY) LIMITED

Registration Number : 2004/021264/07

Registered Address : 101 Two Oceans House  
Surrey Place  
Mouille Point  
8005

Postal Address : P O Box 8275  
Roggebaai  
8012

Telephone Number : 021-4332960

Fax Number : 021-4330675

Head/CEO : Masimo-a-badimo Magerman

Designated Information Officer : Luis Levy

Email Address of Information Officer : [luisl@mergence.co.za](mailto:luisl@mergence.co.za)

Website : [www.mergence.co.za](http://www.mergence.co.za)

## **Section B – The official guide**

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

**Post:** South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

**Telephone:** (011) 484-8300

**Fax:** (011) 484-0582

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

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

## Section C – Information available in terms of the Act

### Categories of information

We hold the following categories of information: [The headings in this section are intended to be a general framework and you are encouraged to set out exactly which records are available under each heading and expand on the headings if necessary or delete whichever are not applicable.]

#### (a) STATUTORY COMPANY INFORMATION

- |   |   |                       |
|---|---|-----------------------|
| (i) Certificate of Incorporation;   | (ii) Certificate of Change of Name (if any);        |                       |
| (iii) Memorandum and Articles of Association;   | (iv) Certificate to Commence Business;              |                       |
| (v) Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meetings;                  |   |                       |
| (vi) Proxy Forms;   | (vii) Proxy Forms used at Court convened meetings;  |                       |
| (viii) A Register of Allotments – after a person ceased to be a member;                                   |   |                       |
| (ix) Register of Members;   | (x) Index of Members;                               |                       |
| (xi) Register of Mortgages and Debentures and Fixed Assets;   | (xii) Register of Directors' shareholdings;         |                       |
| (xiii) Register of Directors and Certain Officers;  | (xiv) Directors' Attendance Register;               |                       |
| (xv) A Branch Register;   | (xvi) <b>Annual Financial Statements including:</b> |                       |
| (a) Annual accounts;  | (b) Directors' reports;                             | (c) Auditor's report. |
| (xvii) Books of Account regarding information required by the Companies Act, 1973;                        |   |                       |
| (xviii) Supporting schedules to books of account and ancillary books of account;                          |   |                       |
| (xix) The microfilm image of any original record reproduced directly by the camera – “the camera master”. |   |                       |

#### (b) STATUTORY CLOSE CORPORATION INFORMATION

- |   |  |
|---|--|
| (i) The Founding Statement;   | (ii) Any Amending Founding Statement;                        |
| (iii) Proof of registration;  | (iv) Minute Books as well as Resolutions passed at meetings; |
| (v) Annual Financial Statements, including annual accounts and the report of the accounting officer;            |  |
| (vi) Accounting records, including supporting schedules to accounting records and ancillary accounting records. |  |
| (vii) The microfilm image of any original record reproduced directly by the camera – “the camera master”.       |  |

#### (c) ACCOUNTING RECORDS

- (i) Books of Account including journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

#### (d) STATUTORY EMPLOYEE RECORDS

- |  |   |
|--|---|
| (i) Employees' names and occupations;                  | (ii) Time worked by each employee;                  |
| (iii) Remuneration paid to each employee.              | (iv) Date of birth of each employee;                |
| (v) Wages register;                                    | (vi) Attendance register;                           |
| (vii) Employment equity plan;                          | (viii) Salary and wages register;                   |
| (ix) Records of foreign employees;                     | (x) Collective agreements;                          |
| (xi) Arbitration awards;                               | (xii) Determinations made in terms of the Wage Act; |
| (xiii) Records of strikes, lockouts or protest action. | (xiv) Industrial training records;                  |
| (xv) Staff records (after date of employment ceases);  | (xvi) Expense accounts;                             |
| (xvii) Tax returns of employees;                       |   |

#### (e) OTHER EMPLOYEE RECORDS

- |                                |                                |
|--------------------------------|--------------------------------|
| (i) Employee contracts;        | (ii) Incentive schemes;        |
| (iii) Staff loan schemes;      | (iv) Study assistance schemes; |
| (v) Maternity leave policy;    | (vi) Relocation policy;        |
| (vii) Housing scheme;          | (viii) Disability scheme;      |
| (ix) Funeral insurance scheme; | (x) Group personal accident;   |

- (xi) Group life;
- (xii) Micro loan scheme;
- (xiii) Employee stock purchase plan;
- (xiv) Code of conduct.

**(f) PENSION AND RETIREMENT FUNDING RECORDS**

- (i) Pension Fund Rules;
- (ii) Pension Fund account records;
- (iii) Minutes of Meetings of trustees and members;
- (iv) Actuarial Valuation Reports;
- (v) Contribution Reports;
- (vi) Annual accounts.

**(g) ENVIRONMENTAL HEALTH AND SAFETY**

- (i) Noise exposure records;
- (ii) Water quality monitoring programme records;
- (iii) Waste water assessment and monitoring records;
- (iv) Records of waste water discharges;
- (v) Records of waste water storage and waste water disposal;
- (vi) Employee medical surveillance records in respect to hazardous chemical substances;
- (vii) Records of investigations and tests in respect to hazardous chemicals and substances;
- (viii) Records of risk assessments and monitoring results in respect to hazardous biological agents;
- (ix) Records of assessment and air monitoring and asbestos inventory;
- (x) Medical surveillance records related to asbestos work;
- (xi) Records of type of work carried out with asbestos;
- (xii) Records of training given to employees in respect of exposure to asbestos;
- (xiii) Records of assessment and air monitoring for lead exposure;
- (xiv) Medical surveillance records in respect of lead exposure;
- (xv) Records of type of work carried out with lead;
- (xvi) Records of work with lead prior to employment;
- (xvii) Dates of medical surveillance reports in respect of lead;
- (xviii) Biological monitoring and medical surveillance records and results of biological tests for lead exposure of employees;
- (xix) Records of training of employees in respect of lead exposure;
- (xx) Medical surveillance records in respect of mine employees;
- (xxi) Records of working hours and remuneration in respect of mine employees;
- (xxii) Safety management systems, data and audits;
- (xxiii) Industrial hygiene programs, data and audits;
- (xxiv) Employee public health emergency action plans;
- (xxv) Permits, licences, approvals and registrations for operations of sites and business;
- (xxvi) Emergency response plans;
- (xxvii) Environmental impact assessments;
- (xxviii) Environmental management programs and systems;
- (xxix) Details of aqueous discharges;
- (xxx) Details of solid waste discharges;
- (xxxi) Details of air emission discharges.

**(h) FIXED PROPERTY**

- (i) Title Deeds; (ii) Leases; (iii) Building plans; (iv) Mortgage Bonds or other encumbrances to fixed property.

**(i) MOVABLE PROPERTY**

- (i) Asset register; (ii) Finance and Lease Agreements; (iii) Notarial Bonds; (iv) Deeds of Pledge.

**(j) INTELLECTUAL PROPERTY**

- (i) Patents, patent applications and inventions; (ii) Trademarks, trade names and protected names;
- (iii) Copyrights;
- (iv) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- (v) Litigation and other disputes involving intellectual property.

**(k) AGREEMENTS AND CONTRACTS**

- (i) Material agreements concerning provision of services or materials;

- (ii) Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
- (iii) Agreements with shareholders, officers or directors;
- (v) Agreements with contractors and suppliers;
- (vii) Warranty agreements;
- (ix) Distributor, dealer or agency agreements;
- (xi) Agreements with governmental agencies;
- (iv) Acquisition or disposal documentation;
- (vi) Agreements with customers;
- (viii) Sale agreements;
- (x) Restraint agreements;
- (xii) Purchase or lease agreements.

**(l) TAXATION**

- (i) Copies of all Income Tax Returns and other tax returns and documents;

**(m) LEGAL**

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- (ii) Settlement agreements;
- (iii) Material licences, permits and authorisations;

**(n) INSURANCE**

- (i) Insurance policies;
- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

**(o) TRANSPORTATION**

- (i) Transportation rights;
- (ii) Permits;
- (iii) Transportation System Delivery Plan;
- (iv) Transportation, Warehouse and Storage Contracts.

**(p) INFORMATION TECHNOLOGY**

- (i) Hardware;
- (ii) Operating Systems;
- (iii) Telephone Exchange Equipment;
- (iv) Telephone Lines, Leased Lines and Data Lines;
- (v) LAN Installations;
- (vi) Software Packages;
- (vii) Disaster Recovery;
- (viii) Internal Systems Support and Programming / Development
- (ix) Capacity and Utilization of Current Systems;
- (x) Development or Investment Plans;
- (xi) Agreements;
- (xii) Licenses;
- (xiii) Audits.

**(q) SALES AND MARKETING**

- (i) Products;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, Newsletters and Advertising Materials;
- (v) Sales;
- (vi) Public Relations Policies and Procedures;
- (vii) Domestic and Export Orders

**2. Procedure for requesting access to the above information**

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure “A” hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za))
- the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

## Section D – Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes: **[delete whichever is not applicable to your organisation – refer to Part 5 of the printed publication for actual extracts of the statutes which deal with the provision of information]**

- Administration of Estates Act No. 66 of 1965
- Basic Conditions of Employment Act No. 75 of 1997
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Credit Agreements Act No. 75 of 1980
- Customs and Excise Act No 91 of 1964
- Defence Act No. 44 of 1957
- Employment Equity Act No. 55 of 1998
- Financial Markets Control Act No. 55 of 1989
- Housing Act No. 107 of 1997
- Insider Trading Act No. 135 of 1998
- Legal Deposit Act No. 54 of 1997
- Mine Health and Safety Act No. 29 of 1996
- Mineral and Petroleum Resources Development Act 28 of 2002
- National Key Points Act No. 102 of 1980
- National Road Traffic Act No. 93 of 1996
- Nuclear Energy Act No. 131 of 1993
- Occupational Health and Safety Act No. 85 of 1993
- Public Finance Management Act No. 1 of 1999
- Security Officers Act No. 92 of 1987
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- South African Police Service Act No. 68 of 1995
- Stock Exchanges Control Act No. 1 of 1985
- Unemployment Insurance Act No. 63 of 2001
- Witness Protection Act No. 112 of 1998
- Armaments Development and Production Act No. 57 of 1968
- Companies Act No. 61 of 1973
- Competition Act No. 89 of 1998
- Custody and Administration of Securities Act No. 85 of 1992
- Debt Collectors Act No. 114 of 1998
- Designs Act No. 195 of 1993
- Financial Intelligence Centre Act No. 38 of 2001
- Health Professions Act No. 56 of 1974
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Long-term Insurance Act No. 52 of 1998
- Minerals Act No. 50 of 1991
- National Environmental Management Act No. 107 of 1998
- National Nuclear Regulator Act No. 47 of 1999
- National Water Act No. 36 of 1998
- Nuclear Energy Act No. 46 of 1999
- Prevention of Organised Crime Act No. 121 of 1998
- Road Transportation Act No. 74 of 1977
- Short-term Insurance Act No. 53 of 1998
- Space Affairs Act No. 84 of 1993
- Transfer Duty Act No. 40 of 1949
- Unit Trusts Control Act No. 54 of 1981

Where applicable to our operations, we also retain records and documents in terms of the following statutes: **[delete whichever is not applicable to your organisation – refer to Part 6 of the printed publication for actual extracts of the statutes which deal with the retention of records and documents]**

- Agricultural Produce Agents Act No. 12 of 1992
- Close Corporations Act No. 69 of 1984
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Customs and Excise Act No. 91 of 1964
- Estate Agency Affairs Act No. 112 of 1976
- Financial Markets Control Act No. 55 of 1989
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Co-operatives Act No. 91 of 1981
- Employment Equity Act No. 55 of 1998
- Explosives Act No. 26 of 1956
- Immigration Act No. 13 of 2002
- Insolvency Act No. 24 of 1936
- Liquor Act No. 27 of 1989

- Machinery and Occupational Safety Act No. 6 of 1983
- Minerals Act No. 50 of 1991
- National Payment System Act No. 78 of 1998
- Nursing Act No. 50 of 1978
- Prescription Act No. 68 of 1969
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- Stock Exchanges Control Act No. 1 of 1985
- Value-added Tax Act No. 89 of 1991
- Mine Health and Safety Act No. 29 of 1996
- Mutual Banks Act No. 124 of 1993
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Sectional Titles Act No. 95 of 1986
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949

## **Section E – Information automatically available**

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual. [The list below is intended to be a guide and information officers may wish to supplement or amend the suggested list. Information which is of a public nature or which is available to the general public should be considered for inclusion in this list]

1. Newsletters.
2. Booklets.
3. Pamphlets / Brochures.
4. Reports.
5. Posters.
6. Other literature intended for public viewing.

## **Section F – General**

[This section may be used for comments by the information officer or for industry-specific information which you may wish to add]

**ANNEXURE “A”**

**FORM C**

**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**

The Head:

.....  
.....  
.....

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

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

Full names and surname: .....

.....

Identity number: .....

Postal address: .....

.....

.....

..... Fax number: .....

Telephone number:..... E-mail address: .....

Capacity in which 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 record or relevant part of the record:.....  
.....  
.....  
.....
- 2. Reference number, if available: .....
- 3. Any further particulars of 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 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: .....  
.....  
.....

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability: .....  
.....  
.....

Form in which record is required: .....  
.....  
.....



**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? .....

Signed at ..... this..... day of ..... 20.....

.....

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF  
REQUEST IS MADE

## **ANNEXURE “B”**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

### **1. Copies of a manual**

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

### **2. Reproduction fees<sup>1</sup>**

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

### **3. Access fees<sup>2</sup>**

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

### **4. Other fees**

- 4.1 A request fee<sup>3</sup> of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee<sup>4</sup> may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.<sup>5</sup>
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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1 Section 52(3) and Regulation 1(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2).

4 Annexure “A”, Part III, Item 4(1)(f).

5 Section 54(2).

PART III  
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:

	R
(a) For every photocopy of an A4-size page or part thereof .....	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form.....	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc.....	7,50
(ii) compact disc .....	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof .....	40,00
(ii) For a copy of visual images .....	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof .....	20,00
(ii) For a copy of an audio record.....	30,00

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:

	R
(1) (a) For every photocopy of an A4-size page or part thereof .....	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form .....	0,75
(c) For a copy in a computer-readable form on—	
(i) stiffy disc.....	7,50
(ii) compact disc .....	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof .....	40,00
(ii) For a copy of visual images .....	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof .....	20,00
(ii) For a copy of an audio record.....	30,00

(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

(2) For purposes of section 54 (2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.