

## **NATIONAL EMPOWERMENT FUND**

# INFORMATION MANUAL In terms of the Promotion of Access to Information Act, No 2 of 2000 (PAIA)

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#### 1. Introduction

The Promotion of Access to Information Act (PAIA), Act 2 of 2000 ("the Act") came into effect on 9 March 2001, which recognises the importance of access to information for an open, democratic, transparent society. The Act gives effect to section 32 of the Bill of Rights of the Constitution, which states:

Access to information

- 32 (1) Everyone has the right of access to:
  - (a) any information held by the state; and
  - (b) any information that is held by another person and that is required for the exercise of any rights.
  - (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The NATIONAL EMPOWERMENT FUND would like to encourage a culture of transparency and accountability by providing information that is required for the exercise or protection of rights and to promote a society which has effective access to information.

## 2. Human Rights Commission Guide on how to use the Act

**NOTE**: The manual does not replace the Act and must be read in conjunction with the Act and Regulations.

It is the responsibility of the South African Human Rights Commission to compile a guide, in an easily comprehensible form and manner, as required by a person who wishes to exercise any right contemplated in the Act.

This guide is made available in all the official languages by the South African Human Rights Commission.

Any enquiries regarding this guide should be directed to:

The South African I	Human Rights Commission
Telephone Nr:	+27 11 484 8300 +27 11 48 <mark>4 8300</mark>
Fax Nr:	+27 11 484 1360
E-Mail Address:	PAIA@sahrc.org.za
Postal Address:	PAIA Unit: The Research and Documentation
	Department
	Private Bag 2700
	Houghton
	2041
Street Address:	PAIA Unit: The Research and Documentation
	Department
	Boundary Road, Isle of Houghton,
	Wilds View, Entrance 1
	Houghton
	JOHANNESBURG
Website:	www.sahrc.org.za

## 3. NATIONAL EMPOWERMENT FUND Manual

The purpose of this manual is to inform a person how to obtain access to records held by the NATIONAL EMPOWERMENT FUND.

## 4. Information Officer, Deputy Information Officer

In terms of the Act the NATIONAL EMPOWERMENT FUND has designated the following personnel to act as the Information Officer and Deputy Information Officers respectively:

Information Officer	Ms Philisiwe Buthelezi
<b>Deputy Information Officer</b>	Mr Mziwabantu Dayimani

All PAIA matters will be dealt with by the Deputy Information Officer.

Contact Detail	
Telephone:	+27 11 305 8205
Fax:	+27 11 305 8001
E-Mail address:	dayimanim@nefcorp.co.za
Postal Address:	The Deputy Information Officer: NATIONAL EMPOWERMENT FUND PO Box 31 Melrose Arch Melrose North 2076
Street Address:	The Deputy Information Officer: NATIONAL EMPOWERMENT FUND West Block 187 Rivonia Road Morningside Johannesburg
Office Hours:	08:00 to 16:00
Website:	www.nefcorp.co.za

## 5. Structure and functions of the NATIONAL EMPOWERMENT FUND

## 5.1. Functions of the NATIONAL EMPOWERMENT FUND

## 5.1.1. The vision ad mission of the NATIONAL EMPOWERMENT FUND

Vision	Our vision is to become the leading provider of						
	innovative transformation solutions for an						
	economically inclusive South Africa.						
Mission	Mission The National Empowerment Fund is a catalyst of						
	Broad-Based Black Economic Empowerment in						
	South Africa. We enable, develop, promote and						
	implement innovative investment and						
	transformation solutions to advance sustainable						
	Black economic participation, in the economy.						

## 5.1.2. The roles and functions of the NATIONAL EMPOWERMENT FUND

The NATIONAL EMPOWERMENT FUND implements its mandate in three ways:

- Asset Management: By structuring accessible retail products for black people through the Asset Management Division, which is the custodian of certain equity allocations in State-Allocated Investments (SAIs), the NEF aims to foster a culture of savings and investment among its beneficiaries;
- **Fund Management**: As facilitator of the codes of good practice of the Broad Based Black Economic Empowerment Act (the Codes) to support the pillars of black enterprise by providing finance and financial solutions across a range of sectors through its Fund Management Division;
- **Strategic Projects**: As a provider of project finance which allows black entrepreneurs to participate in high growth strategic projects at an early stage without paying a premium for equity.

Further information relating to the NATIONAL EMPOWERMENT FUND can be found at the following website: http://www.nefcorp.co.za

- 5.2. NATIONAL EMPOWERMENT FUND services available to members of the public
  - 5.2.1. Nature of products and services

The NATIONAL EMPOWERMENT FUND provides the following products and services:

## Imbewu Fund

- Entrepreneurship Finance
- Procurement Finance
- Franchise Finance
- Rural & Community Development

#### Corporate Fund

- Acquisition Finance
- Project Finance
- Expansion Capital
- Capital Markets
- Liquidity & Warehousing
- Strategic Projects

Non-Financial Business Support

5.2.2. How to gain access to products and services

To gain access to the services of the NATIONAL EMPOWERMENT FUND, requests must be made to:

-	<del>-</del>
Postal	The Deputy Information Officer:
Address:	NATIONAL EMPOWERMENT FUND
	PO Box 31
	Melrose Arch
	Melrose North
	2076
Street	The Deputy Information Officer:
Address:	NATIONAL EMPOWERMENT FUND
	West Block
	187 Rivonia Road
	Morningside
	Johannesburg

Members of the public may also contact the NEF call centre, at 0861 843 633.

Information may be available:

- Free of charge in certain instances, e.g. via the NATIONAL EMPOWERMENT FUND website: http://www.nefcorp.co.za.
- For inspection in terms of legislation other than this Act;
- For purchase;
- For copying There is a fee payable for the copies;

#### 6. NATIONAL EMPOWERMENT FUND Records

6.1. Automatic disclosure of records

The records listed below are automatically available without a person having to request access in terms of the Act.

- Annual Financial Statements; and
- Brochures and documents describing NEF and its products and services.
- 6.2. Categories of records available for inspection in terms of other legislation

As a statutory body and an employer, the NATIONAL EMPOWERMENT FUND holds records required by a range of laws, including records required or provided for by the following laws:

- Basic Conditions of Employment Act, No 75 of 1997
- Broad Based Black Economic Empowerment Act, No 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Consumer Protection Act, No 68 of 2008
- Employment Equity Act, No 55 of 1998
- Financial Advisory and Intermediary Services Act, No 37 of 2002
- Financial Intelligence Centre Act, No 38 of 2001
- Income Tax Act, No 58 of 1962
- Labour Relations Act, No 66 of 1995
- National Empowerment Fund Act, No 105 of 1998
- Preferential Procurement Policy Framework Act, No 5 of 2000
- Prevention and Combating of Corrupt Activities Act, No 12 of 2004

- Prevention of Organised Crime Act, No 121 of 1998
- Promotion of Access to Information Act, No 2 of 2000
- Promotion of Equality & Prevention of unfair discrimination Amendment Act, No 52 of 2002
- Protected Disclosures Act, No 26 of 2000
- Public Finance Management Act, No 1 of 1999
- Trust Property Control Act, No 57 of 1988
- Unemployment Insurance Act, No 63 of 2001
- Value Added Tax Act, No 89 of 1991

## 6.3. Categories of records available that may be requested via PAIA

This section addresses records that can be requested in terms of PAIA.

Access to the records listed here are those that have to be requested in terms of the Act. These records can be requested from the NATIONAL EMPOWERMENT FUND Deputy Information Officers according to the request procedures as described below.

The NATIONAL EMPOWERMENT FUND holds records in general subjects and categories, including the following:

## Institutional Records

- Minutes of Committee meetings
- Internal NATIONAL EMPOWERMENT FUND correspondence
- External NATIONAL EMPOWERMENT FUND correspondence
- Internal policies and procedures
- Contracts with third parties
- Reports, brochures, publications and newsletters

#### Financial Records

- General accounting records
- Annual budgets
- Annual financial reports
- Annual financial statements
- Asset registers
- Internal financial policies and procedures

## Human Resource Records

- Staff employment contracts
- Internal policies and procedures
- Staff benefits records
- Medical aid records
- Personnel records

#### Other Records

## 7. Request procedure

English will be the formal communication language with regard to this Act.

## 7.1. Steps to be taken by the Requester

The requester must comply with all the procedural requirements as prescribed in the Act (summarised below), i.e. all requests, complying with the procedures as set out below, will be considered and processed.

Access to a record may only be refused on the grounds of refusal mentioned in the Act.

It is recommended that the requester determine what kind of requester he/she is, the implications of which are briefly described below:

Type of Requester	Description/Definition	Implication
Personal Requester	Seeking access to a record containing personal information about the requester	No Request fee and no deposit on access fee(s) payable
Requester	Any person making a request for access to a record of the NATIONAL EMPOWERMENT FUND.  or  Only those public bodies that are exercising a public power or performing a public function in terms of legislation	Request fee payable and deposit on access fee(s) payable
Requester on behalf of someone	A person acting on behalf of another person and making a request on behalf of that person	Proof of the capacity in which the requester is acting on behalf of the other person must be provided  Request fee payable

A request for access must be made by completing the prescribed NATIONAL EMPOWERMENT FUND request form, paying the request fee and sending it to the Deputy Information Officer.

- The request form is available:
  - As Annex A to this manual (for completion by hand);
  - Downloadable from the NATIONAL EMPOWERMENT FUND website (http://www.nefcorp.co.za) as part of the NATIONAL EMPOWERMENT FUND PAIA Manual;
  - By requesting it to be forwarded via fax, letter, or e-mail from the Deputy Information Officer;
  - By collecting the form at the NATIONAL EMPOWERMENT FUND reception or PAIA Centre.
- The request form can be completed by hand or electronically when it is downloaded from the website;

- A requester with reading/ writing or other disabilities may make the request verbally. The verbal request will be written on the prescribed form and the requester will be provided with a copy thereof;
- The form must be signed by the requester;
- The requester must sign all additional pages of documentation added to the request form; and
- The personnel from the PAIA Centre can also be contacted and will assist in making the request.

To cut down on administration it is recommended that the payment of the Request fee, where applicable, be attached or included with the request. The NATIONAL EMPOWERMENT FUND will accept payment by means of postal orders, not-transferable cheques and electronic funds transfers (cheques and postal orders must be made payable to NATIONAL EMPOWERMENT FUNDS and a clearing period of 10 working days must be allowed for cheques).

Dispatch the completed request form to the Deputy Information Officer of the NATIONAL EMPOWERMENT FUND by:

- Posting it to the postal address provided;
- Delivering it to the PAIA centre at the physical address; or
- Faxing it (only if no request fees are applicable).

It is recommended that the requester keep a copy of the request for his/her own records.

The NATIONAL EMPOWERMENT FUND Deputy Information Officer:

- Will only process the request for access once both the:
  - The request form has been correctly completed, and
    - The request fee (where applicable) has been paid;

**NOTE:** The Deputy Information Officer may not refuse a request for access if the prescribed request form has not been completed correctly or completely,

- unless the requester has been notified of the intention to refuse the request stating the reasons for the contemplated refusal, and
- he/ she volunteers to assist the requester in order to make the request in a form that would remove the grounds for refusal.
- Has 30 days (where applicable) to make a decision. An additional 30 days may be added to the original period to make the decision. The requester will be informed in writing by post, within 30 days, of the decision to extend the period; (PAIA-REQ-12)
- Can decide and notify the requester on the following:

to **grant** the request;

to partially grant/refuse the request;

notice of **fees payable** (if applicable). The record(s) will only be made available if the Deputy Information Officer has received the applicable fees;

to refuse the request;

NOTE: If a Deputy Information Officer fails to respond within 60 days (including the extended period) to the request it should be regarded as a refusal and the requester may lodge an Internal Appeal.

to transfer/forward the request to the applicable public body or other government department;

that a third party/parties must first be consulted;

that the record(s) cannot be found.

## 7.2. Prescribed Fees (Public Bodies)

In terms of the Act there are two types of fees payable, i.e.:

• The **request fee**, which is a standard once-off fee. This fee must be paid before a request can be processed and the Deputy Information Officer must notify the requester (in writing) that this fee is payable.

**NOTE**: The request fee is not applicable in the case of a personal requester.

• The access fees include reproduction, search, preparation and postal costs where applicable.

**NOTE:** If the search and preparation time exceed six hours, **a** deposit of one third of the access fee would be payable by the requester, excluding a personal requester. The Deputy Information Officer will notify the requester in writing of the deposit payable. Should the request for access be refused the Deputy Information Officer must refund/repay the deposit to the requester.

The prescribed fees are summarised in accordance with Part II of the Government Notice (R187) published in the Government Gazette.

Refer to Annexure C for fees payable.

## 8. Remedies available against decisions of the Information Officer

## 8.1. Internal Appeals and Applications to Court

The remedies available against decisions of the Information Officer or Deputy Information Officer on a request for access are:

- an Internal Appeal; or
- an application to court.

**NOTE**: Applications to/with a court may only be done after a requester, personal requester or third party has exhausted the Internal Appeal procedures.

'Internal appeal' means an Internal Appeal to the 'Relevant Authority' in terms of section 74 of the Act. In the case of the NATIONAL EMPOWERMENT FUND, the 'Relevant Authority' is the NATIONAL EMPOWERMENT FUND Information Committee.

A requester, personal requester or third party may lodge an Internal Appeal if he/she is not satisfied with the decision made by the Information Officer or Deputy Information Officer about a request for access.

For an Internal Appeal to be lodged, a requester, personal requester or third party should/must lodge it within a specific time frame after being notified/informed of the decision of the Deputy Information Officer. The time frames are as follows:

- A **requester** (i.e. personal requester, requester, requester on behalf of someone), within 60 days that the requester has been informed of a decision.
- A **third party/parties**, within 30 days after the third party has been notified that access has been granted.

Currently no fees are applicable with regard to Internal Appeals.

## 8.2. Internal Appeal Procedures

To lodge an Internal Appeal the requester or third party needs to complete the prescribed NATIONAL EMPOWERMENT FUND "Notice of Internal Appeal" form.

## FORM A REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

In Terms of Section 18(1) of the PAIA Act, 2000 (Act No 2 of 2000)

1. The particulars of the person who requests access to the	
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	record my
be recorded below.	; record inc
2. Furnish an address and/or telefax number in the Republi	ic to which
information must be sent.	C CO WITHCH
3. Proof of the capacity in which the request is made, if app	olicable. m
be attached.	, , , , , , , , , , , , , , , , , , , ,
Identity number:	
Postal Address:	
Postal Address:  Contac telephone number: Telefax number:	
Postal Address:  Contac telephone number:	

Identity nu	mber:		
Particulars	of record		
including record to 2. If the sp continue	the reference n be located. ace provided for	umber if that is know is insufficient to con blio and attach it to t	access is requested, wn to you, to enable t nplete this section, ple this form. The request
1. Descript	on of record o	r r <mark>elevant</mark> part of t	the record:
	$\rightarrow$		
	<del>\ \ \</del>	<del>\ \\</del>	
	e number, if a		
3. Any furti Fees  1. A reques	ner particulars	of record:	e processed after a empted from paying s
3. Any furti Fees  1. A request request fee.	t for access to the has been paid	of record:  ne record will only bed, unless you are ex	
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NOTES:

1.	Your indication	as to	the	required	form	of	access	depends	on	the	form
	in which the red	cord is	s ava	ailable.							

- 2. 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.
- 3. The fee payable for access to the record, if any, will partly be determined by the form in which access is requested.

1. I	1. If the record is in written or printed form -					
	copy of record *		inspection of record			

2. If record consists of visual images - (this includes photographs, slides, video recordings, computer generated images, sketches etc)						
	view the images		copy the images*		transcription of the images*	

3. If record consists of recorded be reproduced in sound -	words or information which can
listen to the soundtrack	transcription of soundtrack *
(audio cassette)	(written or printed document)

4. If record is held on computer or in an electronic or machine-readable form -				
printed copy of record*	printed copy of information derived*	copy in computer readable form* (stiffy or compact disc)		

Mark your choice below. REMEMBER - If you require a be posted to you, you will have to pay a postal fee.	recor	d to
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be	Yes	No
posted to you		

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available

In which language would you prefer the record?

## G. Notice of decision regarding request for access

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

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

'				
Signed	l at	on this	day of	20
			•	

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

FOR DEPARTMENTAL USE Request received by (state rank, name and surname of deputy i	information officer) on
at	(place).
	SIGNATURE OF DEPUTY INFORMATION OFFICER

## **INTERNAL APPEALS AGAINST DECISIONS OF INFORMATION OFFICERS**

In terms of section 75(1) of the Promotion of Access to Information Act, No 2 of 2000

- (a) Please insert the PAIA reference number below as supplied by the NATIONAL EMPOWERMENT FUND originally.
- (b) Complete the form in as detailed a manner as possible, in print and in black ink, please.
- (c) Please attach a copy of your identification document to prevent wrongful disclosure of personal information (compulsory).
- (d) A requester lodging an internal appeal against the refusal of his or her request for access must pay the prescribed fee (if any). The NATIONAL EMPOWERMENT FUND will notify you if the prescribed fee is payable. The decision on the internal appeal may be deferred until the fee is paid.

	The name and postal or street address, telefax number or e-mail add of the Information Officer must be stated below.
	of the information officer must be stated below.
-	
F	
_	
ı	Particulars of person lodging internal appeal
Ī	1. The particulars of the person who is lodging the internal appeal m
	be recorded below.
	2. Furnish an address and/or telefax number in the Republic to which information must be sent.
	3. Proof of the capacity in which the request is made, if applicable, n
	be attached.
_	
I	Full names and surname:
Γ	<del></del>
,	I dontitu anno hou
_	Identity number:
	Postal Address:

This section must only be completed if a request for information and surname:  Identity number:  Subject of Internal Appeal  Deemed refusal to grant request for access (If the Deputy Information Officer failed to give the decision within the prescribed period of 30 days)  Refusal to grant request for access  Decision regarding request fee prescribed in terms of 22.  Decision regarding deposit fee prescribed in terms of 22.  Decision regarding access fee (reproduction, search and preparation prescribed in terms of 22.  Decision regarding the extension of the period within which the request must be dealt with in terms of 26(1).  Decision in terms of 29(3) to refuse access in the form requested by the requester.  Decision to grant request for access.  Reason/s for lodging an Internal Appeal	Full names and surname:  Identity number:  Subject of Internal Appeal  Deemed refusal to grant request for access (If the Deputy Information Officer failed to give the decision within the prescribed period of 30 days)  Refusal to grant request for access  Decision regarding request fee prescribed in terms of 22.  Decision regarding deposit fee prescribed in terms of 22.  Decision regarding access fee (reproduction, search and preparation prescribed in terms of 22.  Decision regarding the extension of the period within which the request must be dealt with in terms of 26(1).  Decision in terms of 29(3) to refuse access in the form requested the requester.	This section must only be completed if a request for in	
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	relevant in considering the appeal:
No	tice of decis <mark>ion on I</mark> nternal Appeal
	The National Empowerment Fund will notify you of the outcome in writing as soon as is reasonably possible, but in any event within 30 days after receipt of the internal appeal form.  If the appellant wishes to be informed of the outcome in any other manner (other than written reply), please state this preference below
	referred means of notification of outcome, other than a writteneply.
_	
ied at	: on this day of 20 _
	SIGNATURE OF APPELLANT/PERS ON WHOSE BEHALF APPEAL IS LODG

## **FEES PAYABLE**

- 1) The fee for a copy of the manual as contemplated in regulation 5(c) is R0,60 for every photocopy of an A4 size page or part thereof.
- 2) The fees for reproduction referred to in regulation 7(1) are as follows:

		R
a)	For every photocopy of an A4size page or part thereof	1.10
b)	For every printed copy of an A4-site 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 ii) compact disc	7.50 70.00
d)	<ul><li>i) For a transcription of visual images, for an A4-size page or part thereof</li><li>ii) For a copy of visual images</li></ul>	40.00 60.00
e)	<ul><li>i) For a transcription of an audio record, for an A4-size page or part thereof</li><li>ii) For a copy of an audio record</li></ul>	20.00 30.00

- 3) The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35,00.
- 4) The access fees payable by a requester referred to in regulation 7(3) are as follows:

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(1)		
	a) For every photocopy of an A4-size page or part	0.60
	b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable	0.40
	c) For a copy in a computer-readable form on – i) stiffy disc ii) compact disc	5.00 40.0
	d) i) For a transcription of visual images, for an A4-size page or part thereof ii) For a copy of	22.00 60.00
	e) i) For a transcription of an audio record, for an A4-size page or part thereof ii) For a copy of an audio record	12.00 17.00
	f) To search for and prepare the record for disclosure, R15.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

- (2) For purposes of <u>section 22(2)</u> 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.