

## **Promotion of Access to Information Act Manual**

Seed Investment Consultants (Pty) Ltd

1999/007999/07

## 1) Introduction

- 1.1) Seed Investment Consultants (Pty) Ltd (“Seed Investment Consultants”) is an authorised financial services provider in terms of the Financial Advisory & Intermediary Service Act and regulated by the Financial Sector Conduct Authority (“FSCA”). The FSP number is 2346.
- 1.2) Seed Investment Consultants is an independent investment management and financial advisory firm based in Cape Town, with representation in Durban.

Seed Investment Consultants constructs and manages multi management investment portfolios, including Collective Investment Schemes, Retirement Funds, and Model Portfolios for Advisers.

The company began advising private clients in 2002. In 2004 the company applied for, and received, its Category 2 license from the Financial Sector Conduct Authority, and in March 2007 was rebranded as Seed Investment Consultants. At that time, the company constructed and began managing local and offshore wrap funds. In 2011, Seed Investment Consultants entered a strategic alliance with the Hereford Group at which point the Hereford Group acquired equity in Seed Investment Consultants.

Seed Investment Consultants is also an accountable institution as defined in the Financial Intelligence Centre Act, 2001, as amended (“FICA”), has numerous policies and procedures in place to ensure full compliance with FICA, including a Risk Management and Compliance Programme (RMCP) and a policy for “Treating Customers Fairly”.

The management and staff of Seed Investment Consultants are proud signatories to the ITN “Unashamedly Ethical (Africa)” campaign alongside other Africa business people, professionals and employees who pledge to be ethical and operating in the highest integrity to produce and deliver quality services. In addition to this, a culture of compliance will be created by the executive directors and management to ensure compliance with regulatory requirements by the company and that of the employees. To ensure compliance, Seed

Investment Consultants have appointed both externally and internally, persons to assist the board of directors and senior management in discharging their obligations under applicable legislation.

## 2) Company Contact Details (Section 51(1)(a))

Information Officer	Sean Farrell
Postal Address	PO Box 3107 Tyger Valley 7536
Street Address	810 The Cliffs Niagara Road Tyger Falls Carl Cronje Drive Bellville 7530
Telephone Number	(+27) 21 914 4966
Email Address	<a href="mailto:sean@seedinvestments.co.za">sean@seedinvestments.co.za</a>
Website	<a href="http://www.seedinvestments.co.za">www.seedinvestments.co.za</a>

## 3) Access to Records (Section 51(1)(b))

- 3.1) The Promotion of Access to Information Act (“PAIA”), grants a requester access to certain records of a private body if the said records are required to exercise or protect any rights of the requester. Should a public body lodge such a request, it must be acting in the public interest.
- 3.2) Any request for information in terms of PAIA, must be made in accordance with the prescribed form and manner, at the rates provided. The prescribed form and manner and the tariff are dealt with in section 6 and 7.
- 3.3) The South African Human Rights Commission (SAHRC) has compiled and published a useful guide in terms of section 10 of PAIA, containing valuable information for the purposes of exercising any right in terms of PAIA.

3.4) The guide is made available in all official languages on the website of the SAHRC at the following URL:

<https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

3.5) SAHRC Contact Details

Postal Address	Private Bag 2700 Houghton 2041
Telephone Number	(+27) 11 877 3600
Fax Number	(+27) 11 403 0625
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

**4) Records Available in Terms of Other Legislation (Section 51(1)(c))**

All records kept and made available in terms of the legislation applicable to Seed Investment Consultants (Pty) Ltd are available in accordance with the said legislation.

- 4.1) Basic Conditions of Employment Act, 75 of 1997
- 4.2) Consumer Protection Act, 68 of 2008
- 4.3) Companies Act, 71 of 2008
- 4.4) Compensation for Occupational Injuries and Health Diseases Act, 130 of 1993
- 4.5) Copyright Act, 98 of 1978
- 4.6) Electronic Communications and Transactions Act, 25 of 2002
- 4.7) Employment Equity Act, 55 of 1998
- 4.8) Financial Advisory and Intermediary Services Act, 37 of 2002
- 4.9) Financial Intelligence Centre Act, 38 of 2001
- 4.10) Financial Sector Regulation Act, 9 of 2017
- 4.11) Foreign Account Tax Compliance Act

- 4.12) Income Tax Act, 95 of 1967
- 4.13) Labour Relations Act, 66 of 1995
- 4.14) Occupational Health & Safety Act, 85 of 1993
- 4.15) Protection of Personal Information Act, 4 of 2013
- 4.16) Skills Development Act, 9 of 1999
- 4.17) Trademarks Act, 194 of 1992
- 4.18) Unemployment Insurance Act, 63 of 2001
- 4.19) Value Added Tax Act, 89 of 1991

## **5) Schedule of Records (Section 51 (1)(d))**

- 5.1) Records that are available without having to submit a request in terms of PAIA:
  - 5.1.1) Marketing material
  - 5.1.2) Pamphlets
- 5.2) Records that must be requested in terms of PAIA and are subject to access being denied as set out in the Act:
  - 5.2.1) Administrative Records

The following are considered to include, but not limited to, records which pertain to the entities' own affairs:

- Seed Investment Consultants (Pty) Ltd licence
- Seed Investment Consultants (Pty) Ltd policies
- Seed Investment Consultants (Pty) Ltd internal rules and procedures
- Company Secretarial details such as Memorandum of Incorporation; Board of Directors Minutes; records relating to appointment of directors/ auditor/secretary/public officer and other officers; Share Register and other statutory registers.

#### 5.2.2) Human Resources / Personnel records

Personnel refers to any person who works for or provides services on behalf of the entity, and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting business of the entity. This includes, without limitation, executive and non-executive directors, permanent, temporary or part time staff and Wealth Managers or any other contractors.

Such records include the following:

- Personal records provided to the entity by their personnel;
- Employment contracts
- Disciplinary records
- Salary records and PAYE Records
- Leave records
- Training records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- Skills Development Levies
- UIF

#### 5.2.3) Client Related Records

A client includes any natural or juristic entity, who receives services from the entity. Such information includes but is not limited to the following:

- Records provided by a client to Seed Investment Consultants (Pty) Ltd or a third party acting on behalf of Seed Investment Consultants (Pty) Ltd
- Records provided by a third party
- Records compiled or generated by Seed Investment Consultants (Pty) Ltd relating to clients, including transactional data

#### 5.2.4) Financial Records

- Annual Financial Statements and Accounting Records
- Tax Returns
- Banking Records
- Asset Register
- Rental and Supplier Agreements or Invoices

#### 5.2.5) Records in the possession of or pertaining to other parties Seed Investment Consultants (Pty) Ltd may possess.

## 6) Right to Refuse Access to Information

*We have the right to refuse to give access to records in the following cases*

- 6.1) The record would unreasonably disclose personal information about a natural person including a deceased individual (unless written permission for access is granted)
- 6.2) The record contains one of the following:
  - 6.2.1) Trade Secrets;
  - 6.2.2) Financial, commercial, scientific or technical information whereby the disclosure thereof could likely cause harm to the financial or commercial interests of a third party or Seed Investment Consultants (Pty) Ltd;
  - 6.2.3) Information about research by a third party or Seed Investment Consultants (Pty) Ltd which could put that third party or the entity at a disadvantage in a negotiation or prejudice him in competition, unless written consent is given;
  - 6.2.4) Access would put the entity in breach of a duty of confidence which we owe a third party unless that third party gives written consent for access to be granted;
  - 6.2.5) Access could be expected to endanger someone's life or physical safety, prejudice or impair the security of a building, structure, system, means of transport or other property;
  - 6.2.6) The record is privileged from being produced as evidence in legal proceeding, unless the person protected has waived that protection;
  - 6.2.7) If the request is for access to your Personal Information and you could not provide adequate proof of identity to Seed Investment Consultants (Pty) Ltd;
  - 6.2.8) Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## 7) Form of Request for Information (Section 51(1)(e))

- 7.1) A requester must use the prescribed form "Form C" (available for download on the Department of Justice and Constitutional Development "DOJ" website) to request access to the information as per 5.2. above.
- 7.2) Form C can be downloaded from the following URL:

[http://www.justice.gov.za/forms/form\\_paia.htm](http://www.justice.gov.za/forms/form_paia.htm)

- 7.3) The request must be addressed to the responsible person as indicated in section 2.
- 7.4) The requester must provide sufficient detail on Form C to enable the contact person of the company to establish who is requesting the said information as well as what information is being requested and in what format.
- 7.5) The requester must provide sufficient detail in respect of his/her contact details and if the requester wishes to be informed of the decision of the company in any manner (in addition to written) the manner and particulars thereof.
- 7.6) Lastly, the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 7.7) After the company has decided on the request, the requester must be notified in the required form.
- 7.8) If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hour to search and prepare the record for disclosure.

## **8) Prescribed Fees (Section 51(1)(f))**

- 8.1) A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee.
- 8.2) Every other requester, who is not a personal requester, must pay the required request fee, as prescribed from time to time.
- 8.3) If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted). A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 8.4) Records may be withheld until the fees have been paid.
- 8.5) The fees can be downloaded from the following URL:

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>



## **9) Availability of the Manual (Section 51(3))**

- 9.1) This manual is available for inspection at the offices of the company free of charge upon prior arrangement with the said contact person of the company as per section 2.
- 9.2) Copies are available with the SAHRC.
- 9.3) A copy is also made available on the website of the company.

## **10) Review**

*This manual has been reviewed - Date Reviewed 15 / 12 / 2020*