DirectAxis
FINANCIAL SERVICES

Manual in Terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000

For the following companies:

Direct Axis SA Proprietary Limited - Registration Number: 1995/006077/07
DirectAxis Intermediary Services Proprietary Limited - Registration Number: 1998/016355/07
Rapinvest 46 Proprietary Limited - Registration Number: 2004/020224/07

DirectAxis
FINANCIAL SERVICES

1. Contact Particulars

The responsibility for administration of, and compliance with the Act has been delegated to the Information Officer. Requests pursuant to the provisions of the Act should be directed as follows:

Head of business:	Mark Finlayson
Information officer:	Michael Davis
Job description:	Chief Financial Officer
Physical address:	DA Campus 108 De Waal Road Diep River 7800
Postal address:	PO Box 44319 Claremont 7735
Telephone number:	+27 (0) 21 764 3000
Fax number:	+27 (0) 21 764 3266
E-mail address:	mark.finlayson@directaxis.co.za
Website:	www.directaxis.co.za

2. Introduction

Direct Axis SA Proprietary Limited, DirectAxis Intermediary Services Proprietary Limited and Rapinvest 46 Proprietary Limited are all personal loans and authorised financial services providers operating within the financial services industry of South Africa.

3. Guide in Terms of Section 10 of the Act (Section 51(1)(b))

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission.

It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, inter alia, as follows:

The South African Human Rights Commission
Private Bag 2700
Houghton
2041

Tel: +27 (0) 11 877 3600
Fax: +27 (0) 11 484 0625
Website: www.sahrc.org.za
Email: lidlamini@sahrc.org.za

4. Facilitation of a Request for Access to Information

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of the Act. Copies of the prescribed forms to be completed for submitting a request, are available from Direct Axis SA Proprietary Limited.

5. Information Available in Terms of Other Legislation (Section 51(1)(d)): See Annexure A

6. Information Available in Terms of The Act (Section 51(1)(e)): See Annexure B

7. Access Request

7.1 **Access Request Procedures**
It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application to access to a record is subject to certain limitations if the requested record falls within a certain category as specified with Part 3 and Chapter 4 of the Act.

7.2 **Completion of Access Request Form (see Annexure D)**
In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

7.2.1 The Access Request Form must be completed
7.2.2 Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document
7.2.3 Complete the form in BLOCK LETTERS and answer every question
7.2.4 If a question does not apply state N/A in response to that question
7.2.5 If there is nothing to disclose in reply to a particular question state 'nil' in response to that question
7.2.6 If there is insufficient space on a printed form, additional information may be provided on an attached folio
7.2.7 When the use of an attached folio is required, precede each answer with the applicable title

7.3 **Submission of Access Request Form**
The complete Access Request Form together with a copy of the identity document must be submitted either via post, e-mail or fax and must be addressed to the contact person as indicated above.

This fee is not applicable to personal requesters referring to any person seeking to access records that contain their personal information.

An initial, request fee of R 57.00 (including VAT) is payable on submission.

7.4 **Payment of Fees (see Annexure C)**
Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order. Proof of payment must be supplied.

The access fee must be paid prior to access being given to the requested record.

If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees. If a deposit has been paid in respect of a request for access which is refused then the information officer must refund the deposit to the requestor.

7.5 **Notification**
The company will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which the company 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 volume of information and the information cannot be reasonably obtained within the original 30 day period. The company will notify the requester in writing should an extension be sought.

7.6 **Grounds for Refusal of Access to Records (Section 34 – 46)**
The main grounds for refusal of a request for information are:

7.6.1 Mandatory protection of the privacy of a third party who is natural person, which would involve the unreasonable disclosure of personal information of that natural person.
7.6.2 Mandatory protection of the commercial information of a third party, if the record contains:
7.6.2.1 Trade secrets of that party
7.6.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party
7.6.3 Information disclosed in confidence by a third party to the company if the disclosure could put that third party to a disadvantage in negotiations or commercial competition
7.6.4 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
7.6.5 Mandatory protection of the safety of individuals and the protection of property
7.6.6 Mandatory protection of records which could be regarded as privileged in legal proceedings
7.6.7 The Commercial Activities of the company which may include:
7.6.7.1 Trade secrets of the company
7.6.7.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the company

8. Availability of the Manual (Section 51(3))

Copies of this manual are available for inspection, free of charge, at the offices of Direct Axis SA Proprietary Limited, or can be accessed on www.sahrc.org.za

9. Prescribed Fee Structure and Application Form in Respect of Private Bodies

9.1 The fee structure and the application form are prescribed under the PAIA Act and are attached to this manual. It is also available from:
9.1.1 The Government Gazette
9.1.2 The website of the Department of Justice and Constitutional Development (www.doj.gov.za)
9.1.3 The SAHRC website (www.sahrc.org.za)

Annexure A

INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(D)) PERTAINS TO ALL THREE THE ABOVE MENTIONED ENTITIES

- Atmospheric Pollution Prevention Act 45 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Basic Conditions of Employment Act 11 of 2002
- Civil Union Act 17 of 2006
- Counterfeit Goods Act 37 of 1997
- Compensation for Occupational Injuries and Health Disease Act 130 of 1993
- Competitions Act 98 of 1998
- Consumer Affairs (Unfair Business Practices) Act 71 of 1988
- Consumer Affairs (Unfair Business Practices) Amendment Act 21 of 2001
- Consumer Protection Act 68 of 2008
- Dangerous Weapons Act 15 of 2013
- Debt Collectors Act 114 of 1998
- Drugs and Drug Trafficking act 140 of 1992
- Electronic Communications Act 36 of 2005
- Electronic Regulation Act 4 of 2006
- Employment Equity Act 55 of 1998
- Employment Services Act 4 of 2014
- Employment Tax Incentive Act 26 of 2013
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2002
- Hazardous Substances Act 15 of 1973
- Home Loan and Mortgage Disclosure Act 63 of 2000
- Income Tax Act 58 of 1962
- King III principles
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Legal Practice Act 28 of 2014
- Matrimonial Property Act 88 of 1984
- National Credit Act 34 of 2005
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Policy Holder Protection Rules
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Treatment of Substance Abuse Act 70 of 2008
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Personal Information Act 4 of 2013
- Protected Disclosures Act 26 of 2000
- Regulation of Interception of Communications and Provision of Communications-related Information Act 70 of 2002
- Safety At Sports and Recreational Events Act 2 of 2010
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Usury Act Exemption Notices 713 of 1999 and 1407 of 2005
- Usury Act 73 of 1968
- Value Added Tax 89 of 1991

Annexure B

INFORMATION AVAILABLE IN TERMS OF THE ACT
(SECTION 51(1)(E)) PERTAINS TO ALL THREE THE ABOVE MENTIONED ENTITIES

The subjects on which the business holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may or must be refused in accordance with section 62 to 69 of The Act.

1.1 **Accounting Records**
- 1.1.1 Annual financial statements
- 1.1.2 Tax returns
- 1.1.3 Accounting records
- 1.1.4 Banking records
- 1.1.5 Asset register
- 1.1.6 Rental agreements
- 1.1.7 Invoices

1.2 **Personnel Records**
- 1.2.1 Employment contracts
- 1.2.2 Employment Equity Plans
- 1.2.3 Medical aid records
- 1.2.4 Pension Fund records
- 1.2.5 Remuneration records
- 1.2.6 SETA records
- 1.2.7 Performance appraisals
- 1.2.8 Disciplinary records
- 1.2.9 Disciplinary code
- 1.2.10 Leave records
- 1.2.11 Training records
- 1.2.12 Policy and Procedures Manual
- 1.2.13 Safety and Security documentation

1.3 **Customer and Prospective Customers**
- 1.3.1 Marketing records and databases including customer contact details
- 1.3.2 Product applications
- 1.3.3 Loan quotations and agreements
- 1.3.4 Account and transactional records
- 1.3.5 Voice-recorded telephone calls
- 1.3.6 Credit bureau reports (if applicable)
- 1.3.7 Records required to be kept in terms of the National Credit Act including Credit and affordability assessments
- 1.3.8 Records required to be kept in terms of other legislation

1.4 **Statutory Business Records**
- 1.4.1 Certificate of Incorporation
- 1.4.2 Memorandum and Articles of Association
- 1.4.3 Minutes of Board of directors meetings
- 1.4.4 Records relating to the appointment of directors/ auditors/secretary/public officers
- 1.4.5 Share register and other statutory register

1.5 **Tax**
- 1.5.1 PAYE Records
- 1.5.2 Documents issued to employees for income tax purposes
- 1.5.3 Record of payments made to SARS on behalf of employees
- 1.5.4 All other statutory compliances including:
  - 1.5.4.1 VAT Documents
  - 1.5.4.2 Regional Services Levies
  - 1.5.4.3 Skills Development Levies
  - 1.5.4.4 UIF
  - 1.5.4.5 Workmen's Compensation

Annexure C

PRESCRIBED FEES (SECTION 54(7))

1	The reproduction fees are as follows:	
1.1	For every photocopy of an A4 size page thereof	R 1.10
1.2	For every printed copy an A4 size page or part thereof held on computer or in an electronic or machine readable format	R 0.75
2	For a copy in a computer-readable form on:	
2.1	Stiffy disk or	
2.2	Compact disc	R 70.00
3	For a transaction of visual images on an:	
3.1	A4 size page or part thereof	R 40.00
3.2	Copy of visual images	R 60.00
4	For a transcription of an audio record:	
4.1	For an A4 size page or part thereof	R 20.00
4.2	For a copy of audio record	R 30.00
5	To search for and prepare the record for disclosure: R50.00 for each hour part thereof reasonably required for such search and preparation.	

Annexure D

FORM C – REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (SECTION 53(1))

1 **Particulars of Private Body**
Requests can be submitted either via post, email or fax and should be addressed to the relevant contact person as indicated on page 2.

2 **Particulars of person requesting access to the record**
2.1 The particulars of the person who requests access to the record must be given below
2.2 The address and/or fax number in the Republic to which the information is to be sent must be given
2.3 Proof of capacity in which request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

Email address: _____

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

_____

3 **Particulars of person requesting access to the record (if a legal entity)**
3.1 The particulars of the entity who requests access to the record must be given below
3.2 The address and/or fax number in the Republic to which the information is to be sent must be given
3.3 Proof of capacity in which request is made, if applicable, must be attached.

Name of entity: _____

Registration number: _____

Postal address: _____

4 **Particulars of person on whose behalf request is made**
This section must ONLY be completed if a request for information is made on behalf of another person

Full names and surname: _____

Identity number: _____

Fax number: _____

5 **Particulars of record**
5.1 Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested
5.2 If the provide space is inadequate, please use a separate folio and attach it to this form. Please sign additional folios.

Description of record of relevant part of the record: Reference number (if available): _____

_____

Any further particulars of record: _____

_____

6 **Fees**

6.1 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

6.2 You will be notified of the amount to be paid as the request fee

6.3 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

6.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason for exemption of fees: _____

_____

7 **Form of Access to Record**

Form in which record is required

Mark the appropriate box with an X

Notes:

7.1 Compliance with your request in the specified form may depend on the form in which the record is available

7.2 Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.

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

1 If the record is in written or printed form

☐ Copy of record ☐ Inspection of record

2 If record consists of visual images

☐ View the images ☐ Copy of the images ☐ Transcription of the images

3 If the record consists of recorded information that can be reproduced in sound

☐ Listen to the soundtrack (audio) ☐ Transcription of soundtrack

4 If the record is held on computer or in an electronic or machine-readable form (this includes photographs, slides, video recordings, computer generated images, sketches etc)

☐ Printed copy of record * ☐ Printed copy of information derived from the record ☐ Transcription of the images

* if you requested a copy or transcription of a record (above) do you wish the copy of the transcription to be posted to you? Postage is payable. ____ yes or ____ no

8 **Disability**

8.1 If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required.

Disability:	Form in which record is required:
_____	_____
_____	_____
_____	_____

9 **Particulars of right to be exercised or protected**

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

9.1.1 Indicate the right to be exercised or protected:

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

10 **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.

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

Signed at _____ this day _____ of _____ year _____

_____

Signature of requester/person on whose behalf request is made

YOU MUST

1 Complete all necessary spaces
2 Sign the access request form
3 Sign additional folios completed

SEND WITH THIS APPLICATION

1 The request fee (if not personal requester)
2 Any additional folios completed
3 Copy of Identity Document