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NMRQL RESEARCH (PTY) LIMITED

Registration number: 2014/166911/07

SECTION 51 MANUAL

for

NMRQL RESEARCH (PTY) LIMITED

in terms of

**The Promotion of Access to Information Act, 2000
(Act No 2 of 2000)**

December 2015

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1. INTRODUCTION TO PURPOSE OF THE MANUAL

- 1.1 This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000 – “the Act”). The Act gives effect to the provisions of Section 32 of the Constitution of South Africa, which provides that “everyone has the right of access to any information held by another person and that is required for the exercise and/or protection of any right”. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.
- 1.2 The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such requested information, other than in terms of the Act.
- 1.3 It is important to note that the Act recognizes certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

2. INTRODUCTION TO NMRQL Research (Pty) Limited

NMRQL Research (Pty) Limited is a duly registered company in terms of the applicable laws of South Africa (registration number 2014/166911/07).

We are registered with the Financial Services Board (FSP number 45782) as a category I, II and IIA financial services provider.

3. COMPANY CONTACT DETAILS [Section 51(1)(a)]

Information Officer: Mr Thomas Schlebusch

Street address	Postal address
Montegray House 6 Bird street STELLENBOSCH 7600 Telephone: +27 (0) 21 820423934 E-mail: info@nmrql.com	Montegray House 6 Bird street STELLENBOSCH 7600

4. GUIDE AS DESCRIBED IN SECTION 10 [Section 51(1)(b)]

- 4.1 The Act grants a requester access to records of the entity if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the prescribed rates. The procedures and forms are dealt with in paragraph 8.
- 4.3 Requesters are referred to the Guide compiled in terms of Section 10 of the Act by The South African Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by the Act. It is available in all of the official languages.

4.4 The Guide is available for inspection at The South African Human Rights Commission with the following contact details:

Street address:
Braampark Forum 3
33 Hoofd Street
Braamfontein
2001

Postal address:
Private Bag X2700
Houghton
2041

Telephone: +27 11 877 3600
Facsimile: +27 11 403 0668

Website: <http://www.sahrc.org.za>

5. LATEST NOTICE IN TERMS OF SECTION 52(2) [Section 51(1)(c)]

At this stage no notices have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [Section 51(1)(d)]

NMRQL Research (Pty) Limited keeps records in accordance with the following legislation (this is not an exhaustive list), all of which are available, subject to such legislation and the Act:

<u>No</u>	<u>Ref</u>	<u>Act</u>
1	No 61 of 1973	Companies Act
2	No 45 of 2002	Collective Investment Schemes Control Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act

7. SUBJECTS AND CATEGORIES OF RECORDS HELD [Section 51(1)(e)]

The following are the subjects and categories of records held:

7.1 Human resources

- Employments contracts
- Salary records
- Leave records
- Training records
- Training manuals
- Correspondence relating to personnel
- Internal policies and procedures

7.2 Secretarial

- Memorandum and Articles of Association
- Documents of incorporation
- Minutes of the board of directors
- Shareholders agreements

- Company and other statutory registers
- Records relating to the appointment of directors, auditors, secretary, public officer and other officers
- Share certificates
- Resolutions
- Minute book

7.3 Financial and administration

- Annual financial statements
- Tax returns
- Accounting records
- Fixed asset register
- Banking records
- Bank statements
- Electronic banking records
- Lease and rental agreements
- Management reports
- Invoices
- Debtors and creditors information

7.4 Income tax

- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- PAYE records
- VAT records
- SDL records
- UIF records
- Workmen's Compensation records

7.5 Information Management and Technology

- Services level agreements
- Policies, procedures and guidelines
- Licensing agreements

7.6 Marketing and communication

- Marketing strategies
- Communications strategies
- Agreements

7.7 Operations

- Access control records
- Archival administration documentation
- Insurance (insurance arrangements, policies and claims)

7.8 Customer/clients and third parties related records

- Contracts with clients
- Any records the client has provided to NMRQL Research (Pty) Limited or a third party acting for or on behalf of NMRQL Research (Pty) Limited
- Records, reports, designs and the like generated by NMRQL Research (Pty) Limited for their clients
- Records generated pertaining to the client, including transactional records

8. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY NMRQL RESEARCH (PTY) LIMITED [Section 51(e)]

- 8.1 A requester requiring access to information held by NMRQL Research (Pty) Limited must complete the prescribed form (Form C) available from The South African Human

Rights Commission website and submit this form together with a request fee, to the Information Officer as specified in paragraph 3.

- 8.2 The form must be submitted to the Information Officer at his/her address, facsimile or electronic mail address.
- 8.3 The prescribed form must be completed with enough particularity to enable the Information Officer to identify:
 - 8.3.1 the record(s) requested;
 - 8.3.2 the identity of the requester;
 - 8.3.3 indicate which form of access is required, if the request is granted;
 - 8.3.4 specify the postal address or fax number of the request in the Republic.
- 8.4 The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 8.5 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.
- 8.6 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.
- 8.7 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.8 NMRQL Research (Pty) Limited 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.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main reason(s) why NMRQL Research (Pty) Limited may refuse a request for information relates to the:

- 9.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person [section 63];
- 9.2 mandatory protection of the commercial information of a third party, if the record contains:
 - 9.2.1 trade secrets of that third party;
 - 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 9.2.3 information disclosed in confidence by a third party to NMRQL Research (Pty) Limited, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition [section 64];
- 9.3 mandatory protection of the safety of individuals and the protection of property [section 66];
- 9.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement [section 67];

- 9.5 mandatory protection of records which would be regarded as privileged in legal proceedings [section 67];
- 9.6 the commercial activities of NMRQL Research (Pty) Limited, which may include:
- 9.6.1 trade secrets of NMRQL Research (Pty) Limited;
 - 9.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of NMRQL Research (Pty) Limited;
 - 9.6.3 information which, if disclosed, could put NMRQL Research (Pty) Limited at a disadvantage in negotiations or commercial competition;
 - 9.6.4 a computer program which is owned by NMRQL Research (Pty) Limited, and which is protected by copyright [section 68];
- 9.7 Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. REMEDIES AVAILABLE WHEN NMRQL RESEARCH (PTY) LIMITED REFUSES A REQUEST FOR INFORMATION

The following remedies are available:

10.1 Internal remedies

NMRQL Research (Pty) Limited 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 the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant 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. AVAILABILITY OF THIS MANUAL

- 11.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the physical address of NMRQL Research (Pty) Limited.
- 11.2 Copies may also be requested from The South African Human Rights Commission.
- 11.3 This manual is also published on the NMRQL website referred to above.

Signed at Stellenbosch on 1 December 2015.



pp
Thomas Schlebusch
Managing Director / Information Officer