

# EXECTRUST (Pty) Ltd

Formerly Trustee Board (Pty) Ltd

Reg. Nr/No 1957/001017/07

## **Information Manual (Promotion of Access to information Act 2 of 2000)**

**Prepared on 18 July 2005**

1. **Introduction**

Exectrust holds information on various aspects of the Fiduciary Industry and you may have an interest in this information. In terms of the Promotion of Access to Information Act 2 of 2000 (commonly known as the “PAIA”), any person is entitled to access information provided such person fulfils the requirements. These requirements are outlined in the PAIA.

For the purposes of this manual, we define the information that we hold and what we can make available to you and of course, how you can access such information.

2. **How to access a record**

The PAIA formally indicates the requirements. The application form may be obtained from the Information Officer.

3. **Subjects and Categories of records**

- ❖ Legislation specific to the Fiduciary Industry
- ❖ Financial Records
- ❖ Client records
- ❖ Deceased estate administration records
- ❖ Trust administration records
- ❖ Curatorship administration records
- ❖ Training manuals
- ❖ Reports and returns
- ❖ Quotations
- ❖ Research
- ❖ Updates in legislation pertaining to the Fiduciary Industry

4. **Availability of records**

All records are available, but prior request must be obtained.

5. **Records held in terms of alternate legislation**

ExecTrust holds records in terms of most legislation. If a particular Act so provides, then you may apply in terms of those provisions applicable to the relevant legislation.

Application may be made in the prescribed form and forwarded to us, together with proof of payment, for the attention of the Information Officer. The address details are given hereunder. Upon receipt, the Information Officer will respond to your request within reasonable time.

Should your request be approved, you will be liable for the costs detailed hereunder.

ExecTrust reserves the right to refuse your request should the application be incomplete or not be in the prescribed format.

6. **Fees payable**

Please bear in mind that each application carries a charge of R50 for administration levies. This fee is non-refundable. To obtain the copies required, the following apply over and above the mentioned administration fee :

- R1.50 per each photocopy of A4 size
- R1.00 per each printed page
- If we are to hand the documents in electronic format, then these costs will be applicable :
  - R10.00 per stiffer disk format
  - R45.00 per each CD format
  - R200 per flashdisk format
- Access fees as contemplated in section 54(7) of the PAIA applies.
- In cases where records must be searched, we will levy a charge of R20 per hour.
- In cases where we are required to forward the information to you – we will charge you the cost of the postage.

In certain cases, we may require a deposit prior to undertaking the making of the copies.

7. **Refusal of disclosing information**

It is mentioned that in certain cases, ExecTrust may refuse to grant access of information to a record. Section 62 to 70 of the PAIA directs the grounds for refusal and includes the protection of the following :

- Privacy of an individual
- A third party's commercial information
- Third party confidential information
- Privileged information
- Any commercial information relating to ExecTrust

8. **Remedies**

Should you request for access to a record be refused by ExecTrust, you have the right to approach the Court within 30 (thirty) days for an order to set the Information Officer's decision aside or any other appropriate remedy.

9. **Guide on Access to Information by the Human Rights Commission**

The South African Human Rights Commission has to publish a Guide explaining how to obtain access to information. This manual has not yet been published.

This guide should be available on the Human Rights Commission's website [www.sahrc.org.za](http://www.sahrc.org.za) from their Information Officer, 011 484 8300, or by e-mail [paia@sahrc.org.za](mailto:paia@sahrc.org.za) .

10. **Contact Details**

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|---|---------------------|---|--|
| - | Information Officer | : | Patrick Barnard  |
| - | Postal address      | : | P O Box 21451 Helderkruijn 1733                          |
| - | Physical address    | : | 460 Ontdekkers Road, Florida Park<br>Roodepoort 1710     |
| - | Telephone number    | : | +2711 472 9308   |
| - | Facsimile number    | : | 0866 74 9909   |
| - | E-mail address      | : | <a href="mailto:info@exctrust.com">info@exctrust.com</a> |
| - | Website address     | : | <a href="http://www.exctrust.com">www.exctrust.com</a>   |