

Compliance Consulting

Compliance Risk Management & Advisory Services

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**MANUAL OF FINANCIAL SERVICES
COMPLIANCE CC T/A COMPLIANCE
CONSULTING (“FSC”) IN TERMS OF THE
PROMOTION OF ACCESS TO
INFORMATION ACT, 2000 ("the Act")**

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Introduction to FSC

FSC renders **compliance risk management and advisory services** to all parties requiring assistance i.r.o any aspect of a compliance function and/or the management of compliance risk. Compliance risk is a composite risk with particular focus on regulatory and reputational risk.

In an ever-increasing complicated regulatory environment, compliance risk management has become essential either due to statutory requirements or as a requirement of global best practice and corporate governance.

Our **services** include:

- compliance risk management/advisory services
- compliance documentation
- compliance outsourcing
- regulatory assistance
- compliance audits
- compliance training.

FSC has appointed Ms Greta Maritz, the CEO, as the head of FSC for purposes of the Act and the person to whom requests for access to information must be made.

1. **Contact details of head**

Ms Greta Maritz
CEO

Postal address : 71 Lurgan Rd
Parkview
2193
South Africa

Physical address : As above.
Telephone : +27 11 486 0729
Facsimile : +27 11 646 1587
e-mail : info@complianceconsulting.co.za

2. The Guide

The Guide will, according to the South African Human Rights Commission, be available by not later than August 2005. Please direct any queries to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department

Postal address : Private Bag 2700
Houghton
2041

Telephone : +27 11 484 8300

Facsimile : +27 11 484 0582

Website : www.sahrc.org.za

E-mail : PAIA@sahrc.org.za

3. Records available in terms of other legislation

3.1 Close Corporations Act 69 of 1984

3.1.1 All documents of incorporation of FSC are lodged at the offices of the Registrar of Close Corporations, and may be inspected there.

4. Access to records held by FSC

(i) Subjects and categories of records held by FSC

Note: This section of the Manual sets out the subject and categories of records held by FSC. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

4.1 Incorporation documents

4.1.1 The incorporation forms of FSC.

4.1.2 Register or list of directors of FSC.

4.1.3 Minute books and internal resolutions of FSC.

4.1.4 Power of attorney agreements, and a list of persons authorised to bind FSC.

4.2 **Financial records of FSC**

4.2.1 Accounting records, books and documents of FSC.

4.2.2 Interim and annual financial reports of FSC.

4.2.3 Details of auditors of FSC.

4.2.4 Auditors' reports in respect of audits conducted on FSC.

4.2.5 Tax returns of FSC.

4.2.6 Other documents and agreements relating to taxation.

4.2.7 Other financial records of FSC.

4.3 **Banking details of FSC**

4.3.1 Indebtedness to bankers.

4.3.2 Bank facilities and accounts details.

4.3.3 Bank statements.

4.3.4 The level of overdraft and other borrowings of FSC.

4.3.5 Guarantees given by, or in respect of, FSC.

4.3.6 Other financial commitments of FSC.

4.3.7 Other banking records of FSC.

4.4 **Human resources / employment records**

4.4.1 List of employees.

4.4.2 Letters or contracts of employment with employees, and/or documentation pertaining to arrangements with directors and employees.

4.4.3 Documents relating to employee benefits.

- 4.4.4 Compensation or redundancy payments.
- 4.4.5 Information pertaining to share option, share incentive, bonus or profit-sharing arrangements for employees.
- 4.4.6 Personnel files.
- 4.4.7 Disciplinary records and documentation pertaining to disciplinary proceedings.
- 4.4.8 Other information relating to employees of FSC.

4.5 **Intellectual Property**

- 4.5.1 Trade-marks, patents, copyrights, designs etc.
- 4.5.2 Licences relating to intellectual property rights.
- 4.5.3 Other agreements relating to intellectual property rights.

4.6 **Licences**

- 4.6.1 Licences, material permits, consents, approvals, authorisations and certificates.
- 4.6.2 Applications for permits, licences etc.
- 4.6.3 Registrations and declarations of permits.

4.7 **Insurance records**

Insurance policies taken out for the benefit of FSC and its employees.

4.8 **Immovable and movable property**

- 4.8.1 Title deeds of any land owned by FSC.
- 4.8.2 Agreements for the lease or sale of land and/or other immovable property by FSC.
- 4.8.3 Agreements for the lease or sale of movable property by FSC.
- 4.8.4 Mortgage bonds, liens, notarial bonds or security interests on property.

- 4.8.5 Credit sale agreements and/or hire purchase agreements.
- 4.8.6 Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.
- 4.9 **Computer systems and computer programs**
 - 4.9.1 Computer software support and maintenance agreements.
 - 4.9.2 Web site development, support and maintenance agreements.
 - 4.9.3 Computer software licence agreements.
 - 4.9.4 Agreements in respect of computer hardware used by FSC.
 - 4.9.5 Agreements with Internet Service Providers, and other telecommunications entities.
 - 4.9.6 Other documentation pertaining to computer systems and computer programs held by FSC.
 - 4.9.7 Individual contracts in respect of usage of cellular telephones.
- 4.10 **Miscellaneous agreements of FSC**
 - 4.10.1 Loans from third parties (including banks).
 - 4.10.2 Loans to third parties and employees.
 - 4.10.3 Suretyship agreements.
 - 4.10.4 Security agreements, guarantees and indemnities.
 - 4.10.5 Agreements restricting the trading activities of FSC.
 - 4.10.6 Agency, management and distribution agreements.
 - 4.10.7 Marketing agreements.
 - 4.10.8 Standard conditions of business and standard-form contracts.
 - 4.10.9 Agreements in terms of which FSC is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity which FSC is a party to.

- 4.10.10 Agreements with suppliers of FSC.
- 4.10.11 Agreements with customers of FSC.
- 4.10.12 Confidentiality and/or non-disclosure agreements.
- 4.10.13 Any other agreements.

4.11 **Correspondence**

Correspondence of FSC, including internal and external memoranda.

4.12 **Information relating to legal proceedings**

Records relating to legal proceedings involving FSC.

4.13 **Research and scientific or technical information of FSC**

- 4.13.1 Documentation pertaining to research conducted by FSC.
- 4.13.2 Research reports prepared by FSC.
- 4.13.3 Scientific and/or technical information in the possession of FSC.

4.14 **Other information**

Documents retained in terms of the Occupational Health and Safety Act, 1993.

(ii) The request procedures

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of FSC. This request must be made to the address, fax number or electronic mail address of the head of FSC.
- The requester must provide sufficient detail on the request form to enable the head of FSC to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of FSC.

Fees:

- The head of FSC must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request. A personal requester does not pay such fee.
- The fee that the requester must pay to FSC is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- The head of FSC will then make a decision on the request and notify the requester in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

5. Availability of the manual

The manual is available for inspection at the offices of FSC free of charge. Copies are also available with the SAHRC, in the Government Gazette and on FSC's website.

6. Prescribed fees and forms in respect of private bodies

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development:

www.doj.gov.za