

PAIA MANUAL

FOR

**REDINC CAPITAL (PTY) LIMITED
(the “Company”)**

REGISTRATION NUMBER: 2012/178507/07

**PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT 2
OF 2000 - AS AMENDED (the “Act”)**

**DATE OF COMPILATION: 19/02/2016
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**PAIA MANUAL FOR
REDINC CAPITAL (PTY) LIMITED
PRIVATE BODY
Registration Number: 2015/090404/06**

(Hereinafter referred to as the “Company”)

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PARTICULARS OF THE COMPANY

1. INTRODUCTION

In terms of Section 51 of The Promotion of Access to Information Act, No. 2 of 2000 ("the Act") all Private Bodies are required to compile an Information Manual ("PAIA Manual").

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a Private Body.

The Act gives effect to every person's constitutional right of access to information held by private sector bodies (e.g. company) or public bodies (e.g. government institutions) that is required for the exercise and/or protection of rights.

This manual provides an outline of the type of records held by the Company and explains how one may submit requests for access to these records in terms of the Act.

Redinc Capital is a boutique corporate debt structuring and advisory firm, providing corporate and financial sponsor clients with debt capital market solutions for growth capital, recapitalizations, leveraged buy-outs and acquisitions within South Africa.

2. COMPANY INFORMATION (Section 51(1)(a))

Postal Address:	10 Muswell Road South Bryanston Gauteng 2021
Street Address:	10 Muswell Road South Bryanston Gauteng 2021
Telephone Number:	+27 (0)10 822 7993
Fax Number:	n/a
E- Mail Address:	info@red-inc.co.za

3. THE INFORMATION OFFICER (Section 51(1)(b))

The Act prescribes the appointment of an Information Officer.

The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013 (“POPIA”). The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the POPIA after registering with the Information Regulator.

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of Section 17 of the Act as well as Section 56 of the POPIA. This is to render the Company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of Section 55 of the POPIA.

All requests for information in terms of the Act must be addressed to the Information Officer.

Contact Details of the Information Officer

Information Officer:	Paul Lutge
Postal Address:	10 Muswell Road South Bryanston Gauteng 2021
Street Address	10 Muswell Road South Bryanston Gauteng 2021
Telephone Number:	+27 (0)10 822 7993
Fax Number:	n/a
E- Mail Address:	info@red-inc.co.za

4. GUIDE ON HOW TO USE THE ACT (Section 51(1)(b))

A Guide was originally compiled in terms of Section 10 of the Act by the Human Rights Commission. However, POPIA amends the Act in several ways. One of the key ways in which POPIA changes the Act relates to the role of the SAHRC. Under POPIA the SAHRC's functions in terms of the Act will be transferred to the Information Regulator, a new independent body which will be set up to monitor both POPIA and this Act, and to handle complaints relating to access to information and the protection of personal information.

However, the SAHRC will still retain its Constitutional obligation to promote, protect and monitor the right of access to information as a right enshrined in the Bill of Rights.

This guide can now be found on the Information Regulator (South Africa) [Website](https://inforegulator.org.za/paia-guidelines/) - <https://inforegulator.org.za/paia-guidelines/>

It is also available at House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, Telephone: 010 023 5200 or Email: enquiries@inforegulator.org.za

All related PAIA forms are found on Information Regulator (South Africa) [Website](https://inforegulator.org.za/paia-forms/) - <https://inforegulator.org.za/paia-forms/>

The forms available are as follows:

- **Form 01:** [Request for a Guide from the Regulator](#) [Regulation 2]
- **Form 01:** [Request for a Copy of the Guide from an Information Officer](#) [Regulations 3]
- **Form 02:** [Request for Access to Record](#) [Regulation 7]
- **Form 03:** [Outcome of request and of fees payable](#) [Regulation 8]
- **Form 04:** [Internal Appeal Form](#) [Regulation 9] ONLY applicable to Public Bodies
- **Form 05:** [Complaint Form](#) [Regulation 10]
- **Form 13:** [PAIA Request for Compliance Assessment Form](#) [Regulation 14(1)]

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

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act. Any request for records must be made by the requester by completing Form 02 [Request for Access to Record] as linked in [Section 4](#) above.

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

Where applicable to its operations, the company, also retains records and documents in terms of the legislation listed below.

The Company is subject to all laws of the Republic of South Africa. The list of legislation shown below is not exhaustive; accordingly, the Company may be subject to further legislation and regulation; alternatively, there may be legislation listed which is not applicable to the Company. Access to records may be protected by professional privilege, confidentiality, privacy or other reasonable grounds of refusal.

- Administration of Estates Act No. 66 of 1965
- Arbitration Act No. 42 of 1965
- Banks Act 94 of 1994
- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, 2003
- Business Act No. 71 of 1991
- Companies Act No. 71 of 2008
- Compensation of Occupational Injuries and Diseases Act No. 130 of 199
- Competition Act. No. 71 of 2008
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Consumer Protection Act No. 68 of 2008
- Competition Act. No. 71 of 2008
- Constitution of the Republic of South Africa 2008
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Currency and Exchange Act No. 9 of 1933
- Cybercrimes Act No. 19 of 2020
- Debtor Collectors Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- Finance Act No. 35 of 2000
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Act, 19 of 2012
- Financial Services Board Act No. 97 of 1990
- Harmful Business Practices Act No. 23 of 1999
- Income Tax Act No. 58 of 1962
- Insider Trading Act No. 135 of 1998
- Insolvency Act No. 24 of 1936
- Insurance Act No. 27 of 1943
- Judicial Matters Amendment Act 42 of 2001
- Judicial Matters 2nd Amendment Act 55 of 2003
- Judicial Matters Amendment Act 66 of 2008
- Judicial Matters Amendment Act 42 of 2013
- Judicial Matters Amendment Act 24 of 2015

- Judicial Matters Amendment Act 8 of 2017
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- National Credit Act, 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Prevention of Organised Crime Act, 121 of 1998
- Promotion of Access to Information Amendment Act 54 of 2002
- Protection of Personal Information Act No. 4 of 2013
- The Promotion of Access to Information Amendment Act 31 of 2019
- SA Reserve Bank Act No. 90 of 1989
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchanges Control Act No. 1 of 1985
- Taxation Laws Amendment Act No. 7 of 2010
- Tax on Retirement Funds Act No. 38 of 1996
- Trade Marks Act No. 194 of 1993
- Transfer Duty Act No. 40 of 1949
- Trust Property Control Act No. 57 of 1988
- Uncertificated Securities Tax Act No. 31 of 1998
- Unemployment Contributions Act 63 of 2001
- Unemployment Insurance Act No. 30 of 1966
- Usury Act No. 73 of 1968
- Value Added Tax Act No. 89 of 1991

7. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE COMPANY (Section 51(1)(e))

COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum of Incorporation
- Notices and minutes of all meetings, resolutions, and committees
- Records relating to the appointment/ resignation of directors/ auditor/ secretary/ prescribed officer and other officers
- Share Register and other statutory registers

FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Electronic banking records

- Asset Register
- Invoices

INCOME TAX AND OTHER RECORDS

- Records of payments made to SARS
- Records relating to the appointment/resignation of the public officer
- All other statutory compliances
- Foreign Account Tax Compliance declaration submissions
- VAT
- Provisional tax
- Other taxes
- Documents relating to the secured note programme established in terms of the Commercial Paper Regulations

OTHER RECORDS

- Internal Policies and Procedures
- Internal Correspondence
- Supplier and Service Provider Records

8. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS (Section 51(1)(e))

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete Form 02: [Request for Access to Record], as linked in [Section 4](#) above and submit this form together with a request fee, to the Information Officer at their address or electronic mail address as noted in [Section 3](#) above.

The forms are available from the offices and website of the [Information Regulator \(South Africa\)](#) - <https://inforegulator.org.za/paia-forms/>

The form must:

- provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the requester
- indicate which form of access is required
- specify a postal address or fax number of the requester in the Republic
- identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner.

If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer (refer to Section 53(2)(f) of the Act)

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

All information as listed herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information.

The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

9. ACCESS TO RECORDS HELD BY THE COMPANY

Records held by the Company may be accessed by requests only once the prerequisite requirements for access have been met, as contemplated in this manual.

A requester is any person making a request for access to a record the Company. There are two types of requesters:

Personal Requester: A personal requester is a requester who is seeking access to a record containing personal information about the requester. The Company will voluntarily provide the requested information or give access to the record regarding the requester's personal information. The prescribed fee (refer to [Section 12](#) - Fees payable) for reproduction of the information requested will be charged.

Other Requester: The requester (or another requester acting on behalf of the requester) is entitled to request access to information on third parties. Refer to Form 2 [Request for Access to Record] linked in Section 4 above. In considering such a request, the company will adhere to the provisions of the Act. Section 71 of the Act requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing them why the request should be refused or accepted.

10. REFUSAL OF ACCESS TO RECORDS

A Private Body is entitled to refuse a request for information. When a request is made, the Information Officer might grant your request and provide access to the record, or it may be refused. The Act creates a presumption of openness. Thus, any reason for limiting this openness must be justifiable.

The main grounds to refuse a request for information relates to the:

Privacy of a third party: The company will not allow a requester access to the personal information of another person if it amounts to 'an unreasonable disclosure'.

Certain records of the South African Revenue Services (SARS): The company will not allow a requester access to records obtained, or held, by SARS for its revenue collection purposes.

Commercial information of a third party: The company will not allow a requester access to the commercial information of another person (in other words, who is not the requester or requestee). This would include information like trade secrets, or that might threaten that third party's commercial interests.

Confidential information: The company will not allow a requester access to a record if its release would amount to a breach of a duty of confidence owed to a third party in terms of an agreement or contract.

Safety of individuals and property: The company will not allow a requester access to a record if its release could reasonably be expected to compromise the safety of an individual. The company will refuse access if it would be likely to impair the security of a building or property.

Legal privilege: The company will not allow a requester access to a record if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege. The company will refuse access to records of law enforcement that reveal its methods for prevention of crimes, or prosecution, as well as certain other records relevant to legal proceedings that are happening.

Research Information: The company will not allow a requester access to a record if the record relates to research that is, or will be, undertaken by the body in question and its release expose them to a serious disadvantage.

11. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST

Internal Remedies: As a Private Body, the company, does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

External Remedies: A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief. Refer to Form 05 [Complaint Form] as linked in [Section 4](#) above.

12. FEES PAYABLE (Section 54)

The Act provides for two types of fees, namely:

Request Fee: This is a form of administration fee to be paid by all requesters before the request is considered. The request fee is not refundable. Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R140.00 must be payable up-front before the company will further process the request received.

Access Fee: This is payable in all instances where a request for access to information is granted. This fee is inclusive of costs involved by the company in obtaining and preparing a record for delivery to the requester. Refer to Form 3 [Outcome of request and of fees payable] as linked in [Section 4](#) above, for the breakdown of fees payable.

When the request is received by the Information Officer, they shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees.

A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record in the requested format.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

All fees are subject to change as allowed for in the Act and therefore such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

13. OTHER INFORMATION AS MAY BE PRESCRIBED (Section 51(1)(f))

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

14. AVAILABILITY OF THE MANUAL (Section 51)

This PAIA Manual of the Company is only available in English on the website <http://www.red-inc.co.za/> and can be viewed at our premises: 10 Muswell Road South, Bryanston, Gauteng, 2021, free of charge.

15. UPDATE OF THE MANUAL (Section 51)

This PAIA Manual will be updated at such intervals as may be deemed necessary.