



Barnard Jacobs Mellet Holdings Ltd

(Including all subsidiaries)

Promotion of Access to Information

Manual

**(Prepared in accordance with Section 51 of the
Promotion of Access to Information Act 2 of 2000)**



The Barnard Jacobs Mellet Holdings Limited (“BJMH”) Promotion of Access to Information Manual

1 Introduction

BJM Holdings conducts business as a holding company for stockbroking and financial services companies.

BJM Holdings is a South African listed company. The company is listed on the JSE in the “financial services” sector in South Africa and carries the abbreviation “BJM”.

The company’s origins go back to 1985 and in a relatively short time, the firm has grown to be recognised as the leading independent securities house in South Africa. This has enabled the group to expand its services to international clients in centres such as New York and London.

2 Company contact details

Full name: Barnard Jacobs Mellet Holdings Limited

Registration number: 1995/004798/06

Registered address: 24 Fricker Road, Illovo, 2196

Postal address: P O Box 62200, Marshalltown, 2107

Telephone number: (+27 11) 750 0000

Fax number: (+27 11) 750 0001

Designated information officer: Lionel Wilson

E-mail address: lionel@bjm.co.za

Payments should be made to: Barnard Jacobs Mellet Holdings Limited

3 The Promotion of Access to Information Act (“Act”)

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information; and
8. Regulations made in terms of this Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Postal: South African Human Rights Commission
Promotion Of Access to Information Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (+27 11) 484 8300

Fax: (+27 11) 484 0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

4 Information available in terms of the Act

4.1 Categories of Information

We hold the following categories of information for BJMH and also in respect of each company (where applicable) within BJMH:

- (a) Statutory company information
 - (i) Certificate of Incorporation;

- (ii) Certificate of Change of Name (if any);
 - (iii) Memorandum and Articles of Association;
 - (iv) Certificate to Commence Business;
 - (v) Minute Book, CM25 and CM26, as well as Resolutions passed at general/board meetings;
 - (vi) Register of Directors' shareholdings;
 - (vii) Register of Directors and Certain Officers;
 - (viii) Directors' Attendance Register;
 - (ix) Annual Financial Statements including:
 - i. Annual Accounts;
 - ii. Directors' Reports;
 - iii. Auditors' Report.
- (b) Accounting records
- (i) Books of Account including journals and ledgers;
 - (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.
- (c) Statutory employee records
- (i) Employees' names and occupations;
 - (ii) Remuneration paid to each employee;
 - (iii) Date of birth of each employee;
 - (iv) Wages register;
 - (v) Employment Equity Plan;
 - (vi) Salary and wages register;
 - (vii) Staff records (after date of employment ceases);
 - (viii) Expense accounts;
 - (ix) Tax returns of employees.
- (d) Other employee records
- (i) Employee contracts;
 - (ii) Staff loan schemes;
 - (iii) Study assistance schemes;
 - (iv) Maternity leave policy;
 - (v) Disability scheme;
 - (vi) Funeral insurance scheme;
 - (vii) Group personal accident;
 - (viii) Group life;
 - (ix) Employee share option scheme;
 - (x) Code of conduct;

- (xi) HIV/AIDS Policy;
 - (xii) Share dealing orders.
- (e) Pension and retirement funding records
- (i) Pension Fund Rules;
 - (ii) Pension Fund account records;
 - (iii) Minutes of Meetings of trustees;
 - (iv) Contribution reports;
 - (v) Annual accounts
- (f) Fixed property
- (i) Leases
- (g) Movable property
- (i) Asset register;
 - (ii) Lease agreements.
- (h) Intellectual property
- (i) Trademark applications and protected names;
 - (ii) Agreements relating to intellectual property such as licence agreements;
 - (iii) Copyrights.
- (i) Agreements and contracts
- (i) Material agreements concerning provision of services;
 - (ii) Joint venture agreements, co-promotion or other alliance agreements;
 - (iii) Agreements with contractors and suppliers;
 - (iv) Agreements with clients;
 - (v) Confidentiality agreements.
- (j) Taxation
- (i) Copies of Income Tax Returns and other tax returns and documents
- (k) Legal
- (i) Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation;
 - (ii) Material licenses, permits and authorizations.
- (l) Insurance
- (i) Insurance policies;
 - (ii) Claim records;

- (iii) Details of insurance coverages, limits and insurers.

- (m) Information technology
 - (i) Hardware;
 - (ii) Operating Systems;
 - (iii) Telephone lines, Leased lines and Data lines;
 - (iv) Software Packages;
 - (v) Disaster Recovery;
 - (vi) Internal Systems Support and Programming;
 - (vii) Capacity and Utilization of Current Systems;
 - (viii) Agreements;
 - (ix) Licences;
 - (x) Audits.

- (n) Sales and marketing
 - (i) Product brochures;
 - (ii) Research Reports;
 - (iii) Market information;
 - (iv) Clients;
 - (v) Brochures, Newsletters and Advertising Materials;
 - (vi) Orders.

4.2 Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure “A” hereto. These forms are available from:

- (a) our information officer (whose details appear on the first paragraph of this manual);
- (b) the SAHRC website (www.sahrc.org.za)
- (c) the Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic. You must identify the right you are seeking to protect and explain why the record you request is required for the exercise or protection of that right. You will be notified within a period of 30 days in the manner indicated by you on the request form whether your request has been approved or not.

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.

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.

4.3 Grounds for refusal of access to records

The main grounds for BJMH to refuse a request for information relates to the -

- 4.3.1 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;
- 4.3.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 4.3.2.1 trade secrets of that third party;
 - 4.3.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 4.3.2.3 information disclosed in confidence by a third party to BJMH, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.3.4 mandatory protection of the safety of individuals and the protection of property;
- 4.3.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.3.6 the commercial activities of BJMH which may include –
 - 4.3.6.1 trade secrets of BJMH;
 - 4.3.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of BJMH;
 - 4.3.6.3 information which, if disclosed could put BJMH at a disadvantage in negotiations or commercial competition;
 - 4.3.6.4 a computer program which is owned by BJMH, and which is protected by copyright.
- 4.3.7 the research information of BJMH or a third party, if its disclosure would disclose the identity of BJMH, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

5 Remedies available when BJMH refuses a request for information

5.1 Internal remedies

BJMH does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors 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.

5.2 External remedies

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with the 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.

6. Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

- (a) Banks Act No. 94 of 1990;
- (b) Basic Conditions of Employment Act No. 75 of 1997;
- (c) Collective Investment Schemes Control Act No. 45 of 2002;
- (d) Companies Act No. 61 of 1973;
- (e) Employment Equity Act No. 55 of 1998;
- (f) Financial Advisory and Intermediary Services Act No. 37 of 2002;
- (g) Financial Intelligence Centre Act No. 38 of 2001;
- (h) Income Tax Act No. 58 of 1962;
- (i) Labour Relations Act No. 66 of 1995;
- (j) National Credit Act No.34 of 2005;
- (k) Securities Services Act No 36. of 2004;
- (l) Stamp Duties Act No. 77 of 1968;
- (m) Uncertificated Securities Tax Act No. 31 of 1998;
- (n) Unemployment Insurance Act No. 63 of 2001

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- (o) Banks Act No. 94 of 1990;
- (p) Basic Conditions of Employment Act No. 75 of 1997;
- (q) Companies Act No. 61 of 1973;

- (r) Employment Equity Act No. 55 of 1998;
- (s) Financial Advisory and Intermediary Services Act No. 37 of 2002;
- (t) Financial Intelligence Centre Act No. 38 of 2001;
- (u) Income Tax Act No. 58 of 1962;
- (v) Labour Relations Act No. 66 of 1995;
- (w) Securities Services Act No 36. of 2004;
- (x) Stamp Duties Act No.77 of 1968
- (y) Uncertificated Securities Tax Act No. 31 of 1998;
- (z) Unemployment Insurance Act No. 63 of 2001
 - (aa) Value-added Tax Act No. 89 of 1991

7 Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Requests for these categories of information may be addressed to our information officer, whose contact details appear on the first paragraph of this manual.

- (a) Newsletters
- (b) Brochures
- (c) Annual reports
- (d) Other literature intended for public viewing.

ANNEXURE “A”

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head/Designated Person: _____

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) *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.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *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.*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____	Form in which record is required: _____
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:

<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/> View the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/> Listen to the soundtrack (audio cassette)	<input type="checkbox"/> Transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in computer readable form* (stiffy or compact disc)
--	---	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
Postage is payable.		

G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected: _____
2. Explain why the record requested is required for the exercise or protection of the
aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/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.

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

This done and signed at on this the day of 20

Requester/person on whose behalf request is made _____

(Duly Authorised Signatory)

Name _____

ANNEXURE “B”

PRESCRIBED FEES

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. The present charges are as follows:

The following applies to requests (other than personal requests):

- 1.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 1.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 1.4 Records may be withheld until the fees have been paid.
- 1.5 Payments should be made to Barnard Jacobs Mellet Holdings Limited.

Fees in respect of private bodies.

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00

- | | | | |
|-----|------|--|-------|
| (e) | (i) | For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) | For a copy of an audio record | 30,00 |
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
- | | | | |
|-----|------|--|-------|
| | | | R |
| (1) | (a) | For every photocopy of an A4-size page or
part thereof | 1,10 |
| | (b) | For every printed copy of an A4-size page or part
thereof held on a computer or in electronic or machine-
readable form | 0,75 |
| | (c) | For a copy in a computer-readable form on - | |
| | (i) | stiffy disc | 7,50 |
| | (ii) | compact disc | 70,00 |
| | (d) | (i) For a transcription of visual images,
for an A4-size page or part thereof | 40,00 |
| | (ii) | For a copy of visual images | 60,00 |
| | (e) | (i) For a transcription of an audio record,
for an A4-size page or part thereof | 20,00 |
| | (ii) | For a copy of an audio record | 30,00 |
| | (f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of
an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- | | |
|-----|--|
| (a) | Six hours as the hours to be exceeded before a deposit is payable; and |
| (b) | one third of the access fee is payable as a deposit by the requester. |
- (3) The actual postage is payable when a copy of a record must be posted to a requester.