

**PROMOTION OF ACCESS TO  
INFORMATION ACT**

**(ACT 2 OF 2000)**

**SECTION 51 MANUAL**

**FOR**

**FRANCO BOTTARI & ASSOCIATES cc**

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## **Introduction to Franco Bottari & Associates cc**

This private body is an authorised financial services provider that provides financial advice and renders intermediary services to clients on financial products under a license (number 13608) issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002. Franco Bottari & Associates cc is a Specialist Short-term Insurance Brokerage offering services in both the commercial and domestic sectors.

### **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

#### **1. Contact details**

**Name of business:** FRANCO BOTTARI & ASSOCIATES cc

**Members:** FRANCO BOTTARI & LARA BOTTARI DICKSON

**Street address:** SUITE 6, 20a VILLAGE ROAD, KLOOF, 3610

**Postal address:** P O BOX 371, GILLITTS, 3603

**Telephone number:** 031 764 0580      **Fax number:** 031 764 0590

**E-mail address:** [franco@bottari.co.za](mailto:franco@bottari.co.za)

**Website:** [www.francobottari.co.za](http://www.francobottari.co.za)

#### **2. The Act (Section 51(1)(b)) and Section 10 Guide on how to use the Act**

The ACT grants a requester access to records of a private body, 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.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

**The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
Houghton  
2041**

**Telephone:** 011 877 3600      **Fax:** 011 403 0625  
**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)      **E-mail:** [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

**3. Records available in terms of any other legislation**

Basic Conditions of Employment Act No. 75 of 1997  
Companies Act No. 71 of 2008  
Consumer Protection Act No. 68 of 2008  
Financial Advisory and Intermediary Services Act No. 37 of 2002  
Financial Institutions (Protection of Funds) Act No. 28 of 2001  
Financial Services Board Act No. 97 of 1990  
Financial Services Ombud Schemes Act No. 37 of 2004  
Income Tax Act No. 58 of 1962  
Insurance Laws Amendment Act No. 27 of 2008  
Labour Relations Act No. 66 of 1995  
Occupational Health and Safety Act No. 85 of 1993  
Short Term Insurance Act No. 53 of 1998  
Skills Development Act No.97 of 1998  
Skills Development Levies Act No. 9 of 1999  
Unemployment Contributions Act No. 4 of 2002  
Unemployment Insurance Act No. 63 of 2001  
Value Added Tax Act No. 89 of 1991

**4. Access to the records held by the private body**

- i. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2):

Not applicable. Some brochures, pamphlets and documents related to the business of the Franco Bottari & Associates cc are available without cost.

- ii. Records that may be requested:

Administration:

- License of product categories
- General correspondence

Human Resources:

- Mandates
- Policies and procedures
- Training
- Remuneration and benefits policies and records

### Operations:

- Production records
- Compliance manual – FAIS
- Compliance reports
- Complaints procedures
- Contractual agreements with suppliers
- Procedures manual - FICA
- Records of advice
- Register of key individuals
- Register of representatives
- Register of non-compliance
- Record of continued compliance by representatives
- Register of premature cancellation of products
- Clients register

iii The request procedures:

#### **Form of request: (ANNEXURE A)**

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

**Fees: (ANNEXURE B)**

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The head of the private body 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.
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head of the private body has made a decision on the request, the requester must be notified 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 has exceeded the prescribed hours to search and prepare the record for disclosure.

**5. Other information as may be prescribed**

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

**6. Availability of the PAIA manual**

The manual is available for inspection at the offices of the relevant private body free of charge. Copies are also available with the SAHRC.

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FRANCO BOTTARI  
MAIN MEMBER

DATE: \_\_\_\_\_

**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**

FRANCO BOTTARI & ASSOCIATES cc (MAIN MEMBER: FRANCO BOTTARI)

**B. Particulars of person requesting access to the record**

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

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.

Reasons 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:
-------------	-----------------------------------

Mark the appropriate box with an **X**.

**NOTES:**

a) Compliance with your request in the specified form may depend on the form in which the record is available.

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.

c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
<b>2. If record consists of visual images:</b> (this includes photographs, slides, video recordings, computer-generated images, sketches etc.)			
<input type="checkbox"/>	View images	<input type="checkbox"/>	Copy of images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	Listen to soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
<b>4. if record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	Printed copy*	<input type="checkbox"/>	Printed copy of information derived from record*
<input type="checkbox"/>		<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 be posted to you? <input type="checkbox"/> YES <input type="checkbox"/> NO			
<b>Postage is payable</b>			

**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?

.....

Signed at ..... this ..... day of ..... 20.....

.....

SIGNATURE OF REQUESTER / PERSON  
ON WHOSE BEHALF REQUEST IS MADE

## ANNEXURE B

### 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:

	<b>R</b>
(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) 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
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:

	<b>R</b>
(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) 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) 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.	