

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NUMBER 2 OF 2000

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1. INTRODUCTION

The Act

The Promotion of Access to Information Act ("the Act") was enacted to give effect to the constitutional right of access to information, held by any public or private body, which is required for the exercise or protection of any rights. The Act sets out procedures to be followed when requesting information, after which the requested information must be released, unless the Act specifically provides that it is privileged.

The Manual

The manual is designed to assist potential requesters with the procedure to be followed when requesting information from Foster Wealth Management, as contemplated in the Act. It may be amended from time to time, and such amendments will be published.

The Company

Foster Wealth Management is a Financial Services Board authorised Financial Services Provider. In terms of the FAIS Act the company carries the license number 659. The Company focuses on the management of investment portfolios.



2. CONTACT DETAILS

Name of Company: Foster Wealth Management PTY LTD

Director & Information Officer: Peter Andrew Foster, Thomas Andrew Foster, Victoria Sarah Roberts

Physical Address: 6 Kendal Mews, Kendal Road, Diep River, 7806

Postal Address: PO Box 38, Bergvliet, 7864

Telephone Number: +27 21 713 0437

Fax Number: 086 633 5191

Email Address: thomas@fosterwealth.co.za

Website Address: www.fosterwealth.co.za

Twitter Address: Foster Wealth Management

3. DESCRIPTION OF GUIDE IN TERMS OF SECTION 10 OF THE ACT

In terms of section 10 of the Act, a guide will be compiled by the South African Human Rights Commission ("the SAHRC") containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The contact details of the SAHRC are as follows:

Address: PAIA Unit

The Research and Documentation Department

Private Bag 2700

Houghton 2041

Telephone Number: +27 11 484 8300

Fax Number: +27 11 484 0582

Email Address: PAIA@sahrc.org.za

Website Address: www.sahrc.org.za



4. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Foster Wealth Management keeps records in accordance with other legislation including, but not limited to, the following:

- Income Tax Act (58 of 1962)
- Value-Added Tax Act (89 of 1991)
- Financial Intelligence Centre Act (38 of 2001)
- Financial Advisory and Intermediary Services Act (37 of 2002)
- Collective Investment Schemes Control Act

A FULL LIST IS AVAILABLE IN ANNEXURE A attached to the Manual.

5. DETAILS OF RECORDS HELD BY FOSTER WEALTH MANAGEMENT

The following records are held by Foster Wealth Management:

- **Operational Information**
 - internal phone and address lists
 - statutory company documentation and returns to appropriate authorities
 - financial records, including audited statements and invoices
 - employee records, including contracts, salary, leave & UIF returns
 - computer software & licences
 - records relating to insurance, contracts for the supply of services, leases etc.
- **Communications**
 - internal memoranda
 - external correspondence with clients
- **Other sources of information**
 - client files including mandates
 - research conducted

6. AVAILABILITY OF THE MANUAL

This manual is available as follows:

- In hard copy, to be viewed free of charge at the offices of Foster Wealth Management Capital;
- At the offices of the SAHRC;
- On the Foster Wealth Management website via www.fosterwealth.co.za

7. REQUESTS FOR INFORMATION

Any request must be made on the prescribed form to the facsimile number, postal or email address of Foster Wealth Management, and must include:

- the prescribed fees, which are available on the SAHRC's website (www.sahrc.org.za) or the Department of Justice and Constitutional development's website (www.doj.gov.za);
- particulars of the requester, or if the request is made on behalf of another person, proof of the capacity in which the requester is making the request;
- the postal address or fax number of the requester;
- a description of the information required;
- an indication of what form of access is required;
- identification of the right the requester is seeking to protect or exercise; and
- An explanation of why the requested information is required for the protection or exercise of that right.

Records are held on the following subjects:

- *client-related records*
- *Personnel records*
- *Company record*
- *records in the possession of or pertaining to other parties*

Client-related records

A client includes any natural or juristic entity, who receives services from the company. Client-related information includes the following:

Company and Trust Client:

- Statutory documents
- Company financial statements
- Trust documents
- Trust financial statements
- Investment/ transactional information
- Taxation information

Individual Client records:

- Personal details
- Investment/ transactional information
- Taxation information
- Wills
- Long and Short Term insurance details
- Correspondence

Personnel Records:

Personnel refers to any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or



conducting the business of the private body. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

- Personal Records
- Conditions of employment
- Evaluation records
- Correspondence
- Training Material

Company Records:

- Operational records
- Databases
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

(These records include, but are not limited to, records pertaining to the company's own affairs.)

Other parties:

The company may possess records pertaining to other parties, including and without limitation: contractors, suppliers, subsidiary/holding/sister companies, joint venture companies and service providers. Alternatively, such other parties may possess records, which can be said to belong to the company.

The following records fall under this category:

- Personnel, client or company records which are held by another party as opposed to being held by the company
- Records held by the company pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

All Foster Wealth Management Capital clients are allowed to access their own information without having to go through this formal information request process. All clients should contact their adviser to access their information.

- This process may not be used to obtain information for the use in any legal action. Records for legal action should be obtained using the rules and procedures for discovery of information that are defined for legal proceedings. The company has the right to claim all expenses and other damages that result from a request that breaks the abovementioned law.
- The process only applies to records that exist at the time of the request for information. It does not require the company to create a record which does not exist at the time the request is made.
- Provided that none of the restrictions mentioned above apply, any person wishing to access a record, in terms of the Act, that is not freely available, are required to **file a request using the prescribed form (Annexure 1)**. The form may be obtained from the Compliance Officer at the contact details contained within this document. The completed form is to be submitted to the Compliance Officer, together with the



details of the authority to request the information and payment of any applicable request fees or deposits as defined by the Act and Notice R187. The fee structure can be seen in **Appendix 2**.

- A request made on behalf of another person should be accompanied by proof of the capacity or authority to request the information.

Failure to fully complete the prescribed form will result in delaying the process while the company requests further information.

The Compliance Officer

Mr James George

Compli-Serve SA

Telephone: 0861 273 783

james@compliserve.co.za

The compliance officer is happy to assist any person with the completion of the request forms.



ANNEXURE A (ADD APPLICATION IN HERE PERTAINING TO FORM C ATTACHED)

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM C

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:

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 the Republic 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:



APPENDIX 2

APPLICABLE PAIA FEES

The request fee payable by a requester, other than a personal requester R 50,00

The access fees payable by a requester are as follows: For every photocopy of an A4-size page or part thereof R 1,10

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0,75

For a copy on compact disc or DVD R 70,00

For a copy in a computer-readable form on compact disc or DVD R 70,00

To search for and prepare the requested record, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for search and preparation.

Six hours as the hours to be exceeded before a deposit is payable; and

One third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.



**ANNEXURE C (Amend as appropriate or incorporate all the applicable legislation in section 4 of the paia manual)
THIS SERVES AS A LIST TO CHOOSE RELEVANT LEGISLATION ON IN WHICH YOU KEEP RECORDS**

**LIST OF APPLICABLE LEGISLATION, REGULATIONS, CODES, STANDARDS, RULES,
DIRECTIVES, CHARTERS, CIRCULARS AND NOTES**

Investment Management, advice and administration

1. Administration of Estates Act 66 of 1965
2. ASISA Code on Living Annuities
3. ASISA Standards Applicable to Third Party Portfolios
4. Civil Union Act 17 of 2006
5. Collective Investment Schemes Control Act 45 of 2002
6. Divorce Act 70 of 1979
7. Financial Advisory and Intermediary Services Act 37 of 2002
8. Financial Institutions (Protection of Funds) Act 28 of 2001
9. Financial Intelligence Centre Act 38 of 2001
10. Financial Services Board Act 97 of 1990
11. Financial Services Ombud Schemes Act 37 of 2004
12. FSB Directives and Circulars (Not legislation)
13. FSB Pension Fund Directives
14. Inspection of Financial Institutions Act 80 of 1998
15. Intestate Succession Act 81 of 1987
16. JSE Ltd Rules and Directives
17. Maintenance of Surviving Spouse Act 27 of 1990
18. Matrimonial Property Act 88 of 1984
19. Pensions Funds Act 24 of 1956
20. Securities Services Act 36 of 2004
21. Trust Property Control Act 57 of 1988
22. Wills Act 7 of 1953

Banking and Exchange Control

23. Banks Act 94 of 1990
24. Currencies and Exchanges Act 9 of 1993
25. Exchange Control Regulations of 1961

Employer-Employee

26. Basic Conditions of Employment Act 57 of 1997
27. Compensation for Occupational Injuries and Diseases Act 130 of 1993
28. Employment Equity Act 55 of 1998
29. Labour Relations Act 66 of 1995
30. Occupational Health and Safety Act 85 of 1993
31. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
32. Protected Disclosures Act 26 of 2000
33. Skills Development Act 97 of 1998
34. Skills Development Levy Act 9 of 1999
35. Unemployment Insurance Act 63 of 2001
36. Unemployment Insurance Contributions Act 4 of 2002

Revenue

37. Estate Duty Act 45 of 1995
38. Income Tax Act 58 of 1962
39. SARS Director Circulars and Notes
40. Securities Transfer Tax Act 25 of 2007
41. Securities Transfer Tax Administration Act 26 of 2007
42. Value Added Tax Act 89 of 1991



General

43. Broad-based Black Economic Empowerment Act 53 of 2003 and Financial Services Charter
44. Companies Act 71 of 2008
45. Competitions Act 89 of 1998
46. Constitution of RSA Act 108 of 1996
47. Consumer Affairs (Unfair Business Practices) Act 71 of 1988
48. Consumer Protection Act 68 of 2008
49. Copyright Act 98 of 1978
50. Electronic Communications and Transactions Act 25 of 2002
51. Insolvency Act 24 of 1936
52. King Code of Conduct for Corporate Governance (not legislation)
53. Long-Term Insurance Act 52 of 1998
54. Prevention and Combating of Corrupt Activities Act 12 of 2004
55. National Credit Act 34 of 2005
56. Prevention of Organised Crime Act 121 of 1998
57. Promotion of Access to Information Act 2 of 2000
58. Promotion of Administrative Justice Act 3 of 2000
59. Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
60. Protection of Personal Information Bill
61. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
62. Trade Marks Act 194 of 1993

Offshore

63. Foreign Account Tax Compliance Act (FATCA)
64. Financial Services Authority Handbook
65. GFSC Handbook for Financial Services Businesses on Countering Financial Crime and Terrorist Financing
66. The Protection of Investors (Bailiwick of Guernsey) Law, 1987
67. UK Bribery Act 2010

