

# PAIA MANUAL

## GIBALTAR (PTY) LTD

Recording-keeping and information within our business

### MANUAL PREPARED FOR GIBALTAR (PTY) LTD IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000

#### 1. INTRODUCTION

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. This manual is designed to assist potential requesters with the procedure to be followed when requesting information from GIBALTAR, as contemplated in the Act. It may be amended from time to time, and such amendments will be published. GIBALTAR is a Financial Sector Conduct Authority authorised Financial Services Provider. In terms of the FAIS Act the company carries the license number 51628. The company provides comprehensive financial planning advice to individuals and corporates.

#### 2. CONTACT DETAILS

Name of Company: GIBALTAR (PTY) LTD

Members:

Camila Ismail: 100% Member

Money Laundering Reporting Officer: Jamal Ismail

Financial Manager: Jamal Ismail

Key Individual: Jamal Ismail / Camila Ismail

Physical Address: Office 8, West Block, Tannery Office Park, 21 Belmont Road, Rondebosch, 7700

Postal Address: P.O. Box 14410, Kenwyn, Cape Town, 7790

Telephone Number: 021 140 7000

Fax Number: 086 574 3040

Email Address: [info@gibraltar.co.za](mailto:info@gibraltar.co.za)

Website Address: [www.gibraltar.co.za](http://www.gibraltar.co.za)

Twitter Address: N/A

#### 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: (011) 484 8300  
Fax Number: (011) 484 0582  
Email Address: PAIA@sahrc.org.za  
Website Address: www.sahrc.org.za

#### 4. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

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

- Financial Intelligence Centre Act (38 of 2001)
- Financial Advisory and Intermediary Services Act (37 of 2002)

#### 5. DETAILS OF RECORDS HELD BY MEDRISK

The following records are held by GIBALTAR:

Operational Information

- internal phone and address lists
- statutory company documentation and returns to appropriate authorities
- financial records, including audited statements and invoices
- employee records
- 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 GIBALTAR
- At the offices of the SAHRC;

#### 7. REQUESTS FOR INFORMATION

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

- the prescribed fees, which are available on the SAHRC's website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional development's website ([www.doj.gov.za](http://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:

- a. Client-related records
- b. Personnel records
- c. Company records

d. Records in the possession of or pertaining to other parties

a. 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

b. 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

c. 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.)*

d. 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 GIBRALTAR 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 (Appendix 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.

Contact details

The Compliance Officer

Ms. Anzél Jewaskiewitz

anzel@moonstonecompliance.co.za

## APPENDIX 1: PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

### 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:*

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

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

Full Name and Surname	
Identity Number	
Postal Address	
Fax Number	
Email Address	
Telephone Number	
Capacity in which request is made	

## APPENDIX 2: APPLICABLE PAIA FEES

- The request fee payable by a requester, other than a personal requester: R50.00
- The access fees payable by a requester are as follows: R1.10 for every photocopy of an A4-size page or part thereof.
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0.75
- For a copy on compact disc or DVD: R70.00
- For a copy in a computer-readable form on compact disc or DVD: R70.00
- 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.