

# **TRUSTFOCUS (Pty) Ltd**

Registration Number 2010/012477/07

## **MANUAL**

**in terms of**

**The Promotion of Access to Information Act**

**2/2000**

**(the "ACT")**

December 2011

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## **1. INTRODUCTION**

TRUSTFOCUS (Pty) Ltd conducts business as a trust and estate services company.

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## **2. COMPANY CONTACT DETAILS**

Persons designated/duly authorised persons:

Directors:	Igmar Potgieter (Managing), Jacques Fouché, Frans Fouché
Postal Address:	P.O. Box 1514, DURBANVILLE, 7551
Street Address: DURBANVILLE	7B World House, Loerie Park, Paul Kruger St,
Telephone Number:	021 9795714
Fax Number:	086 567 5355
E-mail address:	<a href="mailto:info@trustfocus.co.za">info@trustfocus.co.za</a>
Website:	<a href="http://www.trustfocus.co.za">www.trustfocus.co.za</a>

### **3. THE ACT**

- 3.1** The ACT grants a requester access to records of the 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.
- 3.2** 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.
- 3.3** Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11- 877 3600  
Fax Number: +27-11- 403 0625  
Website:

### **4. APPLICABLE LEGISLATION**

<b><u>No</u></b>	<b><u>Ref</u></b>	<b><u>Act</u></b>
1	No 61 of 1973	Companies Act
2	No 71 of 2008	Companies Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act (as amended)
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access to Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 45 of 1955	Estate Duty Act
14	No 66 of 1965	Administration of Estates Act (as amended)
15	No 68 of 1981	Alienation of Land Act
16	No 108 of 1996	Constitution of the Republic of South Africa
17	No 70 of 1979	Divorce Act
18	No 38 of 2001	Financial Intelligence Centre Act
19	No 192 of 1993	Guardianship Act
20	No 27 of 1943	Insurance Act
21	No 81 of 1987	Intestate Succession Act
22	No 27 of 1990	Maintenance of Surviving Spouses Act
23	No 88 of 1984	Matrimonial Property Act
24	No 40 of 1949	Transfer Duty Act
25	No 57 of 1988	Trust Property Control Act
26	No 7 of 1953	Wills Act

## **5. ACCESS TO RECORDS AND AVAILABILITY**

The head of Trustfocus -

(a) must, during office hours and upon request, make available for public inspection a copy of the manual;

(b) may not charge a fee for a public inspection referred to in paragraph (a); and

(c) may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph(a), charge the fee prescribed in Item 1 of Part III of Annexure A and the actual postage if a copy must be posted.”.

### **Records**

#### **PUBLIC AFFAIRS**

- Public Product Information
- Public Corporate Records
- Media Releases

#### **COMPANIES ACT RECORDS**

1. Documents of incorporation
2. Memorandum and Articles of Association
3. Minutes of Board of Directors meetings
4. Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
5. Share Register and other statutory registers

#### **FINANCIAL RECORDS**

1. Annual Financial Statements
2. Tax Returns
3. Accounting Records
4. Banking Records
5. Bank Statements
6. Paid Cheques
7. Electronic banking records
8. Asset Register
9. Rental Agreements
10. Invoices

### **INCOME TAX RECORDS**

1. PAYE Records
2. Documents issued to employees for income tax purposes
3. Records of payments made to SARS on behalf of employees
4. All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

### **PERSONNEL DOCUMENTS AND RECORDS**

1. Employment contracts
2. Employment Equity Plan (if applicable)
3. Medical Aid records
4. Pension Fund records (if applicable)
5. Disciplinary records
6. Salary records
7. SETA records
8. Disciplinary code
9. Leave records
10. Training records
11. Training Manuals

### **MARKETING**

1. Market Information
2. Public Customer Information:
  - a. Product Brochures
  - b. Owner Manuals
3. Field Records
4. Performance Records
5. Product Sales Records
6. Marketing Strategies
7. Customer Database

### **SUBJECTS ON WHICH RECORDS ARE KEPT-**

Clients of Trustfocus

#### **Products and Services:**

Trust & Tax law advice

Registration of Inter Vivos trusts  
Fiduciary Trustee services  
Trust administration  
Will & Estates  
Commercial Business structuring  
Seminars

All these records are kept in terms of legislation applicable to any of the above products or services and the Legal Services Industry in general

## **6. FORM OF REQUEST**

The requester must complete Form C and submit this form together with a request fee, to the head of the private body.

The form must be submitted to the head of the private body at his/her address, fax number, or electronic mail address.

The form must: provide sufficient particulars to enable the head of the private body 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 head of the private body.

## **7. PRESCRIBED FEES**

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

**7.1** A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;

**7.2** 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);

**7.3** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

**7.4** Records may be withheld until the fees have been paid.

**7.5** The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>

Signed on this day\_\_\_\_ of December 2011

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Name: IM Potgieter  
Head of Trustfocus (Pty) Ltd