

PROMOTION OF ACCESS TO INFORMATION MANUAL



Prepared in terms of Section 14 of the Promotion of Access to
Information Act 2 of 2000, as amended June 2021

**Applicable to Financial Services Provider acting as Category I and II
Financial Services Provider in terms of the Financial Advisory and
Intermediary Services Act
Implemented for:**



(hereinafter referred to by name or as “FSP”)

INDEX

1	BACKGROUND	4
2	INTRODUCTION TO THE FSP	4
3	CONTACT DETAILS OF THE FSP	4
4	LIST OF ACRONYMS AND ABBREVIATIONS	4
5	PURPOSE OF THIS MANUAL	4
6	DEFINITIONS	5
7	GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	6
8	CATEGORIES OF RECORDS OF THE FSP WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS	7
9	DESCRIPTION OF THE RECORDS OF THE FSP WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION	8
10	DESCRIPTION OF THE SUBJECTS ON WHICH THE FSP HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT	8
11	PROCESSING OF PERSONAL INFORMATION	8
12	PROCESS TO REQUEST INFORMATION	10
13	PRESCRIBED FEES	10
14	REMEDIES FOR WHEN A REQUEST FOR INFORMATION IS REFUSED	11
15	IN SUMMARY	11
16	AVAILABILITY OF THE MANUAL	12
17	UPDATING OF THE MANUAL	12
	ANNEXURE A: FORM 1 REQUEST FOR COPY OF GUIDE ON HOW TO USE THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002, AS AMENDED	13
	ANNEXURE B: FEES PAYABLE FOR REQUESTING INFORMATION	14
	ANNEXURE C: FORM 2 REQUEST FOR ACCESS TO RECORD	15
	ANNEXURE D: FORM 3 OUTCOME OF REQUEST AND FEES PAYABLE	19

1. BACKGROUND

The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request must comply with the procedural requirements laid down by the Act.

2. INTRODUCTION TO THE FSP

This private body trades as a private company and is authorised as a financial services provider that provides financial advice and/or renders intermediary services to clients on financial products and services under a license issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002, by the Financial Sector Conduct Authority (FSCA).

3. CONTACT DETAILS OF THE FSP

All requests for information must be addressed to the Information Officer as per the contact details provided below:

Chief Information Officer

Name	Johan Roux
Tel	083 595 9977
E-mail	Johan@rcinvest.co.za

Deputy Information Officer (NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the FSP designated in terms of section 17(1) of PAIA)

Name	NOT APPLICABLE
Tel	
E-mail	

Contact details of the FSP

Postal Address	
Physical Address	194 Bancor Avenue Park Lane West Building Colab Waterkloof Glen
Tel	
Website	www.rcinvest/gauteng/

4. LIST OF ACRONYMS AND ABBREVIATIONS

"DIO"	Deputy Information Officer
"IO"	Information Officer
"Minister"	Minister of Justice and Correctional Services
"PAIA"	Promotion of Access to Information Act No. 2 of 2000 (as amended)
"POPIA"	Protection of Personal Information Act No.4 of 2013
"Regulator"	Information Regulator

5. PURPOSE OF THIS MANUAL

This PAIA Manual is useful for the public to-

1. Check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

2. Have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
3. Know the description of the records of the body which are available in accordance with any other legislation;
4. Access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
5. Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
6. Know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
7. Know the description of the categories of data subjects and of the information or categories of information relating thereto;
8. Know the recipients or categories of recipients to whom the personal information may be supplied;
9. Know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
10. Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

6. DEFINITIONS

“Access fee” means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be.

“Data subject” means the person to whom personal information relates.

“Deputy Information Officer” means the designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request.

“Guide” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 04 of 2013, as contemplated in section 10 of PAIA.

“Head” of, or in relation to, a private body means -

- (a) in the case of a natural person, including a person referred to in paragraph (c) of the definition of “political party”, that natural person or any person duly authorised by that natural person;
- (b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- (c) in the case of a juristic person –
 - (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
 - (ii) the person who is acting as such or any person duly authorised by such acting person; or
- (d) in the case of political party, the leader of the political party or any person duly authorised by that leader.

“Human Rights Commission” means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution.

“Information Officer”

In relation to, a public body –

- (a) in the case of a national department, provincial administration or organisational component –
 - (i) mentioned in Column 1 of Schedule 1 or 3 to the Public Service Act, 1994 (Proclamation 103 of 1994), means the officer who is the incumbent of the post bearing the designation mentioned in Column 2 of the said Schedule 1 or 3 opposite the name of the relevant national department, provincial administration or organisational component or the person who is acting as such; or
 - (ii) not so mentioned, means the Director-General, head, executive director or equivalent officer, respectively, of that national department, provincial administration or organisational component, respectively, or the person who is acting as such;
 - (b) in the case of a municipality, means the municipal manager appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), or the person who is acting as such; or
- in the case of any other public body, means the chief executive officer,
- (c) or equivalent officer, of that public body or the person who is acting as such;

In relation to, a private body-

- (d) means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act.

“Information Regulator” means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013.

“Internal appeal” means an internal appeal to the relevant authority in terms of section 74.

“Minister” means the Cabinet member responsible for the administration of justice

“Person” means a natural person or a juristic person.

“Personal information” means information relating to an identifiable natural person, including, but not limited to -

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years.

“Political party” means -

- (a) any entity that accepts donations principally to support or oppose any registered political party or its candidates, in an election as defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998);
- (b) any registered political party as defined in the Electoral Act, 1998; or
- (c) a natural person who is an independent candidate

“Private body” means -

- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - (b) a partnership which carries or has carried on any trade, business or profession; or
 - (c) any former or existing juristic person; or
 - (d) a political party
- but excludes a public body.

“Public body” means -

- (a) any department of state or administration in the national or provincial sphere of government

or any municipality in the local sphere of government; or

- (b) any other functionary or institution when
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation.

“Record” of, or in relation to, a public or private body, means any recorded information -

- (a) regardless of form or medium;
- (b) in the possession or under the control of that public or private body, respectively; and
- (c) whether or not it was created by that public or private body, respectively.

“Request for access”, in relation to -

- (a) a public body, means a request for access to a record of a public body in terms of section 11; or
- (b) a private body, means a request for access to a record of a private body in terms of section 50

“Request for access”, in relation to -

- (a) a public body, means
 - (iii) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or
 - (iv) a person acting on behalf of the person referred to in subparagraph (i);
- (b) a private body, means
 - (iii) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - (iv) a person acting on behalf of the person contemplated in subparagraph(i).

“Responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

“Third party”, in relation to a request for access to -

- (a) a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than -

- (iii) the requester concerned; and
- (iv) a public body; or
- (c) a record of a private body, means any person (including, but not limited to, a public body) other than the requester,

but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (a) and (b) must be construed as a reference to 'natural person'.

“The Act” means the Promotion of Access to Information Act 2 of 2000 as amended, and

includes any regulation made and in force in terms of section 92.

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The aforesaid Guide contains the description of-

1. The objects of PAIA and POPIA;
2. The postal and street address, phone and fax number and, if available, electronic mail address of-
 - The Information Officer of every public body, and
 - Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
3. The manner and form of a request for-
 - Access to a record of a public body contemplated in section 11; and
 - Access to a record of a private body contemplated in section 50;
4. The assistance available from the IO of a public body in terms of PAIA and POPIA;
5. The assistance available from the Regulator in terms of PAIA and POPIA;
6. All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - An internal appeal;
 - A complaint to the Regulator; and
 - An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
7. The provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
8. The provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
9. The notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
10. The regulations made in terms of section 92.

Members of the public can inspect or make copies of the Guide from the offices of the FSP, including the office of the Regulator, during normal working hours.

The Guide can also be obtained-

1. upon request to the Information Officer;
2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

The Guide is available in each of the official languages and in braille and the FSP has available a copy in Afrikaans and English.

8. CATEGORIES OF RECORDS OF THE FSP WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
FAIS Records	FSCA Licence and Annexures	x	✓
FAIS Records	FSP Statutory Disclosures to clients	x	✓

Representatives	Representative FAIS profiles	x	✓
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9. DESCRIPTION OF THE RECORDS OF THE FSP WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual and Guide	Promotion of Access to Information Act 2 of 2000
POPIA Policy	Protection of Personal Information Act 4 of 2013
FICA Risk Management Compliance Programme	Financial Intelligence Centre Act 38 of 2001
FAIS Statutory Disclosure and Policy Documents	Financial Advisory and Intermediary Services Act 37 of 2002
Complaints Management Framework and Policy	Financial Advisory and Intermediary Services Act 37 of 2002
Conflict of Interest Management Framework and Policy	Financial Advisory and Intermediary Services Act 37 of 2002

10. DESCRIPTION OF THE SUBJECTS ON WHICH THE FSP HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

Subjects on which the FSP holds records	Categories of records
Clients	Personal information Investment / insurance portfolios FICA due diligence documentation Records of financial services rendered
Employees	HR Records FICA documentation
Key Individuals / Representatives	FAIS documentation
FSP / Entity	Financial records Administrative records HR records Operations records FAIS records and documentation
Product Suppliers (FAIS)	Service Level Agreements FAIS documentation
Other Suppliers	Service Level Agreements
External Compliance Provider	Service Level Agreements FAIS documentation

11. PROCESSING OF PERSONAL INFORMATION

Purpose of Processing Personal Information

The FSP collects and processes personal information of clients mainly to provide them with access to the services and products of the suppliers with whom we have contractual agreements in place and to help us improve our services to them.

We will use personal information of clients only for the purposes for which it was collected and agreed to. This may include:

- Providing products or services to clients and to carry out the transactions so requested;
- For underwriting purposes;
- Assessing and processing claims;
- Conducting credit reference searches or verification;
- Confirming and verifying identity;
- For credit assessment and credit management;
- For purposes of claims history;
- For the detection and prevention of fraud, crime, money laundering or other malpractice;
- Conducting market or customer satisfaction research;
- For audit and record keeping purposes;
- In connection with legal proceedings.
- Providing our services to clients, to carry out the services requested and to maintain and constantly improve our relationship with clients;
- Providing clients with communications in respect of the FSP and regulatory matters that may affect them;
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

Description of the categories of data subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, employment status and bank details Service requirement related information Regulatory information requirements to support requested service mandates Service delivery related information
Service Providers	Names, registration number, VAT numbers, address, trade secrets and bank details
Employees	Address, identity numbers, qualifications, gender and race Employment agreements and any background checks Correspondence Training records

The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names for purposes of FIC due diligence checks	If third party service providers are used for purposes of due diligence
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Personal information of client as completed for purposes of a quotation or application form	Product suppliers Investment companies
Personal information of client as reviewed by Compliance Officer for monitoring purposes	External FAIS Compliance Officer
Personal information of clients as provided in response to request from regulators	FSCA FIC

Planned transborder flows of personal information

Except where clients invest in offshore investments product, the FSP does not have any transborder flow of personal information.

General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The FSP has provided for the following security measures:

- Cyber security systems and measures including data encryption, anti-virus and anti-malware solutions;
- Information security policies;
- Data privacy policies;
- Training in information security.

12. PROCESS TO REQUEST INFORMATION

The requester must comply with all the procedural requirements contained herein relating to the request for access to information.

The requester must complete the prescribed form, **FORM 2 (ANNEXURE B)** hereto attached, also available on the Information Regulator website at <https://inforegulator.org.za/paia-forms>, copies of which also forms annexures to this manual.

Submit completed form, with proof of payment of the requested fee and/or a deposit (if applicable) to the Information Officer.

The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

- a) the information or records requested;
- b) the identity of the requester;
- c) the form of access required;
- d) the email address, postal address or fax number of the requester in the Republic; or
- e) if the requester wishes to be informed of the decision in a different manner (in addition to written), the
- f) manner and particulars thereof; and
- g) the right which the requester is seeking to exercise or protect with an explanation of the reason the record
- h) is required.

The request will be processed within 30 (thirty) days of receipt, unless the requester has stated special reasons to the satisfaction of the Information Officer, that circumstances dictate urgency.

The requester shall be advised whether access is granted or denied in writing. In addition, the Information Officer will include the reason for the decision by completing **FORM 3 (ANNEXURE C)** (hereto attached for reference).

Should a request be made on behalf of another person, then the requester must submit proof of the capacity in they are acting to the satisfaction of the Information Officer (section 53(2)(f)).

Should an individual be unable to complete the prescribed form, owing to illiteracy or disability, such a person may make the request orally and be assisted by the FSP, where possible, to complete the required form. The requester must still pay the prescribed fee before the request can be processed and the prescribed time periods will not commence until the requester has furnished all the required information and paid the prescribed fee.

The Information Officer shall partition information, if possible, and only grant the requester, access to the requested portion.

13. PRESCRIBED FEES

The Act provides for two types of fees, namely:

1. A **request fee**, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
2. An **access fee**, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs incurred by the FSP in obtaining and preparing a record for delivery to the requester.

All clients of the FSP are allowed to access their own information without having to go through this formal information request process or pay a request fee. All clients should contact their adviser to access their information.

If the search for the information has been made and the preparation of the record for disclosure, including an arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted. If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of a third of the payable access fee shall be paid.

The Information Officer shall withhold a record until the requester has paid the requested fees.

A requester whose request for access to information has been granted must pay an access fee that is calculated to include, where applicable, the request fee, processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.

Where the FSP has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question. No notice has been submitted by the FSP to the Minister of Justice and Constitutional development regarding the categories of records, which are available without a person having to request access in terms of section 52(2) of PAIA. However, the information on the website of the FSP is automatically available without having to request access in terms of PAIA.

An access fee is payable where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or exclusion is determined by the Minister in terms of section 54(8). A requester may query the payment of the requested fee and/or deposit with the Information Officer. Should the requester find the decision unsatisfactory, he/she may lodge an application with a court.

The Fee Schedule is hereto attached as **ANNEXURE A**.

14. REMEDIES FOR WHEN A REQUEST FOR INFORMATION IS REFUSED

The decision of the Information Officer is final and binding. The FSP does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final.

Requesters who are dissatisfied with a decision of the Information Officer may exercise external remedies at their disposal. All complaints by a requester or a third party can be made to the Information Regulator or a court, in the manner prescribed below.

COMPLAINTS TO THE INFORMATION REGULATOR

The requester or third party may submit a complaint in writing to the Information Regulator, within six months of the decision, alleging that the decision was not compliance with the provisions of the legislation. The Information Regulator will investigate the complaint and reach a decision, which may include a decision to investigate, to take no further action, to conciliate the matter or to refer the complaint to the Enforcement Committee. The Information Regulator may serve an enforcement notice confirming, amending, or setting aside the impugned decision, which must be accompanied by reasons.

APPLICATION TO COURT

An application to court maybe brought in the ordinary course. For this purpose, any reference to an application to court includes an application to a relevant Magistrate's Court.

15. IN SUMMARY

1. 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 FSP has the right to claim all expenses and other damages that result from a request that breaks the abovementioned law.
2. The process only applies to records that exist at the time of the request for information. It does not require the FSP to create a record which does not exist at the time the request is made.
3. 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 (as annexed). The form may be obtained from the Information Officer as per the details contained within this document. The completed form is to be submitted to the Information 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 ANNEXURE A.
4. A request made on behalf of another person should be accompanied by proof of the capacity or authority to request the information

16. AVAILABILITY OF THE MANUAL

A copy of this Manual is available-

1. On www.rcinvest.co.za/gauteng/, if any;
2. At the head office of the FSP for public inspection during normal business hours;
3. To any person upon request and upon the payment of a reasonable prescribed fee; and
4. To the Information Regulator upon request.

A fee for a printed copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

17. UPDATING OF THE MANUAL

The Key Individual and Information Officer of the FSP will on a regular basis update this manual.

ANNEXURE A

REQUEST FOR COPY OF GUIDE ON HOW TO USE THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002, AS AMENDED

See the Guides available on the website of the Information Regulator at: <https://inforegulator.org.za/paia-guidelines/>

Or address a request for a copy to the Information Officer by completing the following form:

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

TO: The Information Officer
194 Bancor Avenue
Park Lane West Building
Colab
Waterkloof Glen
Pretoria

I,

Full names:				
In my capacity as (mark with "x"):	Information officer		Other	
Name of *public/private body (if applicable)				
Postal Address:				
Street Address:				
E-mail Address:				
Facsimile:				
Contact numbers:	Tel.(B):		Cellular:	

Hereby request the following copy (ies) of the Guide:

Language (mark with "X")		No of copies	Language(mark with "X")		No of copies
	Sepedi			Sesotho	
	Setswana			siSwati	
	Tshivenda			Xitsonga	
	Afrikaans			English	
	isiNdebele			isiXhosa	
	isiZulu				

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of requester

ANNEXURE B

FEES PAYABLE FOR REQUESTING INFORMATION

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on: - a flash drive (provided by the requester) - a compact disc (CD) if the requester provides the CD to us - a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester) For a copy of an audio record on compact disc (CD) if the requester provides the CD to us For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure The search and preparation fee cannot exceed	R145.00 R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.