

# **THE FIDUCIARY INSTITUTE OF SOUTH AFRICA**

Information Manual  
(Promotion of Access to Information Act 2 of 2000)

Prepared on 10 February 2009

## 1. **Introduction**

The Fiduciary Institute of South Africa (FISA) holds information on various aspects of the Trust and Personal Finances industry, and the principle objective of the Fiduciary Institute is to protect and promote, directly and indirectly, the interests of the members and their clients, and to enhance the reputation of the Fiduciary Institute.

The achievements of these objectives require sound working relationships with statutory and regulatory authorities at both national and regional levels.

We have issued a Mission and Philosophy statement and have established a Code of Ethics and Disciplinary Code for all members of the Fiduciary Institute.

An individual may have a genuine interest in this information.

In terms of the Promotion of Access to Information Act (Act 2 of 2000 commonly known as the "PAIA"), any such person is entitled to access information, provided such person fulfils the requirements as set out in the Act above. These requirements are outlined in the PAIA.

For the purposes of this manual, we define the information that we hold and what is available to you, and how you can access such information.

## 2. **How to Access a Record**

The PAIA formally indicates the requirements. The application form to request such information may be obtained from the information officer, and will be posted on the website.

## 3. **Subject and Categories of Records**

- Legislation specific to the following industries :-
  - Financial and Investment Services
  - Taxation
  - Wills and Estates
  - Exchange Control
  - Trust Law and Administration

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- Membership Details :-
  - Corporate Members
  - Individual Members
  - Certification of Members
  
- Assets under Administration :-
  - Details thereof

#### 4. **Availability of Records**

Specific records may be available with prior request and with our approval.

#### 5. **Records held in terms of alternate legislation**

As stated above, the Fiduciary Institute of South Africa holds records in terms of most legislation. If a particular Act so provides, then you may apply in terms of those provisions applicable to the relevant legislation.

Application may be made, in the prescribed format, and forwarded to ourselves, together with proof of payment of the relevant fee, marked for the attention of the "Information Officer". The address details for such a request are stated below. Upon receipt of a specific request, the information officer will respond to the request within a reasonable time period.

The Fiduciary Institute of South Africa reserves the right to refuse your request for information, should the application be incomplete, not in the prescribed format, or in terms of Paragraph 7 of this manual.

#### 6. **Fees payable**

The requestor must bear in mind that each application carries a prescribed charge for administrative levies. These fees are non - refundable.

To obtain the copies required, there will be costs over and above the above -mentioned administration fee. These costs include :-

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- A fee for each A4 page that is printed
- If the documents are to be presented in electronic format, then a fee in respect of each CD used / flash drive provided will be levied
- Access fees as contemplated in Section 54 (7) of the PAIA
- In cases where records must be sourced from archives, then a search fee per hour will be levied
- In cases where information needs to be posted to the applicant, then all postage charges will be for the account of the applicant
- In certain cases, a deposit may be called for before any attention is paid to the request for information.

Please note that all costs pertaining to the above will be supplied to you upon application, and that these charges may vary from time to time.

#### **7. Refusal of disclosing information**

It must be noted that the PAIA Act allows for certain cases where requests for information, or access to said information, may be refused.

Sections 62 to 70 of the PAIA direct the grounds for refusal, and include the protection of the following :-

- Privacy of an individual
- A third party's commercial information
- A third party's confidential information
- Privileged information
- Any commercial information relating to our business or businesses under our control

#### **8. Remedies**

Should your request for access to a record be refused by ourselves, you have the right to approach the courts within thirty (30) days for an order to set aside the decision of the Information Officer.

9. **Guide on Access to Information by the Human Rights Commission**

The South African Human Rights Commission will publish a guide explaining how to access information required by the requestor. This guide will be available on the Human Rights Commission website ([www.sahrc.org.za](http://www.sahrc.org.za)) from their information officer.

10. **Contact Details**

Information Officer	-	Aaron Roup
Postal Address	-	P O Box 27076, Benrose, 2011
Physical Address	-	135 Rivonia Road, Sandton, 2916
Telephone Number	-	082 449 2569
Facsimile Number	-	011 295 8262
Email address	-	<a href="mailto:secretariat@fidsa.org.za">secretariat@fidsa.org.za</a>
Website address	-	<a href="http://www.fidsa.org.za">www.fidsa.org.za</a>