

Document Approval and Amendment

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**Section 14 Manual of the
KZN GROWTH FUND TRUST (KGFT)**

(Prepared in terms of the Promotion of Access to Information Act (PAIA) of 2000)

The Promotion of Access to Information Act 2 of 2000 gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters therewith

TABLE OF CONTENTS

1. Introduction	3
2. Organogram	4
3. Key Contact Details	5
4. Guide on use of the Access to Information Legislation - Section 14 (1) (c)	5
5. Categories of Records	6
6. Automatically Available Records	6
7. Categories of Records Available through Formal Request Process	7
8. Request procedure	8
9. Payment method	9
10. Remedies Available if Provisions of the Act are Not Complied With	10
11. Updating of the Manual	10
12. Request Form A	11
13. Schedule of Fees	14

1. Introduction

KZN Growth Fund Trust (KGFT) is committed to the observance of and compliance with the directives of the Constitution and national legislation like the Promotion of Access to Information Act (PAIA). PAIA supports important principles of good governance, transparency and accountability.

In the pursuit of its objectives, KGFT encourages the sharing of information with requesters and members of the public as optimally as is possible.

This manual was developed as a guide on how members of the public can access information held by KGFT. It describes what information is available and how to access the information.

The Promotion of Access to Information Act, 2000, states that each body must designate an Information Officer and Deputy Information Officer(s) who will be responsible for processing applications for access to information, and help applicants to lodge their applications.

The manual gives effect to the right of access to information, provided for in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996).

The manual will be translated into another language should a request by the public be made in this regard.

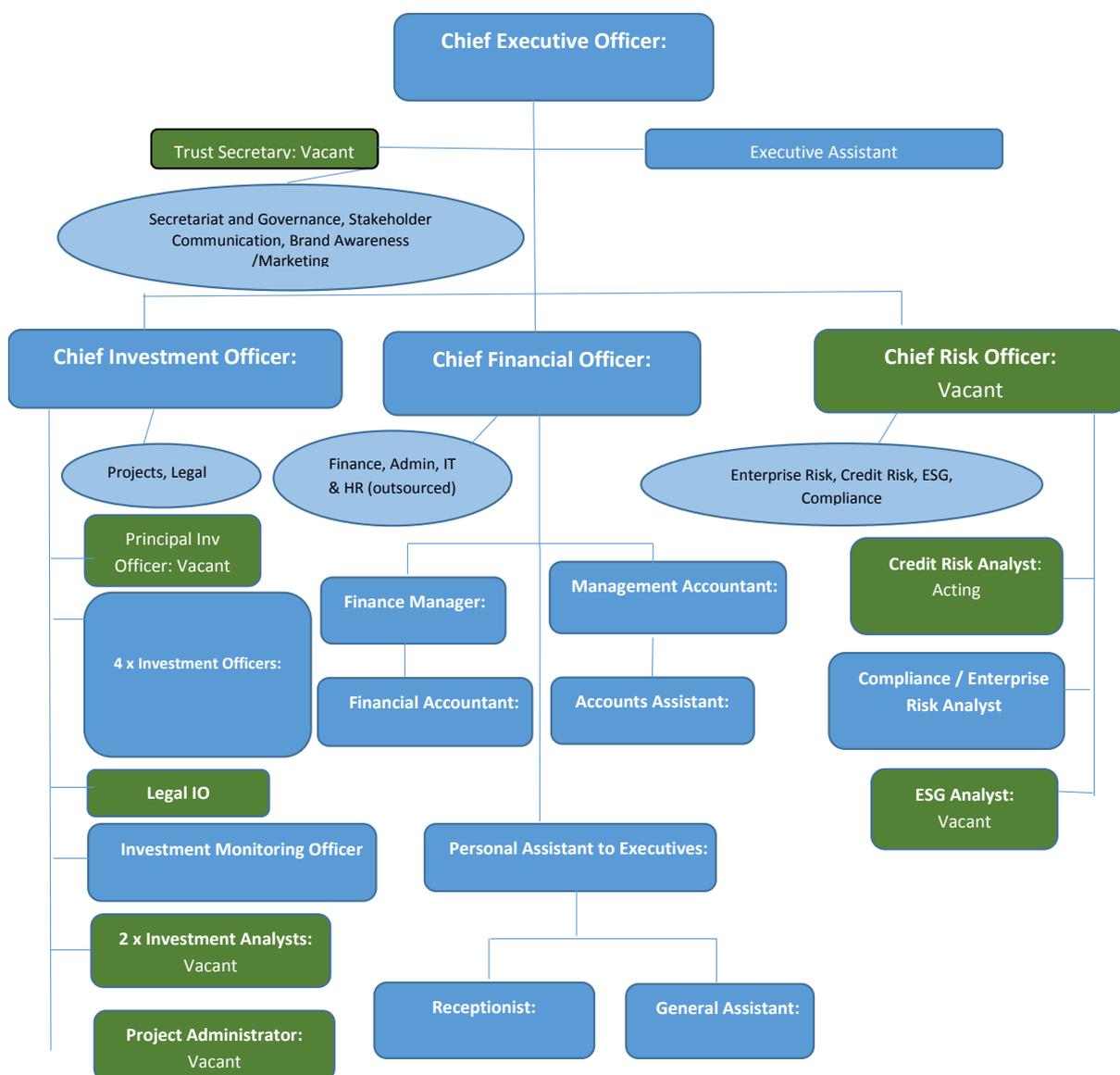
1.1 Overview of the KGFT

The KwaZulu-Natal Growth Fund Trust (KGFT – referred herein as the “Trust”) was set up in 2008 as an initiative of the KZN Government’s Department of Economic Development, Tourism and Environmental Affairs (EDTEA) to administer the KZN Growth Fund (“KGF Debt Fund 1”). The Fund was set up as a 15 year R1,087.5bn closed debt fund with a commitment period of 6 years, structured as a unique public-private partnership between the EDTEA (R362,5m), Standard Bank of South Africa (SBSA – R200m), Infrastructure Finance Corporation (INCA – R300m) and the Development Bank of Southern Africa (DBSA – R225m). The commitment period ended in August 2015. KGF Debt Fund 1, which became operational in 2009, financed medium to large scale sustainable private sector projects throughout the KwaZulu-Natal (“KZN”) province. The fund size reduced to R787.5m due to the exit of INCA from the fund in November 2013 because of a change in its business model. This initiative

was a first in South Africa, aimed at creating sustainable economic development, job creation, broad based black economic empowerment (B-BBEE) and reducing inequality in KZN.

The KGF Debt Fund 1 was a closed debt fund and in order to give effect to new funds and products (restricted under KGF Debt Fund 1), the Trust unencumbered its capital from the existing security in the KGF Debt Fund 1 by prepayment of the existing exposures and cancellation of all debt facilities on 31 March 2015. The Trust now caters for both a debt and an equity fund and is able to bring on board additional investors to participate in either.

2. Organisation structure



3. Key Contact Details for Access to Information Queries

Information Officer: Mr Siddiq Adam

PA: Ms Ayesha Asmal

Tel: 031 372 3731

Fax: 031 306 2547

Email: siddiq@kzngrowthfund.co.za

Deputy Information Officer: Mr Ismail Abdoola

Tel: 031 372 3728

Fax: 031 306 2547

Email: ismail@kzngf.co.za

Physical Address:

28th Floor, Delta Towers

303 Dr Pixley Kaseme (Old West) Street,

Durban

4000

Postal Address:

P O Box 1718

Durban

4000

Website: www.kzngrowthfund.co.za,

E-mail: info@kzngrowthfund.co.za

4. Guide on use of the Access to Information Legislation - Section 14(1) (c)

The Human Rights Commission (SAHRC) (hereafter referred to as 'the commission') has, in terms of Section 10 of the PAIA, 2000, compiled a guide on the use of this Act. The guide contains information that will assist any person wishing to exercise a right contemplated by the Act and is available in all of the official languages. The guide is available for inspection inter alia at the offices of the Human Rights Commission. Any queries relating to the guide should be directed to the commission at:

SAHRC

29 Princess of Wales Terrace
Cnr York and St Andrews Streets
Parktown, Johannesburg

Private Bag X2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-1360

E-mail: PAIA@sahrc.org.za

5. Access to Records in Terms of Section 14(1)(E) (Automatic Disclosure)

The access to information legislation provides for records which are automatically available. Such automatically available records usually do not have information which can reasonably be said to be of a sensitive nature. Most records which fall into this category of information are available on KGFT's website: www.kzngrowthfund.co.za. It is also not a requirement that the request fees be paid, however prescribed access and reproduction fees will still apply.

Automatically available records include:

- Integrated Report
- Corporate Plan
- Annual Performance Plan
- Tender Documents
- Brochures
- Press Releases

6. Access to Records, Section 14(1)(D)

This section of the manual serves as a reference to the records that KGFT holds in order to facilitate a request in terms of the PAIA. The records listed below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds. KGFT further reserves the right to refuse access to records where the processing of the record will result in a substantial

and unreasonable diversion of its resources. Access will also be refused where requests are clearly frivolous and or vexatious. All requests for access will be evaluated on a case by case basis, in accordance with the provisions of the PAIA.

Function	Category of Record
Human Resources Records	<ul style="list-style-type: none"> • HR Policy Manual • Recruitment and selection records • Personnel files • Employment Contracts • Employment Equity Plan • Salary records • Disciplinary records • Leave records • Training records • Medical Aid records • Pension Fund records
Financial Records	<ul style="list-style-type: none"> • Policies and Procedures • Budgets • Accounting records • Bank statements • Electronic banking records • Invoices • Skills Development Levies • UIF records • Payroll documentation • Asset registers
Tax Records	<ul style="list-style-type: none"> • Tax returns • PAYE records • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees
Legal Services Records	<ul style="list-style-type: none"> • Agreements and contracts • Legal opinions • Litigation documents
Procurement Records	<ul style="list-style-type: none"> • Supply Chain Management Policies and Procedures • Bid documents • RFP/RFQ documentation

	<ul style="list-style-type: none"> • Minutes and decision records
Risk Management Records	<ul style="list-style-type: none"> • Risk Management Policies and frameworks • Strategic Risk Register • Departmental risk registers • Internal Audit reports • Compliance Reports • Risk Reports
Projects/Investments/Loans/Equity	<ul style="list-style-type: none"> • Policies and Procedures • Initial Screening Reports • Final Appraisal reports • Legal Agreements • Committee minutes of decisions • Disbursement Documentation
IT	<ul style="list-style-type: none"> • IT Policies and Procedures • Disaster Recovery Plan • Business Continuity Plan • Records of procurement of systems and software
Secretariat	<ul style="list-style-type: none"> • Trust Deed • Board and sub-committee minutes • Declaration of Interests • Remuneration of Committee members

7. Request Procedure

7.1 Compliance Requirements

Subject to the provisions of the Act, access to records requested from KGFT will only be given if:

- All the procedural requirements set out in the PAIA relating to a request are met; and
- Access to the requested record/s is not refused in terms of any grounds for refusal set out in the Act.

7.2 Request Application Process

The following steps are to be followed when making an application for access to a record:

STEP 1: THE REQUEST

Should a person wish for access to information held by KGFT, the request form (Annexure 1) must be completed and submitted to the DIO (details may be obtained from KGFT's PAIA Manual). The requester must also indicate if they would like a copy of the record or if they would like to inspect the record at KGFT's premises.

The DIO must assist the requester with the request for access to ensure that the request complies with the requirements of the Act. The DIO may not refuse the request if it is not fully or correctly completed. The DIO will notify the requester by means of a Notice of Procedural Deficiency of his or her intention to refuse the request. In such an event, the requester may then provide more detailed information regarding the request.

As required by the Act, an amount of R35.00 must accompany the request for information if it is not from a personal requester.

STEP 2: VALIDATION AND ACKNOWLEDGEMENT

The DIO receives and validates the request to ensure that the required information is available within KGFT. The request is then accepted or rejected. A request for access will be granted unless it may be deferred or may be refused on the basis of grounds for refusal, mentioned in Chapter 4 of Part 2 of the Act.

A notification will also be issued to inform the requester of: a request fee (if payable); the status of the request; as well as issue the requester with a request number.

STEP 3: INFORMATION PROCESSING

If the request is granted, KGFT will gather and prepare the information and calculate the relevant costs involved.

STEP 4: FINAL NOTIFICATION

The requester will be informed of the completion of the request as well as the outstanding fees payable to KGFT.

STEP 5: PAYMENT AND DELIVERY

Once the payment (as stipulated in Step 4) has been received (including payment process in Step 1), the information will be released to the requester.

7.3 General information

Requests for access to records held by KGFT in its capacity as a public body must only be made on the request form as prescribed by the Act, a copy of which is attached as Annexure 1.

The regulations and Section 18 of the Act require the requester to furnish the following information:

- Particulars of the person requesting access to the records;
- The form or manner of access sought as prescribed by section 29;
- The particulars of the record to which access is requested;
- Contact information of the requester (postal address/fax number/email address);
- Language specifications for the requested record;
- If the requester is asking for information on behalf of someone else, the capacity in which the request is being made should be indicated;
- Should the requester wish to be notified of the decision in any way, in addition to a written notification, for example by telephone, this must be indicated; and
- An indication as to how the requester wishes to be notified of the decision regarding the request for access to the record(s) concerned.

Requesters who cannot read or write may make oral requests to the DIO who must fill in the request form for the requester and furnish the requester with a copy;

KGFT will endeavour to give access in the form requested unless this would interfere with the smooth operations of KGFT. KGFT will also give consideration to the preservation of records and the infringement of copyright when processing is required. Access fees will be calculated according to the manner in which the requester originally asked for the record (Section 29(3) and (4)).

The requester must pay the prescribed fee before any processing may take place.

7.4. Request Considerations

7.4.1. GROUNDS FOR REFUSAL

The grounds of refusal are outlined in Part 2 of Chapter 4 of the PAIA and include mandatory protection of:

- Privacy of third party who is a natural person;
- Certain records of South African Revenue Service;

- Commercial information of a third party;
- Certain confidential information and other protection of certain other information, of third party;
- Safety of individuals, and protection of property;
- Records privileged from production in legal proceedings;
- Economic interests and financial welfare of the Republic and commercial activities of public bodies;
- Research information of third a party, and protection of research information of a public body;
- Certain information regarding the operations of public bodies; or
- Records of motivation for investment decisions.

KGFT may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

7.4.2. MANDATORY DISCLOSURE IN THE INTEREST OF THE PUBLIC

Despite any other provision in PAIA, the DIO must grant a request for access to a record of KGFT if the disclosure of the record would reveal evidence of:

- A substantial contravention of, or failure to comply with the law; or
- An imminent and serious public safety or environmental risk; and
- The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

7.4.3 PERIODS FOR DEALING WITH REQUESTS

KGFT will be entitled to 30 days to make a decision on a request. KGFT will notify the requester should an extension be sought, the reasons for such an extension as described in section 26(1) of the PAIA.

8. Payment Procedure

8.1. Prescribed Fees

The Act sets out two types of fees namely:

- A request fee, which is a standard fee payable only by non-personal requesters; and
- An access fee, which must be calculated by taking in to account reproduction costs, search and preparation time and costs as well as postal costs.

8.1.1. Request Fees

Every requester who is not a personal requester must pay the required request fee. The DIO must notify the requester of the requirements to pay the prescribed fee (if any) before processing the request as in section 22(1) of the Act. The request fee payable to KGFT is R35.00 and is payable on submission of each application. This amount is non-refundable.

8.1.2. Access Fees

An access fee shall be determined by the amount of records and the manner in which access is required. Request and Access fees are listed in **Annexure 2**, as prescribed by Gazette 23119 of 15 February 2002, Government Notice No. R.187.

8.2. Notification of Fees

The DIO must notify the requester (other than a personal requester) by notice, requiring the requester to pay the request fee (R35.00) before further processing the request. Once the DIO has made a decision on the request the requester will be notified of such a decision in the manner in which the requester wanted to be notified.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations, the DIO 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. The DIO shall withhold the record until the requester has paid the relevant fees.

If the request is granted, then a further access fee must be paid for the search, preparation and reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure including making arrangement to make it available in the requested form. If a deposit has been paid in respect of a request for access, which is refused, then the DIO must repay the deposit to the requester.

8.3. KGFT's Bank Account Details

Bank:

Account Type:

Account Number:

Branch Code:

Reference: PAIA Surname (of Requester).

The proof of the payment must be sent to the DIO before any request can be processed and also appear in KGFT's bank statement (contact details within KGFT manual). The proof of payment must accompany the request form (Annexure 1).

8.4. Exemptions Section 22(8)

A personal requester is not required to pay the request fee.

The following persons are exempt from paying access fees contemplated in Section 22(8) of the Act:

- A single person whose annual income, after permissible deductions, does not exceed R14 712 per annum; and
- Married persons or a person and his or her life partner whose annual income, after permissible deductions, does not exceed R27 192 per annum.

It is further determined that:

- o Where the cost of collecting any fee contemplated in Section 22 of the Act exceeds the amount charged, such fee shall not apply; and
- o The access fee contemplated in Section 22(8) of the Act shall not apply to the personal record of a requester.

The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or enquiry in terms of the provisions of the Maintenance Act No 99 of 1998 or the regulations made under section 44 of that Act.

9. Remedies Available, Section 14(1) (H)

9.1. Application to court

A requester (or a third party, if applicable) may seek relief from any court, with appropriate jurisdiction, in respect of the following decisions of the IO/ DIO:

- Refusal or partial refusal of the request for access;
- The amount of fees required to be paid;
- The extension for the period within which to deal with the request; or
- The form of access in which the information will be furnished.

All legal processes must be served on the IO/DIO who dealt with the request within 30 days.

10. Updating the Manual, Section 14 (2)

The manual will be updated within one year after publication or whenever changes to the information contained in the manual require an update.

11. Availability of the Manual, Section 14(3)

The Manual is available from the following places:

- KGFT Offices - during office hours 08:00 – 16:30
28th Floor, Old Mutual Building
303 Dr Pixley Kaseme (Old West) Street,
Durban
4000
- KGFT website at www.kzngrowthfund.co.za; and
- The South African Human Rights Commission (SAHRC)

12. Associated Annexures

Annexure 1: Record Request Form

Annexure 2: Fees Schedule

S Adam

I Abdoola

Information officer

Deputy Information Officer

Annexure 1 – Record Request Form

Formal Request Form for Documents not automatically available

Form A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:
Request received by

name and surname of information officer/deputy information officer on
(date) at (place)

Request fee (if any): R.....

Deposit (if any): R

Access fee: R.....

.....Signature of information officer/deputy
Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

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:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Names and Surname:

Identity number:

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*
- The requester must sign all the *additional* folios.**

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*

- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required:	
Mark the appropriate box with an X. NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc:			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			

	printed copy of record'		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.						
In which language would you prefer the record?						

G. Notice of decision regarding request for access

Requesters will be notified whether their request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at thisday of.....20

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE

Annexure 2 – Fees Schedule

SCHEDULE OF FEES
Fees in respect of Public Bodies

1. The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 7(1) are as follows:

	R	
(a) For every photocopy of an A4-size page or part thereof		0, 60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form		0, 40
(c) For a copy in a computer-readable form on -		
(i) Stiffy disc	5, 00	
Compact disc		40, 00
(d) (i) For a transcription of visual images, for an A4-size page or Part thereof		22, 00
(ii) For a copy of visual images	60, 00	
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof		12, 00
(ii) For a copy of an audio record		17, 00
3. The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) is R35, 00.
4. The access fees payable by a requester referred to in regulation 7(3) are as follows:

	R	
(1) (a) For every photocopy of an A4-size page or part thereof		0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form		0, 40
(c) For a copy in a computer-readable form on -		
(i) Stiffy disc	5, 00	
(ii) Compact disc		40, 00
(d) (i) For a transcription of visual images, For an A4-size page or part thereof		22, 00
(ii) For a copy of visual images	60, 00	
(e) (i) For a transcription of an audio record, For an A4-size page or part thereof		12, 00

(ii) For a copy of an audio record

17, 00

(f) To search for and prepare the record for disclosure R15, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

(2) For purposes of section 22(2) of the Act, the following applies:

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

(b) one third of the access fee is payable as a deposit by the requester.

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