



BAROQUE

Financial Services (Pty) Ltd

PAIA MANUAL

1. Introduction

The Promotion of Access to Information Act 2 of 2000 (PAIA) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. PAIA requires that the FSP must implement a manual in terms of Section 51 of the Act setting out the procedures to be followed to have access to information which procedures are set out in this manual.

Section 9 of PAIA recognises that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- The reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient, and good governance.

This Manual provides the necessary information for the Promotion of Access to Information Act No. 2 of 2002 (“Act”) to enable persons entitled to information (“you”) to gain access to information from Baroque Financial Services (Pty). Should a person having a right to the personal information, require access then access is allowed by following the procedures laid down by PAIA and as set out in this manual keeping in mind the Protection of Personal Information act, 4 of 2013 (POPIA).

2. Purpose

The Promotion of Access to Information Act No 2 of 2000, (“the Act”) came into operation on 9 March 2001. Section 51 of the Act requires that we, as a private body, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

This PAIA Manual is useful for the public to-

- Check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 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;
- Know the description of the records of the body which are available in accordance with any other legislation;
- 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;

3. Availability of the manual

The manual is made available in terms of PAIA and in terms of Section 4 of the Regulations to POPIA and can be obtained from:

- The website www.baroqueonline.com;
- By contacting the Information Officer at the contact details provided below. A fee will be levied if copies of the manual is required, refer to the section on fees;
- At the offices of the FSP for inspection during normal business hours at no cost.

4. Introduction to this Private Body

We are registered as a financial services provider with the FSCA, with registration number FSP74. Our primary business is to provide independent financial advice to clients. We do not form part of a group of companies

5. Key contact details for access to information

Name of Business:	Baroque Financial Services (Pty) Ltd
Company Type:	Private Company
Registration Number:	2001/029500/07
VAT Number:	4820181628
Director and Key Individual:	Gerhard Schutte
Information Officer:	Gerhard Schutte
Deputy Information Officer:	Gerise Schutte
Physical Address:	410 Cliff Avenue Waterkloof Ridge X 2 Pretoria 0181
Postal Address:	Postnet Suite 4 Private Bag X 25723 Monument Park 0105
Telephone:	012 347 3412
Email:	support@baroqueonline.com
Website:	www.baroqueonline.com

6. Guide by the South African Human Rights Commission

The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, in an easy comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

The South Africa Human Rights Commission PAIA Unit

Tel: +27 11 887 3600

Fax: +27 11 484 0582 / +27 11 403 0625

Web: www.sahrc.org.za

7. Subjects and categories on which records are held

Category of records	Types of records	Available on website	Available on request
Company records	Documents of Incorporation		X
	Memorandum and Articles of Association		X
	Register of Directors		X
	Shareholder agreements and certificates		X
	Licenses and authorisations		X
Corporate governance	Business agreements		X
	Legal records		X
	Management information		X
	Compliance records		X

	Risk management records		X
	Company policies		X
Financial records			
	Accounting records		X
	Auditor records		X
	Financial statements		X
	Financial and tax records		X
	Banking records		X
	Invoices		X
Human Resources/Employment			
	Employee personal information		X
	Employment agreements		X
	PAYE and commission records		X
	UIF records		X
	Payroll records		X
Operations			
	Insurance records		X
	Fees structures		X
	Proposal documents		X
	Client service offerings		X
	Client service agreements		X
	Client compliance records		X
	Client transactional records		X
	Training manuals		X
	Contracts with service providers		X
	Contracts with product providers		X
	Internal correspondence		X
Records in terms of legislation			
	Basic Conditions of Employment Act 75 of 1997		X
	Companies act 61 of 1973		X
	Financial Advisory and Intermediary Services Act 37 of 2002		X
	Financial Intelligence Centre Act 38 of 2001		X
	Medical Schemes Act 131 of 1998		X
	Value-added Tax Act 89 of 1991		X
	Income Tax Act 58 of 1991		X
	Protection of Personal Information Act 4 of 2013		X
	Promotion of Access to Information Act 2 of 2000		X

Note that although Baroque Financial Services used its best endeavours to provide a list of records, it may not be a complete or updated list due to constant changes in legislation or business operations. Kindly contact the Information Officer if you have any queries about records.

8. Access to the records held

Records held by Baroque will be accessed only once the prerequisite requirements for access have been met by a requester. A requester is any person making a request for access to a record of or held by Baroque Financial Services. There are two types of requesters:

Personal requester:

A personal requester is a person who is seeking access to records containing personal information about the requester. This information will voluntarily be provided or given access to any record about the requester's personal information.

Other requester:

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Baroque is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

9. Request procedure

1. A requester must complete the prescribed form, Annexure 1, the Request for Access to Information Form published on our website or available on request from the Information Officer at support@baroqueonline.com.
2. Submit the completed form to the Information Officer at the above email address, postal or physical address as stated at key contact details for access to information and pay the request fee where so advised.
3. If the request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
4. The requester must state that he/she requires the information to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

10. Decision

1. Baroque will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods could not be complied with.
2. The 30-day period stated above may be extended for a further period of not more than 30 days if the request is for a large amount of information. The Information Officer will notify the requester in writing should an extension be sought.
3. The requester will be informed in writing whether access has been granted or denied. If in addition, the requester requires the reasons for the decision in other manner, he must state the manner and the particulars so required.
4. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.
5. Where applicable, the requester must pay the prescribed fee before any further processing can take place.
6. If the requester is dissatisfied with an Information officer's refusal to disclose information or the disclosed information, he/she may apply to the Constitutional Court, the High Court, or another court of similar status for relief.

11. Grounds for refusal

We might legitimately refuse to grant you access to a requested record (if the information does not hide a substantial breach of the law, or a public safety or environmental risk) that falls within any of the following grounds:

- We are protecting personal information that we hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- We are protecting commercial information that we hold about a third party (for example trade secrets, financial, commercial, scientific or technical information where disclosure may harm the commercial or financial interests of that third party);
- The disclosure of the record would result in a breach of duty of confidence owed to a third party in terms of an agreement;
- The disclosure of the record would endanger the life or physical safety of an individual;
- The disclosure of the record would prejudice or impair the security of property or means of transport;
- The disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- The disclosure of the record would prejudice or impair the protection of the safety of the public;

- The record is privileged from production in legal proceedings, and the person entitled to legal privilege has not waived the privilege;
- The disclosure of the record (where the record contains trade secrets, financial, commercial, scientific, or technical information) would harm our commercial or financial interests;
- The disclosure of the record would put us at a disadvantage in contractual or other negotiations or prejudice us in commercial competition;
- The record is a computer program; and
- The disclosure of the record (where the record contains information about research being carried out ought to be carried out by or on behalf of us or a third party) would expose us, the third party, the person carrying out the research or this subject matter of the research itself to serious disadvantage.

12. Records that cannot be found or do not exist

If we have searched for a record and it is believed that the record either does not exist or cannot be found, you will be notified by way of an affidavit or affirmation of this fact. We will include information regarding the steps that were taken to try to locate the record.

13. Third party information

If access is requested to a record that contains information about a third party, you must provide specific written consent of the third party or show that you require the information to exercise or predict a right. We are obliged to attempt to contact the third party to inform them of your request. This enables the third party the opportunity to respond by either consenting to the access or by providing reasons why access should be denied. In the event of the third-party furnishing reasons for the denial of access, we will consider these reasons in determining whether access should be granted or not and advise you accordingly.

14. List of fees payable

The Promotion of Access to Information Act 2 of 2000 provides for two types of fees:

1 Request fee: a standard administration fee paid by all requesters except personal requesters. This is not refundable.

2 Access fee: paid by all requesters intended to reimburse the institution for costs involved in searching for a record and preparing it for delivery to the requester. This fee is calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

The following fees are payable in respect of Private Bodies (other than personal requests) in terms of Part III of the PAIA Regulations published in the Government Gazette:

General	
An upfront request fee before a request will be processed in terms of Regulation 11(2)	R50.00
Fees for the manual as contemplated in Regulation 9(2)(c) payable for every photocopy of an A4-size page or part thereof	R1.10
Reproduction fees (referred to in Regulation 11 (1) are as follows:	
Every photocopy of n A4-size page or part thereof	R1.10
Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Computer-readable form on: <ul style="list-style-type: none"> • Stiffy disc • Compact disk 	R7.50 R70.00
Visual images: <ul style="list-style-type: none"> • For a transcription of visual images, for an A4-size page or part thereof • For a copy of visual images 	R40.00 R60.00
Audio records: <ul style="list-style-type: none"> • For a transcription of an audio record, for an A4-size page or part thereof • For a copy of the audio record 	R20.00 R30.00
Access fees (referred to in Regulation 11(3) are as follows:	
Every photocopy of an A4-size page or part thereof	R1.10

Every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Computer-readable form on: <ul style="list-style-type: none"> Stiffy disc Compact disk 	R7.50 R70.00
Visual images: <ul style="list-style-type: none"> For a transcription of visual images, for an A4-size page or part thereof For a copy of visual images 	R40.00 R60.00
Audio records: <ul style="list-style-type: none"> For a transcription of an audio record, for an A4-size page or part thereof For a copy of the audio record 	R20.00 R30.00
To search for and prepare the record for disclosure, the fee of each hour or part of an hour reasonably required for such search and preparation	R30.00
For purposes of section 54(2), the following applies: <ul style="list-style-type: none"> 6 hours as the hours to be exceeded before a deposit is payable 1/3rd of the access fee is payable as a deposit by the requester 	
Actual postage is payable when a copy of a record must be posted to the requester	

15. Other information as may be prescribed

The Minister of Justice and Constitutional Development has not made any regulations as to prescribed information in terms of this section of the Act.

16. Availability of the material

This manual is available to inspect at our offices free of charge and on our website

17. Document Information

Approved by:	Executive Management/Key Individual
Effective Date:	10/05/2021
Review Frequency:	Annually

18. Document History

Date:	Version:	Comment:
10/05/2021	V2021	Accepted and implemented
02/02/2022	V2022	Accepted and implemented