



westbrooke

Alternative Asset Management

Westbrooke Alternative Asset Management (Pty) Ltd PAIA Manual

MANUAL PREPARED FOR the FSP **WESTBROOKE ALTERNATIVE ASSET MANAGEMENT (PTY) LTD** (Company Reg.: **2009/020622/07**, FSP License Number 46750- Category 2A), FSP **WESTBROOKE ALTERNATIVE RENTAL INCOME ASSETS LIMITED** (Company Reg.: **2014/209997/06**, FSP License Number 45753 - Category 2), FSP **WESTBROOKE CAPITAL HOSPITALITY** (Company Reg.: **2015/128313/06**, FSP License Number 46462 - Category 2), HEREAFTER REFERRED TO AS **WESTBROOKE ALTERNATIVE ASSET MANAGEMENT (PTY) LTD**, IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NUMBER 2 OF 2000

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1. INTRODUCTION

The Promotion of Access to Information Act ("the Act") was enacted to give effect to the constitutional right of access to information, held by any public or private body, which is required for the exercise or protection of any rights. The Act sets out procedures to be followed when

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Westbrooke Alternative Asset Management (Pty) Ltd [reg no](#) 2009/020622/07

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requesting information, after which the requested information must be released, unless the Act specifically provides that it is privileged.

The manual is designed to assist potential requesters with the procedure to be followed when requesting information from The FSP, as contemplated in the Act. It may be amended from time to time, and such amendments will be published.

The FSP **46750** is a Financial Services Board authorised Financial Services Provider. In terms of the FAIS Act the company carries the license number 46750. The FSP **45753** is a Financial Services Board authorised Financial Services Provider. In terms of the FAIS Act the company carries the license number 45753. The FSP **46462** is a Financial Services Board authorised Financial Services Provider. In terms of the FAIS Act the company carries the license number 46462.

The Company focuses on the management of private equity investments.

2. CONTACT DETAILS

Name of Company:

The FSP 46750 – WESTBROOKE ALTERNATIVE ASSET MANAGEMENT (PTY) LTD
The FSP 45753 – WESTBROOKE ALTERNATIVE RENTAL INCOME ASSETS LIMITED
The FSP 46462 – WESTBROOKE CAPITAL HOSPITALITY LTD

Physical Address

CAPRICORN HOUSE
32 IMPALA ROAD
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2196

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2010

Telephone Number:

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Website Address:



WWW.WESTBROOKE.CO.ZA

3. DESCRIPTION OF GUIDE IN TERMS OF SECTION 10 OF THE ACT

In terms of section 10 of the Act, a guide will be compiled by the South African Human Rights Commission ("the SAHRC") containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The contact details of the SAHRC are as follows:

Address:	PAIA Unit The Research and Documentation Department Private Bag 2700 Houghton 2041
Telephone Number:	+27 11 484 8300
Fax Number:	+27 11 484 0582
Email Address:	PAIA@sahrc.org.za
Website Address:	www.sahrc.org.za

4. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

The FSP keeps records in accordance with other legislation including, but not limited to, the following:

Financial Intelligence Centre Act (38 of 2001)
Financial Advisory and Intermediary Services Act (37 of 2002)

A FULL LIST IS AVAILABLE IN APPENDIX C attached to the Manual.

5. DETAILS OF RECORDS HELD BY THE FSP

The following records are held by the FSP:

Operational Information

- internal phone and address lists
- statutory company documentation and returns to appropriate authorities
- financial records, including audited statements and invoices
- employee records
- computer software & licences
- records relating to insurance, contracts for the supply of services, leases etc.



Communications

- internal memoranda
- external correspondence with clients

Other sources of information

- client files including mandates
- research conducted

6. AVAILABILITY OF THE MANUAL

This manual is available as follows:

- In hard copy, to be viewed free of charge at the offices of the FSP;
- At the offices of the SAHRC;
- On the FSP website.

7. REQUESTS FOR INFORMATION

Any request must be made on the prescribed form to the postal or email address of the FSP, and must include:

- the prescribed fees, which are available on the SAHRC's website (www.sahrc.org.za) or the Department of Justice and Constitutional development's website (www.doj.gov.za);
- particulars of the requester, or if the request is made on behalf of another person, proof of the capacity in which the requester is making the request;
- the postal address or email address of the requester;
- a description of the information required;
- an indication of what form of access is required;
- identification of the right the requester is seeking to protect or exercise; and
- An explanation of why the requested information is required for the protection or exercise of that right.

Records are held on the following subjects:

- Client-related records
- Personnel records
- Company record
- Records in the possession of, or pertaining to other parties.

Client-related records



A client includes any natural or juristic entity, who receives services from the company. Client-related information includes the following:

Company and Trust Client:

- Statutory documents
- Trust documents
- Selected Investment information
- Taxation information

Individual Client records:

- Personal details
- Selected Investment information
- Taxation information
- Correspondence

Personnel Records:

Personnel refers to any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

- Personal Records
- Conditions of employment
- Evaluation records
- Correspondence
- Training Material

Company Records:

- Operational records
- Databases
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

(These records include, but are not limited to, records pertaining to the company's own affairs.)



Other parties:

The company may possess records pertaining to other parties, including and without limitation: contractors, suppliers, subsidiary/holding/sister companies, joint venture companies and service providers. Alternatively, such other parties may possess records, which can be said to belong to the company.

The following records fall under this category:

- Personnel, client or company records which are held by another party as opposed to being held by the company
- Records held by the company pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

All The FSP clients are allowed to access their own information without having to go through this formal information request process. All clients should contact their adviser to access their information.

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

Failure to fully complete the prescribed form will result in delaying the process while the company requests further information.

Contact details:

The Compliance Officer
Jan H Scholtz



Tel 0861 273 783
jan@compliserve.co.za

APPENDIX 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

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:

APPENDIX 2

APPLICABLE PAIA FEES

The request fee payable by a requester, other than a personal requester R 50,00

The access fees payable by a requester are as follows: For every photocopy of an A4-size page or part thereof R 1,10

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0,75

For a copy on compact disc or DVD R 70,00

For a copy in a computer-readable form on compact disc or DVD R 70,00

To search for and prepare the requested record, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for search and preparation.

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

One third of the access fee is payable as a deposit by the requester.

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



Appendix C

LIST OF APPLICABLE LEGISLATION, REGULATIONS, CODES, STANDARDS, RULES, DIRECTIVES, CHARTERS, CIRCULARS AND NOTES

Investment Management, advice and administration

- 7. Financial Advisory and Intermediary Services Act 37 of 2002
- 9. Financial Intelligence Centre Act 38 of 2001
- 10. Financial Services Board Act 97 of 1990
- 11. Financial Services Ombud Schemes Act 37 of 2004
- 12. FSB Directives and Circulars (Not legislation)
- [13. FSB Pension Fund Directives]
- 14. Inspection of Financial Institutions Act 80 of 1998
- [19. Pensions Funds Act 24 of 1956]

Banking and Exchange Control

- 24. Currencies and Exchanges Act 9 of 1993
- 25. Exchange Control Regulations of 1961

Employer-Employee

- 26. Basic Conditions of Employment Act 57 of 1997
- 28. Employment Equity Act 55 of 1998
- 29. Labour Relations Act 66 of 1995
- 30. Occupational Health and Safety Act 85 of 1993
- 31. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 32. Protected Disclosures Act 26 of 2000
- 33. Skills Development Act 97 of 1998
- 34. Skills Development Levy Act 9 of 1999
- 35. Unemployment Insurance Act 63 of 2001
- 36. Unemployment Insurance Contributions Act 4 of 2002



Revenue

- 38. Income Tax Act 58 of 1962
- 39. SARS Director Circulars and Notes
- 40. Securities Transfer Tax Act 25 of 2007
- 41. Securities Transfer Tax Administration Act 26 of 2007
- 42. Value Added Tax Act 89 of 1991

General

- 43. Broad-based Black Economic Empowerment Act 53 of 2003 and Financial Services Charter
- 44. Companies Act 71 of 2008
- 45. Competitions Act 89 of 1998
- 46. Constitution of RSA Act 108 of 1996
- 47. Consumer Affairs (Unfair Business Practices) Act 71 of 1988
- 48. Consumer Protection Act 68 of 2008
- 49. Copyright Act 98 of 1978
- 50. Electronic Communications and Transactions Act 25 of 2002
- 51. Insolvency Act 24 of 1936
- 52. King Code of Conduct for Corporate Governance (not legislation)
- 54. Prevention and Combating of Corrupt Activities Act 12 of 2004
- 55. National Credit Act 34 of 2005
- 56. Prevention of Organised Crime Act 121 of 1998
- 57. Promotion of Access to Information Act 2 of 2000
- 58. Promotion of Administrative Justice Act 3 of 2000
- 59. Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- 60. Protection of Personal Information Bill
- 61. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- 62. Trade Marks Act 194 of 1993

Offshore

- 63. Foreign Account Tax Compliance Act (FATCA)
- 64. Financial Services Authority Handbook
- 65. GFSC Handbook for Financial Services Businesses on Countering Financial Crime and Terrorist Financing
- [66. The Protection of Investors (Bailiwick of Guernsey) Law, 1987]
- [67. UK Bribery Act 2010]