



**Omega Capital**  
LIFE • MONEY • BALANCE

**OMEGA CAPITAL (PTY) LTD**

**FSP No. 17311**

**INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT 20 OF 2000  
("THE ACT") FOR**

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## **1. INTRODUCTION TO PAIA**

The Promotion of Access to Information Act, 2 of 2000 (“the PAIA Act”) was enacted on the 3rd February 2000. The Act gives effect to the constitutional right of access to information [whether held by the State or by any other person] provided that the information is required for the exercise or protection of any right/s.

Where a request is made to a body in terms of this Act, such body is obliged to release the information, except where the Act expressly provides otherwise. The Act contains requisite procedural issues attached to such request.

This PAIA Manual is useful for the public to-

- 1.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 1.2 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;
- 1.3 know the description of the records of the body which are available in accordance with any other legislation;
- 1.4 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;
- 1.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 1.6 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;
- 1.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 1.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 1.9 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
- 1.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## **2. INTRODUCTION TO OMEGA CAPITAL**

Omega Capital (Pty) Ltd (“Omega Capital”) is a private body as defined by PAIA and is an

authorized financial services provider (FSB No: 17311) that provides financial advice and renders intermediary services to clients on financial products under a license in terms of the Financial Advisory and Intermediary Services Act, 37 of 2002.

This manual is required in terms of PAIA and outlines the categories of records held by Omega Capital and the procedures that need to be followed to request access to such records.

### **3. CONTACT DETAILS:**

#### **INFORMATION OFFICER**

**Designated Person:** Natasha Bailanis

**Physical Address:** Oxford & Glenhove  
Building 2  
1<sup>st</sup> Floor  
114 Oxford Road  
Rosebank  
2196

**Postal Address:** PO Box 2463  
Saxonwold  
2132

**Tel. Number:** 011 447 4801

**Email Address:** administrators@omegacapital.co.za

#### **OMEGA CAPITAL (PTY) Ltd**

**Physical Address:** Oxford & Glenhove  
Building 2  
1<sup>st</sup> Floor  
114 Oxford Road  
Rosebank  
2196

**Postal Address:** PO Box 2463  
Saxonwold  
2132

**Tel Number:** 011 447 4801

**Email Address:** administrators@omegacapital.co.za

## 4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. 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.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;

4.3.3. the manner and form of a request for-

4.3.3.1. access to a record of a public body contemplated in section 113; and

4.3.3.2. access to a record of a private body contemplated in section 504;

4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

4.3.6. 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-

4.3.6.1. an internal appeal;

4.3.6.2. a complaint to the Regulator; and

4.3.6.3. 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;

4.3.7. the provisions of sections 145 and 516 requiring a public body and private body,

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

a) *that record is required for the exercise or protection of any rights;*

b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*

c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 157 and 528 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 4.3.9. the notices issued in terms of sections 229 and 5410 regarding fees to be paid in relation to requests for access; and
  - 4.3.10. the regulations made in terms of section 9211.
- 4.4. Members of the public can inspect or make copies of the Guide from Omega Capital's offices, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
  - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- 4.6.1 Afrikaans and Zulu

## **5. NOTICE IN TERMS OF SECTION 52(2) (section 51(1)(b)(ii))**

Omega Capital has not published a notice in terms of section 52(2).

## **6. DESCRIPTION OF RECORDS THAT ARE AVAILABLE (section 51(1)(b)(iii))**

Omega Capital has records available in terms of the following legislation:

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<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

- Basic conditions of employment Act No.75 of 1997
- Occupational Health and Safety Act 85 OF 1993
- Labour Relations Act 66 of 1995
- Collective investment Schemes Control Act No. 45 of 2002
- Companies Act No. 61 of 1973
- Electronic Communications and Transactions Act 25 of 2002
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Long-Term Insurance Act No. 52 of 1998
- Medical Schemes Act 131 of 1998
- Prevention of Organized Crime Act No. 121 of 1998
- Skills Development Levies Act No. 9 of 1999
- Promotion of Access to Information Act 2 of 2000
- Skills Development Levies Act 9 of 1999
- The Protection of Personal Information Act 4 of 2013
- Unemployment Insurance Act 63 of 2001

## **7. DESCRIPTION OF AVAILABLE RECORDS (section 51(1)(b)(iv))**

Omega Capital has the following records:

### **Communication:**

- Public Product Information
- Media Releases
- Promotion of Access to Information Act Manual
- Internal and external correspondence
- Financial Information

### **Financial Statements:**

- Financial and Tax Records (Company & Employees)
- Asset Register & Insurance information
- Banking details
- Human Resources

### **Employee Records:**

- Employment Contracts
- Personnel Guidelines, Policies and Procedures

### **Operational Information:**

- Director information
- Client Information
- General Contract Documentation
- Company Guidelines, Policies and Procedures
- Trade Marks
- Statutory Records
- General Operational Information

### **Website:**

- Organisational structure
- Organisation and personal profiles
- News and Publications

## **8. ACCESS TO RECORDS HELD BY OMEGA CAPITAL**

Any person requesting access to Omega Capital's records must follow the following procedure:

1. The requester must use the prescribed form to make the request for access to a record and include the date of submission. This must be addressed to the designated person listed under "contact details" as point 3 above. The requested can be posted or emailed.
2. The requester must provide sufficient detail on the request form to enable the designated person to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
3. The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of right.
4. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
5. The Information Officer will process the request within 30 (thirty) days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
6. The requester will be informed in writing whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.
7. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
8. The application form is attached hereto.
9. The completed form must be accompanied by proof of payment of the prescribed application fee (Annexure B), as described below.
10. Upon receipt of the application form and proof of payment, as aforesaid, the Information Officer will consider the request. If the request is approved, the Information Officer will provide the applicant with a summary of fees payable in respect of the application. Upon receipt of payment the requested information will be supplied.
11. In the event of the application being denied, the Information Officer will inform the applicant and provide reasons for the decision.

## **9. PROTECTION OF PERSONAL INFORMATION ACT, 2013 (section 51(1)(c)(i-iv))**



1. In terms of the Protection of Personal Information Act, 2013, Omega Capital is required to detail how and what personal information it processes. The details of this is available on Omega Capital's website under the POPIA Policy.

## **10. INFORMATION SECURITY (section 51(1)(c)(v))**

1. Omega Capital is committed to ensuring that your personal information is secure. In order to prevent unauthorised access or disclosure to such information, Omega Capital has put in place appropriate physical, electronic and managerial procedures to safeguard and secure the information we collect.
2. We may disclose personal information we collected to our shareholders, any of our associate entities or third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions. We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.
3. Omega Capital secures its data by maintaining reasonable measures to protect personal information from loss or misuse and unauthorised access, disclosure, alteration, and destruction.
4. Omega Capital also takes reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

## **11. FEES**

1. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
2. The fees applicable to an application for information shall be as per the prescribed fees. A schedule of these fees is attached hereto as Annexure B. The schedule attached is subject to change in accordance with changes to the prescribed fees. The Information Officer of Omega Capital must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
3. The Application fee that the requester must pay in respect of each application for information is R50. Proof of payment of the said fee must accompany the completed application form.
4. The Information Officer shall withhold a record until a requester has paid the fees as indicated in Annexure B.
5. A requester whose request for access has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the required form.
6. Where a deposit has been paid in respect of a request for access, which is subsequently refused, then the information officer concerned shall refund the deposit to the requester.

## 12. GROUNDS FOR REFUSAL (section 55 and Chapter 4)

1. The main grounds for Omega Capital to refuse a request for information relates to the –
  - a) records that cannot be found or that do not exist
  - b) mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
  - c) mandatory protection of the commercial information of a third party, if the record contains trade secrets of that third party; financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - d) information disclosed in confidence by a third party to Omega Capital, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
  - e) mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
  - f) mandatory protection of the safety of individuals and the protection of property;
  - g) mandatory protection of records which would be regarded as privileged in legal proceedings;
  - h) the commercial activities of Omega Capital, which may include –
    - trade secrets of Omega Capital;
    - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Omega Capital;
    - information which, if disclosed could put Omega Capital at a disadvantage in negotiations or commercial competition;
    - a computer program which is owned by Omega Capital, and which is protected by copyright.
  - i) the research information of Omega Capital or a third party, if its disclosure would disclose the identity of Omega Capital, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
  - j) requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **13. REMEDIES AVAILABLE WHEN OMEGA CAPITAL REFUSES A REQUEST FOR INFORMATION (section 77A)**

### **1. INTERNAL REMEDIES (section 77A(1))**

Omega Capital does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer.

### **2. EXTERNAL REMEDIES (section 77A(2))**

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 180 days of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator.

Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 180 days of notification of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

## **14. AVAILABILITY OF THE PAIA MANUAL**

1. This manual is available, free of charge, for inspection at the offices of Omega Capital (details of which can be found under 'contact details' on page 3 above).
2. This manual is available to the Information Regulator upon request.
3. This PAIA Manual may be updated by Omega Capital from time to time.
4. There are additional supporting documentation that is aligned to this PAIA Manual which can be provided on request.

Issued by :



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Natasha Bailanis  
Information Officer – Omega Capital

**ANNEXURE B  
FEES**

**Fees in Respect of Public Bodies**

Item	Description	Amount
1.	The request fee payable by every requester	R100.00
2.	Photocopy of A4-size page	R1.50 per page or part thereof.
3.	Printed copy of A4-size page	R1.50 per page or part thereof.
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc <ul style="list-style-type: none"> <li>• If provided by requestor</li> <li>• If provided to the requestor</li> </ul>	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on:	

Item	Description	Amount
	(i) Flash drive (to be provided by requestor)	R40.00
	(ii) Compact disc <ul style="list-style-type: none"> <li>• If provided by requestor</li> <li>• If provided to the requestor</li> </ul>	R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100.00 R300.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

**Fees in Respect of Private Bodies**

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requestor) (iv) Compact disc <ul style="list-style-type: none"> <li>• If provided by requestor</li> <li>• If provided to the requestor</li> </ul>	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc <ul style="list-style-type: none"> <li>• If provided by requestor</li> <li>• If provided to the requestor</li> </ul>	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."