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M A N U A L

IN ACCORDANCE WITH

**THE PROMOTION OF ACCESS TO
INFORMATION ACT (NO. 2 OF 2000)**



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

INDEX

Company Name	Gazette No.	Date	Page No.
Khula Enterprise Finance Limited, and its wholly owned trading subsidiaries	26835	01-10-2004	3



**MANUAL IN TERMS OF
SECTION 51
OF THE
PROMOTION OF
ACCESS TO
INFORMATION ACT,
ACT NUMBER 2 OF 2000**

SECTION 51 MANUAL FOR KHULA ENTERPRISE FINANCE LIMITED, REGISTRATION NUMBER 1995/011258/06, AND ITS WHOLLY OWNED TRADING SUBSIDIARIES:-

- 1) KHULA CREDIT GUARANTEE LIMITED, REGISTRATION NUMBER 1987/001736/06;
- 2) KHULA INSTITUTIONAL SUPPORT SERVICES (ASSOCIATION INCORPORATED UNDER SECTION 21), REGISTRATION NUMBER 1997/021917/08;
- 3) NEW CAPE REGIONAL EQUITY FUND (PTY) LIMITED, REGISTRATION NUMBER 1998/011536/07;
- 4) KHULA LAND REFORM EMPOWERMENT FACILITY (ASSOCIATION INCORPORATED UNDER SECTION 21), REGISTRATION NUMBER 2003/014636/08; AND
- 5) KHULA BUSINESS PREMISES (PTY) LIMITED, REGISTRATION NUMBER 2003/002883/07,

(hereinafter collectively referred to as "Khula")

A. CONTENTS

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]
2. The section 10 Guide on how to use the Act [Section 51(1)(b)]
3. Records available in terms of any other legislation [Section 51(1)(d)]
4. Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]
 - i. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]
 - ii. Records that may be requested [Section 51(1)(e)]
 - iii. The request procedures
5. Other information as may be prescribed [Section 51(1)(f)]
6. Availability of the manual [Section 51(3)]

INTRODUCTION TO KHULA ENTERPRISE FINANCE LIMITED ("KHULA")

Khula's main objective is to provide support to existing and new Retail Financial Intermediaries (RFIs) through capacity building support, loan financing, credit guarantee schemes and equity.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**1. Contact details [Section 51(1)(a)]****Postal address:**

P O Box 4197, Rivonia, 2128

Street address:

7 Mellis Road, Mellis Park, Bradenham Hall, Rivonia Ext. 20

Telephone number:

011-807 8464

Fax number:

011-807 8471

E-mail address of the Managing Director of Khula:

xolas@khula.org.za

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2004. Please direct any queries to:

The South African Human Rights Commission:**PAIA Unit****The Research and Documentation Department**

Postal address: Private Bag 2700

Houghton

2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. Records available in terms of any other legislation [Section 51(1)(d)]

- 3.1 Arbitration Act No. 42 of 1965;
- 3.2 Basic Conditions of Employment No. 75 of 1997;
- 3.3 Closed Corporations Act No. 69 of 1984;
- 3.4 Companies Act No. 61 of 1973;
- 3.5 Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993;
- 3.6 Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988;
- 3.7 Copyright Act No. 98 of 1978;
- 3.8 Credit Agreements Act No. 75 of 1980;
- 3.9 Currency and Exchanges Act No. 9 of 1933;
- 3.10 Debtor Collectors Act No. 114 of 1998;
- 3.11 Employment Equity Act No. 55 of 1998;
- 3.12 Finance Act No. 35 of 2000;
- 3.13 Financial Services Board Act No. 97 of 1990;
- 3.14 Financial Relations Act No. 65 of 1976;
- 3.15 Harmful Business Practices Act No. 23 of 1999;
- 3.16 Income Tax Act No. 95 of 1967;
- 3.17 Insolvency Act No. 24 of 1936;
- 3.18 Insurance Act No. 27 of 1943;
- 3.19 Intellectual Property Laws Amendments Act No. 38 of 1997;
- 3.20 Labour Relations Act No. 66 of 1995;
- 3.21 Long Term Insurance Act No. 52 of 1998;
- 3.22 Medical Schemes Act No. 131 of 1998;
- 3.23 Occupational Health & Safety Act No. 85 of 1993;
- 3.24 Pension Funds Act No. 24 of 1956;
- 3.25 Post Office Act No. 44 of 1958;
- 3.26 Regional Services Councils Act No. 109 of 1985;
- 3.27 SA Reserve Bank Act No. 90 of 1989;
- 3.28 Short Term Insurance Act No. 53 of 1998;
- 3.29 Skills Development Levies Act No. 9 of 1999;
- 3.30 Skills Development Act No. 97 of 1998;
- 3.31 Stamp Duties Act No. 77 of 1968;
- 3.32 Stock Exchange Control Act No. 1 of 1985;
- 3.33 Tax on Retirement Funds Act No. 38 of 1996;
- 3.34 Trade Marks Act No. 194 of 1993;
- 3.35 Unemployment Contributions Act No. 4 of 2002;
- 3.36 Unemployment Insurance Act No. 63 of 2001;
- 3.37 Usury Act No. 73 of 1968; and
- 3.38 Value Added Tax Act No. 89 of 1991.

4. Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]**i. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]**

- Pamphlets relating to Khula's services and products
- Annual Reports
- Internet web page

ii. **Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed [Section 51(1)(e)]**

Administration:

- Minutes of management meetings
- Minutes of staff meetings
- Internal correspondence, marked not privileged and not confidential

Human Resources:

- Staff recruitment policies
- Employment contracts
- Remuneration records and policies
- Training records

Operations:

1) Emerging Markets:

- **RETAIL FINANCIAL INTERMEDIARIES ("RFIs")**
 - a) Clients registry in respect of Retail Financial Intermediaries ("RFIs");
 - b) Credit applications in respect of Retail Financial Intermediaries ("RFIs");
- **MICRO-CREDIT OUTLETS ("MCOs")**
 - a) Clients registry in respect of Micro-Credit Outlets ("MCOs");
 - b) Credit applications in respect of Micro-Credit Outlets ("MCOs");

2) Mature Markets:

- **CREDIT GUARANTEES**
 - a) Clients registry in respect of Credit Guarantees;
 - b) Credit applications in respect of Credit Guarantees;
- **EQUITY FUNDS**
 - a) Clients registry in respect of Equity Funds;
 - b) Credit applications in respect of Equity Funds;

3) Land Reform Empowerment Facility ("LREF"):

- a) Clients registry in respect of the Land Reform Empowerment Facility ("LREF"); and
- b) Credit applications in respect of the Land Reform Empowerment Facility ("LREF");

4) Khula Business Premises:

- a) Clients registry in respect of Khula Business Premises; and
- b) Sales records in respect of Khula Business Premises;

ACTIVITIES:

- 5) Thuso Mentorship Programme
- 6) Marketing
- 7) Risk Management

Finances:

- Financial statements
- Annual financial statements
- Assets inventory

Other:

None

iii. **The request procedures****Form of request:**

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body 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 [s 53(2)(a) and (b) and (c)].
- 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 that right [s 53(2)(d)].
- If a request is made on behalf of a 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 [s 53(2)(f)].

Fees:

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:

- The head of the private body 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 [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

5. **Other information as may be prescribed** [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. **Availability of the manual** [Section 51(3)]

The manual is also available for inspection at the offices of Khula (free of charge); and copies are available with the SAHRC, in the Gazette and on the private body's website:
<http://www.khula.org.za>.

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