

**NESSMARK CC  
CK1999/019727/23**

**Trading as:**

**MW WEALTH**

**SECTION 51 MANUAL**

**in terms of**

**The Promotion of Access to Information Act**

**2/2000**

**(the "ACT")**

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### 1. INTRODUCTION

Nessmark CC t/as MW WEALTH conducts business as a Wealth Management Advisory Brokerage. We are an Authorized Financial Service Provider in terms of the Financial Advisory & Intermediary Service Act. Our license number is FSP10049. Nessmark CC formed in 2004 as an independent investment advice business and trades as MW Wealth.

As a private body we have compiled this manual to comply with the provisions of the Act in terms of section 54 and with the provisions of the Protection of Information Act (POPI) No 4 of 2013.

This manual is a guide to provide information about this private body, what information we hold and why and how to access the information.

### 2. COMPANY CONTACT DETAILS

Name of Private Body:	Nessmark CC
Registration number:	CK99/019727/23
Registered Address:	Suite 3B, Bld 3, Tre Mondri Park 2 Niblick Way, Somerset West, 7130
Postal Address:	P O Box, Helderberg, 7135
Telephone no:	(021) 205 1133
Fax no:	086 682 1080
Email Address:	<a href="mailto:info@mwwwealth.co.za">info@mwwwealth.co.za</a>
Website:	<a href="http://www.mwwwealth.co.za">www.mwwwealth.co.za</a>
Head/CEO:	Mr MA Williams
Designated Information Officer:	Mr MA Williams
Postal Address:	P O Box 5096, Helderberg, 7135
Street Address:	4 Lanner Close Erinvale, Somerset West, 7130
Deputy Information Officer:	Mrs VC Williams
Email Address of Deputy Officer:	<a href="mailto:vanessa@mwwwealth.co.za">vanessa@mwwwealth.co.za</a>

### **3. THE ACT**

- 3.1** The ACT grants a requester access to records of the private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7.
- 3.3** Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The contact details of the Commission are:

Street Address: 27 Stiemans Street, Braamfontein  
Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11- 877 3600  
Fax Number: +27-11- 403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### **4. APPLICABLE LEGISLATION**

<b><u>No</u></b>	<b><u>Ref</u></b>	<b><u>Act</u></b>
1	No 69 of 1984	Close Corporations Act
2	No 38 of 2001	Financial Intelligence Act
3	No 95 of 1967	Income Tax Act
4	No 66 of 1995	Labour Relations Act
5	No 89 of 1991	Value Added Tax Act
6	No 37 of 2002	Financial Advisory and Intermediary Services Act
7	No 75 of 1997	Basic Conditions of Employment Act
8	No 25 of 2002	Electronic Communications and Transactions Act
9	No 2 of 2000	Promotion of Access of Information Act
10	No 30 of 1996	Unemployment Insurance Act
11	No 52 of 1998	Long Term Insurance Act
12	No 9 of 1999	Skills Development Levies Act
13	No 97 of 1998	Skills Development Act
14	No 85 of 1993	Occupational Health and Safety Act
15	No 4 of 2013	Promotion of Information Act

## **5. ACCESS TO RECORDS AND AVAILABILITY**

The head of MW WEALTH

(a) must, during office hours and upon request, make available for public inspection a copy of the manual.

(b) may not charge a fee for a public inspection referred to in paragraph (a); and

(c) may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph(a), charge the fee prescribed in Item 1 of Part III of Annexure A and the actual postage if a copy must be posted.”.

### **Categories of Records held by Nessmark CC**

#### **COMPANIES ACT RECORDS**

1. Documents of incorporation
2. Amended Founding Statement
3. Minutes of members meetings
4. Records relating to the appointment of members/accounting officers/secretary/public officers and other.
5. Members Register and other statutory registers

#### **FINANCIAL RECORDS**

1. Annual Financial Statements
2. Tax Returns
3. Accounting Records
4. Banking Records
5. Bank Statements
6. Paid Cheques
7. Electronic banking records
8. Asset Register
9. Rental Agreements
10. Invoices

#### **INCOME TAX RECORDS**

1. PAYE Records
2. Documents issued to employees for income tax purposes
3. Records of payments made to SARS on behalf of employees
4. All other statutory compliances:
  - o VAT
  - o Skills Development Levies
  - o UIF
  - o Workmen’s Compensation

## **PERSONNEL DOCUMENTS AND RECORDS**

1. Employment contracts
2. Disciplinary records
3. Salary records
4. SETA records – if applicable
5. Leave records
6. Training records

## **SUBJECTS ON WHICH RECORDS ARE KEPT ON BEHALF OF CLIENTS (DATA SUBJECTS)**

- Personal identification
- Contact & address information
- Bank & Investment information
- Tax details
- Beneficiary details
- Income and Employment Information

The purpose for collecting this information is to enable the business to provide services as requested by the data subject. The data subject consents to the collection and processing of the information and the transfer of their information to product and service providers for the purpose of identifying suitable investment advice and suitable investment products. Nessmark CC aims at a target market of middle to high income net worth individuals. Recipients of the data subject's information are product providers. Should the data subject require offshore investments there will be a transborder flow of the data subject's information.

Nessmark CC will implement security measures and do what is reasonably possible to safeguard the information it holds on behalf of third parties/clients.

## **6. DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51 (E)**

The requester must complete Form C and submit this form together with a request fee, to the head of the private body.

The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address.

The form must: provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester:

- Indicate which form of access is required,
- Specify a postal address or fax number of the requester in the Republic,
- Identify the right that the requester is seeking to exercise or protect,
- And provide an explanation of why the requested record is required for the exercise or protection of that right,
- If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

## **7. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

**7.1** A requestor is required to pay the prescribed fees before a request will be processed.

**7.2** If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted)

**7.3** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

**7.4** Records may be withheld until the fees have been paid.

**7.5** The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>

*(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))*  
*[Regulation 11 (3)]*

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

- |     |   |         |
|-----|---|---------|
| (a) | For every photocopy of an A4-size page or part thereof  | R 1.25  |
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in a electronic or machine-readable form                          | R 0.85  |
| (c) | For a copy in a computer-readable form on   |         |
|     | (i) stiffy disc   | R 8.55  |
|     | (ii) compact disc   | R 79.80 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof   | R 45.60 |
|     | (ii) For a copy of visual images  | R 68.40 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof   | R 22.80 |
|     | (ii) For a copy of an audio record  | R 34.20 |
| (f) | To search for and prepare the record for disclosure -<br>R34,20 for each hour or part thereof reasonably required for such search and preparation |         |

*(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))*  
*[Regulation 11 (3)]*

**PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE-ADDED TAX (VAT)**

- (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.
- (c) The actual postage fee is payable when a copy of a record must be posted to 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:

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**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:

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Identity number:

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Postal address:

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Fax number:

---

Telephone number:

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E-mail address:

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Capacity in which request is made, when made on behalf of another person:

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**C. Particulars of person on whose behalf request is made**

This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person.
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Full names and surname:

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Identity number:

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**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:

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2 Reference number, if available:

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3 Any further particulars of record:

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**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* a fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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**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 hereunder, 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 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 for the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		transcription of the images*

<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	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

**G Particulars of right to be exercised or protected**

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. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. Notice of decision regarding request for access**

You will be notified in writing whether your 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?

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Signed at..... This..... day of .....20...

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**SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE**