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**THE NATIONAL EMPOWERMENT FUND TRUST (“The NEF”) (TRUST NO. IT 10145/00) MANUAL IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000 (PAIA)**

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## **1 INTRODUCTION**

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 was enacted on 3 February 2000, to give effect to the constitutional right of access to information. Where a request is made in terms of the Act, the private or public body to whom the request is made is obliged to release the information.

It is important to note that disclosure, in this manual, of the records held by the NEF, does not preclude the NEF from refusing access to information when grounds exist for such refusal. Sections 34 to 46 of the PAIA stipulate the grounds for refusing access to information and in considering whether to provide access to information, the NEF will take into account those grounds for refusal.

### **1.2 PURPOSE OF THE MANUAL**

This manual is intended to foster a culture of transparency and accountability within the National Empowerment Fund (NEF) by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of the Republic of South Africa have effective access to information to enable them to fully exercise and protect their rights.

- 1.3 Section 9 of the Act recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

1.3.1 Limitations aimed at the reasonable protection of privacy;

1.3.2 Commercial confidentiality; and

1.3.3 Effective, efficient and good governance,

## **CHAPTER 1**

### **1 THE FUNCTIONS AND STRUCTURE OF THE NEF**

#### **1.1 Functions**

The National Empowerment Fund is established in terms of the National Empowerment Fund Act, Act No. 105 of 1997 and the objects thereof are to facilitate the redressing of the economic inequality which resulted from the past unfair discrimination against historically disadvantaged persons by –

- (a) providing historically disadvantaged persons with the opportunity of, directly or indirectly, acquiring shares or interest in State Owned Commercial Enterprises that are being restructured or in private business enterprises;

- (b) encouraging and promoting savings, investments and meaningful economic participation by historically disadvantaged persons;
- (c) promoting and supporting business ventures pioneered and run by historically disadvantaged persons;
- (d) promoting the universal understanding of equity ownership among historically disadvantaged persons;
- (e) encouraging the development of a competitive and effective equities market inclusive of all persons in the Republic;
- (f) contributing to the creation of employment opportunities; and
- (g) generally employing such schemes, businesses and enterprises as may be necessary to achieve the objects of the NEF Act.

## 1.2 Structure

- 2.1.1 The NEF comprises of a Board of Trustees, the Chief Executive Officer and the Staff. All members of the Board of Trustees are appointed by the President on the advice of the Minister of the **dti**, in terms of section 8 of NEF Act. The CEO is appointed by the Board with the approval of the Minister of the **dti** in terms of section 17 of the NEF Act.

The Staff of the NEF is appointed by the Chief Executive Officer in accordance to a structure that is approved by the Board of Trustees.

## 1.3 Schematic diagram of structure

A diagram representing the structure of the NEF approved by the Board of Trustees is attached.

## CHAPTER 2

### 2. CONTACT DETAILS

#### 2.1 Information Officer:

Ms Philisiwe Buthelezi, Chief Executive Officer, e-mail:  
ButheleziP@necorp.co.za

#### 2.2 Deputy Information Officer:

Ms Emma Riley, Secretariat, e-mail: riley@necorp.co.za

#### 2.3 General Information

2.3.1 Name of Public Body: National Empowerment Fund

2.3.2 Postal Address: P O Box 31, Melrose Arch, Melrose North 2076

- 2.3.3 Physical Address: West Block, 187 Rivonia Road, Morningside, 2057
- 2.3.4 Telephone Number: (011) 305-8000
- 2.3.5 Facsimile number: (011) 305-8001
- 2.3.6 Website: [www.nefcorp.co.za](http://www.nefcorp.co.za);
- 2.3.7 E-mail Address: [info@nefcorp.co.za](mailto:info@nefcorp.co.za)

### **CHAPTER 3**

#### **3.1 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

The guide contemplated in Section 10 of the Act has at the time of publication not yet been compiled by the South African Human Rights Commission. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in Act. Any enquiries regarding this guide should be directed to the:

The Research and Documentation Department  
South African Human Rights Commission  
PAIA Unit  
29 Princess of Wales Terrace  
Parktown  
JOHANNESBURG

Private Bag: X2700, HOUGHTON, 2041;

Telephone Number: (011) 484-8300

Facsimile Number: (011) 484-1360

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail Address: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### **CHAPTER 4**

#### **4.1 Notice in terms of section 15(2) of the Act**

The Minister of Justice and Constitutional Development has not issued any regulations regarding the section 15(2) notice.

## 4.2 Automatic disclosure

Information on the following subjects is available without a formal request:

- 4.2.1 Annual reports
- 4.2.2 Press releases
- 4.2.3 Marketing material
- 4.2.4 NEF Act and regulations in respect thereof
- 4.2.5 Internet web page

## 4.3 Records that may be formally requested

4.3.1 The NEF holds information pertaining to the subjects listed below and access to some of the information will be restricted in accordance with the provisions of the PAIA and other relevant legislation. This implies that not all the records listed below will be made available upon formal request and due cognisance of ss 34 – 36 of the PAIA will be taken.

### 4.3.2 Legislation and legal matters

- Matters pertaining to NEF legislation
- Relationship agreements with other government organs

### 4.3.3 Corporate governance matters

- Minutes of Board and management meetings
- Strategic and corporate planning documentation
- Delegation of authority
- Declaration of interests

### 4.3.4 Human Resources

- Human resources policies manual

### 4.3.5 Finance

- Budget and financial statements
- Asset register
- Annual financial statements

### 4.3.6 Risk management

- Information on the management of NEF's operational risks
- Insurances
- Security (physical) information

#### 4.3.7 Services available to the public

- Funding in terms of the objects of the NEF

#### 4.4 **Request procedure**

4.4.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

4.4.2 The NEF will process the request within 30 days.

4.4.3 The requester shall be informed whether access to the record has been granted or denied.

#### 4.5 **Types of requesters**

##### 4.5.1 **Personal requester**

4.5.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

4.5.1.2 The NEF will voluntarily provide the requester information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

##### 4.5.2 **Requester**

The requester (other than a personal requester) is entitled to request access to information on third parties. However, the NEF 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.

##### 4.5.3 **Request**

4.5.3.1 A request for access to a record must be made on the prescribed form to the Information Officer at his/her address, facsimile number or e-mail address in terms of Section 18 of the Act.

4.5.3.2 The requester must provide sufficient detail on the request form to enable an official of the NEF to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate-

- (i) the preferred language on the record if applicable;

- (ii) whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
  - (iii) a facsimile number and/or postal address.
- 4.5.3.3 If a 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.
- 4.5.3.4 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 4.5.3.5 A requester must be directed to the Information Officer.
- 4.5.3.6 The prescribed form must be sent to the NEF via mail, facsimile or may be provided to the requester by the NEF.
- 4.5.3.7 The requester must pay the prescribed fee, before any further processing can take place.
- 4.5.3.8 The form must be adequately completed, with sufficient particulars for the official of the NEF to identify-
  - (i) from where and from whom the request is made;
  - (ii) what record(s) are being requested;
  - (iii) what the access fee will be, should access be granted.

#### **4.6 Appeal against refusal of access to information**

- 4.6.1 If after complying with the procedural requirements mentioned in 4.4.1. above, the Information Officer refuses to grant access to information, the requester may appeal against the decision of the Information Officer to the NEF Board of Trustees.



## **CHAPTER 5**

### **Miscellaneous**

#### **5.1 Availability of the manual**

5.1.1 This manual is made available in terms of Regulation Number R. 187 of February 2002.

5.1.2 The manual is available on the website of the NEF.

5.1.3 The manual will be made available to the South African Human Rights Commission and shall be published in three of the official languages in the Government Gazette.

5.2 Arrangement allowing for public involvement in the formulation of policy and the exercise of power {s 14(1)(g)}

5.2.1 Members of the public participate or influence the formulation of policy in respect of the NEF through their elected representatives in Parliament.

5.2.2 The mandate of the NEF is defined in the NEF Act.

#### **5.3 Prescribed forms and fees**

The prescribed forms and fees for public bodies is available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.co.za](http://www.doj.gov.co.za)

