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**MANUAL OF
GOLDMAN SACHS
INTERNATIONAL (SOUTH
AFRICAN BRANCH OFFICE)
("GSI-SA") IN TERMS OF
THE PROMOTION OF
ACCESS TO INFORMATION
ACT, 2000**

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B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Definitions and interpretation

CIPC means the Companies and Intellectual Property Commission of South Africa;

Constitution means the Constitution of the Republic of South Africa, 1996;

Customer refers to any natural or juristic person that received or receives services from GSI-SA;

GSI means Goldman Sachs International;

GSI-SA means the Johannesburg branch of Goldman Sachs International;

Information Officer means the Head (as defined in section 1 of PAIA) of GSI-SA, being Jonathan Penkin;

Manual means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPI Regulations;

PAIA means the Promotion of Access to Information Act 2 of 2000;

Record has the meaning ascribed thereto in section 1 of PAIA and includes personal information;

Requestor has the meaning ascribed thereto in section 1 of PAIA;

Request for Access has the meaning ascribed thereto in section 1 of PAIA; and

SAHRC means the South African Human Rights Commission.

2. Introduction

2.1 General

GSI was incorporated in the United Kingdom in 1988 and engages in proprietary and agency transactions in the fixed income, equity and currency market, in addition to performing investment banking services. GSI conducts activities in South Africa through a branch office located in Johannesburg, however its activities in South Africa are limited to the provision of investment banking services. **GSI-SA** currently consists of eleven permanent employees. Jonathan Penkin, as Information Officer, has been duly appointed by Goldman Sachs International, to act as the person to whom requests for access to information must be made in terms of PAIA.

2.2 PAIA

PAIA was assented to on 2 February 2000 and commenced on 9 March 2001. The fundamental purpose of PAIA is to give effect to section 32 of the Constitution, being the constitutional right of access to any information held by the State or by another person and that is required for the exercise or protection of any rights.

Where a Request for Access is made in terms of section 50 of PAIA, the Private Body to which the request is made is obliged to release the Record, except where PAIA expressly provides that the Record may or must be withheld. PAIA sets out the requisite procedures to be followed by a Requester when making a Request for Access.

2.3 Purpose of the Manual

The purpose of this Manual is to foster a culture of transparency and accountability within the financial services industry of which GSI-SA forms a part. Furthermore, its purpose is to give effect to both the constitutional right of access to information, where that information is required for the exercise or protection of a right.

PAIA recognise that the rights to access of information and privacy respectively may be limited in accordance with section 36 of the Constitution to the extent that such limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

This Manual details the procedure to be followed by a Requestor and the manner in which a Request for Access shall be facilitated.

3. Contact details

3.1 Contact details of the Information Officer of GSI-SA:

Name of the Information Officer: Jonathan Penkin

Postal address : Goldman Sachs International
P.O. Box 652937
Benmore
2010

Physical address : 13th Floor, The Forum
2 Maude Street
Sandton
Johannesburg
2196
South Africa

Telephone : +27 11 303 2700

Facsimile : +27 11 303-2799

e-mail : gs-privacy@gs.com

3.2 General contact details of GSI-SA

Postal address : Goldman Sachs International
P.O. Box 652937
Benmore
2010

Physical address : 13th Floor, The Forum
2 Maude Street
Sandton
Johannesburg
2196
South Africa

Telephone : +27 11 303 2700

Facsimile : +27 11 303-2799

e-mail : gs-privacy@gs.com

4. The Guide

4.1 Introduction

The SAHRC has published a guide pursuant to section 10 of PAIA (the SAHRC Guide). The SAHRC Guide contains such information as may reasonably be required

by a person who wishes to exercise any right contemplated in PAIA. Any enquiries regarding the SAHRC Guide should be directed to the SAHRC PAIA unit. The Guide is available and may be accessed on the South African Human Rights Commission website.¹ Please direct any queries to:

4.2 Contact details of the SAHRC

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
Facsimile	:	+27 11 484 0582
Website	:	www.sahrc.org.za
E-mail	:	section51.paia@sahrc.org.za / PAIA@sahrc.org.za

5. **Categories of records available without a person having to request it in terms of section 52(2) of PAIA**

At this stage, no notices have been published by the Minister in terms of section 52(2) of PAIA regarding the category of records held by GSI-SA that are automatically available without a person having to request access in term of PAIA.

6. **Records available in terms of other legislation**

6.1 **Banks Act 94 of 1990**

In terms of section 86, any person may upon payment of the prescribe fee inspect any document specified in section 86(2), including returns and copies of notices, reports, statements or minutes lodged with the Prudential Authority in terms of section 59, 65, or 75 of the Banks Act.

6.2 **Companies Act 71 of 2008**

All documents of incorporation of GSI-SA are lodged at CIPC, and may be inspected at CIPC. These documents include the memorandum of GSI, a notice confirming the registered office and postal address of GSI-SA, details of the auditors of GSI-SA,

¹ <https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>.

details of the directors of GSI and the name and address of the person authorised to accept service on behalf of GSI-SA.

6.3 Pension Funds Act 24 of 1956

The rules of the fund utilised by GSI-SA, as well as the last revenue account and balance sheet of the fund, are available for inspection at the FSCA.

6.4 Employment Equity Act 55 of 1998

GSI-SA has compiled its employment equity report which will be lodged at the Department of Labour.

6.5 Financial Advisory and Intermediary Services Act 37 of 2002 (FAIS)

A copy of all files of records in respect of complaints lodged against financial services providers and records in respect of determination proceedings filed with the Ombud for Financial Service Providers may be obtained by an interested person.

7. Access to records held by GSI-SA

Subjects and categories of records held by GSI-SA

Note: This section of the Manual sets out the subject and categories of Records held by GSI-SA. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.

7.1 Incorporation documents

The memorandum of GSI together with relevant company forms of GSI-SA.

7.2 Financial and tax records of GSI-SA

7.2.1 Details of auditors of GSI-SA.

7.2.2 Details of the actuaries of the pension scheme utilised by GSI-SA.

7.2.3 Tax returns of GSI-SA.

7.2.4 VAT returns of GSI-SA.

7.2.5 Other documents and agreements relating to taxation.

7.3 Banking details of GSI-SA

7.3.1 Bank facilities and accounts details.

7.3.2 Bank statements.

7.3.3 Guarantees given by, or in respect of, GSI-SA.

7.4 Human resources / employment records

7.4.1 List of employees.

7.4.2 Contracts of employment with directors, officers and employees of GSI-SA.

7.4.3 Documents relating to employee benefits.

7.4.4 Compensation or redundancy payments.

7.4.5 Personnel files.

7.4.6 Employee code of conduct.

7.4.7 Procedural agreements and policies of GSI-SA.

7.4.8 Disciplinary records and documentation pertaining to disciplinary proceedings.

7.4.9 Training manuals.

7.4.10 Other information relating to employees of GSI-SA.

7.5 Approvals

Approvals from Registrars of Stock Exchanges and Financial Markets as a foreign investment manager authorised to market, canvass and advertise its investment management business in South Africa, as carried on outside South Africa.

7.6 Insurance records

Insurance policies taken out for the benefit of GSI-SA and its employees.

7.7 Immovable and movable property

Agreements for the lease or sale of land and/or other immovable property by GSI-SA.

7.8 Specific agreements or documents relating to the business activities of GSI-SA

7.8.1 Indemnity, confidentiality and non-disclosure agreements.

7.8.2 Regulatory agreements.

7.8.3 Agreements relating to transactions.

7.8.4 Presentations to clients.

7.8.5 Research information.

7.9 **Miscellaneous agreements of GSI-SA**

7.9.1 Agency and consultancy agreements.

7.9.2 Agreements for office-related products and services such as cleaning / janitorial, housekeeping, security / fire, and health and safety contracts.

7.9.3 Any other agreements.

7.10 **Correspondence**

Correspondence of GSI-SA, including internal and external memoranda.

7.11 **Customer-related records**

7.11.1 Records provided by a customer to a third party acting for, or on behalf of GSI-SA.

7.11.2 Records provided by a third party to GSI-SA.

7.11.3 Records generated by, or within GSI-SA, relating to its Customers including transactional records.

7.11.4 Records provided by a Customer to GSI-SA.

8. **Grounds for Refusal of Access to Records in terms of PAIA**

8.1 The following are the grounds on which GSI-SA may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

8.2 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;

8.2.1 Mandatory protection of the commercial information of a third party, if the Records contain:

8.2.2 Trade secrets of that third party;

8.2.3 Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or

- 8.2.4 Information disclosed in confidence by a third party to GSI-SA, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 8.2.5 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 8.2.6 Mandatory protection of the safety of individuals and the protection of property;
- 8.2.7 Mandatory protection of Records that would be regarded as privileged in legal proceedings;
- 8.3 Protection of the commercial information of GSI-SA, which may include:
 - 8.3.1 Trade secrets;
 - 8.3.2 Financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of GSI-SA
 - 8.3.3 Information which, if disclosed, could put GSI-SA at a disadvantage in contractual or other negotiations or prejudice GSI-SA in commercial competition; and/or
 - 8.3.4 Computer programs which are owned by GSI-SA, and which are protected by copyright and intellectual property laws;
- 8.4 Research information of GSI-SA or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- 8.5 Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

9. Remedies available to the Requester upon Refusal of a Request for Access in terms of PAIA

9.1 Internal remedies

GSI-SA does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

9.2 External remedies

In accordance with sections 56(3)(c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

10. Request procedure

- 10.1 The Requester must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record.
- 10.2 The Requester must use the prescribed form to make the request for access to a record attached as (Appendix 1). This must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of the head of GSI-SA.
- 10.3 The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the identity of the requester. The Requester should also indicate which form of access is required. The Requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 10.4 The Requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 10.5 if a request is made on behalf of a person, the Requester must submit proof of the capacity in which the Requester is making the request to the satisfaction of the Information Officer.
- 10.6 GSI-SA will process the Request within 30 days of Request for Access, unless the Request for Access is of such a nature that an extension of the prescribed time limit is necessitated in accordance with section 57 of PAIA.
- 10.7 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for access in any other manner, the Requester must state the manner and the particulars so required.
- 10.8 The Requester must pay the prescribed fee before any further processing can take place.
- 10.9 If the Requester is unable to complete the prescribed form because of a disability or illiteracy, such a person may make the request orally.

11. Fees:

- 11.1 PAIA provides for two types of fees, namely:
- 11.1.1 A request fee, payable by a Requestor, other than a Personal Requestor; and
- 11.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postage costs.

- 11.2 When the Request for Access is received by the Information Officer, the Information Officer shall by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee (if any), before further processing of the Request for Access.
- 11.3 If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer shall notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
- 11.4 The Information Officer shall withhold a Record until the Requester has paid the fees set out in Appendix 2.
- 11.5 A Requester whose Request for Access to a Record 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 a requested form provided for in section 29(2) (a) and (b)(i) and (ii) of PAIA.
- 11.6 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer must repay the deposit to the Requester.

12. Decision to grant Access to Records

- 12.1 GSI-SA shall decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requestor with reasons (if required) to that effect.
- 12.2 The period referred to in paragraph 12.1 above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records and the Records cannot reasonably be obtained within the original 30 day period.
- 12.3 GSI-SA will notify the Requester in writing should an extension of time as contemplated in paragraph 12.2 above be required.

13. Availability of the manual

The manual is available for inspection at the offices of GSI-SA free of charge and is also available at www.goldmansachs.com/privacy. Copies are also available with the SAHRC and, if required by applicable regulations, in the Government Gazette.

14. Prescribed fees and forms in respect of private bodies

The prescribed forms and fees for requests to private bodies, have been attached as appendixes and are also available on the website of the Department of Justice and Constitutional Development: www.doj.gov.za

APPENDIX 1

REQUEST FOR ACCESS TO A RECORD IN RELATION TO PAIA

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

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|---|

Full names and surname:

Identity number:

Postal address:

Telephone number:

Fax number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

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:

2. Reference number, if available:

3. Any further particulars of record
:

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 any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

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

1.			
If the record is in written or printed form:			
<input type="checkbox"/> copy of record*	<input type="checkbox"/>	inspection of record	
2.			
If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/> view the images	<input type="checkbox"/>	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
3.			
If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)	
4.			
If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/> printed copy of record*	<input type="checkbox"/>	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> 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.			<input type="checkbox"/> YES <input type="checkbox"/> NO

APPENDIX 2

APPLICABLE FEES IN RESPECT OF PRIVATE BODIES IN RELATION TO PAIA

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	R1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c) For a copy in a computer-readable form on—	
i. stifty disc	R7,50
ii. compact disc	R70,00
(d) i. For a transcription of visual images, for an A4-size page or part thereof	40,00
ii. For a copy of visual images	R60,00
(e) i. For a transcription of an audio record, for an A4-size page or part thereof	R20,00
ii. For a copy of an audio record	R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	R1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c) For a copy in a computer-readable form on—	
i. stifty disc	R7,50
ii. compact disc	R70,00
(d) i. For a transcription of visual images, for an A4-size page or part thereof	R40,00
ii. For a copy of visual images	R60,00
(e) i. For a transcription of an audio record, for an A4-size page or	R20,00

	part thereof	
	ii. For a copy of an audio record	R30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
(2)	For purposes of section 54 (2) of PAIA, the following applies:	
(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.	
(3)	The actual postage is payable when a copy of a record must be posted to a requester.	