

Promotion of Access to Information Act Manual
for
DCP-DESENBERG CAPITAL PARTNERS GMBH
(EXTERNAL COMPANY INCORPORATED IN GERMANY)
Registration Number : 2011/004171/10

1. Introduction

The Promotion of Access to Information Act was promulgated in March 2001. The Act was put in place to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700

Houghton

2041

Phone: (011) 484 8300

Fax: (011) 484 0582

e-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfil this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to the contact person as identified in section 3 of this manual, as he is our designated Information Officer.

A copy of the manual will be available for inspection at:

- The registered address of the Company (refer address below); and
- The South African Human Rights Commission.

2. Entity overview, structure and scope of this manual

DCP-Desenberg Capital Partners GmbH is established to acquire, hold and administer investments of any kind in companies, as well as to project develop and acquire domestic and foreign real estate. This manual is limited to the records held by DCP-Desenberg Capital Partners GmbH.

3. Administration of the Act

Ms Petra Thöne, the director of DCP-Desenberg Capital Partners GmbH, is responsible for ensuring that the requirements of the Promotion of Access to Information Act are administered in a fair, objective and unbiased manner for the entity. Accordingly, all requests for access to records relating to the entity should be addressed to:

Company Name : DCP-Desenberg Capital Partners GmbH
Contact Person: Petra Thöne
Postal Address: Kalondstrasse 5, 34414 Warburg, Germany
Physical Address: Kalondstrasse 5, 34414 Warburg, Germany
Registered Address: 2 Adelaide Road, Plumstead, 7800
Telephone Number: +49 5641 746 2590
Fax Number: +49 5641 746 2591
Cell Number: +49 170 347 2045

e-mail: betke@dcp-warburg.com

4. Records held by the entity

Our records are in paper and electronic form only. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records we hold, we have **categorised** our records per **subject** area. The table below provides an indication of the categories of information held:

Statutory	<ul style="list-style-type: none">• Company Memorandum of Incorporation• Relevant Companies Documents• Minutes of Shareholders and Directors Meetings
Agreements & Contracts	<ul style="list-style-type: none">• Banking Facility Agreements

5. Records that can be accessed without a formal request (i.e. a formal request as defined by the Promotion of Access to Information Act)

In terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

- Companies Act No. 71 of 2008;
- Income Tax Act No. 58 of 1962;
- The Constitution of the Republic of South Africa No.3 of 1994

Notification of the availability of these records in terms of these Acts has not yet been given to the Cabinet Minister of Justice.

6. Procedure to follow when submitting a formal request of access to a record

A request for access to a record that does not fall within the categories identified in Section 5 of this manual must be done formally either via conventional mail or e-mail.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also available from our offices. The prescribed *request fee* should be attached (refer to Section 7 of this manual for more details on the fees).

Our Information Officer will respond to your request within *30 days* of receiving the request by indicating whether your request for access has been granted.

Please note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed **CLEARLY** and **COMPLETELY** in block letter. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the *access fee* has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

7. Fees

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

8. Request for access to information about third parties

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.