

**MANUAL ON THE PROMOTION OF ACCESS TO  
INFORMATION ACT, 2000**

**Prepared in accordance  
with Section 14 of the  
Promotion of Access to  
Information Act 2000, (Act 2  
of 2000)**

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AUGUST 2012**

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## **1 FUNCTION, MISSION, VISION, VALUES**

- **FUNCTION**

- Musa Capital is a boutique merchant banking firm, with expertise and transaction experience in private equity investing, property development, structured finance and investment banking advisory services.

- **MISSION**

- To become a world-class African Financial Services Institution
- To inspire passion for emerging markets by harnessing their investment opportunity
- To positively impact our world by doing well, doing good and having fun

- **VISION**

- To be a leading emerging market investment banking firm, assisting in positioning Africa as a top international investment destination, through Inventive transaction execution and superior investment performance

- **VALUES**

- Excellence
- Human Capital
- Innovation
- Entrepreneurialism
- Integrity
- Social Responsibility

## **2 OVERVIEW AND OBJECTIVES OF THE MANUAL**

The Promotion of Access to Information Act, 2000, (PAIA) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately-held information is required for the exercise and protection of rights.

More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.

This manual is compiled in accordance with Section 51 of PAIA and offers an outline of Musa's information, which is accessible to the public. This includes:

- a) Structure, functions and objectives of Musa
- b) Contact details for Musa
- c) The procedure for requesting information from Musa
- d) Information that is automatically available from MUSA, and its website

This is consistent with the emphasis Musa places on fostering a culture of transparency, within the ambit of the law, as well as its adherence to the principles of accountability, integrity and responsibility to stakeholders. In light of this, Musa carries extensive information on its website at [www.musacapital.com](http://www.musacapital.com)

### **3 PARTICULARS IN TERMS OF THE PAIA MANUAL**

#### **CONTACT DETAILS**

The Executive Directors of the Musa Capital Group are William D. Jimerson and Antoine B. Johnson. For the purposes of this Manual, they have designated Gary Ermann (the Financial Director) as the Information Officer.

The Information Officer's contact details are as follows:

Street Address:	39 Rivonia Road, 3 <sup>rd</sup> Floor, Commerce Square, Sandhurst, 2196
Postal Address:	P.O. BOX 280, Melrose Arch, Johannesburg, 2076
Telephone Number:	+27.11.771.6300
Facsimile Number:	+27.11.771.6333
Email Address:	<a href="mailto:germann@Musacapital.com">germann@Musacapital.com</a>
Website Address:	<a href="http://www.musacapital.com">www.musacapital.com</a>

### **4 ORGANISATIONAL PROFILE**

The organizational profile includes the companies in the Musa Capital Group as identified below.

#### NAME OF COMPANY

- Musa Capital Fund Managers (Pty) Limited
- Musa Capital Advisors (Pty) Limited
- Musa Capital Fund Partners (Pty) Limited
- Japera Equity (Pty) Limited

#### PARTNERSHIP

- Musa Kubu Fund, an en commandite partnership

### **5 STRUCTURE**

- Board of Directors

- Finance/ Human Resources/ Transaction/ Legal and Compliance
- Administrative and Support Services

## 6 MUSA RECORDS

### I. ACCESS TO RECORDS HELD BY MUSA

#### A. Records Available without having to Make a Request

The following information pertaining to Musa is available on its website:

- Firm Resume
- Company History
- Summary of Private Equity and Advisory Services
- Investor Relations: News Releases
- The Team
- Social Responsibility Investment Guidelines

#### B. Category of Records

Category	Records
Companies Act Records	<ul style="list-style-type: none"> <li>• Incorporation documents:               <ul style="list-style-type: none"> <li>-Certificates of Incorporation</li> <li>-Memorandum and Articles of Association</li> <li>-Shareholder and Director Registers</li> <li>-Minute Books of Directors and Other Meetings</li> <li>-Resolutions</li> </ul> </li> </ul>
Partnership Records	<ul style="list-style-type: none"> <li>• Partnership Agreement</li> <li>• Fund Reports</li> <li>• Advisory Board Agreements</li> <li>• Fund Management Agreement</li> <li>• Deeds of Adherence</li> </ul>
Human Resources Records	<ul style="list-style-type: none"> <li>• Employment Contracts</li> <li>• Personnel Files (for current and former employees)</li> <li>• Contractor records</li> <li>• Payroll Records</li> <li>• Employee Benefit Records</li> <li>• Company Policies and Procedures</li> <li>• Disciplinary Records</li> <li>• Leave Records</li> <li>• UIF Records</li> </ul>
Financial Records	<ul style="list-style-type: none"> <li>• Audited Financial Statements</li> <li>• General Ledgers</li> </ul>

	<ul style="list-style-type: none"> <li>• Source Documents (e.g., invoices, etc.)</li> <li>• Asset Registers</li> <li>• Management Accounts</li> <li>• Bank Statements</li> <li>• Tax Records</li> <li>• Correspondence</li> </ul>
Insurance Records	<ul style="list-style-type: none"> <li>• Insurance Policies</li> <li>• Correspondence</li> </ul>
Operational records	<ul style="list-style-type: none"> <li>• Portfolio Company Records</li> <li>• Legal Agreements <ul style="list-style-type: none"> <li>-Loan and Facility Agreements</li> <li>-Preference Share Agreements</li> <li>-Term Sheets</li> <li>-Guarantees</li> <li>-Shareholders Agreements</li> <li>-Cessions</li> <li>-Deeds of Suretyship</li> <li>-Other Security Agreements</li> <li>-Lease Agreement</li> <li>-Vendor Agreements</li> <li>-Software Agreements</li> <li>-License Agreements</li> <li>-Confidentiality Agreements</li> </ul> </li> <li>• Due Diligence Files</li> <li>• Investment Recommendation Memoranda</li> <li>• Vendor Contracts</li> </ul>

## 7 REQUEST PROCEDURES

### A. Form of request, circumstances under which the request for information will be refused, what a requester can do if the request for information is refused and what if the request is successful:

1. A requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address listed above.
2. A requester must provide sufficient detail on the request form to enable the Information Officer 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.
3. 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.
4. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

5. Your request will be processed within 30 days, if the document you have requested does not relate to a third party.
6. We may extend the 30 day period if the request is for the following:
  - a. A large number of documents is requested or we are required to search large sections of records and compliance with the original period would be burdensome on us;
  - b. We are required to consult a third party and the consultation cannot reasonably be completed within the original 30 day period;
  - c. The documents requested require a search for records from an office not situated in the location of the office indicated above, and the search will take more than the original 30 days; or
  - d. The requestor provides written consent to the extension.
7. The Information Officer will notify the requestor of the granting of an extension as soon as reasonably possible within the original 30 day period.
8. The requestor will be notified of the Information Officer's decision in the manner specified in the request form.
9. Access to a record is refused on one or more grounds of refusal specified in PAIA, which fall into the following categories: –
  - a. Mandatory protection of privacy of a third party who is a natural person;
  - b. Mandatory protection of certain records of Musa;
  - c. Mandatory protection of commercial information of a third party;
  - d. Mandatory protection of certain confidential information and protection of certain other confidential information of a third party;
  - e. Mandatory protection of safety of individuals and protection of property;
  - f. Mandatory protection of police dockets in bail proceedings and protection of law enforcement and legal proceedings;
  - g. Mandatory protection of records privileged from production in legal proceedings;
  - h. Economic interests and financial welfare of the Republic of South Africa, and commercial activities of public bodies;
  - i. Mandatory protection of research information of a third party and protection of research information of a public body;
  - j. Operations of public bodies; and
  - k. Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.
10. Should the requestor not be satisfied with the decision of the Information Officer, the requestor may apply to court for relief. On hearing such an application the court may grant a just and equitable order including:
  - a. Confirming, amending or setting aside the decision that is the subject of the application;
  - b. Requiring the Information Officer to take some action or to refrain from taking such action as the court considers necessary within the period mentioned in the order;
  - c. Granting an interdict, interim or specific relief, a declaratory order or compensation; and/or
  - d. Costs.

11. What if the request is successful?

- a. The requester will be given access to a record if all procedural requirements have been complied with according to PAIA requirements, that is –
  - i. The request is properly documented on the prescribed form;
  - ii. Proof of authority to act on another's behalf is furnished, if making the request on another person's behalf;
  - iii. The record that is requested is sufficiently described to enable the Information Officer to identify it; and
  - iv. Payment of all the required fees is made.

## **8 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 Information Officer 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.

The fee that the requester must pay to Musa is R2 00 (two rand) per page. The requester may lodge an application to the court against the tender or payment of the request fee.

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.

## **9 RECORDS HELD IN TERMS OF OTHER LEGISLATION (SECTION 51(1)(d))**

Records are held in accordance with the following legislation:

- o Basic Conditions of Employment Act, No. 75 of 1997
- o Broad Based Black Economic Empowerment Act, No. 53 of 2003
- o Companies Act, No. 71 of 2008
- o Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- o Electronic Communications and Transactions Act, No. 2 of 2000
- o Employment Equity Act, No. 55 of 1998
- o Financial Advisory and Intermediary Services Act, No. 37 of 2002
- o Financial Intelligence Centre Act, No. 38 of 2001
- o Income Tax Act, No. 58 of 1962
- o Labour Relations Act, No. 66 of 1995
- o Occupational Health and Safety Act, No. 85 of 1993
- o Promotion of Access to Information Act, No. 2 of 2000
- o Skills Development Act, No. 97 of 1997
- o Securities Services Act, No. 36 of 2004
- o Unemployment Insurance Act, No. 63 of 2001
- o Value-added Tax Act, No. 89 of 1991



## **10 HUMAN RIGHTS COMMISSIONS GUIDE TO PAIA**

Section 10 of the Promotion of Access to Information Act, 2000 stipulates that the South African Human Rights Commission must compile a guide on how to use PAIA. This guide is available from the South African Human Rights Commission.

Please direct any queries to:

The South African Human Rights Commission: PAIA Unit The Research and Documentation Department  
Private Bag 2700 Houghton  
2041

Telephone: 011-877 3600

Fax: 011-403 0668

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

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

## **11 UPDATING AND AVAILABILITY OF THIS MANUAL**

This manual will be updated, if necessary, on an annual basis and will be available in other translations.

This manual will be placed on the MUSA's website at [www.Musacapital.com](http://www.Musacapital.com)

A copy will also be lodged with the South African Human Rights Commission.