



# COMMRISK

Insurance Brokers

**PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)  
MANUAL  
FOR THE COMMRISK GROUP  
COMPANIES**

[VERSION 2023\_10]

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000 (AS AMENDED)

## Table of Contents

1. INTRODUCTION .....	1
2. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION .....	2
3. THE SECTION 10 GUIDE ON HOW TO USE THE ACT .....	3
4. TYPES OF RECORDS HELD BY COMMRISK INSURANCE BROKERS .....	4
5. INFORMATION REQUEST PROCEDURE .....	4
6. PAYMENT OF FEES .....	5
7. RIGHT OF ACCESS .....	5
8. GROUNDS FOR REFUSAL .....	5
9. RECORDS THAT DO NOT EXIST OR CANNOT BE FOUND .....	6
10. AVAILABILITY OF THE MANUAL .....	6
11. ANNEXURE A: FORM 2 – REQUEST FOR ACCESS TO RECORD/S .....	A1-A4
12. ANNEXURE B: FORM 3 – OUTCOME OF REQUEST AND FEES PAYABLE .....	A5-A7
13. ANNEXURE C: SELECTED “RETENTION OF RECORDS” TIME PERIODS .....	A8-A11

## 1. INTRODUCTION

This manual is compiled in terms of the *Promotion of Access to Information Act, No 2 of 2000 (PAIA)*. It gives effect to the Constitutional right of everyone to access information held by public and private bodies when this information is required to exercise a right or to protect a right.

Any reference to “Commrisk” or “the Commrisk Group” refers to the following entities:

Registered name	Registration number
1.1 Commrisk Insurance Brokers (Pty) Ltd	2001/007230/07
1.2 Commrisk Insurance Brokers Welkom (Pty) Ltd	2017/435559/07
1.3 Commrisk Eastern Cape (Pty) Ltd	2001/009476/07
1.4 Multi Admin (Pty) Ltd	2003/002695/07
1.5 Multi Risk Investment Holdings (Pty) Ltd	2005/043955/07

## 2. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Any person who wishes to request any information from Commrisk in order to protect or exercise a right may contact the **Information Officer** using the following contact details:

<b>Information Officer</b>	Peter Gerard van Niekerk
<b>Telephone number</b>	011 840 7000
<b>Email address</b>	info@commrisk.co.za
<b>Website</b>	www.commrisk.co.za
<b>Physical address</b>	Block A – Fourways View Office Park Corner 1210 Sunset Boulevard & Sunrise Avenue Lonehill Ext 44, Johannesburg 2191
<b>Postal address</b>	P O Box 254 Pinegowrie 2123

### Prescribed Access Form

A request for access to any record held by Commrisk Group must be made on the prescribed form and submitted to Commrisk using the email, postal and physical addresses provided above. See *Annexure A* for the prescribed form.

Requesters must:

- 2.1 provide sufficient particulars to enable the Information Officer to identify the record/s requested and must indicate who the requester is;
- 2.2 indicate which form of access is required;
- 2.3 provide a postal address, telephone or cellphone number within the Republic of South Africa or a valid email address;
- 2.4 identify the right exercised or to be protected and why the record is required to protect or exercise the right;

- 2.5 in instances where they need to be informed of the decision on the request in any other manner, state the manner and particulars to be so informed; and
- 2.6 if the request is made on behalf of a person, submit proof of their capacity to do so to the Information Officer's satisfaction.

### 3. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

The Guide was originally compiled by the **South African Human Rights Commission** whose responsibilities were taken over by the **Information Regulator** to assist people to access records and exercise their right to information.

The Guide is available in all South African official languages, free of charge, and any person may request a copy of the Guide from the **Information Regulator** using the contact details below.

<b>Email address 1 (General enquiries)</b>	enquiries@inforegulator.org.za
<b>Email address 2 (PAIA complaints)</b>	PAIAComplaints@inforegulator.org.za
<b>Email address 3 (POPIA complaints)</b>	POPIAComplaints@inforegulator.org.za
<b>Website</b>	<a href="https://inforegulator.org.za/">https://inforegulator.org.za/</a>
<b>Telephone</b>	010 023 5200
<b>Physical address</b>	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
<b>Postal address</b>	P O Box 31533, Braamfontein, Johannesburg, 2017

### 4. TYPES OF RECORDS HELD BY THE COMMRIK GROUP

Requests for access to documents held by the Commrisk Group will be in accordance with the Act. The following records are available to any requester from Commrisk:

#### 4.1 Human Resources records

These include, but are not limited to the following:

- 4.1.1 any personal records provided to Commrisk by their personnel;
- 4.1.2 any records a third-party has provided to Commrisk about any of their personnel;
- 4.1.3 conditions of employment and other personnel-related contractual and quasi-legal records;
- 4.1.4 internal evaluation records; and
- 4.1.5 other internal records and correspondence.

## **4.2 Customer-related records**

A customer includes any natural or juristic entity who receives services from the Commrisk Group.

Customer-related information includes, but is not limited to the following:

- 4.2.1 any records a customer has provided to a third-party acting for and on behalf of Commrisk;
- 4.2.2 any records a third-party has provided to Commrisk; and
- 4.2.3 records generated by or within Commrisk pertaining to the customer, including transactional records.

## **4.3 Financial, IT and Operational records**

These include, but are not limited to the following:

- 4.3.1 financial records;
- 4.3.2 operational records;
- 4.3.3 information technology;
- 4.3.4 marketing records;
- 4.3.5 internal correspondence;
- 4.3.6 product records;
- 4.3.7 statutory records;
- 4.3.8 internal policies and procedures;
- 4.3.9 treasury-related records;
- 4.3.10 securities and equities; and
- 4.3.11 records held by officials of Commrisk.

## **4.4 Other parties**

The Commrisk Group may possess records pertaining to other parties including but not limited to contractors, suppliers, subsidiary/holding companies, joint venture companies and service providers.

Alternatively, such other parties may possess records that can be said to belong to Commrisk. The following records fall into this category:

- 4.4.1 personnel, customer or Commrisk' records that are held by another party as opposed to being held by Commrisk; and
- 4.4.2 records held by Commrisk pertaining to other parties, including but not limited to financial records, correspondence, contractual records, records provided by other parties, and records third parties have provided about contractors/suppliers.

For information regarding the Commrisk records retention periods, please see *Annexure C* at the end of this manual.

## **5. INFORMATION REQUEST PROCEDURE**

- 5.1 A request for access to a record must be made in writing on the prescribed *Annexure A* which is attached to this manual.

- 5.2 The request must be addressed to the Information Officer whose contact details appear above.
- 5.3 The request must contain the full name and contact details of the requester and sufficient details to enable Commrisk to identify the record requested. The requester must also indicate the format in which access to the record is requested.
- 5.4 Where the request is made on behalf of another person, the requester must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requester is making the request, to the satisfaction of the Information Officer.

## **6. PAYMENT OF FEES**

- 6.1 The requester must complete the prescribed form to request access to a record and send it to the email address or postal or physical address provided in section 1, marked for the attention of the Information Officer.
- 6.2 The Information Officer will notify the requester of the prescribed fee payable (*if any*), before further processing the request. A list of the prescribed fees is attached on *Annexure B*.
- 6.3 Once a completed form and the prescribed request fee have been received, the Information Officer will then coordinate various processes within Commrisk to obtain the record/s.

Such processes will include, but are not limited to:

- 6.3.1 liaising with the requester for more details, if necessary;
- 6.3.2 deciding whether or not to grant access to the record under PAIA;
- 6.3.3 communicating with the requester about the outcome of the request;
- 6.3.4 providing copies of the record/s where the request has been granted and finalised

## **7. RIGHT OF ACCESS**

The Information Officer may only provide access to a record held by the Commrisk Group if:

- 7.1 the record is required for the exercise or protection of any rights; and
- 7.2 the requester has complied with the procedural requirements to request access to that record; and
- 7.3 access to that record is not refused in terms of any grounds for refusal.

## **8. GROUNDS FOR REFUSAL**

The Information Officer may refuse to grant access to a record on the following grounds:

- 8.1 Protection of the privacy of a third-party who is a natural person.
- 8.2 Protection of commercial information of a private body or third-party.
- 8.3 Protection of certain confidential information of a third-party
- 8.4 Protection of the safety of individuals and property.
- 8.5 Protection of information in legal proceedings.
- 8.6 Protection of research information.

Where a request for access has been denied, Commrisk will advise the requester of the reason for refusal of access.

## **9. RECORDS THAT DO NOT EXIST OR CANNOT BE FOUND**

If the requested record does not exist or cannot be found (after all reasonable steps have been taken to find it), the requester will be notified by affirmation by the Information Officer.

## **10. AVAILABILITY OF THE MANUAL**

The manual is available for inspection at the office of Commrisk and on the company website.

## Annexure A

### FORM 2 - Request For Access to Record/s

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation must be attached to this form.

**TO: The Information Officer**

<b>Commrisk Entity</b>	
<b>Physical address</b>	Block A – Fourways View Office Park, Corner 1210 Sunset Boulevard & Sunrise Avenue, Lonehill Ext 44, 2191
<b>Postal address</b>	P O Box 254, Pinegowrie, 2123
<b>E-mail address</b>	info@commrisk.co.za

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person

PERSONAL INFORMATION				
<b>Full names</b>				
<b>Identity Number</b>				
<b>Capacity in which request is made (when made on behalf of another person)</b>				
<b>Postal Address</b>				
<b>Street Address</b>				
<b>E-mail Address</b>				
<b>Contact details</b>	<b>Tel (B):</b>		<b>Tel (Alt):</b>	
	<b>Cellular:</b>		<b>Fax:</b>	
<b>Full names of person on whose behalf request is made (if applicable)</b>				
<b>Identity Number</b>				
<b>Postal Address</b>				
<b>Street Address</b>				
<b>E-mail Address</b>				
<b>Contact details</b>	<b>Tel (B):</b>		<b>Tel (Alt):</b>	
	<b>Cellular:</b>		<b>Fax:</b>	



### PARTICULARS OF RECORD REQUESTED

*Provide full particulars of the record to which access is requested, including the reference number of that is known to you, to enable the record to be located. (If the space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed).*

<b>Description of record or relevant part of the record:</b>	
<b>Reference number, if available</b>	
<b>Any further particulars of record</b>	

### TYPE OF RECORD

*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

### FORM OF ACCESS

*(Mark the applicable box with an "X")*

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b> <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right	

<b>FEEs</b>	
<p>a. A request fee must be paid before the request will be considered.</p> <p>b. You will be notified of the amount of the access fee to be paid.</p> <p>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.</p> <p>d. If you qualify for exemption of the payment of any fee, please state the reason for exemption</p>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
**Signature of Requester/Person on whose behalf request is made**

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**FOR OFFICIAL USE**

<b>Reference number</b>	
<b>Request received by (state Job Title, Name &amp; Surname of Information Officer)</b>	
<b>Date received</b>	
<b>Access fees</b>	
<b>Deposit (if any)</b>	

\_\_\_\_\_  
**Signature of Information Officer**

## Annexure B

### Form 3 - Outcome of Request and Fees Payable

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[Regulation 8]

**NOTE:**

1. If your request is granted, the:
  - a. amount of the deposit, if any, is payable before your request is processed; and
  - b. requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

**Reference no:** \_\_\_\_\_

**TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your requested dated \_\_\_\_\_ refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body ( <i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i> ) is free of charge.	
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You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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**OR**

**2. You requested:**

Printed copies of the information ( <i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i> )	
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Written or printed transcription of virtual images ( <i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i> )	
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Transcription of soundtrack ( <i>written or printed document</i> )	
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Copy of information on flash drive ( <i>including virtual images and soundtracks</i> )	
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Copy of information on compact disc drive ( <i>including virtual images and soundtracks</i> )	
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Copy of record saved on cloud storage server	
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### 3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

Approved

Denied, *for the following reasons:*


### 4. Fees payable with regards to your request:

Item	Cost per A4 size page or part thereof/item	Number of pages/items	Total
Photocopy	R1.10		
Printed copy	R0.75		
For a copy in a computer-readable form on:			
(i). Flash drive			
a. a. to be provided by requestor	R40.00		
(ii). Compact disc			
a. If provided by requestor	R40.00		
b. If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced.		
Copy of visual images	Will depend on the quotation of the service provider		
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record:			
(i). Flash drive			
a. to be provided by requestor	R40.00		
(ii). Compact disc			
a. If provided by requestor	R40.00		
b. If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer	Actual costs		
<b>TOTAL</b>			

**5. Deposit payable (if search exceeds six hours):**

Yes

No

Hours of search		Amount of deposit ( <i>calculated on one third of total amount per request</i> )	
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The amount must be paid into the following bank account:

Name of bank	
Name of account holder	
Type of account	
Account number	
Branch code	
Reference number	
Submit proof of payment to	

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
**Signature of Information Officer**

## Annexure C

### Selected “Retention of Records” Time Periods

Commrisk retains different documents for different time periods as prescribed by various pieces of legislation. This annexure is therefore not exhaustive but refers to general legislation with an impact on documents which Commrisk is obliged to retain.

In instances where the same information is subject to more than one piece of legislation with different retention periods, Commrisk will adhere to the longer period.

#### 1. Basic Conditions of Employment Act, No. 75 of 1997

Document	Retention period
Written particulars of employee must be kept after termination of employment	3 years after the termination of employment.
Employee’s name and occupation	3 years from the date of the last entry in the record.
Time worked by each employee	
Remuneration paid to each employee	
Date of birth of any employee under 18 years of age	
Any other prescribed information	

#### 2. Companies Act, No. 71 of 2008

Document	Retention period
General rule for company records: Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act and other public regulation	7 years or longer (as specified in other public regulation)
Notice of Incorporation (Registration certificate)	Indefinite
Memorandum of Incorporation and alterations or amendments	Indefinite
Rules	Indefinite
Register of company secretary and auditors	Indefinite
Notice and minutes of all shareholders meeting including: <ul style="list-style-type: none"><li>▪ Resolutions adopted</li><li>▪ Document made available to holders of securities</li></ul>	7 years
Copies of reports presented at the annual general meeting of the company	7 years
Copies of annual financial statements required by the Act	7 years
Copies of accounting records as required by the Act	7 years
Record of directors and past directors, after the director has retired from the company	7 years
Written communication to holders of securities	7 years
Minutes and resolutions of directors’ meetings, audit committee and directors’ committees	7 years
Securities register and uncertificated securities register	Indefinite

### 3. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Document	Retention period
A register or other record of the earnings and other prescribed particulars of all the employees	4 years after the date of the last entry in that register or record

### 4. Consumer Protection Act, No. 68 of 2008

Document	Retention period
Information provided to a consumer by an intermediary: <ul style="list-style-type: none"><li>▪ Full names, addresses and contact details</li><li>▪ ID/registration number</li><li>▪ Public Officer contact details in the case of a juristic person</li><li>▪ Services rendered</li><li>▪ Intermediary fees</li><li>▪ Cost to be recovered from the consumer</li><li>▪ Frequency of accounting to the consumer</li><li>▪ Amounts, sums, values, charges fees or other remuneration</li></ul>	3 years
Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided	3 years
Record of advice furnished to the consumer reflecting the basis on which the advice was given	3 years
Written instruction sent by intermediary to the consumer	3 years

### 5. Electronic Communication and Transaction Act, No. 4 of 2013

Document	Retention period
Personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information	As long as information is used, and at least 1 year thereafter
A record of any third party to whom the information was disclosed must be kept for as long as the information is used	As long as information is used, and at least 1 year thereafter
All personal data which has become obsolete	Destroy

### 6. Financial Advisory and Intermediary Services Act. No. 37 of 2002

Document	Retention period
An authorised financial services provider must maintain the following records regarding: <ul style="list-style-type: none"><li>▪ known premature cancellations of transactions or financial products by clients of the provider;</li><li>▪ complaints received together with an indication whether or not any such complaint has been resolved;</li><li>▪ the continued compliance with the requirements referred to in section 8;</li><li>▪ cases of non-compliance with this Act, and the reasons for such non-compliance; and</li><li>▪ the continued compliance by representatives with the requirements referred to in section 13(1) and (2).</li></ul>	5 years (except to the extent exempted by the registrar)



<p><b>Specific duties of provider</b></p> <p>A provider must have appropriate procedures and systems in place to:</p> <ul style="list-style-type: none"> <li>▪ record such verbal and written communications relating to a</li> <li>▪ financial service rendered to a client as are contemplated in</li> <li>▪ the Act, this Code or any other Code drafted in terms of</li> <li>▪ section 15 of the Act;</li> <li>▪ store and retrieve such records and any other material</li> <li>▪ documentation relating to the client or financial service</li> <li>▪ rendered to the client; and</li> <li>▪ keep such client records and documentation safe from</li> <li>▪ destruction.</li> </ul> <p>All such records must be kept for a period after termination, to the knowledge of the provider, of the product concerned or, in any other case, after the rendering of the financial service concerned.</p> <p>Providers are not required to keep the records themselves but must ensure that they are available for inspection within seven days of the registrar's request.</p> <p>Records may be kept in an appropriate electronic or recorded format, which are accessible and readily reducible to written or printed form.</p>	<p>5 years</p>
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## 7. Income Tax Act. No. 58 of 1962

Document	Retention period
<p>In addition to the records required in section 29 of the TAA, in respect of each employee the employer shall keep a record showing:</p> <ul style="list-style-type: none"> <li>▪ amount of remuneration paid or due by him to the employee;</li> <li>▪ the amount of employees' tax deducted or withheld from the remuneration paid or due;</li> <li>▪ the income tax reference number of that employee;</li> <li>▪ (d) any further prescribed information</li> </ul>	<p>5 years from the date of submission of the return evidencing payment</p>

## 8. Labour Relations Act, No. 66 of 1995

Document	Retention period
<p>Every employer must keep the records in their original form or a reproduced form that an employer is required to keep in compliance with any applicable:</p> <ul style="list-style-type: none"> <li>▪ collective agreement;</li> <li>▪ arbitration award;</li> <li>▪ determination made in terms of the Wage Act</li> </ul>	<p>3 years from the date of the event or end of the period to which they relate</p>
<p>Employer must keep prescribed details of any strike, lock-out or protest action involving its employees</p>	<p>Indefinite</p>
<p>Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions</p>	<p>Indefinite</p>

## 9. Occupational Health and Safety Act, No. 85 of 1993

Document	Retention period
A health and safety committee shall keep record of each recommendation made to an employer in terms of issues affecting the health of employees and of any report made to an inspector as contemplated in section 20(2) of the Act	3 years
Records of incidents reported at work (Annexure 1 of the General Administration Regulations, 2003)	3 years

## 10. Protection of Personal Information Act, No. 4 of 2013

The Act states that personal information must not be retained for any longer than is necessary to achieve the purpose for its collection. If there is no legal requirement to keep the information, it should be deleted. There is an obligation on the collector of the information to delete or remove it at a certain time.

## 11. Unemployment Insurance Act, No. 63 of 2002

Document	Retention period
Employers must maintain personal records of each of their current employees in terms of: <ul style="list-style-type: none"><li>▪ names;</li><li>▪ identification numbers;</li><li>▪ monthly remuneration; and</li><li>▪ address where the employee is employed</li></ul>	5 years from the date of submission of the return evidencing payment

## 12. Value Added Tax Act, No. 89 of 1991

Document	Retention period
Vendors are obliged to keep the following records: <ul style="list-style-type: none"><li>▪ record of all goods and services supplied by and to the vendor;</li><li>▪ the rate of tax applicable to the supply;</li><li>▪ tax invoices;</li><li>▪ credit notes;</li><li>▪ debit notes;</li><li>▪ bank statements;</li><li>▪ deposit slips;</li><li>▪ stock lists;</li><li>▪ paid cheques</li></ul>	5 years from the date of submission of the return evidencing payment