

African Bank – Promotion of Access to Information Act (PAIA) Manual

PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000 (“THE ACT”)

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Appendix 1 – Prescribed form to be completed by a requester

1. Introduction

The Promotion of Access to Information Act, No 2 of 2000 (PAIA) (“**the Act**”) (as amended from time to time) was enacted on the 3rd of February 2000, giving effect to the constitutional right of access to any information held by the public and private bodies and any information held by another person and that is required for the exercise or protection of any rights.

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released**. The Act sets out the requisite procedural issues attached to such request.

This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information it holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA”).

The South African Human Rights Commission has compiled a guide, as contemplated in Section 10 of PAIA, which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in said Act.

The Information Regulator, under the Department of Justice and Constitutional Development, took over the regulatory mandate functions relating to the Promotion of Access to Information Act ("PAIA") from the SA Human Rights Commission ("SAHRC"), effective from 1 July 2021. This is in line with a proclamation by the President of sections 110 and 114(4) of the Protection of Personal Information Act ("POPIA") which allows for an amendment of PAIA and the transfer of certain functions from the SAHRC to the Information Regulator.

Copies of PAIA and POPIA, the relevant regulations and guides to these acts, can be obtained from the information regulator. Queries should be direct to:

Information Regulator

JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Website: www.justice.gov.za/infoereg/index.html
General enquiries: enquiries@infoeregulator.org.za
Complaints: PAIAComplaints@infoeregulator.org.za
POPIAComplaints@infoeregulator.org.za

Copies of PAIA and POPIA, the relevant regulations and the PAIA guide - in English, Zulu, and Sesotho, is also available on the African Bank website.

2. Purpose of the Manual

This manual is intended to foster a culture of transparency and accountability within the Financial Services Industry as a whole, by giving effect to the right to information that is required for the exercise and/or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect their rights.

To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act for them to exercise their rights in relation to public and private bodies.

PAIA and POPIA recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy.
- Commercial confidentiality; and

- Effective, efficient, and good governance; and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution of the Republic of South Africa, Act 108 of 1996, as amended and POPIA.

3. Institutional details

General Details	
Name of Institution	African Bank Limited
Status	Private Body
Postal Address	Private Bag x170, Halfway House, 1685
Physical Address	59 16 th Road, Halfway House, 1685
Telephone Number	0861 11 11 011
Head of Institution	Kennedy G Bungane - Chief Executive Officer (Information Officer)

Deputy Information Officer/PAIA coordinator details	
Name	Sonette Botha - Senior Manager Ombuds and Regulatory Disputes
Email	PAIAOfficer@AfricanBank.co.za
Telephone	+27 11 5647283

Other Deputy Information Officers	
Name	Deon Fouche - Chief Data Officer
Name	Witty Matsomela – Identity Access Management Privacy Lead
Name	Corlette Grobler – Head: Information Security
Email	InformationOfficer@AfricanBank.co.za

4. Applicable Legislation

Applicable legislation (not exhaustive list)

Records are kept in accordance with such other legislation as is applicable to African Bank Limited and group companies, which includes but is not limited to the following legislation:

- Promotion of Access To Information Act 2 Of 2000;
- Banks Act 94 of 1990 as amended;
- Companies Act 61 of 1973 as amended;
- Companies Act 71 of 2008 as amended;
- National Credit Act 34 of 2005 as amended;
- Long Term Insurance Act 52 of 1998;
- Pension Funds Act 24 of 1956;
- Labour Relations Act 66 of 1995;
- Basic Conditions of Employment Act 75 of 1997;
- Employment Equity Act 55 of 1998;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001;

- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Policy Holder Protection Rules;
- Magistrates Court Act 59 of 1959;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act 58 of 1962;
- Debt Collectors Act 114 of 1998;
- Financial Advisory and Intermediary Services Act 37 of 2002;
- Protection of Personal Information Act 4 of 2013.

5. Records of African Bank

The information is classified and grouped according to records relating to the following subjects and categories:

5.1 Employee Records

- Personal records provided by employees;
- Records provided by a third party relating to employees;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to employees; and
- Training schedules and material.

“Personnel” refers to any person who works for or provides services to or on behalf of African Bank and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of African Bank. This includes, without limitation, directors (executive and non-executive, all permanent, temporary, and part-time staff, as well as contract workers).

5.2 Customer Related Records

- Records provided by a customer to a third party acting for or on behalf of African Bank in the financial services industry.
- Records provided by a third party.
- Records generated by or within African Bank in the financial services industry relating to its customers, including transactional records.

A “customer” refers to any natural or juristic entity that receives services from African Bank.

5.3 Private Body Records

- Financial Records
- Operational Records

- Databases
- Marketing Records
- Internal Correspondence
- External Correspondences
- Product Records
- Statutory Records
- Internal Policies and Procedures
- Treasury related Records
- Legal Agreements and Records
- Records held by officials of African Bank
- Information technology
- Supervisory body-related records

These records include, but are not limited to, the records which pertain to African Bank's own affairs.

5.4 Website

Our website address is www.africanbank.co.za and is accessible to anyone who has access to the internet. The website contains various categories of information relating to African Bank.

5.5 Other Party Records

Employee, customer, or private body records which are held by another party, as opposed to the records held by African Bank itself.

Records held by African Bank pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

African Bank may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to African Bank.

6. Request Procedure

Access to records held by African Bank may be accessed by requesters only once the prerequisite requirements for access have been met.

6.1 A requester is any person making a request for access to the records of or held by African Bank. There are two types of requesters:

a. Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. African Bank will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. No access fee for reproduction of the information shall be payable.

b. Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, African Bank is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act. No access fee for reproduction of the information shall be payable.

6.2 Form of request

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

- a. The requester must use the prescribed form (enclosed herewith in Annexure A) to make the request for access to a record. The request should be made to the Information Officer at the address, fax number or electronic mail address as stated in "Part I" above, *for other requester other than the personal requester the following email address should be use **ThirdPartyRequests@africanbank.co.za***.
- b. The prescribed form must be completed with sufficient detail to enable the deputy information officer to identify-
 - the record or records requested;
 - the identity of the requester;
 - which form of access is required;
 - the postal address or fax number of the requester; and
 - the requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- c. African Bank will process the request within 30 (thirty) days, unless the requestor has stated special reasons, which would satisfy the Information Officer that circumstances dictate that the above time-period not be complied with.
- d. Where a requester (other than a personal requester) has requested access to information on a third party, PAIA provides that the third party whose information is requested must be given 21 days in which to make representations to refuse access or give written consent for the disclosure of the record to the requester. It may not always be possible for the Bank to comply with all refuse representations. For example, when a court order had been served for the access

- e. The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- f. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- g. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

6.3 Decision

- a. African Bank will, within 30 (Thirty) days of receipt of the request, decide whether to grant or decline the requests and give notice with reason (If required) to that effect.
- b. The 30 (thirty) day period with which African Bank has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of information, or the request requires a search for information held at another office of African Bank and the information cannot reasonably be obtained within the initial 30 (thirty) day period. The African Bank will notify the requester in writing should an extension be sought.

6.4 Grounds for refusal

The main grounds for African Bank to refuse a request for information may amongst others relate to the:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
- Trade secrets of that third party.
- Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of a third party.
- Information disclosed in confidence by a third party to African Bank if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which would be regarded as privileged in legal proceedings.

- The commercial activities of African Bank, which may amongst others include:
- Trade Secretes of African Bank.
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of African Bank.
- Information, which if disclose, could put African Bank at a disadvantage in negotiations or commercial competition.
- A computer program which is owned by African Bank, and which is protected by copyright.
- The research information of African Bank or a third party, if its disclosure would disclose the identity of African Bank, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6.5 Remedies available when access to information is refused by African Bank:

a. Internal Remedies

Matters which are refused may be escalated to Ombuds and Regulatory Disputes Division by sending an email directly to:

Deputy Information Officer: Sonette Botha

Email: PAIAOfficer@Africanbank.co.za.

Any decision made by the Information Officer is final. Should the requestor not be satisfied with the answer supplied by the Information Officer, he/she should exercise the external remedies at their disposal.

b. External Remedies

A requestor being either a personal requestor or any other requestor that is dissatisfied with an Information Officer's refusal to disclose information may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

7. Processing of personal information in terms of POPIA

African Bank is committed to maintaining the privacy and security of personal information. African Bank will only collect, process and disclose personal information in accordance with POPIA or any other relevant legislation dealing with privacy rights.

7.1 The purpose for African Bank processing personal information

African Bank processes personal information for various purposes, where legally justified to do so and to the extent that the law permits. Please visit the African Bank website for a copy of African Bank Privacy Policy (<https://africanbank.co.za/media/51804/african-bank-privacy-policy-final-19092018-pdf.pdf>).

7.2 Categories of data subjects and personal information processed by African Bank

Categories of data subjects	Personal Information Processed
Customers (includes current, prospective, and previous customers)	Customer personal/special information eg. name, ID, race, etc.
	Demographic, financial and consumer credit information
	Transactions and transactional history
	Biometric information such as fingerprints
	Bank details, contact details and location information
	Information regarding occupation
	Employment information
	Identification and verification records
	Customer third-party information such as credit bureau information etc.
	Beneficiary and heir information
Employees (includes current, prospective, and previous employees)	Employment history and information regarding education
	Health and safety information
	Employee provident information
	Information regarding criminal convictions and background checks
	Temperature readings for COVID-19 purposes
	Full name and contact details
	Close circuit television (CCTV) footage
	Usage of computer software like email and internet
	Information regarding employee monitoring
	Physical and electronic access information
	Employee disciplinary and performance information
	Information regarding dismissals for dishonesty-related behaviour
	Payroll information
	Biometric information
	Information on disability, trade union membership, race and religion.
	Information on credit record
	Medical information
	Employee next of kin or emergency contact
Contact details	
Employee training records	

Job applicants	Curriculum vitae and application forms
	Criminal checks
	Background checks
Operators (suppliers/vendors)	Bank details and financial information
	Contracts and supplier representative contact details
	Information pertaining to information security controls
	Information pertaining to business processes
	Supplier employee information
Visitors	Physical access records
	Close circuit television (CCTV) footage
	Temperature readings for COVID-19 purposes
	Full name and contact details
Landlords	Property information
	Contact information
	Financial information
	Banking details

8. Availability of this Manual

- This manual is available for inspection by the general public upon request, during office hours and free of charge at the offices of African Bank Limited.
- This manual is also published on African Bank's website referred to above.

FORM 2
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

This form is in terms of Section 53(1) of the Promotion of Information Act 2 of 2000

[Regulation 7]

Note:

1. Proof of Identity must be attached but the requester.
2. If the request is made on behalf of another person, proof of such authorisation must be attached to this form.

A. PARTICULARS OF PRIVATE BODY

African Bank Details:

The Information Officer

African Bank

Postal address: Private Bag x170, Halfway House, 1685

Physical address: 59 16th Road, Halfway House, 1685

Email address: ThirdPartyRequests@AfricanBank.co.za (for any request on behalf of a customer)

PAIAOfficer@AfricanBank.co.za

Request is in my own name

Request is made on behalf of another person

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

**Compulsory information*

Full Names and Surname / Full Company Name:

Identity / Registration Number

Physical Address

Postal address

Telephone number _____ Fax number: _____

E-mail address _____

Contact Person (for Company or other entity) _____

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

**Attach power of attorney hereto*

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE (AFRICAN BANK CUSTOMER DETAILS)

Full names and surnames _____

Identity number: _____

D. PARTICULARS OF RECORD

(a) *Provide full particulars of the record to which access is requested, including the reference number if you know that, 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 required (copy , original, dated, stamp)

2. Reference number _____

3. Any further particulars of record: _____

E. FORM OF ACCESS TO RECORD

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.

F. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED:

NOTES:

If the provided space is inadequate, please continue of a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. Indicate which rights are to be protected:

2. Explain why the requested record is required for the exercising or protection of the
aforementioned right:

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS:

NOTES:

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner, and provide the necessary particulars to enable compliance with your request

1. How would you prefer to be informed of the decision regarding your request for access to the record?

Signature:.....

Signed at.....on this..... day of20...

Company stamp /Identification: