



## **PAIA MANUAL**

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

Last Updated: October 2016

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## 1. Introduction

The Promotion of Access to Information Act, No 2 of 2000 (“**the Act**”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is 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.

The Human Rights Commission has compiled a guide in terms of Section 10 of the Act. The guide contains information in an easily comprehensible form and nature as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. The regulations were published in the Government Gazette on 15 February 2002 (Notice No. R187). The guide is available from the South African Human Rights Commission. Please direct any queries regarding the Act to:

### **PAIA Unit, The Research and Documentation Department**

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Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 2. PART I

### 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 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 more fully exercise and protect their rights.

In order 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 in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however 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.

## 3. PART II

### Institution Details

Name of Institution:	African Bank Limited
Status:	Private body
Postal Address:	Private Bag x170 Halfway House 1685
Physical Address:	59 16th Road Halfway House 1686
Head of Institution:	Brian Riley (CEO)

Information Officer Details:

Information Officer: Ciska Smit – Customer Services Area Contact Centre

E-mail: [csmit@africanbank.co.za](mailto:csmit@africanbank.co.za)

Telephone Number: +27 (11) 256 9848

Fax Number:

**4. PART III**

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:

- 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 30 of 1966;
- 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.

**5. PART IV**

Records that may be requested

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

i. Personnel Records

- a. Personal records provided by personnel;
- b. Records provided by a third party relating to personnel;

- c. Conditions of employment and other personnel-related contractual and quasi-legal records;
- d. Internal evaluation records and other internal records;
- e. Correspondence relating to personnel;
- f. 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.

#### ii. Customer Related Records

- a. Records provided by a customer to a third party acting for or on behalf of African Bank in the financial services industry;
- b. Records provided by a third party;
- c. 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.

#### iii. Private Body Records

- a. Financial Records
- b. Operational Records
- c. Databases
- d. Marketing Records
- e. Internal Correspondence
- f. External Correspondences
- g. Product Records
- h. Statutory Records
- i. Internal Policies and Procedures
- j. Treasury related Records
- k. Legal Agreements and Records
- l. Records held by officials of African Bank

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

#### iv. Website

Our website address is [www.africanbank.co.za](http://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.

v. Other Party Records

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

The Request Procedures

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

i. 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 fulfill the prerequisite requirements for access in terms of the Act. No access fee for reproduction of the information shall be payable.

ii. 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 requesters*

*other than the personal requester the following email address should be use [ThirdPartyRequests@africanbank.co.za](mailto:ThirdPartyRequests@africanbank.co.za).*

- b. The prescribed form must be filled in with sufficient detail to enable the Information Officer to identify the following:
  - i. The record or records requested;
  - ii. The identity of the requester;
  - iii. Which form of access is required;
  - iv. The postal address or fax number of the requester;
  - v. 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. 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.
- e. 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.
- f. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

#### Decision

- a. African Bank will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (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.

#### i. 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 that 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 of third parties if it is 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 secrets 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 disclosed, 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.***

ii. Remedies available when access to information is refused by African Bank

a. Internal Remedies

Matters which are refused may be escalated to Customer Services Area Contact Centre by sending an email directly to Ciska Smit at [csmit@africanbank.co.za](mailto:csmit@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 requester or any other requester 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.

## **6. PART V**

### Availability of this Manual

- a. 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.
- b) This manual is also published on African Bank's website referred to above.

Annexure A



**PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER**

**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 4]*

**A. PARTICULARS OF PRIVATE BODY**

*The Information Officer: African Bank Limited*

**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 (third parties to ensure that the signed power of attorney is attached)**

**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.

Signature:.....

Signed at.....on this..... day of .....20...

Company stamp /Identification:

\_\_\_\_\_