

BANXSO PTY LTD

PAIA Manual

Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of 2000 (as
amended)

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1. Definitions and Terminology

- ✘ “Data Subject” - means the person to whom personal information relates;
- ✘ “Banxso” – Banxso (Pty) Ltd;
- ✘ “IO” - Information Officer;
- ✘ “DIO” - Deputy Information Officer;
- ✘ “Minister” - Minister of Justice and Correctional Services;
- ✘ “PAIA” - Promotion of Access to Information Act No. 2 of 2000;
- ✘ “POPIA” - Protection of Personal Information Act No.4 of 2013;
- ✘ “Regulator” - Information Regulator; and
- ✘ “Republic” - Republic of South Africa

2. Introduction

The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. This PAIA manual provides an outline of the types of records and the personal information (PI) held by Banxso and sets out the procedure to request access to these records and personal information, the requirements which such request must meet, as well as the grounds for refusal or partial refusal of such request.

This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This manual informs requesters of procedural and other requirements that a request must meet as prescribed by PAIA and POPIA.

3. Purpose of PAIA Manual

This PAIA Manual is used to:

- ✘ Check the categories of records held by Banxso which are available without a PAIA request.
- ✘ Have sufficient understanding of how to make a PAIA request to Banxso by providing a description of the subjects on which Banxso holds records and the categories of records held on each subject.
- ✘ Know the description of records of Banxso which are available in accordance with any other legislation.
- ✘ Easy access to contact details of the information officer and deputy information officer who will assist the Public with the records they intend to access.
- ✘ Know the description of the guide and how to use PAIA and how to obtain access to it.
- ✘ Know if Banxso will process personal information, what the purpose of this processing is and the description of the categories of data subjects and of the categories of information relating thereto.
- ✘ Know the recipients to whom the personal information may be supplied.
- ✘ Know if Banxso has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied.

- ✘ Know whether Banxso has sufficient security measures in place to ensure the confidentiality of the personal information Banxso is processing.

4. Contact Details for access to information

Banxso will deal with all requests for information in terms of this manual, all requests should be directed to:

Information Officer	
Contact Name	Aurielle Meyers
Telephone	071 605 5853
Email	aurielle.m@banxso.com

Deputy Information Officer	
Contact Name	Zeenat Lawrence
Telephone	071 605 5853
Email	zeenat.l@banxso.com

Banxso Head Office	
Postal Address	2 nd Floor, Heritage Wing, 117 on Strand, De Waterkant, Cape Town, 8001
Physical Address	2 nd Floor, Heritage Wing, 117 on Strand, De Waterkant, Cape Town, 8001
Telephone	071 605 5853
Website	www.banxso.com

5. Guide on how to obtain access to the records under PAIA

- ✘ The South African Human Rights Commission (SAHRC) has compiled the guide contemplated in Section 10(1) of PAIA, which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- ✘ The guide is available in each of the official languages and in braille.
- ✘ The guide can be obtained –
 - o upon request to the Information Officer via e-mail with a form that corresponds substantially with form 1 of Annexure A to the PAIA Regulations **OR**
 - o from the website of the Regulator
<https://info regulator.org.za/paia-guidelines/>

6. Information Requests

- ✘ PAIA grants a Requester access to records of a private body, if the record is required for the exercise or protection of any rights.
- ✘ Requests in terms of PAIA must be made in accordance with the prescribed procedures, at the rates provided.
- ✘ Requesters are referred to the Guide in terms of Section 10 of PAIA (the Guide), which has been compiled by the Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the Regulator.

Contact Details of The Regulator:

Postal Address: JD House, 27 Stiemans Street, Braamfontein, Johannesburg, 2001

Website: www.justice.gov.za

Email: POPIAComplaints.IR@justice.gov.za & PAIAComplaints.IR@justice.gov.za

7. Records held by Banxso, availability and access

✘ Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to any of the entities listed in this manual and the financial services industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation.

✘ Records available without requesting access in terms of the Act

A private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by notice in the Gazette. Banxso have not submitted any such description for publication in the Gazette however certain records are available at www.banxso.com

✘ Records available on request

We set out the subjects and categories of records that are, subject to access being denied as set out in the Act, available upon request for the purposes of the Act:

Records are held on the following subjects:

- personnel records;
- client-related records;
- private body records; and
- records in the possession of or pertaining to other parties.

✘ Personnel records

Personnel refers to any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation,

directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- any personal records provided to the private body by their personnel;
- any records a third party has provided to the private body about any of their personnel;
- conditions of employment and other personnel-related contractual and quasi-legal records;
- internal evaluation records; and
- other internal records and correspondence.

❖ **Client Records**

A client includes any natural or juristic entity, who receives services from the private body.

Client-related information includes the following:

- any records a client has provided to a third party acting for or on behalf of the private body;
- any records a third party has provided to the private body; and
- records generated by or within the private body pertaining to the client, including transactional records.

❖ **Private Body Records**

A private body's records relate to the body's own affairs and are considered to include, but not limit to:

- Financial records;
- operational records;
- databases;
- information technology;
- marketing records;
- internal correspondence;
- records relating to products and services;
- statutory records;
- internal policies and procedures;
- treasury-related records;
- securities and equities; and
- records held by officials of the private body.

❖ **Other Parties**

The private body may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers.

The following records fall under this category:

- personnel, client or private body records which are held by another party as opposed to being held by the private body; and
- records held by the private body 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.

8. Period for processing requests for records

- ✘ The Information Officer or Deputy Information Officer must, within thirty days (30) of receipt of a request for access to a Record, respond to the Requester about whether the request has been granted or denied, but the Information Officer may request an extension if the request involves a large volume of documents or if consultation with public or other private bodies are required.
- ✘ If the Record cannot be found, the Information Officer or Deputy Information Officer must submit a detailed affidavit to the Requester stating that the Record cannot be found or that it is believed that it does not exist.
- ✘ If a request is denied, the Information Officer or Deputy Information Officer must provide reasons.

9. Refusal to grant access to records

By law, the Information Officer or Deputy Information Officer may or must deny access to a Record under certain circumstances. Generally, the Information Officer or Deputy Information Officer must deny access to a Record when granting access will cause more harm than non-disclosure would. Mandatory grounds of refusal, may include any of the following:

- ✘ The protection of personal or commercial information of another party;
- ✘ The protection of safety and property of another party;
- ✘ When required to comply with a confidentiality agreement it had entered into with another party;
- ✘ Information that is legally privileged or which may not be shared by order of a Court or legislation;
- ✘ Vexatious or frivolous requests or requests that may require an unreasonable amount of time to investigate.

10. Appeal to decisions of the Information Officer or Deputy Information Officer

A Requester who is dissatisfied with a decision by the Information Officer may apply to a court for a review of the decision of the Information Officer.

A “court” includes a Magistrate’s Court or the High Court.

An application for review must be submitted to the court within 180 days of receiving notice of the decision of the Information Officer that has caused the grievance.

11. Availability of the Manual

This Manual is available for inspection at the offices of Banxso in Cape Town, free of charge during normal business hours.

Copies are also available on the website - www.banxso.com

FORM 2

REQUEST FOR ACCESS TO RECORD

[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

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
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 (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (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)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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.

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:	

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

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [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 number: _____

TO: _____

Your request 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. 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>)	
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 information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

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:

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4. Fees payable with regards to your request:

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

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

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

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 Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY			
Name of Public Body			
Name and Surname of Information Officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?	Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED
(mark the appropriate box with an "X")

Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	

GROUNDS FOR APPEAL

(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)

State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

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

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>					
Date received:					
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes	
				No	
OUTCOME OF APPEAL					
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority