

PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL

1. INTRODUCTION

- 1.1 The PAIA Manual is prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA) (as amended) which gives effect to Section 32 of the Constitution of the Republic of South Africa. Section 32 of the Constitution states that everyone (South Africans and non-South Africans) has a right of access to any information held by the state and any information held by another person that is required for the exercise protection of any rights.
- 1.2 The PAIA Manual is a guideline to persons who would like to request records from BASA, the associated costs, the type of information available and the contact details of the relevant information officer. This Manual shall also apply to requests related to the Protection of Personal Information Act 4 of 2013.

2. DEFINITIONS

- 2.1 "**BASA**" means The Banking Association South Africa a non-profit organization (NPO), duly incorporated in terms of the Company laws of the Republic of South Africa with registration number: 1992/001350/08;
- 2.2 "**Employee**" means a natural person employed by BASA who processes the Personal Information of data subjects at BASA's direction or on its behalf;
- 2.3 "**Information Officer**" means the person appointed by BASA to maintain the privacy and protection of Information;
- 2.4 "**Members**" means the members of BASA from time to time and include:
 - 2.4.1 Banks;
 - 2.4.2 Branches of International Banks;
 - 2.4.3 Representative Offices; and
 - 2.4.4 Excluded Financial Institutions.
- 2.5 "**PAIA**" means The Promotion of Access to Information Act 2 of 2000.

- 2.6 **"Protection of Personal Information Act "** (POPIA) means the Protection of Personal Information Act, No. 4 of 2013, as amended from time to time;
- 2.7 **"Record"** means any recorded information regardless of form or medium that is in the possession or under the control of BASA whether it was created by BASA or not.

3. THE INFORMATION OFFICER OF BASA

- 3.1 The Information Officer appointed in terms of the PAIA also refers to the Information Officer as referred to in the POPIA of 2013. All requests for information in terms of PAIA and POPIA must be addressed to the Information Officer.

3.2 CONTACT DETAILS OF THE INFORMATION OFFICER OF BASA

Ms Bongki Kunene

3rd Floor Building D, Sunnyside Office Park

32 Princess of Wales Terrace, Parktown, 2193

Telephone Number: +27 11 645 6704

Cellphone Number: +27 65 568 2478

Email Address: BongiK@banking.org.za

3.3 CONTACT DETAILS OF THE DEPUTY INFORMATION OFFICER OF BASA

Mr Vusi Skosana

Telephone Number: +27 11 645 6780

Cellphone Number: +27 79 998 4496

Email Address: vusis@banking.org.za

4. **AVAILABILITY OF THE PAIA MANUAL**

4.1 A copy of this Manual is available in three ways:

- a) Physically at: 3rd Floor Building D,
Sunnyside Office Park,
32 Princess of Wales Terrace,
Parktown, 2193
- b) On request from our Information Officer,
- c) On our website: <https://www.banking.org.za>.

5. **TYPE OF RECORDS HELD BY BASA**

- 5.1 **Company Documents** - Memorandum of Incorporation, Minutes of meetings of the Board and its sub-committees like the Board Exco, Remuneration and Ethics Committee and the Audit and Risk Committee, Records relating to the appointment of Auditors, Directors and prescribed officers;
- 5.2 **Accounting Records** - Annual Financial Statements, banking records, salary related documents, tax-related documents, Unemployment Insurance Fund (UIF), Pay As You Earn (PAYE), Income Tax, Value Added Tax (VAT), Skills Development and Workmen's Compensation;
- 5.3 **Human Resources** - Policies and procedures; Employment Contracts and Personnel Records, Disciplinary Code and Grievance Procedure, Employee benefits, and Leave Records;
- 5.4 **Contracts** - Supplier contracts; MOUs, etc.
- 5.5 **Public documents** – Press release and on BASA website.

An application for access to a record is subject to certain legislative limitations like the Protection of Personal Information Act. If the records are deemed confidential on the part of a third-party, permission from the third party will be required. BASA reserves the right to refuse accessibility of records and reasons will be provided to the requestor. Information on

press release and on BASA website is freely accessible. If it is suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against the requester.

6. PROCESS TO REQUEST FOR ACCESS TO A RECORD

Step 1 - The requestor shall complete the Form, **Annexure A**.

How to complete the Form:

- Type or print in **BLOCK LETTERS** an answer to every question.
- If a question does not apply, state "N/A".
- The requester is required to provide sufficient detail on the request form to enable BASA to identify the record and the requester. The requester should also indicate the format in which access is required.
- If there is insufficient space on the form, additional information may be provided on an additional page that must be attached to the request form.
- 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.
- 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 BASA.
- If the request is for access to a record that contains information about a third-party, BASA is obliged to contact the third-party to inform them of the request and to give them an opportunity to respond. If the third party furnishes reasons for the support or denial of access, BASA will consider these reasons in determining whether access may be granted.

Step 2 - Requestor must attach a certified copy of their identification document to the Form.

Step 3 - The completed Request for access Form must be submitted via email, courier or be hand delivered, for the attention of the Information Officer.

Step 4 - If a fee is applicable, BASA will inform the requester. The applicable fee must

be calculated according to the PAIA's prescribed fees – Annexure 2. The fees must be paid before the records are sent to the requester. If fees have been paid in respect of a request for access, which is later refused, the information officer must repay the deposit to the requester.

(These fees are not applicable to any person seeking access to records that contain their personal information).

- Payment details can be obtained from the Information Officer and can be made by Electronic Funds transfer (EFT) only. Cash and credit card payments are not accepted. The requester must send the proof of payment must be submitted to the Information Officer.

7. NOTIFICATION

BASA will within thirty (30) days of receipt of the request, decide whether to grant or decline the request and give notice which may be extended for a further period of not more than 30 days. If the request is for a large volume of information, and the information cannot reasonably be obtained within the original 30-day period, BASA will notify the requester in writing should an extension be required.

8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 8.1 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.
- 8.2 Mandatory protection of the commercial information / activities of a third-party if the record contains:
 - a) Trade secrets of that party;
 - b) Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;

- c) Information disclosed in confidence by a third-party to BASA if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
- d) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- e) Mandatory protection of the safety of individuals and the protection of property;
- f) Mandatory protection of records which could be regarded as privileged in legal proceedings.

9. Fees

- 9.1 A requestor is required to pay the prescribed fees on Annexure 2 and as amended from time to time on the website of the Information Regulator at www.inforegulator.org.za before a request will be processed.
- 9.2 If the request is granted then further fees are payable for the search, reproduction, preparation and for any time that has exceeded the prescribed 6 (six) hours to search and prepare the record for disclosure. BASA will inform the requestor of the actual amount to be paid.
- 9.3 The requester who seeks access to a record containing personal information about that requester (an example, a former employee) is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

10. OLD AND/OR DESTROYED RECORDS

If records have been destroyed / or no longer exist because the records have been destroyed in terms of the legislative records retention limits, BASA will be excused from the responsibility to provide the requested records. BASA will prepare an Affidavit highlighting the type of record that was requested, the grounds for destruction and how it was

destroyed and inform the requestor. The requestor can refer to the Records Retention Policy on the website at <https://www.banking.org.za>.

11. REMEDIES AVAILABLE WHEN BASA REFUSES A REQUEST

- 11.1 The Requestor must lodge a complaint to the Information Regulator in writing and a complaint form must be completed, either manually or online. A complaint form, Form 5, can be downloaded from the Regulator's website.
- 11.2 If a requestor is dissatisfied with the Information Officer's refusal to disclose information, the requestor may within 30 days of notification of the decision apply to a Court for relief.
- 11.3 If a third-party is dissatisfied with the Information Officer's decision to grant a request for information, the requestor may within 30 days of notification of the decision, apply to a Court for relief.

12. RIGHTS RESERVED BY BASA

BASA reserves the right to monitor, audit, and preserve BASA's information as BASA deems necessary, to maintain compliance with legislation and Policies. Any unauthorised distribution of BASA's information by an employee in contravention of legislation and policies, may result in disciplinary action being taken by BASA.


13. UPDATING OF THE PAIA MANUAL

BASA will update this PAIA Manual as and when required.

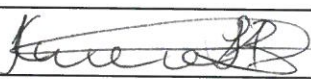
14. SIGN-OFF

The content of this Manual is signed off by the parties below:

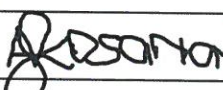
Recommended by Sponsor:

Name	Sethu Mkhathshwa
Designation	Manager Legal
Signature	
Date	20 May 2024

Approved by Information Officer:

Name	Bongi Kunene
Designation	Managing Director
Signature	
Date	20 May 2024

Notification by Manual Custodian:

Name	Vusi Skosana
Designation	Company Secretary / Deputy Information Officer
Signature	
Date	20 May 2024

ANNEXURE A - REQUEST FOR ACCESS TO RECORD (Regulation 7) (FORM 2)

NOTE:

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

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

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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:
	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		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><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></p>			
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 <i>(Mark the applicable box with an "X")</i>	
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	
MANNER OF ACCESS <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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<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:	
FEES	
a) A request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid. 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. d) If you qualify for exemption of the payment of any fee, please state the reason for exemption	
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:

Courier	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

ANNEXURE B - FEES

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on: a flash drive (provided by the requester) a compact disc (CD) if the requester provides the CD to us a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester) For a copy of an audio record on compact disc (CD) if the requester provides the CD to us For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00

Item	Description	Amount
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure The search and preparation fee cannot exceed	R145.00 R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.