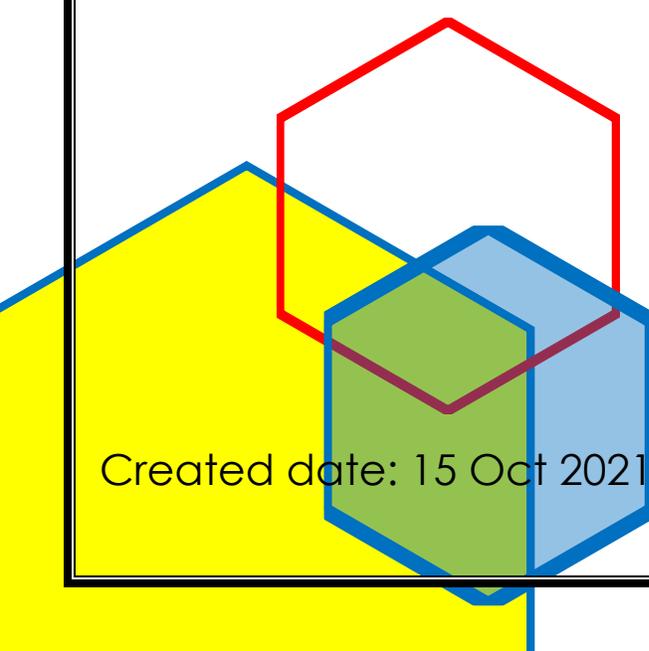


# **PAIA MANUAL**



## **Manual of Finance World**



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# PAIA MANUAL

## Manual of Finance World

### **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 which 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.

### **2. Purpose of this manual**

This manual is intended to foster a culture of transparency and accountability, in support of and to, promote a society in which the people of South Africa have effective access to information to enable them to 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 recognizes that such a right to access 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
- 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. This manual has been drafted in accordance with the generic manual for the Financial Services Industry, which has been submitted to.

### **3. Information officer**

The Information Officer appointed in terms of PAIA is the same as the Information Officer referred to in POPIA. The Information Officer may appoint Deputy Information Officers to facilitate requests for access to Finance World's records and to ensure fulfillment of its obligations and responsibilities.

### **4. Contact details**

Information Officer: Maritza Cooks

Deputy Information Officer: Ina Nash

Physical address: 3 Charter House, 34 Bokstreet, Welkom, Free state, 9460

Telephone number: 074 844 7047

Email: [maritza@financeworld.co.za](mailto:maritza@financeworld.co.za)

### **5. The PAIA guide**

In terms of Section 10 of PAIA, the South African Human Rights Commission compiled a guide outlining the information and steps required by a person wishing to exercise any right contemplated under PAIA. The guide is available in all official languages. The current guide is available for inspection at the offices of the South African Human Rights Commission or on its website: [www.sahrc.org.za](http://www.sahrc.org.za).

### **6. Access to personal information**

POPIA provides that a data subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the information it holds about the data subject and may request access to such information about the identity of third parties who have or have had access to such information.



## **7. Records of Finance World**

This clause serves as a reference to the records that Finance World and all its affiliates ("Finance World") hold. Information is classified and grouped according to records relating to the following subjects and categories:

The accessibility of the documents listed below may be subject to the grounds of refusal set out in section 4.

### **1. Personal records (Employees)**

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Training schedules and material;
- "Personnel" refers to any person who works for, or provides services to or on behalf of Finance World, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Finance World. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers;

### **2. Client-related records**

- Records provided by a customer to a third party acting for or on behalf Finance World;
- Records provided by a third party;
- Records generated by or within Finance World pertaining to its clients, including transactional records;
- A "client" refers to any natural or juristic entity that receives services from Finance World;



### **3. Private body records**

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal Policies and Procedures;
- Treasury-related records;
- Securities and Equities;
- Records held by officials of Finance World;

### **4. Other party records**

- Personnel, client or private body records which are held by another party, as opposed to the records held by Finance World itself;
- Records held by Finance World 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. Finance World 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 Finance World.



## **5. Grounds for refusal of access to records**

The main grounds for Finance World to refuse a request for information relates to the:

5.1 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.

5.2 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 Finance World, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

5.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.

5.4 Mandatory protection of the safety of individuals and the protection of property.

5.5 Mandatory protection of records which would be regarded as privileged in legal proceedings.

5.6 The commercial activities of Finance World, which may include:

- Trade secrets of Finance world;
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Finance World;
- Information which, if disclosed could put Finance World at a disadvantage in negotiations or commercial competition;
- A computer program which is owned by Finance World, and which is protected by copyright;



5.7 The research information of Finance World or a third party, if its disclosure would disclose the identity of Finance World, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

## **8. Remedies available when an institution refuses a request for information.**

### 8.1 Internal remedies

Finance World does not have internal appeal procedures. The decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

### 8.2 External remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **9. Request procedure**

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

9.2 The requester must complete the prescribed form as found on the Department of Justice and Constitutional Development website ([link](#)). The completed form as well as payment of the request fee and a deposit, if applicable, must be sent to the Information Officer at the postal or physical address, fax number or electronic mail as provided in section 3.

9.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- The record or records requested;
- The identity of the requester;
- Where an agent is lodging the request, agent's identity and proof of capacity;



- Which form of access is required, if the request is granted;
- The postal address or fax number of the requester;

9.4 The requester must state that he/she require the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

9.5 Finance World will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods cannot be complied with.

9.6 The requester will be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision, he/she must state the manner and the particulars so required.

9.7 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 reasonable satisfaction of the Information Officer.

9.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

9.9 The requester must pay the prescribed fee, before any processing can take place.

## **10. Access to records held by Finance World.**

10.1 Records held by Finance World may be accessed by requests only once the prerequisite requirements for access have been met.

10.2 A requester is any person making a request for access to information which Finance World is in possession of. There are two types of requesters:

### **10.2.1 Personal requester**

- A personal requester is a requester who is seeking access to a record containing personal information about the requester



- Finance World will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged

### 10.2.2 Another requester

- This requester is entitled to request access to information on third parties.
- Finance World is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **11. Fees**

11.1 The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee;
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs;

11.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

11.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer will notify the requester to pay a deposit for the prescribed portion of the access fee which would be payable if the request is granted.

11.4 The Information Officer will withhold a record until the requester has paid the required fees as provided in Regulation R187 (link to Government Gazette).

11.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction, search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure. This includes making arrangements to make it available in the requested form.

11.6 If a deposit has been paid in respect of a request for access, which is refused, the Information Officer, on behalf of Finance World, must repay the deposit.



## **12. Decision**

12.1 Finance World will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons, if required.

12.2 The 30-day period with which Finance World has to decide whether to grant or refuse the request, may be extended for a further period but not exceeding another 30 days, if the request is for vast amounts of information or the request requires a search for information held at another office of Finance World and the information cannot reasonably be obtained within the original 30-day period. Finance World will notify the requester in writing should an extension be required.

## **13. List of applicable legislation**

13.1 A table of legislation setting out a description of the records of Finance World which are available in accordance with other legislation, is annexed hereto marked "PAIA manual – Annexure A".

This manual is made available in terms of Regulation Number R.187 of 15 February 2002.

## **14. Records kept in terms of legislation**

Finance World keeps records and information in terms of the following legislation:

- Basic Conditions of Employment Act 75 of 1997;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Occupational Health and Safety Act 85 of 1993;
- Protection of Personal Information Act 4 of 2013;
- Unemployment Insurance Act 63 of 2001;



**15. Records available on request**

The information held by Finance World is divided into various information categories to give a broad indication of the information subjects and categories. Please note that recording the category of record in the Manual does not guarantee that a request for access to such records will be granted. All requests will be evaluated on a case-by-case basis in accordance with the provisions of PAIA. “Employees” refers to all employees employed by Finance World and includes temporary, permanent and contracted employees and agents.

<b><u>Category</u></b>	<b><u>Record</u></b>	<b><u>Data subject</u></b>
Regulatory and Administrative	Permits, licenses or authorities Company	Company
	Public corporate records Company	Company
	Minutes of Board or Committee meetings Company	Company
	Insurance policies held by Finance World	Company
	External correspondence (emails/memos)	Company
Human Resources	Employment applications	Employees



	Employment contracts	Employees
	Personal information of employees	Employees
	Medical aid records	Employees
	Pension fund records	Employees
	Disciplinary records	Employees
	Salary records	Employees
	Employee benefit records	Employees
	PAYE records	Employees
	SETA records	Employees
	Leave records	Employees
	Training records	Employees
Financial	Financial statements	Company
	Financial and tax records	Company
	Management accounts and reports	Company
	Asset register	Company
	Budgets	Company



	Cash books and ledgers	Company
	Banking records and statements	Company
Client	Client database	Client
	Client agreements	Client
	Client correspondence	Client
	Client instructions	Client

**16. Information security**

Finance World employs up-to-date technology to ensure the confidentiality, integrity and availability of the personal information in its possession. Measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of the hardware and software that makes up the IT infrastructure;
- Outsourced service providers who may process personal information on behalf of the company are contracted to implement the necessary security controls.

**17. PAIA procedure**

Any person (known as the “requester”) can make a request under PAIA. When a request for access is received, the Information Officer will notify the requester of receipt and of the prescribed fee (if any) prior to processing the request. The Information Officer will notify the requester in writing within thirty (30) days whether the request will be granted.



Requesters pay a fee when requesting access to records other than their personal information, as administration costs may be associated with the retrieval of certain types of information records. The fees for requesting and/or accessing records are set out in Annexure A. Any request for information must be submitted in terms of Form C (attached as Annexure B). Form C must be completed in full and must be submitted with any other information required to consider the request. Proof of identity must be submitted with Form C.

If the request is made on behalf of another person, proof of the capacity in which the person is making the request must be provided (known as the “authorized person”). If a person is unable to complete the prescribed form because of illiteracy or disability, they may make the request orally. Information will not be provided unless the requester provides clear and sufficient details of the right the requester is seeking to protect and an explanation of why the requested information is necessary for the exercise or protection of that right.

### **18. Right of access**

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

- The record is required for the exercise or protection of any right; and
- The requester has complied with the procedural requirements to request access to that record; and
- Access to that record is not refused in terms of any of the grounds for refusal listed below.

### **19. Grounds for refusal**

Finance World employs up-to-date technology to ensure the confidentiality, integrity and availability of the personal information in its possession. Measures include:

- Protection of privacy of a third party who is a natural person, where disclosure would require the unreasonable disclosure of personal information about the third party (including a deceased individual);
- Protection of commercial information of a third party;
- Protection of certain confidential information of a third party;
- Protection of the safety of individuals and protection of property;



- Protection of information in legal proceedings;
- Protection of commercial information of a private body;
- Protection of research information

If a request for access is denied, Finance World will advise the requester of the reason for refusal of access.

## **20. Records that cannot be found or do not exist**

If all reasonable steps are taken to find a requested record but it cannot be found or does not exist, the requester will be notified by way of affidavit or affirmation.

## **21. Availability of the manual**

This manual is available from Finance World offices.