

PROMOTION OF ACCESS TO INFORMATION

M A N U A L

for

Al Baraka Bank Limited

(Registration Number: 1989/003295/06)

Prepared in accordance with Section 51 of the
Promotion of Access to Information Act, No 2 of 2000.

The Promotion of Access to Information Act creates the framework to the right to access information enshrined in the Constitution of the Republic of South Africa, Act 108 of 1996. The purpose of this legislature is to promote a culture of transparency, accountability and governance both in the public and private sectors. Therefore the Act places specific compliance requirements on both state institutions and private sector.

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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.

1.2 Purpose of the manual

This manual is intended to foster a culture of transparency and accountability within the Banking 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. Wherever reference is made to “institution” in this manual, it will refer to Al Baraka Bank Limited, for whom this manual has been compiled.

PART I

2. Contact Details & General Information

Information Officer	:	CE, Shabir Chohan
Designated Officer	:	Compliance Officer, Reshma Kassie
Postal address	:	P.O. Box 4395, Durban, 4000
Physical Address	:	2 Kingsmead Boulevard, Kingsmead Office Park, Stalwart Simelane Street, Durban, 4001
Telephone No	:	031 - 364 9180
Fax No	:	031 - 364 9004
E-mail	:	reshmak@albaraka.co.za
Website	:	www.albaraka.co.za

All requests for access to information in terms of this Act must be made in writing.

PART II

3. Guide of South African Human Rights Commission (SAHRC)

The SAHRC has compiled a guide in terms of Section 10 of the Act to assist individuals waiting to exercise their rights as provided by the Act. The Guide is available from the SAHRC using the details below. Please direct any queries to:

The South African Human Rights Commission :
PAIA Unit
The Research and Documentation Department

Postal Address	:	Private Bag X 2700, Houghton, 2041
Telephone	:	011 877 3600
Fax	:	011 403 0625
Website	:	www.sahre.org.za
E-mail	:	fmoola@sahrc.org.za / svanrensborg@sahrc.org.za / dmalesa@sahrc.org.za

PART III

4. Records of Al Baraka Bank Limited (ABL)

This clause serves as a reference to the records that Al Baraka Bank holds in order to facilitate a request in terms of the Act. The information is classified and grouped according to records relating to the following subjects and categories. It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

4.1 Personnel Records

- 4.1.1 Personal records provided by personnel;
- 4.1.2 Records provided by a third party relating to personnel;
- 4.1.3 Conditions of employment and other personnel-related contractual and quasi legal records;
- 4.1.4 Internal evaluation records and other internal records;
- 4.1.5 Correspondence relating to personnel;
- 4.1.6 Training schedules and material;

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

4.2 Customer Related Records

- 4.2.1 Records provided by a customer to a third party acting for or on behalf of Al Baraka Bank;
- 4.2.2 Records provided by a third party;
- 4.2.3 Records generated by or within Al Baraka Bank relating to its customers, including transactional records;

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

4.3 Private Body Records

- 4.3.1 Financial records;
- 4.3.2 Operational records;
- 4.3.3 Databases;

- 4.3.4 Information Technology;
- 4.3.5 Marketing records;
- 4.3.6 Internal correspondence;
- 4.3.7 Product records;
- 4.3.8 Statutory records;
- 4.3.9 Internal Policies and Procedures;
- 4.3.10 Treasury-related records;
- 4.3.11 Securities and Equities; and
- 4.3.12 Records held by officials of Al Baraka Bank.

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

4.4. Other Party Records

- 4.4.1 Personnel, customer or private body records which are held by another party, as opposed to the records held by Al Baraka Bank itself;
- 4.4.2 Records held by Al Baraka 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.
- 4.4.3 Al Baraka 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 Al Baraka Bank.

5. Records Available Without Having to Request Access in Terms of the Act

- 5.1 Annual Reports.
- 5.2 Brochures on different modes of financing and investments.
- 5.3 Information on website.

PART IV

6. Grounds for Refusal of Access to Records

The main grounds for Al Baraka Bank to refuse a request for information relates to the:

- 6.1 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;
 - 6.2 Mandatory protection of the commercial information of a third party, if the record contains -
 - 6.2.1 Trade secrets of that third party;
 - 6.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 6.2.3 Information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 6.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - 6.4 Mandatory protection of the safety of individuals and the protection of property;
 - 6.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
 - 6.6 The commercial activities of Al Baraka Bank, which may include -
 - 6.6.1 Trade secrets of Al Baraka Bank;
 - 6.6.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Al Baraka Bank;
 - 6.6.3 Information which, if disclosed could put Al Baraka Bank at a disadvantage in negotiations or commercial competition;
 - 6.6.4 A computer program which is owned by Al Baraka Bank, and which is protected by copyright.
 - 6.7 The research information of Al Baraka Bank or a third party, if its disclosure would disclose the identity of Al Baraka 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 vexation, or which involve an unreasonable diversion of resources shall be refused.
-

7. Remedies Available When Al Baraka Bank Refuses a Request for Information

7.1 Internal Remedies

Al Baraka Bank does not have internal appeal procedures regarding the provision of documentation in terms of this Act. As such, the decision made by the Designated Officer (on behalf of 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 Designated Officer (on behalf of the Information Officer).

7.2 External Remedies

A requester that is dissatisfied with a Designated Officer's (on behalf of the Information Officer) 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 Designated Officer's (on behalf of the Information Officer) 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.

8. Request Procedure

- 8.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 8.2 The requester must complete the prescribed form enclosed herewith in Appendix 1, and submit same as well as payment of a request fee and a deposit, if applicable, to the Designated Officer (on behalf of the Information Officer) at the postal or physical address, fax number or electronic mail address as stated in 2 above.
- 8.3 The prescribed form must be filled in with enough particularity to at least enable the Designated Officer (on behalf of the Information Officer) to identify -
 - 8.3.1 The record or records requested;
 - 8.3.2 The identity of the requester,
 - 8.3.3 Which form of access is required, if the request is granted;
 - 8.3.4 The postal address or fax number of the requester.
- 8.4 The requester must state that he requires 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.

- 8.5 Al Baraka Bank will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Designated Officer (on behalf of the Information Officer) that circumstances dictate that the above time period not be complied with.
- 8.6 The requester shall be informed 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.
- 8.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Designated Officer (on behalf of the Information Officer).
- 8.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.9 The requester must pay the prescribed fee, before any further processing can take place.

9. Access to Records Held by Al Baraka Bank

- 9.1 Records held by Al Baraka Bank may be accessed by requests only once the prerequisite requirements for access have been met.
- 9.2 A requester is any person making a request for access to a record of Al Baraka Bank. There are two types of requesters:

9.2.1 Personal Requester

- 9.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 9.2.1.2 Subject to the provisions of the Act and applicable law, Al Baraka Bank 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.

9.2.2 Other Requester

- 9.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, Al Baraka Bank is not obliged to voluntarily grant access. The requester must

fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

10. Fees

- 10.1 The Act provides for two types of fees, namely:
- 10.1.1. A request fee, which will be a standard fee; and
 - 10.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2 When the request is received by the Designated Officer (on behalf of 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.
- 10.3 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 Designated Officer (on behalf of the Information Officer) shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 10.4 The Designated Officer (on behalf of the Information Officer) shall withhold record until the requester has paid the fees as Indicated in Appendix 2.
- 10.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 10.6 If a deposit has been paid in respect of a request for access, which is refused, then the Designated Officer (on behalf of the Information Officer) concerned must repay the deposit to the requester.

11. Decision

- 11.1 Al Baraka Bank will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 11.2 The 30 day period with which Al Baraka Bank has to decide whether to grant or refuse the request, may be extended for a further period of not more than 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 the institution and the information cannot reasonably be obtained within the original 30 day period. Al Baraka Bank will notify the requester in writing should an extension be sought.

12. Records available in terms of other legislation: S 51 (1) (d)

A list of other applicable legislation in terms of which records are available are set out in Appendix 3.

13. Availability of the Manual

- 13.1 This manual is made available in terms of Regulation Number R. 187 of February 2002.
- 13.2 The PAIA Manual of Al Baraka Bank will also be available on our website www.albaraka.co.za

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

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access to the record

- (a) The particulars of the person who requests access to the records must be recorded below.
(b) Furnish an address and/or fax number in the Republic to which information must be sent.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number: _____

Fax Number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made:

This section must be completed only if a request for information is made on behalf of another person

Full names and Surname:

Identity Number:

D. Particulars of Record:

(a) 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.

(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 the Record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the record:

E. Fees:

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount of the request fee.

(c) The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee:

F. Form of Access to the Record:

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____

Form in which record is required: _____

Mark the appropriate box with an "X"

NOTES:

(a) Your indication as to the required form of access depends 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.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

Copy of record *

Inspection of record

2. If the record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images

Copy of the images *

Transcription of the images*

3. If the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette) *

Transcription of soundtrack* (written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:

Printed copy of record

Printed copy of information derived from the record *

Copy in computer readable form * (stiffy or compact disc)

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

A postal fee is payable.

YES

NO

G. Particulars of right to be exercised or protected:

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. Indicate which right is to be exercised or protected:

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

H. Notice of decision regarding request for access:

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.

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

Signed at _____ this _____ day of _____ 20

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE

APPENDIX - 2

REPRODUCTION FEES

Where Al Baraka Bank has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE IS:

- | | |
|--|-------|
| • For every photocopy of an A4-size page or part thereof | 1,10 |
| • For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | 0,75 |
| • For a copy in a computer-readable form on | |
| - Stiffy disc | 7,50 |
| - Compact disc | 70,00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40,00 |
| • For a copy of visual images | 60,00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| • For a copy of an audio record | 30,00 |

Request fees:

Where a requester submits a request for access to information held by a bank on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before Al Baraka Bank will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

- | | |
|--|------|
| • For every photocopy of an A4-size page or part thereof | 1,10 |
| • For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form | 0,75 |

- For a copy in a computer-readable form on
 - Stiffy disc 7,50
 - Compact disc 70,00
- A transcription of visual images, for an A4-size page or part thereof 40,00
- For a copy of visual images 60,00
- A transcription of an audio record, for an A4-size page or part thereof 20,00
- For a copy of an audio record 30,00
- To search for a record that must be disclosed 30,00
(per hour or part of an hour reasonably required for such search).
- Where a copy of a record needs to be posted the actual postal fee is payable.

Deposits:

Where Al Baraka Bank receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Where files or documents are required to be retrieved from storage in order to provide access or make copies in terms of this Manual, the actual costs of retrieval from storage will also be payable by the requester.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Administration of Estates Act No. 66 of 1965
Banks Act No. 94 of 1990
Basic Conditions of Employment Act No. 75 of 1997
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
Competition Act No. 89 of 1998
Consumer Protection Act No. 68 of 2008
National Credit Act 34 of 2005
Custody and Administration of Securities Act No. 85 of 1992
Debt Collectors Act No. 114 of 1998
Electronic Communications and Transactions Act 2009
Employment Equity Act No. 55 of 1998
Financial Advisory and Intermediary Services Act No. 37 of 2002
Financial Intelligence Centre Act No. 38 of 2001
Financial Markets Control Act No. 55 of 1989
Income Tax Act No. 58 of 1962
Insolvency Act No. 24 of 1936
Labour Relations Act No. 66 of 1995
National Payment System Act No. 78 of 1998
Occupational Health and Safety Act No. 85 of 1993
Prescription Act No. 68 of 1969
Prevention of Organised Crime Act No. 121 of 1998
Short-term Insurance Act No. 53 of 1998
Transfer Duty Act No. 40 of 1949
Unemployment Insurance Act No. 63 of 2001
Value-added Tax Act No. 89 of 1991

This list is not exhaustive.