

# **STANDARD BANK OF SOUTH AFRICA LIMITED**

## **INFORMATION MANUAL**

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of the Promotion of Access To Information Act, 2 of 2000

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## 1 INTRODUCTION

This information manual (“Manual”) provides an outline of the types of records held by the Standard Bank of South Africa Limited (“Bank”) and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (the “Act”).

The Act gives effect to everyone’s constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requestor’s rights.

A guide to the Act is available from the South African Human Rights Commission (“SAHRC”) website: [www.sahrc.org.za](http://www.sahrc.org.za). Should you have any queries in this regard, please contact the SAHRC directly at: The South African Human Rights Commission: PAIA Unit; The Research and Documentation Department; Postal address: Private Bag 2700, 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 AVAILABILITY OF THIS MANUAL

You, the requester, can access this Manual on our [www.standardbank.co.za](http://www.standardbank.co.za) website or by requesting a copy by e-mail from the Bank’s Information Officer as provided for in paragraph 3 below.

## 3 INFORMATION OFFICERS CONTACT DETAILS

Mr. Surendra Naidoo

The Standard Bank Group Information Officer

5 Simmonds Street

Johannesburg

2000

Telephone: +27 11 631 5666

Fax: +27 11 636 4812

E-mail: [Surendra.Naidoo@standardbank.co.za](mailto:Surendra.Naidoo@standardbank.co.za)

## 4 RECORDS HELD BY THE BANK

The Bank maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

### 4.1 Internal records

The following are records pertaining to Standard Bank's own affairs:

- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Statutory records;
- Internal policies and procedures; and
- Records held by officials of Standard Bank.

### 4.2 Employee records

"Employee" refers to any person who works for or provides services to or on behalf of the Bank and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for the Bank. This includes, without limitation, heads of departments, managers, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to the Bank by their personnel;
- Any records a third party has provided to the Bank 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.

### 4.3 Work-related records

Work-related information includes the following:

- Any records a third party has provided to the Bank; and
- Records generated by or within the Bank pertaining to work or services, including transactional records.

#### 4.4 **Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, departments, service providers. Alternatively, such other parties may possess records which can be said to belong to the Bank. The following records fall under this category:

- Personnel, work or service related records which are held by another party as opposed to being held by the Bank; and
- Records held by the Bank pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

### 5 **STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST**

The following steps must be considered before submitting a request:

#### 5.1 **Step 1: Are you entitled to use the Act to request access?**

Please take note of section 7(1) of the Act which states:

“This Act does not apply to a record of a public body or a private body if—

- (a) that record is requested for the purpose of criminal or civil proceedings;
- (b) so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.”

If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. The Bank reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

#### 5.2 **Step 2: Does the information requested exist in the form of a record?**

Please note that the Act only applies to records that are in existence at the time of us receiving your request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made. For

instance, the Act cannot be used to obtain reasons for a decision taken by the Bank if such reasons are not in the form of a record.

5.3 **Step 3: Is the record in the possession or under the control of Standard Bank?**

The Act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by the Bank or at some point in the Bank's possession (but no longer in the Bank's control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

6 **HOW TO SUBMIT REQUEST FOR ACCESS**

Please consider the steps in paragraph 5 above before submitting your request. Once you are satisfied that none of the foregoing prohibitions apply to you, you may proceed to submit a request as follows:

6.1 ***Request form***

Please complete the request form in Annexure 1 to this Manual (the "Request Form"). You can send the completed request form as is or under cover of a separate letterhead or fax cover.

In the Request Form, you need to provide sufficient information to enable us to adequately identify –

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

6.2 ***Description of the right***

Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be "necessary" for the exercise or protection of the right so stated.

It is important to note that the Bank's Information Officer may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act.

### 6.3 **Representatives**

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 Bank's Information Officer.

### 6.4 **Illiteracy or disability**

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

### 6.5 **Prescribed fee**

The prescribed access fee, if applicable, as provided for in paragraph 7.2 below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request.

## 7 **PRESCRIBED FEES**

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

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

7.2 The requester, other than a *personal requester\**, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.

\* "personal requester" means a requester seeking access to a record containing *personal information\*\** about the requester.

\*\* "personal information" means information about an identifiable individual, including, but not limited to—

(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;

(b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;

(c) any identifying number, symbol or other particular assigned to the individual;

(d) the address, fingerprints or blood type of the individual;

(e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;

(f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

(g) the views or opinions of another individual about the individual;

(h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and

(i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual,

but excludes information about an individual who has been dead for more than 20 years.

7.3 If the search for and 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 request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

7.4 The Information Officer may withhold a record until the requester has paid the fees as indicated in **Annexure 2**.

7.5 A requester whose request 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.

7.6 You may ask for a refund of the deposit if your request for access is refused.

## 8 **CONSIDERING YOUR REQUEST**

8.1 Subject to the provisions in the Act in respect of extension of time periods, the Bank will process the request within 30 days, unless you have stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

8.2 You will be informed in writing whether access has been granted or denied.

8.3 The main grounds for the Bank to refuse a request for information relate to the -

8.3.1 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;

8.3.2 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 the Bank, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 8.3.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 8.3.4 mandatory protection of the safety of individuals and the protection of property;
- 8.3.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 8.3.6 the commercial activities of the Bank, which may include –
- trade secrets of the Bank;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Bank;
  - information which, if disclosed could put the Bank at a disadvantage in negotiations or commercial competition;
  - a computer program which is owned by the Bank, and which is protected by copyright.
- 8.3.7 the research information of the Bank or a third party, if its disclosure would disclose the identity of the Bank, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

## 9 **YOUR REMEDIES**

The Bank does not have internal appeal procedures. As such, the decision made by the Information Officer is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief.

**ANNEXURE 1:**

**REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

This annexure must accompany the cover letter addressed to the relevant Information Officer

**A. Particulars of Standard Bank or Division**

The Standard Bank Group Information Officer

Surendra Naidoo

5 Simmonds Street

Johannesburg

Fax : +27 11 636 4812

E-mail: Surendra.Naidoo@standardbank.co.za

**B. Particulars of person requesting access to the record**

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

Full names and surname:

\_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which the 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:

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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 record or relevant part of the record:

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2 Reference number, if available:

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3 Any further particulars of record:

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**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 required to be paid as the request fee.
- (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 for exemption from payment of fees:

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**F. Form of access to 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:	Form in which record is required
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Mark the appropriate box with an X.

**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.
- (c) The fee payable for access for 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
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2. If record consists of visual images: this includes photographs, slides, video recordings, computer-generated images,

sketches, etc)							
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of images*		
3. If record consists of recorded words or information which can be reproduced in sound:							
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document				
4. If record is held on computer or in an electronic or machine-readable form:							
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record	<input type="checkbox"/>	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? Postage is payable.				<input type="checkbox"/>	Yes	<input type="checkbox"/>	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:

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

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**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 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?

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Signed at \_\_\_\_\_ this \_\_\_ day of \_\_\_\_\_ 200\_

\_\_\_\_\_

Signature of requester / person on whose behalf request is made

**FOR STANDARD BANK INTERNAL USE ONLY**

Reference number:

Information Officer:

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

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SIGNATURE OF INFORMATION OFFICER (or duly authorised representative)

**ANNEXURE 2:**

**FEEES IN RESPECT OF PRIVATE BODIES**

DESCRIPTION	Rand
<b>1</b> The fee for a <b>copy of the manual</b> as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
<b>2</b> The fees for <b>reproduction</b> referred to in regulation 11 (1) are as follows:	
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) 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
(c) For a copy in a computer-readable form on—	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(d)(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii) For a copy of an audio record	30,00
<b>3</b> The <b>request fee</b> payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
<b>4</b> The <b>access fees</b> payable by a requester referred to in regulation 11 (3) are as follows:	
4.1(a) For every photocopy of an A4-size page or part thereof	1,10
(b) 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
(c) For a copy in a computer-readable form on—	
(i) Stiffy disc	7,50
(ii) Compact disc	70,00
(d)(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
4.2 For purposes of section 54 (2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) One third of the access fee is payable as a deposit by the requester.	
4.3 The actual postage is payable when a copy of a record must be posted to a requester.	