

**PROMOTION OF ACCESS TO
INFORMATION
M A N U A L
for
Albaraka 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.

CONTENTS

Page

1. INTRODUCTION	1
2. CONTACT DETAILS AND GENERAL INFORMATION	2
3. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION	3
4. RECORDS OF AL BARAKA BANK	4 – 5
5. RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS IN TERMS OF THE ACT	5
6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS	6 - 7
7. REMEDIES AVAILABLE WHEN AL BARAKA BANK REFUSES A REQUEST FOR INFORMATION	7
8. REQUEST PROCEDURE	8
9. ACCESS TO RECORDS HELD BY AL BARAKA BANK	9
10. FEES	9-10
11. DECISION	10
12. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: S 51 (1) (d)	11
13. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY AL BARAKA BANK	11 – 12
14. PURPOSE OF THE PROCESSING OF PERSONAL INFORMATION BY AL BARAKA BANK	12
15. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION/SPECIAL PERSONAL INFORMATION RELATING THERETO	13
16. RECIPIENTS OF PERSONAL INFORMATION	13
17. CROSS-BORDER FLOWS OF PERSONAL INFORMATION	13 – 14
18. DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY AL BARAKA BANK	14
19. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT	14
20. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION	14-15
21. RESTRICTION OF PROCESSING OF PERSONAL INFORMATION	15
22. COMPLAINTS BY DATA SUBJECTS	16
23. AVAILABILITY OF THE MANUAL	16

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. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”). The Act must be read in conjunction with the Protection of Personal Information Act 4 of 2013 (“POPI Act”).

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 Albaraka Bank Limited (“the Bank”, for whom this manual has been compiled.

This PAIA Manual complies with the requirements of the Promotion of Access to Information Act and the Protection of Personal Information Act.

PART I

2. The Information Officer

- 2.1. The Act prescribes the appointment of an Information Officer, who is responsible to, inter alia, assess requests for access to information. The head of a private body fulfils such a function in terms of section 51. The Bank has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.
- 2.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the POPI Act. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the POPI Act after registering with the Information Regulator.
- 2.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the POPI Act. All requests for information in terms of this Act must be addressed to the Information Officer.

Contact Details

Information Officer	:	Miss Rushda Ebrahim Khan
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 9182
Fax No	:	031 - 364 9004
E-mail	:	informationofficer@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 2700, Houghton, 2041

Telephone : 011 877 3600

Fax : 011 403 0625

Website : www.sahrc.org.za

E-mail : paia@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.

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Al Baraka Bank will consider access.

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 Records of a public nature, typically Information on the Bank's website may be accessed without the need to submit a formal application.

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 or a deceased person (section 63) or a juristic person, as included in the POPI Act, which would involve the unreasonable disclosure or personal information of that natural or juristic person;
- 6.2 Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the POPI Act;
- 6.3 Mandatory protection of the commercial information of a third party, if the record contains -
 - 6.3.1 Trade secrets of that third party;
 - 6.3.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 6.3.3 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;
- 6.4 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 6.5 Mandatory protection of the safety of individuals and the protection of property;
- 6.6 Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 6.7 The commercial activities of Al Baraka Bank, which may include -
 - 6.7.1 Trade secrets of Al Baraka Bank;
 - 6.7.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Al Baraka Bank;
 - 6.7.3 Information which, if disclosed could put Al Baraka Bank at a disadvantage in negotiations or commercial competition;
 - 6.7.4 A computer program which is owned by Al Baraka Bank, and which is protected by copyright.

- 6.8 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.
- 6.9 Requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.
- 6.10 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 6.11 Should a requested record not be found or if the record does not exist, the Information Officer shall, by way of affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such notice will not be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act. Should the record be later found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

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 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.

7.2 External Remedies

A requester 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 and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

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, Form C, and submit same as well as payment of a request fee and a deposit, if applicable, to 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 C must be filled in with enough particularity to at least enable 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 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 personal information is being communicated to the requester in response to their request, the requester shall also be advised of the right to request the correction of their information.
- 8.8 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 Information Officer.
- 8.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.10 The requester must pay the prescribed fee, before any further processing can take place.
- 8.11 All information listed in clause 8 herein should be provided failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall keep a record and grant only access to that portion requested and which is not prohibited from being disclosed.

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, is a standard administration fee to be paid by all requesters **except personal requesters**, before the request is considered and is not a refundable 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 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 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 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 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. Protection of Personal Information that is Processed by Al Baraka Bank

- 13.1 Chapter 3 of the POPI Act provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in the POPI Act.
- 13.2 Al Baraka Bank requires personal information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is Processed is determined by Al Baraka Bank. Al Baraka Bank is accordingly a Responsible Party for the purposes of the POPI Act and will ensure that the Personal Information of a Data Subject:
 - 13.2.1 Is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Al Baraka Bank, in the form of privacy or data collection notices. Al Baraka Bank must also have a legal basis (for example consent) to process personal information;
 - 13.2.2 Is processed only for the purposes for which it was collected;
 - 13.2.3 Will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
 - 13.2.4 Is adequate, relevant and not excessive for the purposes for which it was collected;
 - 13.2.5 Is accurate and kept up to date;
 - 13.2.6 Will not be kept for longer than necessary;
 - 13.2.7 Is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that personal information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by Al Baraka Bank, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

13.2.8 Is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:

- (a) be notified that their Personal Information is being collected by Al Baraka Bank. The Data Subject also has the right to be notified in the event of a data breach;
- (b) know whether Al Baraka Bank holds personal information about them, and to access that information. The data subject may contact the Information Officer via e-mail to enquire on whether Al Baraka Bank holds any personal information about them. This enquiry will be free of charge. Any request for access to information must be handled in accordance with the provisions of this Manual;
- (c) request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- (d) object to Al Baraka Bank's use of their personal information and request the deletion of such Personal Information (deletion would be subject to Al Baraka Bank's record keeping and retention requirements);
- (e) object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- (f) complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

14. Purpose of the Processing of Personal Information by Al Baraka Bank

As outlined above, personal information may only be processed for a specific purpose. The purposes for which Al Baraka Bank processes or will process personal information is set out in Appendix 4.

15. Categories of Data Subjects and Personal Information/Special Personal Information relating thereto

A data subject may either be a natural or a juristic person. Appendix 5 sets out the various categories of data subjects that Al Baraka Bank processes personal information on and the types of personal information relating thereto.

16. Recipients of Personal Information

Personal information is only disclosed if it is necessary to fulfil our mandate for business purposes, where there is a legal obligation to do so, where there is a public duty to disclose the information, or the legitimate interests of the data subject require disclosure or consent was provided by data subject to disclose the information. Where appropriate, we request the third parties with whom we share personal information with, to take adequate measures and comply with applicable data protection laws and protect the information we are disclosing to them. We do this through contractual arrangements with these third parties. Appendix 5 outlines the recipients to whom Al Baraka Bank may provide a data subject's personal information to.

17. Cross-border flows of Personal Information

- 17.1 POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:
- a) Recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the conditions for lawful processing as contained in POPI; or
 - b) Data Subject consents to the transfer of their personal information; or
 - c) Transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party; or
 - d) Transfer is necessary for the performance of a contractual obligation between the responsible party and a third party, in the interests of the data subject; or

- e) The transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject, and if it were, the data subject, would in all likelihood provide such consent.

18. Description of information security measures to be implemented by Al Baraka Bank

Al Baraka Bank employs security controls, electronic and physical that are designed to maintain confidentiality, prevent loss of, unauthorized access to and damage to information by unauthorised parties. Appendix 6 sets out the types of security measures implemented by Al Baraka Bank in order to ensure that personal information is respected and protected.

19. Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of the POPI Act and Regulation 2 of the POPI Act Regulations provides that a data subject may, at any time object to the processing of his/her/its personal information in the prescribed form attached to this manual as Appendix 7, subject to exceptions contained in the POPI Act.

20. Request for correction or deletion of Personal Information

Section 24 of the POPI Act and Regulation 3 of the POPI Regulations provides that a data subject may request for their personal information to be corrected/deleted in the prescribed form attached as Appendix 8 to this Manual. Al Baraka Bank will, as soon as reasonably practicable, on receipt of this request –

- (a) correct the information;
- (b) destroy or delete the information;
- (c) provide the data subject, to his or her satisfaction, with credible evidence in support of the information; or

(d) where agreement cannot be reached between Al Baraka Bank and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made. If Al Baraka Bank has taken steps that result in a change to the information and the changed information has an impact on decisions that have been or will be taken in respect of the data subject in question, then Al Baraka Bank must, if reasonably practicable, inform each person or body or responsible party to whom the personal information has been disclosed of those steps.

Al Baraka Bank will deny a request to delete personal information under the control of the Bank where the personal information is still required by the Bank and where it is being held in accordance with legislative requirements or in line with the Bank's retention requirements.

Al Baraka Bank shall notify a data subject, who has made a request in terms of this section, of the action taken as a result of the request.

21. Restriction of processing of personal information

Al Baraka Bank shall ensure to restrict processing of personal information if—

- (a) its accuracy is contested by the data subject, for a period enabling the Bank to verify the accuracy of the information;
- (b) the Bank no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof;
- (c) the processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or
- (d) the data subject requests to transmit the personal data into another automated processing system.

Where processing of personal information is restricted pursuant to the above, Al Baraka Bank shall inform the data subject before lifting the restriction on processing.

22. Complaints by Data Subjects

- 22.1 Data subjects have the following remedies where there's interference with the protection of their personal information by Al Baraka Bank:
- 22.1.1 Lodge a complaint with the Information Officer of Al Baraka Bank using the form attached as Appendix 9;
 - 22.1.2 Where unsatisfied with the Information Officer's resolution of the complaint, the data subject may lodge the complaint with the Information Regulator in the prescribed manner and form;
 - 22.1.3 Institute civil action for damages in a court having jurisdiction.

23. Availability of the Manual

- 23.1 The availability of this manual is not only in compliance with the requirements of the Act, but also is an effort to truly run a transparent institution which is compliant and promotes the Constitutional right of access to information.
- 23.2 Al Baraka Bank will update this PAIA Manual at such intervals as may be deemed necessary.
- 23.3 The hard copies are made available at the Al Baraka's Head Office and branches reception/enquiries areas for public inspection during business hours.
- 23.4 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 recording) *

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 *

* 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 (per hour or part of an hour reasonably required for such search). 30, 00
- 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.

APPENDIX 3

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.

APPENDIX 4

Processing of Personal Information in Accordance with POPI

For customers:

- a. Performing duties in terms of any agreement with consumers
- b. Make, or assist in making, credit decisions about consumers
- c. Manage any application, agreement or correspondence consumers may have with Al Baraka Bank
- d. Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about Al Baraka Bank's products and services, unless consumers indicate otherwise
- e. To form a view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers
- f. Carrying out market research, business and statistical analysis
- g. Performing other administrative and operational purposes including the testing of systems
- h. Recovering any debt consumers may owe Al Baraka Bank
- i. Complying with Al Baraka Bank's regulatory and other obligations
- j. Any other reasonably required purpose relating to Al Baraka Bank

For prospective customers:

- a. Verifying and updating information
- b. Pre-scoring
- c. Direct marketing
- d. Any other reasonably required purpose relating to the processing of a prospective customer's personal information reasonably related to Al Baraka Bank.

For employees:

- a. The same purposes as for consumers (above)
- b. Verification of applicant employees' information during recruitment process
- c. General matters relating to employees:
 - i. Pension
 - ii. Medical aid
 - iii. Payroll
 - iv. Disciplinary action
 - v. Training
- d. Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors/suppliers/service providers/other businesses:

- a. Verifying information and performing checks;
- b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- c. Payment of invoices;
- d. Complying with Al Baraka Bank's regulatory and other obligations; and
- e. Any other reasonably required purpose relating to Al Baraka Bank's business.

Categories of Data Subjects and Categories of Personal Information relating thereto

Employees

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Criminal checks
- e. Credit history
- f. Banking and financial details
- g. Details of payments to third parties (deductions from salary)
- h. Employment contracts
- i. Employment equity plans
- j. Medical aid records
- k. Pension Fund records
- l. Remuneration/salary records
- m. Performance appraisals
- n. Disciplinary records
- o. Leave records
- p. Training records

Consumers and prospective consumers (which may include employees)

- a. Postal and/or street address
- b. Title and name
- c. contact numbers and/or e-mail address
- d. ethnic group
- e. employment history
- f. age
- g. gender
- h. marital status
- i. nationality
- j. language
- k. financial information
- l. identity or passport number
- m. browsing habits and click patterns on Al Baraka Bank websites.

Vendors /suppliers/service providers/other businesses:

- a. Name and contact details
- b. Identity and/or company information and Directors' information
- c. Banking and financial information
- d. Information about products or services
- e. Other information not specified, reasonably required to be processed for business operations.

Visitors:

- a. Name and contact details

Shareholders/Directors:

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Company information and Directors' information
- d. Banking and financial information

Recipients of Personal Information

- a. Any firm, organisation or person that the Al Baraka Bank uses to provide a service on its behalf;
- b. Any payment system the Al Baraka Bank uses;
- c. Regulatory and governmental authorities or Ombudsmen, or other authorities, including tax authorities, where Al Baraka Bank has a duty to share information;
- d. Law enforcement agencies;
- e. Albaraka Banking Group (Al Baraka Bank's parent company);
- f. Third parties to whom payments are made on behalf of employees;
- g. Financial institutions from whom payments are received on behalf of data subjects;
- h. Any other operator not specified;
- i. Employees, contractors and temporary staff; and
- j. Agents.

Description of information security measures

Al Baraka Bank undertakes to institute and maintain data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Al Baraka Bank may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons

Al Baraka Bank shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

2. Data Media Control

Al Baraka Bank undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by Al Baraka Bank and containing personal data of customers.

3. Data Memory Control

Al Baraka Bank undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User Control

Al Baraka Bank shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access Control to Data

Al Baraka Bank represents that the persons entitled to use Al Baraka Bank's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transport Control

Al Baraka Bank shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

7. Organisation Control

Al Baraka Bank shall maintain its internal organisation in a manner that meets the requirements of this Manual.

APPENDIX 7

Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act, 2013

Regulations Relating to The Protection of Personal Information

- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code:
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name	
Residential, postal or business address:	
	Code:
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at _____ this _____ day of _____ 20

Signature of data subject/designated person

APPENDIX 8

Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information in terms of Section 24(1) of the Protection of Personal Information Act, 2013

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	Details of Data Subject
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code:
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of responsible party:	
Residential, postal or business address:	
	Code:
Contact number(s):	
Fax number / E-mail address:	

C	Information to be corrected/deleted/destroyed/destroyed
D	Reasons for *Correction or Deletion of the Personal Information about the Data Subject in Terms of Section 24(1)(a) which is in Possession or Under the Control of the Responsible Party; and or Reasons for *Destruction or Deletion of a Record of Personal Information about the Data Subject in Terms of Section 24(1)(b) which the Responsible Party is no longer Authorised to Retain. (Please Provide Detailed Reasons for the Request)

Signed at _____ this _____ day of _____ 20

Signature of data subject/designated person

POPIA COMPLAINT FORM

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit your complaint to the Information Officer:	
Name	
Contact Number	
Email Address:	

Where we are unable to resolve your complaint, to your satisfaction you have the right to complain to the Information Regulator.

The Information Regulator: Ms Mmamoroke Mphelo

Physical Address: SALU Building, 316 Thabo Sehume Street, Pretoria

Email: inforreg@justice.gov.za

Website: <http://www.justice.gov.za/inforeg/index.html>

A. Particulars of Complainant

Name & Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	

B. Details of Complaint

C. Desired Outcome

D. Signature Page

Signature:	
Date	