

Bank Zero Mutual Bank (“Bank Zero”) PAIA Manual

Published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000.
August 2020

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1. Introduction

Bank Zero is committed to the key principles of good governance, transparency and accountability. PAIA gives effect to the constitutional right of access of any information held by private institution that is required for the exercise of rights. Where a request is received in terms of PAIA, Bank Zero is required to release information, except where the Act expressly provides that the information may not be released.

1. Functions of the Company

The main business of Bank Zero is that of a mutual bank that provides a range of banking and financial services.

2. Availability of this Manual

This manual will always be readily available:

- On Bank Zero's website www.bankzero.co.za;
- At Bank Zero's principal place of business (4 Georgian Crescent West, Bryanston, 2021, Johannesburg);
- To any person upon request at a reasonable fee as per the Schedule of fees listed in point 15 of this manual; and
- To the regulator upon request.

3. Company Details

Name: Bank Zero Mutual Bank
Status: Mutual Bank
Physical Address: 4 Georgian Crescent West, Bryanston, 2021, Johannesburg
Postal Address: P.O. Box 413725, Craighall, 2024
Phone number: 011 687 8100
CEO: Yatin Narsai

4. Key Contact Details for Access to Information Queries

Valerie Parker
 Head of Legal and Compliance
 Bank Zero Mutual Bank
 4 Georgian Crescent West
 Bryanston
 2021
 Email: Valerie.bosman@bankzero.co.za

5. SAHR Commission and Sec 10 Guide

The SAHRC has compiled a guide that contains information on rights set out in the Act. The guide is available in all of the official languages and can be viewed at www.sahrc.org.za.

6. Applicable Legislation

Bank Zero is required by legislation to hold certain records. This legislation includes:

- Banks Act, No. 94 of 1990
- Mutual Banks Act 124 of 1993
- Companies Act, No. 71 of 2008
- Competition Act, No. 89 of 1998
- Financial Advisory and Intermediary Services Act, No. 37 of 2002
- Consumer Protection Act, No. 68 of 2008
- Financial Intelligence Centre Act, No. 38 of 2001
- National Credit Act, No. 34 of 2005
- Promotion of Access to Information Act, No. 2 of 2000
- National Payment System Act, No. 78 of 1998
- Protection of Personal Information Act, No. 4 of 2013

- Regulation of Interception of Communications and Provision of Communication- Related Information Act, No. 70 of 2002
- Electronic Communications and Transactions Act, No. 25 of 2002
- Financial Sector Regulation Act, No. 9 of 2017
- Prevention and Combating of Corrupt Activities Act, No. 12 of 2004
- Protected Disclosures Act, No. 26 of 2000
- Valued-Added Tax Act, No. 89 of 1991
- US Foreign Account Tax Compliance Act, 2010
- Basic Conditions of Employment Act, No. 75 of 1997
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Employment Equity Act, No. 55 of 1998
- Labour Relations Act, No. 66 of 1995
- Occupational Health and Safety Act, No. 85 of 1993
- Income Tax Act, No. 58 of 1962
- Tax Administration Act, No. 28 of 2011

*Please note that this is not an exhaustive list.

8. Schedule of Records

8.1 Classified Records

The categories of records generated by Bank Zero are classified and grouped as follows:

	Category	Document Type
1	Personnel Records	Personal records provided by personnel
		Records relating to personnel, provided by a third party
		Conditions of employment and other personnel-related contractual and quasi-legal documents
		Internal evaluation records and other internal records
		Correspondence relating to personnel
2	Customer-Related Records	Records provided by a client to a third party acting for or on behalf of Bank Zero
		Records provided by a third party
		Records generated by or within Bank Zero and pertaining to its clients (including transaction records) and provided to a third party
3	Bank Zero Records	Agreements and contracts
		Databases
		Financial records
		Fixed, movable, and intellectual property
		Information technology
		Insurance
		Internal correspondence
		Internal policies and procedures
		Marketing records
		Operational records
		Product records
		Records held by officers
		Statutory records
Taxation		

		Treasury-related records
4	Other Party Records	Personnel, client, or Bank Zero records that are held by another party, as opposed to the records held by Bank Zero
		Records held by Bank Zero which pertain 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

*The records listed in the categories above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds set out below.

8.2 Categories of records automatically available

PAIA requires institutions to list those records which are automatically available. Most records which fall into this category of information are available from Bank Zero at its Head Office or on Bank Zero's website (www.Bank Zero.co.za) and do not require a formal process to access same.

Records automatically available from Bank Zero:

- Guides/Brochures
- Public policies
- Annual reports
- Other literature intended for public viewing

8.3 Grounds for refusal of access to records

Bank Zero may refuse a request for information that relates to the:

1. Mandatory protection of the privacy of a third party who is a natural person, which could involve the unreasonable disclosure of personal information of that person.
2. Mandatory protection of the commercial information of a third party if the record contains Trade secrets of Bank Zero.
3. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the interests of Bank Zero.
4. Information disclosed in confidence by a third party to Bank Zero if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
5. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or contract.
6. Mandatory protection of the safety of individuals and the protection of property.
7. Mandatory protections of records that would be regarded as privileged in legal proceedings, unless the person entitled to the privilege has waived the privilege.
8. The commercial activities of Bank Zero, which may include:
 - a. Trade secrets.
 - b. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the interests of Bank Zero.
 - c. Information, which, if disclosed, could put Bank Zero at a disadvantage in negotiations or commercial competition.
 - d. A computer program/software which is owned by Bank Zero, and which is protected by copyright.
 - e. The research information of Bank Zero or a third party, if its disclosure would disclose the identity of Bank Zero, the researches or the subject matter of the research, and would place the research at a serious disadvantage.
9. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.

9. Mandatory Disclosure of Records in The Public Interest

Where the importance of the public interest exists and the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law, or an imminent and serious public safety or environmental risk,

then, Bank Zero, will readily grant a request for access to a record to any relevant person(s) despite the existence of the exemption grounds listed above in point 8 above.

10. Third Party Notification Process

Bank Zero is required take all the reasonable steps to ensure that a third party is made aware of a request that involves personal information which may contain information of either a SARS record; trade secrets or information, the release of which could constitute grounds for an action for breach of a duty of confidence; or research information that could expose someone or the subject matter to serious damage.

Upon notice to such third party, the third party may make written or oral representations to Bank Zero as to why the request for access to such information should be refused; or give written consent for the disclosure of the record to the requester.

Bank Zero is required to send a notice to a third party within 21 days of receiving the request from a requester and will simultaneously notify the requester that such notice has been sent out.

It is also Bank Zero's duty to make a final decision on the requested records within 30 days of the notice being sent to a third party.

Bank Zero is required to inform the third party of the decision taken and also provide the necessary reasoning behind such decision, including the steps to challenge such decision.

11.. Request Procedure

11.1 Steps to consider before submitting a request

- Are you entitled to use the act to request access to the information? Please refer to Section 7.1 of the act.
- Do you have a right that you are protecting or exercising in terms of the act by asking for this information from Bank Zero?
- Is the information you are requesting reasonably required to help you protect or exercise your right?
- Does the information requested exist in the form of a record? The act only applies to records that are in existence at the time of receiving the request and does not compel anyone to create a record.
- Is the record in possession or under the control of Bank Zero? The record can only be requested from the entity that is in possession of or has the record under its control.

11.2 Voluntary access

Information that is automatically available can be obtained from Bank Zero's website.

11.3 Formal Requests

The requester must comply with all requirements as set out in PAIA relating to the request for information. The requester must complete the prescribed Form C and submit Form C with payment of the request fee to the Information Officer at Bank Zero's physical address or by electronic mail.

Form C must be filled in with enough detail to enable the Information Officer to identify:

- The record/s requested.
- Identity of the requester.

- Which form or manner of access is required; and
- The postal or email address of the requester.

The requester must state that the information is required to exercise or protect a right, the nature of the right to be exercised or protected and why the record is necessary to exercise or protect such a right.

Subject to the provisions in PAIA, a 30 (thirty) day timeframe is permitted for a response. The requester may submit special reasons to the Information Officer on why the time periods as should be shortened.

These 30 (thirty) days may be extended to a further period of not more than 30 (thirty) working days if the request is for a large number of information, or requires a search for information held and the information cannot reasonably be obtained within the initial 30 day period. Bank Zero will notify the requester in writing should the extension be necessary.

The requester shall be informed in writing whether access has been granted or denied within 30 days of receipt of the request. If the request is denied, the notice to the requester will state the reasons for refusal the relevant provisions of PAIA.

Requesters who are unable to complete the form because of illiteracy or disability may also make the request verbally. If a person is making a request on behalf of another, they must submit proof that they have been requested and duly authorised to do so.

12 Remedies for Non-Compliance with the Provisions of PAIA

Bank Zero does not have an internal appeal procedure and the decision made by the Information Officer is final. Requesters have the right to approach a court, within 30 days of being informed of the decision where they are dissatisfied with the fees, the timeframes or with a decision by the Information Officer.

13 Request Fees and Payment Method

PAIA prescribed fees must be paid by a requester when applying for access to information. The fee schedule as per the regulations to PAIA is listed below. When the request is received, the Information Officer shall require the requester, other than a personal requester, to pay the prescribed request fee, before processing the request.

Fees are paid at the inception of a request and thereafter if fees are incurred for search processes and reproduction costs. Certain categories of persons are exempt from paying fees including those who qualify because of their annual income and those who are requesting personal information.

1. Missing Records

If the documents cannot be located, the Information Officer will submit an affidavit to the requester that the records in question do not exist or cannot be found.

13. Disposal of Records

Requesters will be advised whether a requested record has been disposed of.

14. General Note

Bank Zero reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where Bank Zero no longer has possession of such record.

15. Updating of the Manual

The head of Bank Zero will on a regular basis update this manual as deemed necessary or as and when applicable amendments are introduced by the regulator.

16. Schedule of fees

Schedule of Fees	
Description	Fee
The request fee payable by every requester	R140.00
The fee for a copy of the manual contemplated in regulation 5(c) is R0.60 for every copy of an A4-sized page or part thereof.	R2.00
Reproduction Fees (Regulation 7(1))	
For every photocopy of an A4-sized page or part thereof	R2.00
For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form	R2.00
For a copy in a computer-readable form on:	R40.00
(i) Flash Drive (to be provided by requester)	
(ii) Compact Disc	
• If provided by requester	R40.00
• If provided to the requester	R60.00
For a transcription of visual images:	
(i) for an A4-sized page or part thereof	Outsourced. Will depend on quotation received from service provider.
(ii) copy of visual images	Outsourced. Will depend on quotation received from service provider.
(iii) transcription of an audio recording, per A4-sized page or part thereof	R24.00
Copy of an audio recording on:	
(iii) Flash Drive (to be provided by requester)	R40.00
(iv) Compact Disc	
• If provided by requester	R40.00
• If provided to the requester	R60.00
Request fee payable by a requester, other than a personal requester	R50.00
Fee to search and prepare a record for disclosure, charged per hour or part thereof (first hour is free)	R145.00
*If the Information Officer is of the opinion that the collection and reproduction of the documents will take longer than 6 hours, the Information Officer will inform the requester that one third of the access fee is payable as a deposit by the requester	
To not exceed a total cost of	R435.00
The actual postage, email or any other electronic transfer is payable when a copy of a record must be sent in one or more of these ways to a requester	

17.FORM C**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

In terms of section 53(1) of the Promotion of Access to Information Act, No. 2 of
2000

Regulation 7

Particulars of private body

Head of Legal and Compliance
Bank Zero Mutual Bank
4 Georgian Crescent West
Bryanston
2021

Particulars of person requesting access to the record

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

Full names and surnames: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

Mobile number: _____ Email address: _____

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

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: _____

Particulars of record

*Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

Description of record or relevant part of record: _____

Fees

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.

You will be notified of the amount required to be paid as the request fee.

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.

If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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: _____

Compliance with your request in the specified form may depend on the form in which the record is available.

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.

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

Mark the appropriate box below with an 'x'.

If the record is in written or printed form:

- copy of record*
- inspection of record

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*

If 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)*

If 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? Postage is payable.*

- Yes
- No

Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate page and attach it to this form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected:

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

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?

Signed at _____ this _____ day of _____ 20_____.

Signature of requester (or person on whose behalf request is made)