



# Access to Information Manual

Manual in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000 (PAIA).





Policy Level	Direct Axis SA (Pty) Ltd
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## 1. Introduction

This document is called the Access to Information Manual or the PAIA Manual and applies to Direct Axis SA (Pty) Ltd, with reg. no. 1995/006077/07 and its subsidiaries, including Direct Axis Intermediary Services (Pty) Ltd, with reg. no. 1998/016355/07, and Rapivest 46 (Pty) Ltd, with reg. no. 2004/020224/07 (collectively referred to as **DirectAxis**).

DirectAxis acts as an agent for a number of credit providers and offers insurance products as an authorised financial services provider and is part of the FirstRand Group.

The Promotion of Access to Information Act, 2 of 2000, as amended (**PAIA**), gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. PAIA sets out the requisite procedural issues attached to a request for access to information, the requirements which such requests must meet, as well as the grounds for refusal or partial refusal of such requests. In addition, it explains how to access, or object to, personal information held by DirectAxis, or request correction of the personal information in terms of the Protection of Personal Information Act, 4 of 2013 (**POPIA**).

PAIA and POPIA place certain limitations to the right to access information which 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. The right to access information in terms of PAIA must be balanced against any other rights, including such rights contained in the Bill of Rights in the Constitution and POPIA.

This manual informs persons requesting information from DirectAxis (**requesters**) of the requirements which a request for information must meet and the process that must be followed as prescribed by PAIA and POPIA.

## 2. Contact Details

All requests for access to information must be in writing and must be addressed to the Head of DirectAxis (care of The Legal Department) at:

**Name:** Robert Gwerengwe and/or Emanuel Cristaudo  
**Postal address:** PO Box 44319, Claremont, 7735.  
**Physical Address:** DirectAxis Campus, 108 De Waal Road, Diep River, 7800.  
**Telephone:** +27 (0) 21 764 3000  
**Fax:** +27 (0) 21 764 3266  
**E-mail:** legal@directaxis.co.za  
**Website:** www.directaxis.co.za

## 3. Availability of Guides to PAIA and POPIA

The South African Human Rights Commission (**SAHRC**) has compiled a guide as required in terms of Section 10 of PAIA which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. In addition, the Information Regulator, as established in terms of POPIA, can be contacted in order to obtain a guide which sets out the objects of PAIA read with POPIA and how to request access to information from private bodies such as DirectAxis. The latter guide will also set out how the Information Regulator can assist and what remedies are available in law regarding an act or failure to act in respect of a duty conferred on DirectAxis by PAIA or POPIA.

Copies of the PAIA and POPIA Acts, relevant legislation and guides can be obtained from the SAHRC or the Information Regulator and queries directed to:

SAHRC	Information Regulator
South African Human Rights Commission Promotion of Access to Information Act Unit	The Information Regulator (South Africa)
Braampark, Forum 3 33 Hoofd Street Braamfontein Johannesburg 2001	SALU Building 316 Thabo Sehume Street Pretoria 0001
Telephone number: 011 877 3750 Fax number: 011 403 0668 Website: www.sahrc.org.za E-mail: PAIA@sahrc.org.za	Telephone number: 012 406 4818 Fax number: 086 500 3351 Website: www.justice.gov.za/inforeg E-mail: inforeg@justice.gov.za

## 4. Records at DirectAxis

This paragraph sets out the records that DirectAxis holds. Requests to access the records listed below may be subject to the grounds of refusal as allowed in terms of PAIA.

### 4.1 Employee Records

Examples of employee records include, but are not limited to, the following:

- Personal information as defined in POPIA provided by personnel,
- Records provided by a third party relating to employees,
- Conditions of employment and other employee related contractual records,
- Internal evaluation records,
- Correspondence relating to employees, and
- Training schedules and material.

### 4.2 Customer Records

Examples of customer records include, but are not limited to, the following:

- Personal information as defined in POPIA provided by customers,
- Records provided by a third party relating to customers,
- Correspondence and telephonic records relating to customers, and
- Records generated within DirectAxis relating to its customers, including affordability assessments, transactional records, etc.

### 4.3 Company Records

- Financial records,
- Operational records,
- Databases,
- Information Technology,
- Marketing records,
- Internal correspondence,
- Product records,
- Statutory records,
- Internal Policies and Procedures,
- Treasury-related records,
- Securities and Equities, and
- Other proprietary records.

### 4.4 Other Party Records

- Employee, customer or company records which are held by another party, as opposed to the records held by DirectAxis itself.
- Records held by DirectAxis pertaining to other parties or companies, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- DirectAxis may also possess records pertaining to other parties, including without limitation contractors, job applicants, suppliers, shareholders, visitors to DirectAxis' premises, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to DirectAxis.

## 5. Processing of Personal Information

DirectAxis takes the privacy and protection of personal information seriously and will only process personal information in accordance with the current South African privacy legislation (POPIA). Where we refer to 'process', it means how we collect, use, store, make available, destroy, update, disclose, or otherwise deal with your personal information. As a general rule we will only process your personal information if this is required to deliver or offer a service, provide a product or carry out a transaction with you. We respect your privacy and will treat your personal information confidentially.

If you use our services, goods, products and service channels, you agree that we may process your personal information as explained in terms of our Privacy Policy which can be found at: [www.directaxis.co.za](http://www.directaxis.co.za)

### Categories of Data Subjects and Personal Information Processed by DirectAxis

Categories of Data Subjects	Personal Information Processed
Shareholders	Shareholder contact details, residential addresses, banking details, identification numbers, etc.
Customers and potential customers	Contact details Bank details Biometric information (where applicable) Financial information Customer correspondence and telephonic recordings Customer contracts Identification number
Suppliers	Company details Supplier contracts Bank details Biometric information of supplier representatives (where applicable) Surveillance information of supplier representatives (where applicable) Personal information of supplier representatives
Employees	Contact details Medical information Disability information Biometric information Pension and Provident Fund Information Bank details Tax and financial information Employee contracts Vehicle registration Performance records Payroll records Electronic access records Physical access records Surveillance records Health and safety records Training records Employment history Personal information of family members of employees (where applicable) Identification number
Job applicants	Curriculum vitae and application forms Criminal checks References Credit checks (where applicable) Biometric information (where applicable)
Visitors	Physical access records Electronic access records, scans and photographs (where applicable) Surveillance records

## 6. Grounds for Refusal of Access to Records

The main grounds for DirectAxis 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, including a deceased individual,
- 6.2 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 DirectAxis, 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 security of property,
- 6.5 Mandatory protection of records which would be regarded as privileged in legal proceedings.
- 6.6 The commercial activities of DirectAxis, which may include:
  - Trade secrets of DirectAxis,
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of DirectAxis,
  - Information which, if disclosed could put DirectAxis at a disadvantage in negotiations or commercial competition,
  - A computer programme which is owned by DirectAxis, and which is protected by copyright,
- 6.7 The research information of DirectAxis or a third party, if its disclosure would disclose the identity of the researcher or the subject matter of the research and would place the research at a serious disadvantage.

The above grounds of refusal are subject to the exceptions listed in Sections 63 to 70, in which case DirectAxis will be obliged to disclose the records requested.

Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources, shall be refused.

## 7. Remedies Available when DirectAxis Refuses a Request for Records

### 7.1 Internal Remedies

DirectAxis does not have internal appeal procedures. As such, the decision made by the Head of DirectAxis or their delegate is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused.

### 7.2 External Remedies

Subject to the provisions of PAIA, a requester that is dissatisfied with a refusal to access to information may, within 180 days of notification of the decision, apply to a Court with appropriate jurisdiction or lodge a complaint to the Information Regulator.

Notice of Appeal, Form B, in terms of Section 75 of PAIA read with Regulation 8, can be found on the website of the Information Regulator at [www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg)

## 8. How to Request Access to Records

- 8.1 It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application to access to a record is subject to certain limitations,
- 8.2 Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document,
- 8.3 The requester must complete the prescribed form (see Appendix 1 at the end of this document), and submit the completed form to the Head of DirectAxis at the postal or physical address, fax number or email address as stated on the first page of this document,

- 8.4 The prescribed form must contain enough details to at least enable the Head of DirectAxis to identify:
  - The records requested,
  - The identity of the requester,
  - Which form of access is required if the request is granted (for example: on a CD disc, sent via email, sent via post, etc.), and
  - The postal address or fax number of the requester.
- 8.5 The requester must indicate on the form in which way access to the requested records will enable the requester to exercise his/her rights. The courts have indicated that access to the records must be 'necessary' for the exercise or protection of the right so stated,
- 8.6 If the requester is unable to complete the prescribed form because of illiteracy or disability, they may make the request orally,
- 8.7 The requester must pay the prescribed fee (if applicable), before a request will be considered,
- 8.8 If there is insufficient space on the form, additional information may be provided as an addendum to the completed form.

## 9. Fees

- 9.1 DirectAxis may charge the fees described in this paragraph for any request to access information in terms of this manual,
- 9.2 PAIA provides for two types of fees, namely:
  - 9.2.1 A request fee, which will be a standard fee of R 50.00 (excluding VAT) payable on submission of the request, and
  - 9.2.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 9.3 The access fee may be calculated as follows (all fees listed below excludes VAT):
  - For every photocopy of an A4 size page - R 1.10 per page,
  - For every printed copy of an A4 size page or part thereof held on computer or in an electronic or machine readable format - R 0.75 per page,
  - For a copy in a computer-readable form on a compact disc - R70.00 for the disc,
  - For a transcription of an audio record on an A4 size page or part thereof - R 20.00 per page,
  - To search for and prepare the record for disclosure - R30.00 for each hour or part of an hour reasonably required for such search and preparation.
- 9.4 Postage of a copy of the record is payable by the requester.
- 9.5 DirectAxis may by notice require the requester to pay a portion of the access fee as a deposit (being not more than one third of the access fee). If the request is refused, the deposit will be repaid to the requester.

## 10. Decision

- 9.1 DirectAxis 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, which notice will contain the required disclosures as per Section 56 of PAIA.
  - 9.2 If the request for information relates to a third party, DirectAxis is required to first notify the third party of the request and follow the steps in terms of Sections 71 to 73 of PAIA. The third party must, within 21 days after being informed, make representations to DirectAxis as to why the request for access should be refused, or the third party can provide consent for the disclosure of the record to the requester.
  - 9.3 The 30 day period within which DirectAxis has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of DirectAxis and the information cannot reasonably be obtained within the original 30 day period. DirectAxis will notify the requester in writing should an extension be sought.
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# Appendix 1

## FORM C – REQUEST TO ACCESS RECORDS OF A PRIVATE BODY

(Prescribed form to be completed by a requester in terms of Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

### 1 Particulars of Private Body

The Head: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### 2 Particulars of person requesting access to the record

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

Full name and surname: \_\_\_\_\_

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

Postal address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Email address: \_\_\_\_\_

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

### 3 Particulars of person on whose behalf the request is made

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

Full name and surname: \_\_\_\_\_

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

### 4 Particulars of record

- 4.1 Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located,
- 4.2 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 the record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Reference number of the record, if available: \_\_\_\_\_

Any further particulars of the record: \_\_\_\_\_

**5 Form of Access to the record**

- 5.1 Mark your request with an 'X'.
- 5.2 Your indication as to the required form of access depends on the form in which the record is available.
- 5.3 Access in the form requested may be refused in certain circumstances. In such a case you may be informed if access will be granted in another form.
- 5.4 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 record consists of visual images:

View the images                       Copy of the images                       Transcription of the images

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

Listen to the soundtrack (audio)                       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 (compact disk)

If you requested a copy or transcription of a record above, do you wish the copy of the transcription to be posted to you? A postage fee may be payable. \_\_\_\_ yes or \_\_\_\_ no

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
_____	_____
_____	_____
_____	_____

**6 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.**

6.1 Indicate which right is to be exercised or protected: \_\_\_\_\_

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

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

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**7 Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved or 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?

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Signed at \_\_\_\_\_ this day \_\_\_\_\_ of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_

Signature of requester/person on  
whose behalf request is made