

# **SECTION 51 MANUAL**

**FOR**

**ubank LIMITED**

**Promotion of Access to Information Act, No. 2 of 2000**

**AUTHORISED FINANCIAL SERVICES PROVIDER**

Approved by:  
Sarie Webster  
Head: Compliance



0860 589 2145 [ubank.co.za](http://ubank.co.za)

ubank is an authorised financial services and credit provider (FSP No. 14740)(NCRCP21)

## 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 (public body) and any information that is held by another person (private body) and that is required for the exercise or protection of any rights.

Where a request is made in terms of the Act, ubank is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

## 2. PURPOSE OF THE MANUAL

This manual is intended to encourage a culture of transparency and accountability within ubank 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, 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.

## PART I

### 3. CONTACT DETAILS

- 3.1 Information Officer: John Bellis  
Postal address: Private Bag X101, Sunninghill, 2157  
Physical Address: 1 Eglin Road, Sanhill Park, Sunninghill, 2157  
Tel: 011- 518 5000  
Fax: 011- 518 5001  
E-mail: info@ubank.co.za
- 3.2 Deputy Information Officer: Celeste Reynolds  
Postal address: Private Bag X101, Sunninghill, 2157  
Physical Address: 1 Eglin Road, Sanhill Park, Sunninghill, 2157  
Tel: 011- 518 5000  
Fax: 011- 518 5001  
E-mail: info@ubank.co.za
- 3.3 Delegation of authority by Information Officer:

Flowing from the nature and complexities of the bank's business and branch network the Regional Managers of each Regional Office are authorised by the Information Officer to in consultation with the Information Officer and/or PAIA Committee perform the duties of the Information Officer and the Deputy Information Officer within their respective regions.

### 4. GENERAL INFORMATION

- Name: ubank Ltd  
Postal Address: Private Bag X101, Sunninghill, 2157  
Physical Address: 1 Eglin Road, Sanhill Park, Sunninghill, 2157  
Telephone Number: (011) 518 5000  
Facsimile number: (011) 518 5001  
Website: www.ubank.co.za

### 5. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

A formal guide on how to use the Act is available and can be obtained from the South African Human Rights Commission at the following address:

#### THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION: PAIA UNIT

#### THE RESEARCH AND DOCUMENTATION DEPARTMENT

PRIVATE BAG 2700

HOUGHTON

2041

TELEPHONE NUMBER: (011) 484 8300

FAX NUMBER: (011) 484 0582

WEBSITE: [www.sahrc.org.za](http://www.sahrc.org.za)

E-MAIL: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

- 6.1 Administration of Estates Act, No. 66 of 1965
- 6.2 Arbitration Act No. 42 of 1965
- 6.3 Basic Conditions of Employment Act No. 75 of 1997
- 6.4 Companies Act No. 61 of 1973
- 6.5 Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- 6.6 Consumer Affairs (Unfair Business Practice) Act No. 71 of 1988
- 6.7 Copyright Act No. 98 of 1978
- 6.8 Currency and Exchanges Act No.9 of 1933
- 6.9 Debt Collector's Act No.114 of 1998
- 6.10 Employment Equity Act No. 55 of 1998
- 6.11 Financial Services Board Act No. 97 of 1990
- 6.12 Harmful Business Practices Act No.23 of 1999
- 6.13 Income Tax Act No. 95 of 1967
- 6.14 Insolvency Act No. 24 of 1936
- 6.15 Insurance Act No. 27 of 1943
- 6.16 Intellectual Property Laws Amendment Act No. 38 of 1997
- 6.17 Trust Property Control Act No.57 of 1988
- 6.18 Labour Relations Act No 66 of 1995
- 6.19 Occupational Health and Safety Act No.85 of 1993
- 6.20 Pension Funds Act No 24 of 1956
- 6.21 SA Reserve Bank Act No.90 of 1989
- 6.22 Skills Development Act No.77 of 1998
- 6.23 National Credit Act No.34 of 2005
- 6.24 Financial Advisory and Intermediary Services Act 37 of 2002
- 6.25 Financial Intelligence Centre Act No.38 of 2001.
- 6.26 Long –Term Insurance Act No. 52 of 1998
- 6.27 Unemployment Insurance Act No. 63 of 2001
- 6.28 Employment Equity Act. No.55 of 1998
- 6.29 Value Added Tax
- 6.30 Banks Act No.94 of 1990

## **PART II**

### **7. ACCESS TO THE RECORDS HELD BY UBANK LIMITED**

This clause serves as a reference to the records that ubank holds in order to facilitate a request in terms of the Act. The information is classified and grouped according to records relating to Personnel, Customer related and other party records.

It should however, be noted that the accessibility of the documents listed below, may be subject to the specified grounds of refusal:-

### **8. PERSONNEL RECORDS**

- 8.1 Personal records provided by personnel;
- 8.2 Records provided by a third party relating to personnel;
- 8.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 8.4 Internal evaluation records and other related internal records;
- 8.5 Correspondence relating to personnel; and
- 8.6 Training schedules and material.

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

### **9. CUSTOMER RELATED RECORDS**

- 9.1 Records provided by a customer to a third party acting for or on behalf of ubank.
- 9.2 Records provided by a third party;
- 9.3 Records generated by or within ubank pertaining to its customers, including transactional records;

A *“customer”* refers to any natural or juristic entity that receives services from ubank Limited.

### **10. OTHER PARTY RECORDS**

Records held by ubank 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.

ubank may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, agencies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to ubank.

**11. THE LATEST NOTICE REGARDING THE CATEGORIES OF RECORDS OF u WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT.**

- 11.1 Annual Report
- 11.2 Newsletters
- 11.3 Pamphlets / Brochures
- 11.4 Any other literature intended for public viewing.

**12. RECORDS HELD BY UBANK THAT MAY BE REQUESTED IN TERMS OF PAIA.**

**12.1 Financial records;**

- 12.1.1 Financial Statements;
- 12.1.2 Annual Financial Statements;
- 12.1.3 Vouchers;
- 12.1.4 Stock Records;
- 12.1.5 Treasury-related records;
- 12.1.6 Assets Inventory etc.

**12.2 Operational records;**

- 12.2.1 Sales Records;
- 12.2.2 Productions Records etc.

**12.3 Administration records**

- 12.3.1 Databases;
- 12.3.2 Licences;
- 12.3.3 Internal correspondence;
- 12.3.4 Minutes of management meetings; and
- 12.3.5 Minutes of staff meetings etc.

**12.4 Information Technology;**

- 12.4.1 Any IT related records

**12.5 Marketing records;**

- 12.5.1 Product records; and
- 12.5.2 Product Manuals/ guides

**12.6 Human resources records**

- 12.6.1 Internal Policies and Procedures;
- 12.6.2 Staff/ Personnel records; and

12.6.3 Remuneration and benefits records.

**12.7 Other records**

12.7.1 Statutory records; and

12.7.2 Records held by officials of ubank

These records include, but are not limited to, the records that pertain to ubank's own affairs.

**13. REQUEST PROCEDURE**

**13.1 Form of request**

13.1.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

13.1.2 The requester must complete the prescribed form enclosed herewith in Appendix 1, and submit it together with a payment of a request fee, if applicable to the Information Officer or the Deputy Information Officer at the physical, postal address or fax number or electronic mail address as stated in paragraph 3 or 4 above.

13.1.3 In the event of the request being made at the branch level, the procedure stated herein shall apply with the exception that the request form will, together with all other necessary requirements be submitted to the regional manager of that particular branch who will, in consultation with the Information Officer or Deputy Information Officer, deal with the request.

13.1.4 The requester must provide sufficient detail on the request form to enable the Regional manager and/ or the Information Officer or the Deputy Information Officer to identify the record and the requester.

13.1.5 The requester should indicate which form of access is required and should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

13.1.6 The requester must state that he/she 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.

13.1.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

- 13.1.8 ubank will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 13.1.9 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/she must state the manner and the particulars so required.

#### **14. FEES**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- 14.1 The Information Officer or the Deputy Information Officer and/or any other person authorised by the Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- 14.2 The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- 14.3 After the Information Officer or the Deputy Information officer has made a decision on the request, the requester must be notified of the decision in writing.

The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.

#### **15. AVAILABILITY OF THE MANUAL**

This manual is available for inspection at the Head offices of ubank Limited (No. 1 Eglin Road Sunninghill Park, Sunninghill) free of charge; and can also be accessed from ubank Limited website ([www.ubank.co.za](http://www.ubank.co.za)). Copies are also available from the SAHRC.

### **PART III**

#### **16. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for ubank to refuse a request for information relates to the -

- 16.1 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;
- 16.2 mandatory protection of the commercial information of a third party, if the record contains trade secrets of that third party; financial, commercial 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 institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 16.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 16.4 mandatory protection of the safety of individuals and the protection of property;
- 16.5 mandatory protection of records which would be regarded as privileged in legal proceedings; the commercial activities of ubank, which may include - trade secrets;



- 16.6 financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of the bank; information which, if disclosed could put ubank at a disadvantage in negotiations or commercial competition; the research information of ubank or a third party, if its disclosure would disclose the identity of ubank the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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

## **17. REMEDIES AVAILABLE WHEN UBANK REFUSES A REQUEST FOR INFORMATION**

### **17.1 INTERNAL REMEDIES**

ubank does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with such refusal by the information officer.

### **17.2 EXTERNAL REMEDIES**

A requestor that is dissatisfied with an information officer's refusal to disclose information may apply to a Court for relief within 30 days of notification of the decision.

Likewise, a third party dissatisfied with an 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 or jurisdiction.

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF A PRIVATE BODY

(Section 18(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 2)

FOR INTERNAL USE

Reference Number: \_\_\_\_\_

Request received by \_\_\_\_\_

On \_\_\_\_\_ (date) at \_\_\_\_\_ (place)

Request fee (if any):     R \_\_\_\_\_

Deposit (if any):        R \_\_\_\_\_

Access fee (if any):     R \_\_\_\_\_

\_\_\_\_\_  
Signature of Information Officer/  
Deputy Information Officer

A. Particulars of Person requesting access to the record

A. Particulars of private body

**The Information Officer****ubank Limited****Private Bag X101, Sunninghill, 2157****1 Eglin Road, Sanhill Park, Sunninghill****2157**

1.1 Particulars of Person requesting access to the record

1.2	The particulars of the person who requests access to the records must be recorded below.
(a)	Furnish an address and/or fax number in the Republic to which information must be sent.
(b)	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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1.3 Particulars of person of whose behalf request is made:

<i>This section must be completed only if a request for information is made on behalf of another person</i>
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Full Name and Surname: \_\_\_\_\_

\_\_\_\_\_

Identity Number: \_\_\_\_\_

1.4 Particulars of Record:

(c)	<i>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.</i>
(d)	<i>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</i>

1.5 Description of the Record or relevant part of the record:

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

1.6 Reference number, if available:

Any further particulars of the record:

1.7 Fees:

- (e) *A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (f) *You will be notified of the amount of the request fee.*
- (g) *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.*
- (h) *If you qualify for exemption of the payment of any fee, please state the reason therefore. Reason for exemption of payment of the fee:*

Reason for exemption of payment of the fee:

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1.8 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: <hr/> <hr/> <hr/>	Form in which record is required: <hr/> <hr/> <hr/>
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Mark the appropriate box with an "X"

NOTES:

- (i) *Your indication as to the required form of access depends on the form in which the record is available.*
- (j) *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.*
- (k) *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:			
	View the images		Copy of the images *
			Transcription of the images *

3. If the record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:			
	Printed copy of record		Printed copy of information derived from the record *
			Copy in computer readable form * (flash disc or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
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1.9 Particulars of right to be exercised or protected:

If the provided space is inadequate, please continue of a separate folio and attach it to this form <i>The requester must sign all the additional folios</i>
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Indicate which right is to be exercised or protected: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_



1.10 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?

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

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

**18. REPRODUCTION FEES**

Where requested document appear in the Appendix 1 i.e. the institution 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 are:**

• For every photocopy of an A4-size page or part thereof	R	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		
- Flash 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 ubank on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the 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	R	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form		0,75
• For a copy in a computer-readable form on		
- Stiffy disc		7,50
- Compact disc		70,00
• A transcription of visual images, for an A4-size page or part thereof		40,00
• For a copy of visual images		60,00
• A transcription of an audio record, for an A4-size page or part thereof		20,00
• For a copy of an audio record		30,00
• To search for a record that must be disclosed		30,00 per
hour or part of an hour reasonably required for such search		
• Where a copy of a record needs to be posted the actual postal fee is payable.		