



**DEVELOPMENT BANK OF SOUTHERN AFRICA**

**PROMOTION OF ACCESS TO INFORMATION ACT**

**A GUIDE TO ACCESS INFORMATION**

**SEPTEMBER 2016**

<b>APPROVED</b>	<b>DATE</b>
Patrick Dlamini – Chief Executive	13 September 2016

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**1 INTRODUCTION**

- 1.1. The Promotion of Access to Information Act 2000, (“the Act”) seeks, inter alia, to give effect to the constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right.
- 1.2. Section 14 of the Act also requires public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies. DBSA is a public body under paragraph (b) (ii) of the definition of “public body” in section 1 of the Act. In terms of section 8 of the Act, a public body referred to in paragraph b (ii) referred above may either be a public body or a private body in relation to a record of that body. This document serves as DBSA’s manual with regard to information or records in relation to which DBSA is a public body.
- 1.3. The manual is available in English. Translated versions in four other official languages are available on request i.e. Afrikaans, IsiZulu, Sesotho and Tswana.

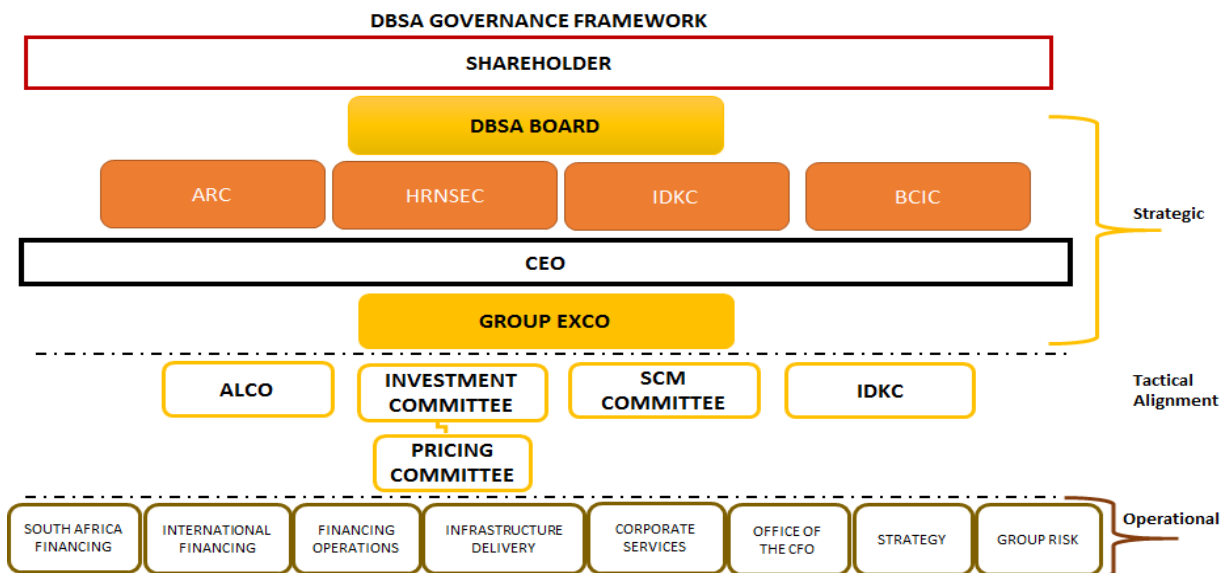
**2 PARTICULARS IN TERMS OF SECTION 14**

**2.1 STRUCTURE AND FUNCTIONS – [Section 14(1) (a)]**

**2.1.1. STRUCTURE OF THE DBSA**

The DBSA is a public entity established in terms of the Development Bank of Southern Africa Act, No. 13 of 1997 (“the DBSA Act”). The constitution and conduct of the DBSA Board of Directors is primarily governed by the DBSA Act and further regulated by the Public Finance Management Act No. 1 of 1999. The DBSA structure is constituted of a Board of Directors, 8 Divisions and the Chief Executive’s Office.

The diagram below demonstrates the structure of DBSA.



### 2.1.2. FUNCTIONS OF THE DBSA

The core business of DBSA is to provide financial, technical and other assistance to achieve the objectives of the DBSA as provided for in section 3 of the DBSA Act. Section 3(1) of the DBSA Act provides that the “main objectives of the Bank shall be the promotion of economic development and growth, human resources development, institutional capacity building and the support of development projects and programmes in the region.” The focus of its investment activities is that of infrastructure funding. Broadly defined, it aims to act as a catalyst to maximize private sector access to opportunities in the provision of public funding.

## 2.2 CONTACT DETAILS – [SECTION 14(1) (b)]

### 2.2.1. INFORMATION OFFICER

In terms of the Act, the Chief Executive of the DBSA is the Information Officer.

<b>Full names</b>	<b>Patrick Dlamini</b>
Telephone number:	011 313 3075
E-mail address	<a href="mailto:PAIA@dbsa.org">PAIA@dbsa.org</a>
Postal address	PO. Box 1234 Halfway House Midrand 1685
Physical Address	1258 Lever Road Headway Hill Midrand

### 2.2.2. DEPUTY INFORMATION OFFICERS

In accordance with the provisions of the Act, the Information Officer has duly authorized the following person as Deputy Information Officers. When making a request, please direct it to the following two Deputy Information Officers.

1	<b>Full names</b>	<b>Urshekar Singh</b>
	Telephone number:	011 313 3390
	E-mail Address	<a href="mailto:PAIA@dbsa.org">PAIA@dbsa.org</a>
	Postal Address	PO. Box 1234 Halfway House Midrand 1685

	Physical Address	1258 Lever Road Headway Hill Midrand
2	<b>Full names</b>	<b>Kim Lombard</b>
	Telephone number:	011 313 3853
	E-mail Address:	<a href="mailto:PAIA@dbsa.org">PAIA@dbsa.org</a>
	Postal Address:	PO. Box 1234 Halfway House Midrand 1685
	Physical Address:	1258 Lever Road Headway Hill Midrand

### 2.3 THE SECTION 10 GUIDE – [SECTION 14(1) (c)]

In terms of section 10 of the Act, the South African Human Rights Commission (SAHRC) has compiled a guide on the use of the Act which can be obtained from the SAHRC at the following address:

Private Bag 2700

Houghton

2041

**Telephone:** (011) 877 3640/3769

**E-mail:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

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

### 2.4 ACCESS TO RECORDS HELD BY DBSA

#### 2.4.1. THE REQUEST PROCEDURE

- 2.4.1.1. The requester must use the prescribed form, Annexure A, to make the request for access to a record. The request must be directed to the Deputy Information Officer whose contact details are set out in 2.2.2 above.
- 2.4.1.2. The requestor must provide sufficient information on the request form to enable the Deputy Information Officer to identify the records requested.
- 2.4.1.3. The requestor should also indicate which form of access is required.
- 2.4.1.4. The requestor must state whether the record concerned is preferred in any particular language.

- 2.4.1.5. The requestor should also indicate if he or she wishes to be informed of the decision on the request in any other manner and state that manner and the necessary particulars to be so informed.
- 2.4.1.6. If the request is made on behalf of another person, the requestor must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- 2.4.1.7. The Deputy Information Officer shall notify the requestor (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- 2.4.1.8. A requester whose request for access to a record has been granted must pay an access fee for the reproduction and for the searching and preparation of the copies or transactions of the content of the record requested and for the time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.
- 2.4.1.9. The Deputy Information Officer will inform the requestor of his decision within 30 days after receipt of the request or may extend that period by a further period not exceeding 30 days. The period within which the Deputy Information Officer will inform the requester of his decision is subject to such extension as may be required to give a third party the chance to make representations to the Deputy Information Officer where the record requested is with regard to the records of that third party.
- 2.4.1.10. If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form by a paragraph (b) public body, section 78(2) of the Act empowers the requestor to apply to court for appropriate relief within 30 days of the decision.
- 2.4.1.11. If the court orders DBSA to grant the requester access to the requested records, the requester must pay the access fee before access to such records can be granted.

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

- 2.4.2.1. The Deputy Information Officer shall, subject to other provisions of the Act, refuse a request for information or record if that information or record relates to:
  - (a) Mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
  - (b) Mandatory protection of the commercial information of a third party, if the record contains -
    - (i) Trade secrets of that third party;

- (ii) Financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;
- (iii) Information supplied in confidence by a third party to DBSA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- (c) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- (d) Mandatory protection of the safety of individuals and the protection of property;
- (e) Mandatory protection of records which would be regarded as privileged in legal proceedings;
- (f) The information about research being or to be carried out by or on behalf of a third party where disclosure would likely expose that third party or the person that is or will be carrying on the research on behalf of that third party or the subject matter of the research to serious disadvantage.

2.4.2.2. The Deputy Information Officer may refuse a request for information or record if that information or record relates to:

- (a) information that was supplied by a third party, in confidence, the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source and it is in the public interest that such information, or information from the same source should continue to be supplied;
- (b) mandatory protection of safety of individuals and protection of property;
- (c) mandatory protection of law enforcement and legal proceedings;
- (d) the commercial activities of DBSA, which may include –
  - (i) trade secrets of DBSA;
  - (ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of DBSA;
  - (iii) information which, if disclosed could put DBSA at a disadvantage in negotiations or commercial competition;
  - (iv) a computer program which is owned by DBSA and which is protected by copyright.
- (e) information about research being or to be carried out by or on behalf of DBSA, the disclosure of which would likely to expose DBSA or the person that is or will be carrying out the research on behalf of DBSA or the subject matter of the research, to serious disadvantage.
- (f) an opinion, advice, report or recommendation obtained or prepared, or an account of a consultation, discussion or deliberation that has occurred, including but not

limited to, minutes of a meeting, for the purpose of assisting to formulate a policy or to take a decision in the exercise of a power or performance of a duty conferred or imposed by law.

(g) requests that are frivolous or vexatious or involve an unreasonable diversion of DBSA resources.

### 2.4.3. CATEGORIES OF RECORDS HELD BY DBSA

DBSA holds the following records of which in terms of Section 14(1)(d) and DBSA Information Security policy, a formal PAIA request process will apply.

<b>(a) Loans</b>	<ul style="list-style-type: none"> <li>- Minutes (Decision record)</li> <li>- Credit approval record</li> <li>- Borrower Applications</li> <li>- Borrower Information (KYC, Securities etc.)</li> <li>- Project Early Review Report</li> <li>- Project Appraisal Reports</li> <li>- Loan Agreements</li> <li>- Project Completion Reports</li> <li>- Project Evaluation Reports</li> </ul>
<b>(b) Grants</b>	<ul style="list-style-type: none"> <li>- Minutes (Decision record)</li> <li>- Grant approval records</li> <li>- Recipient Applications</li> <li>- Recipient Information</li> <li>- Project Grant Appraisal Reports</li> <li>- Grant Agreements</li> <li>- Project Completion Reports</li> <li>- Project Evaluation Reports</li> </ul>
<b>(c) Risk Management</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Risk Management Reports</li> <li>- Project/Client Risk Reviews</li> <li>- Public Sector Single Obligator Limits</li> <li>- Capital Adequacy Framework</li> <li>- Risk Management Framework</li> <li>- CA Ratings Evaluations of Local Authorities</li> </ul>
<b>(d) Financial Management</b>	<ul style="list-style-type: none"> <li>- Policies &amp; procedures</li> <li>- Corporate Budgets</li> <li>- Business Unit Budgets</li> <li>- Corporate Financial Reports</li> <li>- Management Accounting Reports</li> <li>- Payroll Documentation</li> <li>- Financial Administration Documentations</li> <li>- Financial Acts &amp; Regulations</li> </ul>
<b>(e) Supply Chain Management</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Bid documents</li> <li>- Third party information (KYC, Tax clearance, BEE etc.)</li> <li>- Reports</li> <li>- Minutes and decision records</li> </ul>



<b>(f) Contracts Administrations</b>	<ul style="list-style-type: none"> <li>- Loans Agreements/Contracts</li> <li>- Loan Disbursement Procedure Manual</li> <li>- Claims for Payment Documentation</li> <li>- Disbursements of Payments Documentation</li> <li>- Loan Repayment Documentation</li> </ul>
<b>(g) Treasury</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Journals</li> <li>- Fund mobilization (agreements, credit ratings etc.)</li> <li>- Reports</li> <li>- Market data</li> <li>- Deal confirmations</li> <li>- Settlements</li> <li>- Securities and cessions</li> <li>- Cash flow management</li> </ul>
<b>(h) Human Resources</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Personnel files</li> <li>- Appointment offers</li> <li>- Performance bonuses</li> <li>- Training and development</li> <li>- HIV Aids</li> <li>- Employment equity</li> <li>- Occupational Health and Safety</li> <li>- Labour disputes</li> <li>- Negotiations and Union related records</li> <li>- Disciplinary records</li> </ul>
<b>(i) Information &amp; Technology</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- ICT Service Level Agreements</li> <li>- System related records</li> <li>- Disaster recovery and implementation plans</li> </ul>
<b>(j) Facilities Management</b>	<ul style="list-style-type: none"> <li>- Policies and procedure</li> <li>- Building Plans</li> <li>- Asset Register (non-financial)</li> <li>- Insurance Documentation</li> </ul>
<b>(j) Corporate Strategy</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Corporate Vision and Mission Statements</li> <li>- Corporate Strategy</li> <li>- Balanced Scorecards</li> <li>- Environmental Scans</li> </ul>
<b>(k) Legal Services</b>	<ul style="list-style-type: none"> <li>- Agreements</li> <li>- Memorandum of Understanding</li> <li>- Legal opinion</li> <li>- Litigations</li> <li>- Security</li> </ul>
<b>(l) Communication and Marketing</b>	<ul style="list-style-type: none"> <li>- Brand</li> <li>- Annual report</li> <li>- Press release</li> <li>- Speeches</li> </ul>

<b>(m) Corporate Secretariat</b>	<ul style="list-style-type: none"> <li>- Board Minutes</li> <li>- Declaration of Interests</li> <li>- Records relating to Board members</li> </ul>
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#### 2.4.4. RECORDS AUTOMATICALLY AVAILABLE [SECTION 14(1)(e)]

These categories of information relate to publicly available information i.e. internally and externally. Such information need not be requested in terms of the Act. For example, the following recorded information can be obtained automatically without a formal PAIA request procedure:

- Development Bank of Southern Africa Act, No. 13 of 1997
- Annual reports
- DBSA printed publications (Newsletters, Booklets etc.)
- Other information published on DBSA internet website.

#### 2.5 SERVICES RENDERED BY DBSA

DBSA's main objective is the promotion of economic development and growth, human resource development, institutional capacity building and the support of development projects in the region. Its ancillary objectives are to assist other international, national, regional and provincial initiatives in order to achieve an integrated finance system for development and to assist national, international and private sector bodies in the management of specific funds.

Based on the above context, the services rendered by DBSA revolve around its role as:

- Financier
- Advisor
- Partner
- Implementer
- Integrator

#### 2.6 HOW TO GAIN ACCESS TO DBSA SERVICES

DBSA's services are accessed through formal application and evaluation processes by relevant committees. Further details on how to access DBSA's services may be found on the DBSA website i.e. [www.dbsa.org](http://www.dbsa.org).

## **2.7 ARRANGEMENTS FOR PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND EXERCISE OF POWER**

In terms of the DBSA Act, members of the public can nominate persons for appointment to the Board of DBSA.

## **2.8 THE REMEDIES AVAILABLE IN RESPECT OF FAILURE TO COMPLY WITH PROVISIONS OF THIS ACT**

Any requester dissatisfied with any decision in respect of a request for access to a record of the DBSA can approach the High Court or another court of similar status to seek relief.

## **2.9 OTHER INFORMATION AS MAY BE PRESCRIBED [Section 14(1) (i)]**

No information has been prescribed in terms of this section.

## **2.10 AVAILABILITY OF THE MANUAL [Section 14(3)]**

This manual will be made available in three official languages to the Human Rights Commission, in accordance with paragraph 4(1) of the Regulations promulgated in terms of the Act and is published on the DBSA website i.e. [www.dbsa.org](http://www.dbsa.org)

## **2.11 PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES**

The following fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before DBSA contact persons can make any records requested available to the requestor.

For any request that would require more than six hours to access or to prepare for disclosure, one third of the access fee is payable as a deposit by the requester. The actual postage is payable when a copy of a record must be posted to a requester.

The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2) of the Act is R35.00. The fee for a copy of the manual as contemplated in regulation 5(c) of the Act is R0, 60 for every photocopy of an A4 size of page or part thereof.

### 2.11.1 REPRODUCTION FEES [Regulation 7(1)]

DESCRIPTION	FEE
(a) For every photocopy of an A4-size page or part thereof	R0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
(c) For a copy in a computer-readable form on – (i) Compact disc	R40.00
(d) Visual images (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R22.00 R60.00
(e) Audio Visual (i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	R12.00 R17.00

### 2.11.2 ACCESS FEES [Regulation 7(3)]

DESCRIPTION	FEE
(a) For every photocopy of an A4-size page or part thereof	R0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,40
(c) For a copy in a computer-readable form on (i) Compact disc	R40.00
(d) Visual images (i) For a transcription of visual images, for an A4-size page or part thereof (j) For a copy of visual images	R12.00 R17.00
(e) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R15.00

**2.12 ANNEXURE A: PRESCRIBED FORMS**

**FORM A**

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18 (1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number:.....

Request received by

(State rank, name and surname of Information Officer/Deputy Information Officer) on

..... (date) at.....

..... (place)

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

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

Access fee: R.....

SIGNATURE OF INFORMATION OFFICER/  
DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

.....  
.....  
.....  
.....

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

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

Full names and surnames: .....

.....

Identity number: .....

Postal address: .....

.....

.....

..... Fax number .....

Telephone 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 records or relevant part of the record:

.....

.....

- .....
- .....
2. Reference number, if available: .....
3. Any further particulars of 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 required to be paid as the request fee.*
- c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reasons for exemption from payment of fees: .....

.....

**F. Form of access to record**

*If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, 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) *Compliance with your request for access in the specified form may depend on the form in which the record is available.*

(b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*

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

<b>1. If the record is in written or printed form:</b>			
	Copy of record*		Inspection of record

<b>2. If records consists of visual images –</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):				
View the images	Copy of the images*	Transcription of the images*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>				
Listen to the soundtrack (audio cassette)	Transcription of soundtrack* (written or printed document)			
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>				
Printed copy of record	Printed copy of information derived from the record	Copy in computer readable form (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?			YES	NO
<b>Postage is payable</b>				
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>				
<i>In which language would you prefer the record?</i>				
<i>In which language would you prefer the document?</i>				

**G. 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 you request.*

How would you prefer to be informed on 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**