

PROMOTION OF ACCESS TO INFORMATION ACT (“PAIA”) MANUAL

This Manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of the Protection of Personal Information Act of 2013 (“POPIA”)

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1. INTRODUCTION

PAIA (as amended by POPIA) 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. POPIA, on the other hand, gives effect to everyone's Constitutional right to privacy.

Sections 14 and 52 of PAIA 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 PAIA. In terms of section 8 of that Act, a public body referred to in paragraph (b)(ii) may either be a public body or a private body in relation to a record of that body.

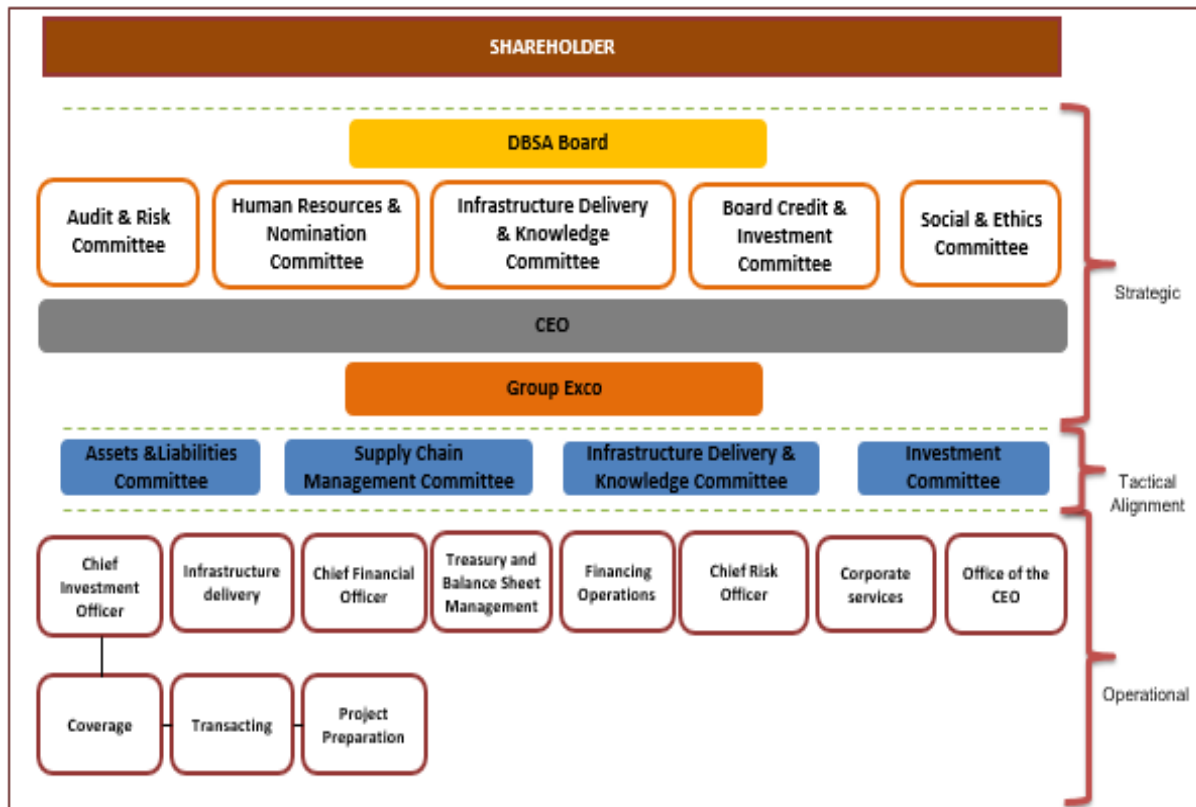
This PAIA Manual deals with information or records in relation to which DBSA is a public body and is available in English. Translated versions in two other official languages i.e. isiZulu and Sepedi (also known as Sesotho sa Leboa), will also be made available.

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 Development Bank of Southern Africa Act, No. 13 of 1997 ("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.

3. STRUCTURE OF THE DBSA

The DBSA is a public entity established in terms of 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, 10 Divisions and the Chief Executive's Office. The diagram below reflects the current structure of DBSA.



4. CONTACT DETAILS

In terms of PAIA, the Chief Executive of the DBSA is the Information Officer and the Information Officer has duly authorised two persons as Deputy Information Officers.

Name	Designation	Telephone	Email	Address
Patrick Dlamini	Information Officer	0113133075	PAIA@dbsa.org	<i>Postal</i> PO. Box 1234 Halfway House Midrand 1685
Carina Oosthuizen	Deputy Information Officer	0113133417		<i>Physical</i> 1258 Lever Road Headway Hill Midrand
Amanda Chetty	Deputy Information Officer	0113133937		

When making a request, please direct it to the abovementioned Deputy Information Officers.

5. THE SECTION 10 GUIDE

In terms of section 10 of PAIA, the Information Guide will be or has been compiled by the Regulator. Copies of the guide are (or will be) available from the Regulator in the manner prescribed. The Regulator's contact details are set out below:

Tel: 012 406 4818

Fax: 086 500 3351

Email: infoereg@justice.gov.za

Website: <http://www.justice.gov.za/infoereg/>

6. ACCESS TO RECORDS OF THIRD PARTIES HELD BY DBSA

(a) The request procedure

- The requester must use the prescribed form, Annexure A, to make the request for access to a record. The request must be directed to either one of the Deputy Information Officers whose contact details are set out in 4 above.
- The requester must provide sufficient information on the request form to enable the Deputy Information Officer to identify the records requested.
- The requester should also indicate which form of access is required.
- The requester must state whether the record concerned is preferred in any particular language.
- The requester 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.
- If the request is made on behalf of another person, the requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- The Deputy Information Officer shall 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.
- 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.
- The Deputy Information Officer will inform the requester 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.

- 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 PAIA empowers the requester to apply to court for appropriate relief within 30 days of the decision.
- 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.

(b) Grounds for refusal of access to records

The Deputy Information Officer shall, subject to other provisions of PAIA, refuse a request for information or record if that information or record relates to:

- 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;
- 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 the disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 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.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 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.

- The Deputy Information Officer may refuse a request for information or record if that information or record relates to:
 - 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;
 - mandatory protection of safety of individuals and protection of property;
 - mandatory protection of law enforcement and legal proceedings;
 - 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.
 - 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.
 - 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.
 - requests that are frivolous or vexatious or involve an unreasonable diversion of DBSA resources.

(c) Categories of records held by the DBSA

In terms of Section 14(1)(d) and the DBSA Information Security Policy, a formal PAIA request process will apply for the following categories of records held by the DBSA:

- Loans
- Grants

- Risk Management
- Financial Management
- Supply Chain Management
- Contracts Administration
- Treasury
- Human Resources
- Information and Technology
- Corporate Strategy
- Facilities Management
- Communication and Marketing
- Legal Services
- Corporate Secretariat






(d) Records automatically available

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

- Legislation (DBSA Act, DBSA Amendment Act)
- Annual reports
- DBSA printed publications (Newsletters, Booklets etc.)
- Other information published on DBSA internet website.

7. SERVICES RENDERED BY DBSA

The DBSA is a development finance institution wholly owned by the South African Government and mandated to promote economic growth and regional integration by mobilising financial and other resources from the national and international private and public sectors for sustainable development projects and programmes in South Africa and the wider African continent. This includes infrastructure finance and development, human resource development and institutional capacity building. The principle activities that cut across the infrastructure value chain are as follows:

 PLAN	 PREPARE	 FINANCE	 BUILD	 MAINTAIN
Municipal assessments Bulk infrastructure plans Infrastructure planning advice	Project identification Feasibility assessments Technical assistance Programme development Project preparation funds	Long-term senior and subordinated debt Corporate and project finance Mezzanine finance Structured financing solutions	Managing design and construction of projects in education, health and housing sectors Project management support	Supporting maintenance/ improvement of social and economic infrastructure projects

8. 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.

9. 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.

10. REMEDIES IN RESPECT OF THE PROVISIONS OF PAIA, APPLICATIONS TO COURT

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.

11. OTHER INFORMATION AS MAY BE PRESCRIBED

No information has been prescribed in terms of this section.

12. AVAILABILITY OF THE MANUAL

This manual will be made available in English and two other official languages to the Human Rights Commission, in accordance with paragraph 4(1) of the regulations promulgated in terms of PAIA and is published on the DBSA website i.e. www.dbsa.org

13. PRESCRIBED FEES IN RESPECT OF PUBLIC BODIES

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

Reproduction Fees – Regulation 7(1):

DESCRIPTION	FEE
For every photocopy of an A4-size page or part thereof	R0,60
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
For a copy in a computer- readable form on – (i) Compact disc	R40.00
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
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

Access Fees – Regulation 7(3)

DESCRIPTION	FEE
For every photocopy of an A4-size page or part thereof	R0,60
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
For a copy in a computer-readable form on (i) Compact disc	R40.00

Visual images	
(i) For a transcription of visual images, for an A4-size page or part thereof	R12.00
(j) For a copy of visual images	R17.00
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

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 PAIA is R35.00. The fee for a copy of the manual as contemplated in regulation 5(c) of PAIA is R0, 60 for every photocopy of an A4 size of page or part thereof.

14. REQUIREMENTS PERTAINING TO THE PROCESSING OF PERSONAL INFORMATION

(a) Purpose of processing

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed by the DBSA will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

(b) Access to personal information

POPIA provides that a data subject may, upon proof of identity, request the DBSA to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information. A data subject that wishes to request access to his personal information must submit a request to the Deputy Information Officer at the postal physical or electronic mail address set out above on the form attached hereto as part of Annexure A.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, the DBSA must provide the data subject with a written estimate of the

payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee. Grounds for refusal of the data subject's request are set out in PAIA and discussed above.

A data subject may request the DBSA to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the DBSA is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions. A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Deputy Information Officer at the postal, physical or electronic mail address set out above on Form 2 attached hereto as part of Annexure A.

(c) Categories of data subjects

The DBSA holds information and records on the following categories of data subjects:

- Employees / personnel of the DBSA;
- Clients of the DBSA;
- Any third party with whom the DBSA conducts its business services;
- Contractors of the DBSA;
- Suppliers of the DBSA; and
- Service providers of the DBSA.

(This list of categories of data subjects is non-exhaustive.)

(d) The categories of recipients to whom the information is supplied

Depending on the nature of the data, the DBSA may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and
- Subject to the provisions of POPIA and the National Credit Act, 2005, the DBSA may share information about a client's creditworthiness with any credit bureau or credit

providers industry association or other association for an industry in which the DBSA operates.

(e) Planned transborder flows of information

If a data subject visits the DBSA's websites from a country other than the country in which the DBSA's servers are located (South Africa – currently www.dbsa.org), the various communications will necessarily result in the transfer of information across international boundaries. The DBSA may need to transfer a data subject's information to service providers in countries outside South Africa, in which case the DBSA will fully comply with applicable data protection legislation. This may happen if the DBSA's servers or suppliers and service providers are based outside South Africa, or if the DBSA's services are hosted in systems or servers outside South Africa and/or if a data subject uses the DBSA's services and products while visiting countries outside this area. These countries may not have data-protection laws which are similar to those of South Africa. Nevertheless, we will ensure that anyone to whom we pass your information to, agrees to treat your information with the same level of protection as if we were dealing with it.

(f) Security measures implemented to ensure the confidentiality and privacy of the information which is to be processed

The DBSA is committed to implementing leading data security safeguards. The DBSA has specialized security teams who constantly review and improve the DBSA's measures to protect data subject's personal information from unauthorised access, accidental loss, disclosure or destruction. If the DBSA has a contract with another organisation to provide the DBSA with services or a service on the DBSA's behalf to process a data subject's personal information, the DBSA will make sure they have appropriate security measures and only process the information in the way the DBSA has authorised them to. These organisation's will not be entitled to use a data subjects' personal information for their own purposes. If necessary, the DBSA's security teams will check them to make sure they meet the security requirements the DBSA has set.

Communication over the internet (such as emails) are not secure unless they have been encrypted. A data subject's communication may go through several countries before being delivered as this is the nature of the internet that is beyond the DBSA's control.

ANNEXURE A – PRESCRIBED FORMS

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18 (1) of PAIA) - [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 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 names and surname: _____

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 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.

1. If the record is in written or printed form:

	Copy of record*		Inspection of record
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2. If records consist 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*
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3. 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)
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4. 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 (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
<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>						
In which language would you prefer the document? _____						

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 your request.

How would you prefer to be informed about the decision regarding your request for access to the record?

Signed at _____ on this _____ day of _____ 20____

**SIGNATURE OF REQUESTER/ PERSON
 ON
 WHOSE BEHALF REQUEST IS MADE**

FORM 2

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 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 - [Regulation 3]

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 THE 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:	Particulars of the DBSA

Residential, postal or business address:	
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. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person