

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

Prepared in terms of section 14 of the Promotion of Access to Information Act 2 of 2000  
(as amended)

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## 1. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to:

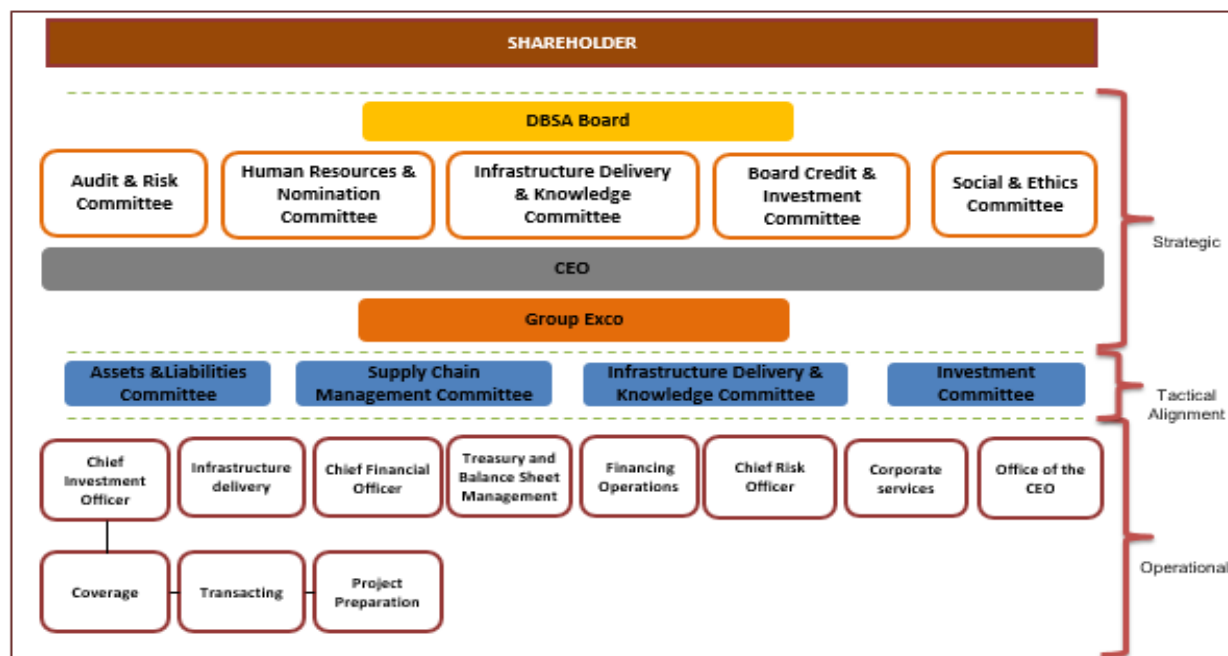
- check the nature of the records which may already be available at the DBSA, without the need for submitting a formal PAIA request;
- understand how to make a request for access to a record of the DBSA;
- access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- know all the remedies available from the DBSA regarding request for access to the records, before approaching the Regulator or the Courts;
- the description of the services available to members of the public from the DBSA, and how to gain access to those services;
- a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- know if the DBSA has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- know whether the DBSA has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## 2. ESTABLISHMENT AND OBJECTIVES OF THE DBSA

The DBSA is a public entity that was established in terms of the Development Bank of Southern Africa Act, No. 13 of 1997 (“the DBSA Act”). 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.

### 3. STRUCTURE OF THE DBSA

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 the DBSA.



### 4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE DBSA

In terms of PAIA, the Chief Executive of the DBSA is the Information Officer ("IO"), and the IO has designated and delegated two Deputy Information Officers ("DIO"s).

Name	Designation	Telephone	Email	Address
Boitumelo Mosako	IO	0113133075	<a href="mailto:PAIA@dbsa.org">PAIA@dbsa.org</a>	<i>Postal</i> PO Box 1234 Halfway House Midrand 1685
Amanda Chetty	DIO	0113133937		<i>Physical</i> 1258 Lever Road Headway Hill Midrand
Carina Oosthuizen	DIO	0113133417		

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

## 5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- The Guide is available in each of the official languages.
- The aforesaid Guide contains the description of –
  - the objects of PAIA and POPIA;
  - the postal and street address, phone and fax number and, if available, electronic mail address of –
    - the IO of every public body, and
    - every DIO of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
  - the manner and form of a request for –
    - access to a record of a public body contemplated in section 11; and
    - access to a record of a private body contemplated in section 50;
  - the assistance available from the Information Officer of a public body in terms of PAIA and POPIA:
    - the assistance available from the Regulator in terms of PAIA and POPIA;
    - all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging –
      - ✓ an internal appeal;
      - ✓ a complaint to the Regulator; and
      - ✓ an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
  - the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
  - the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
  - the regulations made in terms of section 92.

- Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained –
  - upon request to the Information Officer;
  - from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

## 6. OBLIGATIONS OF THE INFORMATION OFFICER – Regulation 3

- An information officer must have a copy of the guide, in at least two of the official languages, at his/her registered head office, for public inspection during normal office hours.
- An information officer must make available, upon the written request of any person, on a form which corresponds with Form 1 ([InfoRegSA-PAIA-Form01-Reg2.pdf](#)) of Annexure A to the Regulations, the number of copies of the guide in the official languages, as requested.
- An information offer may not charge a fee for –
  - a copy of the guide made available in terms of sub regulation (2); or
  - inspection of a copy of the guide at the office of the information officer.

## 7. ACCESS TO RECORDS OF THIRD PARTIES HELD BY DBSA

### (a) The request procedure by requester

- The requester must use the prescribed form, Form 2 ([InfoRegSA-PAIA-Form02-Reg7.pdf](#)), 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) The request procedure, assisted by Information Officer**

- Regulation 7(2): The information officer must –
  - assist a requester with any request with regards to a request for access to information; and
  - if a request for access to a record is made orally as a result of illiteracy or a disability of a requester, complete Form 2 on behalf of the requester and provide a copy thereof to the requester, as contemplated in section 18(3) of PAIA.
- Regulation 8 – Outcome of request and fees payable
  - the information officer must, if a request for access to a record referred to in regulation 7 is granted or refused, inform the requester of –
    - ✓ his or her decision; and
    - ✓ the fees payable as provided for in Annexure B to the Regulations, on a form that corresponds substantially with Form 3 ([Form-3-PAIA.pdf](#)) provided that a request for a copy of the guide may not be refused.

### (c) 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.

## 8. DESCRIPTION OF THE SUBJECTS OF RECORDS AND CATEGORIES OF RECORDS HELD BY THE DBSA

SUBJECTS OF RECORDS	CATEGORIES OF RECORDS
Strategic Documents	<ul style="list-style-type: none"> <li>- Annual reports</li> <li>- Strategic plan</li> <li>- Annual performance plan</li> <li>- Marketing records</li> <li>- Internal policies and procedures</li> </ul>
Human Capital	<ul style="list-style-type: none"> <li>- HC policies and procedures</li> <li>- Advertised posts</li> <li>- Employees records</li> <li>- Learning and development e.g. skills development and training plans</li> <li>- Employment equity plan and statistics</li> </ul>
Financial Management	<ul style="list-style-type: none"> <li>- Accounting records, schedules and books of account</li> <li>- Annual financial statement, reconciliations</li> <li>- Creditors invoices and ledgers</li> <li>- Debtors' invoices and ledgers</li> <li>- Fixed asset registers</li> <li>- Banking details</li> </ul>

Supply Chain Management	<ul style="list-style-type: none"> <li>- Tender-related documents</li> <li>- Vendor documents and related information</li> <li>- Purchase orders, requisitions and journals</li> <li>- Framework orders</li> <li>- SCM Committee records</li> <li>- Unsuccessful tenders and all related information</li> </ul>
Property and Facilities Management	<ul style="list-style-type: none"> <li>- Occupational Health and Safety Clinic Procedures</li> <li>- Title Deeds, Compliance Certificates</li> <li>- Insurance Records including accident reports, claims, reports and correspondence</li> <li>- Scheduled maintenance records and unscheduled maintenance records, technical reports, site reports, proposals, drawings, job cards</li> <li>- Injury on Duty records</li> <li>- Visitor access data, employee access reports</li> <li>- Threat and vulnerability assessments</li> </ul>
Information, Communication and Technology	<ul style="list-style-type: none"> <li>- Backup procedures</li> <li>- Email archives</li> <li>- Network diagrams and configuration documents</li> <li>- Logs and reports</li> <li>- ICT asset inventory (hardware, software and licences)</li> </ul>
Legal Services	<ul style="list-style-type: none"> <li>- Loan agreements</li> <li>- Consultancy agreements</li> <li>- Licensing agreements</li> <li>- MOU/MOA</li> <li>- Legal opinions</li> </ul>
Statutory and Regulatory Framework	<ul style="list-style-type: none"> <li>- Information assets in respect of all relevant legislations</li> <li>- Regulations and frameworks</li> </ul>

## 9. CATEGORIES OF RECORDS OF THE DBSA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

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.

## 10. SERVICES AVAILABLE TO MEMBERS OF THE PUBLIC FROM THE DBSA AND HOW TO GAIN ACCESS TO THESE SERVICES

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.

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).

The principal activities that cut across the infrastructure value chain are as follows:

 <b>PLAN</b>	 <b>PREPARE</b>	 <b>FINANCE</b>	 <b>BUILD</b>	 <b>MAINTAIN</b>
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

## 11. PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY OR THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE DBSA

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

## 12. 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) Description of the categories of Data Subjects and of the information or categories of information relating thereto**

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.)

The table below sets out the categories of the data subjects and the description of the nature or categories of the personal information to be processed.

<b>Categories of Data Subjects</b>	<b>Personal Information that may be Processed</b>
Natural Persons	Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence.
Juristic Persons	Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific or technical information and trade secrets.
Employees	Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person

### **c) The recipients or categories of recipients to whom the personal information may be 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.

### **d) Planned transborder flows of personal 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](http://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.

### **e) General Description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

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.

The DBSA has implemented the following data security measures:

- defined and documented information security policies, procedures, and standards;
- firewalls in place to control inbound and outbound traffic;
- regular data backups to safeguard against data loss;
- data loss prevention technologies and policies;
- enforced careful access controls to limit who can access confidential data on Devices and systems;
- sensitive data is encrypted to prevent unauthorised access;
- robust monitoring, auditing, and reporting capabilities to detect and respond to security incidents;
- utilisation of anti-virus and anti-malware solutions to prevent malicious attacks;
- periodic assessments (vulnerability, penetration test, cyber etc.)
- physical safeguards to protect physical "jewel crowns";
- VPN to create secure, encrypted connection between remote users and DBSA's network; and
- security awareness program to ensure that DBSA employees remain vigilant and informed about security risks and best practices.

### **13. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR A FAILURE TO ACT BY THE DBSA**

#### **▪ Complaining to the Information Regulator or any regulatory body**

A complaint can be lodged with the IR by completing PAIA Form 5 (<https://info regulator.org.za/paia-form-5/>). The complaint should be completed in writing and submitted to [PAIAComplaints@informationregulator.org.za](mailto:PAIAComplaints@informationregulator.org.za)

- **Approaching the Court with jurisdiction for appropriate relief**

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.

## **14. OFFENCES AND PENALTIES**

An information officer who willfully or in a grossly negligent manner charges a fee other than the fee prescribed in terms of the Regulations, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding two years.

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

- This Manual is available in the following three official languages:
  - English
  - isiZulu
  - Sepedi
- A copy of this Manual is also available as follows –
  - on the DBSA's website, [www.dbsa.org](http://www.dbsa.org)
  - at the DBSA's head office, for public inspection during normal business hours
  - to any person upon request and upon the payment of a reasonable prescribed fee
  - to the Information Regulator upon request
- A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## **16. REVIEW OF THE MANUAL**

The DBSA will, if necessary, update and publish this Manual annually.