



THE PROMOTION OF ACCESS TO INFORMATION MANUAL ("MANUAL")

Bakone International (Pty) Ltd, Bakone International Capital (Pty) Ltd and affiliates (together, "Bakone")



1. Preamble

- 1.1. The Promotion of Access to Information Act, 2000 (“PAIA”) came into operation on 9 March 2001. PAIA seeks, among other things, 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 and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.
- 1.2. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.
- 1.3. This Manual constitutes the Bakone PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (“POPIA”), which gives effect to everyone’s Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 1.4. This PAIA 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 POPIA.

2. Introduction to Bakone

2.1. Bakone is a company which conducts business in financial services.

3. Bakone's Contact Details

Designated Information Officer	Mohau Matlala (Managing Director)
Physical address:	2nd Floor, The Bank Building, Corner Tyrwhitt & 24 Cradock Avenue, Rosebank, Johannesburg, 2196, South Africa
Telephone Number	+27 10 500 3340
Email (complaints):	compliance@bakoneinterntaional.com

4. The Section 10 Guide on how to Use PAIA

4.1. The South African Human Rights Commission (SAHRC) published a guide as prescribed by Section 10 of PAIA. This guide was available from the SAHRC prior to 30 June 2021.

4.2. From 1 July 2021, the Information Regulator assumed the functions of the SAHRC. Accordingly, the above guide, as updated by the Information Regulator in accordance with POPIA, will be available at the offices of the Information Regulator and on its website from 1 July 2021, please direct any queries regarding this guide to:

Information Regulator	
The Research and Documentation Department	
Physical address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal address:	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone Number	010 023 5200
Website:	www.justice.gov.za/inforeg/
Email (complaints):	complaints.IR@justice.gov.za
Email (general enquiries):	inforeg@justice.gov.za

5. Objectives of this Manual

5.1. The objectives of this Manual are:

5.1.1. to provide a list of all records held by the legal entity;

- 5.1.2. to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- 5.1.3. to define the manner and form in which a request for information must be submitted; and
- 5.1.4. to comply with the additional requirements imposed by POPIA.

6. Entry Point for Requests

- 6.1. PAIA provides that a person may only make a request for information if the information is required for the exercise or protection of a legitimate right.
- 6.2. Information will therefore not be furnished unless a person provides sufficient particulars to enable Bakone to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 6.3. The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 6.4. The Information Officer will facilitate the liaison with the internal legal team on all of these requests.
- 6.5. All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 3 above.

7. Records Available in Terms of Other Legislation

- 7.1. Records maintained by Bakone in terms of other legislation include but are not limited to the:
 - 7.1.1. Basic Conditions of Employment Act 75 of 1997;
 - 7.1.2. Broad-Based Black Economic Empowerment Act 53 of 2003;

- 7.1.3. Companies Act 61 of 1973;
- 7.1.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 7.1.5. Electronic Communications and Transactions Act 25 of 2002;
- 7.1.6. Employment Equity Act 55 of 1998;
- 7.1.7. Financial Intelligence Centre Act 38 of 2001;
- 7.1.8. Income Tax Act 58 of 1962;
- 7.1.9. Labour Relations Act 66 of 1995;
- 7.1.10. Occupational Health and Safety Act 85 of 1993;
- 7.1.11. Promotion of Access to Information Act 2 of 2000;
- 7.1.12. Protection of Personal Information Act 4 of 2013;
- 7.1.13. Skills Development Act 97 of 1998;
- 7.1.14. Unemployment Insurance Contributions Act 4 of 2002;
- 7.1.15. Unemployment Insurance Act 30 of 1996; and
- 7.1.16. Value Added Tax Act 89 of 1991.

8. Subjects and Categories of Information Held by Bakone

- 8.1. The subjects and categories of records held by Bakone are as follows:
- 8.2. Incorporation and constitutional documents of Bakone
 - 8.2.1. Memorandum of Incorporation of Bakone.
 - 8.2.2. Shareholder and Director list of Bakone.
- 8.3. Financial records of Bakone
 - 8.3.1. Accounting records, books and documents of Bakone.
 - 8.3.2. Annual financial reports of Bakone.
 - 8.3.3. Details of auditors of Bakone.
 - 8.3.4. Auditors' reports in respect of audits conducted on Bakone.
 - 8.3.5. Invoices in respect of both creditors and debtors of Bakone.
 - 8.3.6. Tax returns of Bakone.
 - 8.3.7. Other documents and agreements relating to taxation.
 - 8.3.8. Other financial records of Bakone.
- 8.4. Banking details of Bakone
 - 8.4.1. Bank facilities and accounts details.
 - 8.4.2. Bank statements.

- 8.4.3. Other financial commitments of Bakone.
- 8.5. Human resources / employment records
 - 8.5.1. List of employees.
 - 8.5.2. Contracts of employment with employees of Bakone.
 - 8.5.3. Personnel files in respect of each employee of Bakone.
 - 8.5.4. Documents relating to employee benefits.
 - 8.5.5. Tax information of employees.
 - 8.5.6. Employment equity plan of Bakone.
 - 8.5.7. Skills development programme of Bakone.
 - 8.5.8. Training manuals.
 - 8.5.9. Employee policies and procedures.
 - 8.5.10. Other information relating to employees of Bakone.
- 8.6. Intellectual Property
 - 8.6.1. Trade-marks, copyrights and designs held by Bakone.
 - 8.6.2. Records relating to domain names held by Bakone.
 - 8.6.3. Other agreements relating to intellectual property rights.
- 8.7. Information pertaining to clients of Bakone
 - 8.7.1. Agreements with clients of Bakone.
 - 8.7.2. Documentation and other information received from clients, including documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2001.
 - 8.7.3. Documentation and other information received from third parties.
 - 8.7.4. Correspondence with clients.
 - 8.7.5. Correspondence with third parties.
 - 8.7.6. Research conducted on behalf of clients of Bakone.
 - 8.7.7. Information prepared by Bakone for clients.
 - 8.7.8. Records pertaining Bakone clients' business and/or activities.
 - 8.7.9. Other information relating to, or held on behalf of, clients of Bakone.
- 8.8. Insurance records
 - 8.8.1. Insurance policies taken out for the benefit of Bakone and its employees.
- 8.9. Immovable and movable property
 - 8.9.1. Agreements for the lease of immovable property by Bakone.

- 8.9.2. Credit sale agreements and/or hire purchase agreements.
- 8.9.3. Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.
- 8.10. Information technology
 - 8.10.1. Computer software, support and maintenance agreements.
 - 8.10.2. Other documentation pertaining to computer systems and computer programmes held by Bakone.
- 8.11. Website
 - 8.11.1. Information contained on our website: www.bakoneinternational.com.
- 8.12. Correspondence
 - 8.12.1. Correspondence of Bakone, including internal and external memoranda.

9. Description of Personal Processing in Terms of POPIA

- 9.1. Bakone processes personal information in accordance with its Privacy Policy, available on our website: www.bakoneinternational.com

10. The Request Procedure

- 10.1. The requester must use the prescribed form (see Annexure A) to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address or electronic mail address of the Information Officer.
- 10.2. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 10.3. The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 10.4. If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

11. Grounds for Refusal of Access and Protection of Information

- 11.1. A request for access to information will not automatically be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.
- 11.2. There are various grounds upon which a request for access to a record may be refused. These grounds include:
 - 11.2.1. the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
 - 11.2.2. the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - 11.2.3. if disclosure would result in the breach of a duty of confidence owed to a third party;
 - 11.2.4. if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
 - 11.2.5. if the record was produced during legal proceedings, unless that legal privilege has been waived;
 - 11.2.6. if the record contains trade secrets, financial or sensitive information or any information that would put Bakone (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
 - 11.2.7. if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Bakone.
- 11.3. Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.
- 11.4. If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty- one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

12. Fees

- 12.1. The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the relevant fee before further processing the request. A personal requester does not pay such fee.
- 12.2. The requester may lodge an application to the court against the tender or payment of the request fee.
- 12.3. The Information Officer will then make a decision on the request and notify the requester in the required form.
- 12.4. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

13. Availability of the Manual

- 13.1. The manual is available for inspection at the offices of Bakone. Copies are also available on Bakone's website, www.bakoneinternational.com.

14. Prescribed Fees and Forms in Respect of Private Bodies

- 14.1. The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, www.justice.gov.za.

15. Changes to this Manual

- 15.1. This Manual may be amended and updated from time to time, provided that if Bakone does so, it will ensure that such changes are carried out subject to and published in accordance with PAIA and POPIA.

Annexure A

Request for access to record

1. Particulars of [the company]

Name of [the company]: *[insert name]*

Registration number *[insert]*

The Head: *[insert]*

Physical Address: *[insert]*

Postal Address: *[insert]*

Telephone: *[insert]*

Telefacsimile: *[insert]*

E-mail: *[insert]*

2. Particulars of person requesting access to the record

- 2.1 The full particulars of the person who requests access to the record must be given below.
- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 Proof of 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: _____

3. 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: _____

4. Particulars of record

4.1 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.

4.2 If the space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Description of record or
relevant part of the
record: _____

Reference number, if available: _____

Any further particulars of record:

5. Fees

- | | |
|-----|--|
| 5.1 | 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. |
| 5.2 | You will be notified of the amount required to be paid as the request fee. |
| 5.3 | 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. |
| 5.4 | If you qualify for exemption of the payment of any fee, please state the reason for exemption. |

Reason for exemption from payment of fees:

6. Form of access to record

If you are prevented by an impediment or 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 style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>		Form in which record is required: <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/>	
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Mark the appropriate box with an "X":

- 6.1 Compliance with your request in the specified form may depend on the form in which the record is available.
- 6.2 Access in the form requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.
- 6.3 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 the record consists 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*
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* (stiffy or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	YES	NO
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7. Particulars of the right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Indicate which right is to be exercised or protected:

**Explain why the record requested is required for the exercise or protection of the
aforementioned right:**

8. 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 of 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