**BIDVEST BANK**

(Registration no: 2000/006478/06)

This Manual is prepared in terms of Section 51 of the Promotion of Access to Information Act No 2 of 2000

(“PAIA”) as amended by the Protection of Personal Information Act, No 4 of 2013 (“POPIA”)

**BIDVEST BANK PAIA MANUAL**

## TABLE OF CONTENTS

|  |  |
| --- | --- |
| **1.** | **Definitions** |
| **2.** | **Introduction to PAIA and POPIA** |
| **3.** | **Purpose of PAIA Manual** |
| **4.** | **Information Regulators PAIA Guide** |
| **5.** | **Company Overview** |
| **6.** | **Bidvest Bank - Contact Details** |
| **7.** | **Records Automatically Available** |
| **8.** | **Description of Subjects and Categories of Records** |
| **9.** | **List of Applicable Legislation** |
| **10.** | **Information related to Personal Information** |
| **11.** | **Request Procedure** |
| **12.** | **Objection** |
| **13.** | **Rectification** |
| **14.** | **Proof of Identity** |
| **15.** | **Timelines for Consideration of a Request for Access** |
| **16.** | **Grounds for Refusal of Access and Protection of Information** |
| **17.** | **Remedies Available to a Requester on Refusal of Access** |
| **18.** | **Version Control** |

1. **DEFINITIONS**

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| “Bidvest”,  “Bank”, “we”, “us” and “our” | means Bidvest Bank Limited (registration number 2000/006478/06), |
| “Data Subject” | means the person to whom personal information relates. |
| “Manual” | means this Bidvest Bank PAIA manual, together with all appendices  hereto. |
| “PAIA” | means the of Access to Information Act, No 2 of 2000. |
| “POPIA” | means the Protection of Personal Information Act, No 4 of 2013. |
| “Processing” | means any operation or activity, whether or not by automatic means, concerning personal information including collection, receipt, storage,  alteration, erasure, as further defined in POPIA. |
| “Record” | means any recorded information, regardless of form or medium which includes  writing, label, marking, hardware, software, book, image (as further defined in POPIA). |
| “Regulator” | means the Information Regulator as defined in POPIA and means the  Information Regulator as established in terms of section 39 of POPIA. |
| “Requestor” | means any private body, any person, including a public body or official thereof,  making a Request for Access to a Record of that private body, or a person acting on behalf of the aforesaid person. |
| “Request for Access” | means as promulgated in section 1 of PAIA, in relation to a private body, means a Request for Access to a record of a private body in terms of section  50. |
| “Regulator” | means the Information Regulator as defined in POPIA and means the  Information Regulator as established in terms of section 39 of POPIA. |

1. **INTRODUCTION TO PAIA AND POPIA**

**PAIA**:

The Promotion of Access to Information Act, 2000 ("PAIA”) commenced on 9 March 2001, which among other things:

* seeks to give effect to a person’s Constitutional right of access to information, subject to certain limitations and sets out the procedural process to follow to exercise or protect this right.
* sets out the obligation of private bodies to compile a PAIA Manual.

Thus, where a person is desirous of obtaining information from Bidvest in terms of PAIA, such request must be made in the format as prescribed under this Bidvest PAIA Manual, and following receipt of the request, Bidvest must decide if it is able to provide the requested information to the Requester in accordance with the provisions of PAIA.

**POPIA**:

The Protection of Personal Information Act, 2013 ("POPIA”) commenced on 1 July 2020 and gives effect to:

* a person’s right to privacy, including the right to data privacy, and in accordance with this objective, describes and prescribes a series of conditions which must be met when personal information is processed, which conditions establish the minimum requirements for the Processing of personal information.
* amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

This PAIA Manual is compiled in accordance with section 51 of PAIA as amended by POPIA.

1. **PURPOSE OF PAIA MANUAL**

The purpose of this Manual is:

* + For purposes of PAIA: details the procedure that a Requester is to follow making a Request for Access, and the way a Request for Access will be facilitated by Bidvest.
  + For purposes of POPIA: details the purpose for which personal information may be processed; a description of the categories of Data Subjects for whom Bidvest processes personal information, as well as the categories of personal information relating to such Data Subjects and the recipients to whom personal information may be supplied.

## INFORMATION REGULATORS PAIA GUIDE

The Regulator has compiled an official PAIA Guide which is user-friendly and accessible, to assist in understanding how to exercise any right contemplated in PAIA or POPIA.

The Regulators Guide is available in each of the official languages at the following link on the Regulators website (under the heading PAIA GUIDE AND MANUAL).

<https://www.justice.gov.za/inforeg/docs.html>

Should you have any queries, or require a copy of the Guide, contact the Regulator directly:

|  |  |
| --- | --- |
| **Address:** | The Information Regulator (South Africa)  JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001  P.O. Box 31533, Braamfontein, Johannesburg, 2017 |
| **Telephone Number:** | +27 (0)10 023 5207 |
| **E-mail Address:** | Complaint’s email: [PAIAcomplaints@inforegulator.org.za](mailto:PAIAcomplaints@inforegulator.org.za) General enquiries: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za) |
| **Website** | <https://www.justice.gov.za/inforeg/> |

**NOTE:** Copies of the Regulators PAIA Guide are available in at least 2 of the official languages, for public inspection, during normal office hours at the reception of the Bidvest Bank (physical address set out in section 6 below) as well as on our website:

<https://bidvestbank-site-downloads.s3.eu-central-1.amazonaws.com/bidvestbank-site-downloads/Bidvest+Bank+-+Promotion+of+Access+to+Information+Manual.pdf>

## COMPANY OVERVIEW

Where innovation and financial solutions merge, that’s Bidvest Bank. A wholly owned subsidiary of The Bidvest Group Limited, Bidvest Bank’s goal is to change the way people and businesses view financial solutions, turning every opportunity into a success.

We pride ourselves in offering our customers the latest forex, fleet, business, and personal financial solutions and services. Trust in a leading second-tier South African bank. Trust in Bidvest Bank.

As a proudly South African company, we believe in the importance of transformation that Broad-Based Black Economic Empowerment brings. Our positive investment and contribution are a testament to our commitment as a Level 3 B-BBEE contributor.

## THE BIDVEST BANK - CONTACT DETAILS

|  |  |
| --- | --- |
| **Managing Director** | Hannah Sadiki |
| **Physical Address** | 1 Park Lane, Wierda Valley, Sandton, 2196 |
| **Postal Address** | P O Box 185, Johannesburg, 2000 |
| **Telephone Number** | 011 407 3000 |
| **Email Address** | [InfoOfficer@bidvestbank.co.za](mailto:InfoOfficer@bidvestbank.co.za) |

The contact details of the Bank Information Officer are as follows:

|  |  |
| --- | --- |
| **Information Officer Name** | Hannah Sadiki |
| **Physical Address** | 1 Park Lane, Wierda Valley, Sandton, 2196 |
| **Postal Address** | P O Box 185, Johannesburg, 2000 |
| **Internet Address** | [www.bidvestbank.co.za](http://www.bidvestbank.co.za/) |
| **Telephone Number** | 011 407 3000 |
| **Email Address** | [InfoOfficer@bidvestbank.co.za](mailto:InfoOfficer@bidvestbank.co.za) |

|  |  |
| --- | --- |
| **Deputy Information Officer Name** | Refilwe Mongalo |
| **Physical Address** | 1 Park Lane, Wierda Valley, Sandton, 2196 |
| **Postal Address** | P O Box 185, Johannesburg, 2000 |
| **Internet Address** | [www.bidvestbank.co.za](http://www.bidvestbank.co.za/) |
| **Telephone Number** | 011 407 3000 |
| **Email Address** | [InfoOfficer@bidvestbank.co.za](mailto:InfoOfficer@bidvestbank.co.za) |

A copy of this PAIA Manual is available for inspection, during normal office hours at the reception at the above physical address, as well as on our website:

<https://bidvestbank-site-downloads.s3.eu-central-1.amazonaws.com/bidvestbank-site-downloads/Bidvest+Bank+-+Promotion+of+Access+to+Information+Manual.pdf>

## RECORDS AUTOMATICALLY AVAILABLE

The following Information is automatically available on the Bidvest Bank website and need not be formally requested in terms of this Manual, as per section 52(1)(a) of PAIA.

|  |  |
| --- | --- |
| **NAME OF INFORMATION** | **WEBSITE LINK** |
| Integrated Report | <https://www.bidvestbank.co.za/about-us/reporting> |
| Annual Financial Statements | <https://www.bidvestbank.co.za/about-us/reporting> |
| B-BBEE certificate | https://www.bidvestbank.co.za/banking-regulations |
| Bidvest Bank Privacy Notice | <https://www.bidvestbank.co.za/privacy-policy> |
| Bidvest Bank PAIA Manual | <https://www.bidvestbank.co.za/privacy-policy> |

In compliance with section 51(2) of PAIA, the Forms below can be found on the Bidvest Bank site.

|  |  |
| --- | --- |
| **NAME OF FORM** | **WEBSITE LINK** |
| Form 2: Request for Access to Record | [https://www.bidvestbank.co.za/documents/Form-2-PAIA.pdf](https://www.bidvestbank.co.za/privacy-policy) |
| Form 3: Outcome of request and of fees payable | [https://www.bidvestbank.co.za/documents/Form-3-PAIA.pdf](https://www.bidvestbank.co.za/privacy-policy) |
| Form 4: Internal Appeal Form | [https://www.bidvestbank.co.za/documents/Form-4-PAIA.pdf](https://www.bidvestbank.co.za/privacy-policy) |

## DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS

Bidvest Bank maintains Records on the categories and subject matters listed below.

Recording a subject matter or category does not imply that a Request for Access to such Record(s) will be granted. All Requests for Access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Please note that many of the Records held by Bidvest Bank are those of third parties, such as clients and employees, and we take the protection of third-party confidential information seriously.

Requests for Access to these Records will be considered carefully.

|  |  |
| --- | --- |
| Subjects of Records | Categories of Records |
| Statutory Company Information | * Incorporation documents * Memorandum of Incorporation * Minute books, Resolutions * Records of all subsidiary companies * Registers of directors and officers * Share registers and other statutory registers * Statutory returns to relevant authorities * Statutory Records * Records relating to appointment of directors, auditors, company secretary, public officer and other officers. |
| Financial and Accounting Records | * Annual Financial Statements * Accounting Records (inclusive of books of account) * Administrative Records * Banking Records * Internal and external audit reports * Rental agreements * Invoices * Supporting schedules and documentation to books of account * Lease agreements * Asset registers * Sale Agreements * Intellectual Property records |
| Tax Records | * Customs and Excise Records * Income tax returns and other documentation * PAYE Records * Regional services council Records * Skills Development Levies Records * Stamp Duties Records * UIF and Workmen’s compensation * Value Added Tax Records |
| Legal Records | * Documentation pertaining to litigation or arbitration * General agreements and contracts * Licenses, permits and authorizations |
| Insurance Records | * Claims Records * Details of insurance coverage, limits, and insurers * Insurance policies |
| Employee Records | * Agreements with trade unions * Arbitration awards * Attendance registers * Casual employee Records * CCMA Records * Code of conduct * Company tax submissions in respect of employees * Confidentiality agreements |

|  |  |
| --- | --- |
|  | * Disciplinary Records and internal evaluations * Employee personal details * Employment conditions and policies * Employment contracts * Employment equity plan * Internal correspondence * Internal Records, policies, and procedures * Leave Records * Operating manuals * Medical aid Records * Personnel Records provided by personnel * Records of strikes, lockouts or protest action * Remuneration and benefits Records * Restraint of trade agreements * Retirement and Pension fund Records * Service Records * Share option schemes registers * Share option schemes rules * Share purchase scheme register * Share purchase scheme rules * Training schedules and material |
| Customer Records and Credit Services | * Customer contracts * Credit application forms * Customer Records * Debtors with collection agents * Records of customer details and payment performance listed with credit bureaus * Sales Records * Terms and conditions of sale * Transaction Records |
| Supplier /Third Party Records | * Code of Conduct * Supplier contracts * Terms and conditions for dealing with suppliers * Transactional Records and supporting information |

**Bidvest Bank has a Document Retention and Destruction policy available to all employees, the purpose of which is to:**

1. Regulate documents and records management practices within Bidvest Bank and align them with relevant legislation
2. Provide direction to Bidvest Bank employees on the creation, approval, receipt, access, organisation, storage, use and disposal of documents and records
3. Ensure confidentiality, privacy, security, integrity, accessibility and retrievability of all documents and records, to ensure the safety of all important and sensitive documents and records and to
4. Ensure that Bidvest Bank is protected by complying with records and information management legislation.

**In summary, the following retention periods are outlined:**

| Ref | Document | Description | Period |
| --- | --- | --- | --- |
| 1 | Company Registration | Memorandum and Articles of Association, Certificates of Change of Name; Certificate of Incorporation; Memorandum of Incorporation and any amendments. | Indefinitely |
| 2 | Company Management | Minute books (directors, shareholders, board sub committees); annual returns; share registers; register of directors and officers; directors and board sub-committee attendance registers; directors’ declarations of interest (Section 75 of the Companies Act); share transfer forms and cancelled share certificates; notices to shareholders. | 7 years |
| 3 | Banking Licence | Bank Licence. | Indefinitely |
| 4 | Returns Submitted to SARB | Correspondence with Bank Supervision; BA Returns; compliance reports. | 10 years |
| 5 | FAIS Licence | Licence and Conditions. | Indefinitely |
| 6 | FAIS Reporting | Copy of Application Form; compliance reports; representatives register; correspondence with FSB. | 10 years |
| 6A | FAIS Client Documents | Application forms; account history; correspondence; disclosure records; IT3 certificate, Record of advice, Disclosure by Intermediary.  Client identification documents – see Item 18. 2 | 3 years from account closure |
| 6B | FAIS Records | Records regarding known premature cancellations, complaints, compliance with authorisation requirements, cases of non-compliance, continued compliance by representatives. Records of verbal and written communications relating to financial services. | 5 years |
| 7 | National Credit Regulator | Licence and conditions. | Indefinitely |
| 8 | National Credit Act Reporting | Correspondence with National Credit Regulator; compliance reports. | 10 years |
| 9 | National Credit Act – Client Documents | Agreements; quotations; correspondence with clients and credit bureaux; facility letters; account history; collection and legal process documentation.   Client identification documents – see Item 18. | 3 years from settlement of loan |
| 10 | Exchange Control | Exchange Control rulings; approvals and directives; client correspondence; BOPCUS forms. | 3 years from the date of the transaction |
| Exchange Control department inspection reports. | 5 years from the date of the report |
| 11 | Corporate Card | Transaction records; application forms; cardholder details; account records; payment history; correspondence with SBSA and VISA. Client identification documents – see Item 18. | 3 years from closure of account |
| 12 | Debit and Co-Branded Cards | Transaction records; application forms; cardholder details; account records; payment history. | 3 years from closure of account |
| Correspondence with service providers and co-brand partners.   Client identification documents – see Item 18. | 5 years |
| 13 | Agreements | Business Unit determined | 3 years from expiry or termination |
| 14 | Accounting Records and Income Tax | Ledgers; books of entry; cash books; asset registers; vouchers; bank statements; creditors’ invoices and statements; credit notes; purchase orders; Income Tax returns and assessments; VAT returns and audits; annual audit packs. | 7 years |
| 15 | Audited financial statements and directors’ reports. |  | 7 years |
| 16 | Employees | Payroll records; employee personal files; IT3 certificates; performance appraisals; disciplinary records; ITC and criminal record checks; employment agreements. | 5 years from termination of employment |
| Income tax, medical aid and retirement benefit funds deduction and contribution records; UIF and skills levy payments. | 5 years from payment date |
| Employment equity plan, Report to the Director General | 3 years after expiry |
| Prescribed details of any strike, lock-out or protest action and related matters | Indefinite |
| 17 | Health and Safety | Register, record or reproduction of earnings, time worked, payment for piece of work and overtime | 4 Years |
|  |  | Recommendations made by the Health and Safety committee. Records of incidents reported at work. | 3 Years |
| 18 | Internal Audit | Reports and working papers. Final and draft report and audit evidence on Teammate. | 5 years from date of the Report |
| Audit Committee reports. | 7 years |
| 19 | FISD | Investigation reports and supporting documents. | 5 years from the date of the report |
|  |  | Supporting documents for criminal prosecutions and civil recovery actions. | 1 year from judgment |
| 20 | FIC | Client identification and verification documents; transaction records; MoneyGram forms; deal invoices. | 5 years from termination of the relationship |
| 21 | Treasury Front and Back Offices | Deal slips; SWIFT records; PASA records and correspondence. | 3 years from the date of the transaction |
| 22 | Client Complaints/Disputes | Correspondence; supporting documents and statements; Banking/FAIS Ombud (or other authority) correspondence. | 3 years from date of last notification to the client by the Bank or the Ombud |
| 23 | Consumer Protection | Disclosure of conflicts of interest, written instruction sent by an intermediary to the consumer. Details of promotional competitions. | 3 Years |
| 24 | Electronic communications | Personal information and the purpose for which it was collected must be kept, Record Of any third party to whom the information was disclosed. | Provided the information is used and at least 1 year thereafter |
| 25 | All personal data which has become obsolete | Across Business Units | Destroy |
| 26 | POPIA | Personal Information / Special Personal Information of Customers / Employees | No longer than is necessary for achieving the purpose for which the information was collected or subsequently processed; Refer to exceptions for personal information retention in POPIA, S14(1)-(3)  Destroy, delete or de-identify a record of personal information as soon as practicable after Bank is no longer authorised to retain the record. |

## LIST OF APPLICABLE LEGISLATION

Certain legislation provides that private bodies shall allow certain persons access to specified Records upon request. The legislation may be consulted to establish whether the Requester has a right of access to a Record other than in terms of the procedure set out in PAIA.

The following legislation is included and can be consulted, but is not an exhaustive list:

* Banks Act, No. 94 of 1990
* Basic Conditions of Employment Act, No. 75 of 1997
* Broad Based Black Economic Empowerment Act, No. 53 of 2003
* Companies Act, No. 61 of 1973 & 71 of 2008
* Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
* Competition Act, No. 89 of 1998
* Constitution of South Africa Act, No. 108 of 1996
* Electronic Communications and Transactions Act, No. 2 of 2000
* Employment Equity Act, No. 55 of 1998
* Exchange Control Regulations
* Financial Advisory and Intermediary Act, No. 37 of 2002
* Financial Intelligence Centre Act, No. 38 of 2001
* Home Loan and Mortgage Disclosure Act, No 63 of 2000
* Income Tax Act, No. 58 of 1962
* Labour Relations Act, No. 66 of 1995
* National Credit Act, No. 34 of 2005
* Occupational Health and Safety Act, No. 85 of 1993
* Prevention of Organised Crime Act, No. 121 of 1998
* Promotion of Access to Information Act, No. 2 of 2000
* Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
* Protection of Constitutional Democracy Against Terrorist & Related Activities Act, No. 34 of 2004
* Protection of Personal Information Act, No. 4 of 2013
* Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002
* Skills Development Act, No. 97 of 1997
* Skills Development Levy Act, No. 9 of 1999
* South African Reserve Bank Regulations
* Trademarks Act, No. 194 of 1993
* Unemployment Insurance Act, No. 63 of 2001
* Value-added Tax Act, No. 89 of 1991

If you believe that a right of access to a Record exists in terms of legislation other than that listed above, you are required to indicate what legislative right the Request for Access is based on, to allow the Information Officer the opportunity of considering the Request for Access in the light thereof.

## INFORMATION RELATED TO PERSONAL INFORMATION

### Introduction

The Protection of Personal Information Act, 4 of 2013 (POPIA), regulates and controls the Processing, including the collection, use, and transfer of personal information relating to identifiable, living, natural persons and juristic persons.

Personal information as defined in terms of POPIA includes but is not limited to, information as follows: Name, address, contact details, date of birth, place of birth, identity number, colour, ethnic or social origin, religion, identifying number, passport number, bank details, tax number, financial information, biometric information, personal opinions or views of a person, criminal history, member ship of a trade union, images by way of CCTV.

In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another’s (Data Subject) personal information (Personal Information) in a lawful, legitimate, and responsible manner and in accordance with the provisions and the 8 Processing conditions set out under POPIA.

### How to request your personal information under POPIA

Requests for personal information under POPIA must be made in accordance with the provisions of PAIA which process is outlined below in Section 11.

If we provide you with your personal information, you have the right to request the correction, deletion or destruction (“rectification”) of your personal information, on the prescribed form. You may also object to the Processing of your personal information on the prescribed form.

The prescribed forms are attached to this Manual for your convenience.

### Purpose of Processing personal information

POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe upon the Data Subject’s privacy.

The type of personal information that we process will depend on the purpose for which it is collected. We will disclose the reason the personal information is being collected and will process the personal information for that purpose only.

Information is required by our businesses to allow them to perform the following (without detracting from the generality hereof):

* + to pursue their business objectives and strategies;
  + to comply with a variety of lawful obligations, including without detracting from the generality thereof, to carry out actions for the conclusion and performance of a contract as between the Bank and the Data Subject;
  + to put in place protective mechanisms to protect the parties’ legitimate interests including the performance of risk assessments and risk profiles where applicable and necessary;
  + to obtain or provide Personal Information from a credit bureau or credit provider or credit association, information about certain Data Subject’s credit record, including personal information about any judgement or default history;
  + for the purposes of contacting the Data Subject and attending to the Data Subject’s enquiries and

requests;

* + for the purpose of providing the Data Subject from time to time with information pertaining to the Companies, their officers, employees, services and goods and other ad hoc business-related information;
  + to pursue the parties’ legitimate interests, or that of a third party to whom the Personal Information is supplied;
  + for the purposes of providing, maintaining, and improving our Products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;
  + for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and IR functions, call centres, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating, and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested, or required; and
  + for the purpose of preventing fraud and abuse of the Companies’ processes, systems, procedures, and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

See further information on our website: <https://www.bidvestbank.co.za/legal/privacy-policy>

### Description of categories of Data Subjects and personal information processed

The Bank holds information and Records relating to the following broad categories of data subjects or persons, which is a non-exhaustive list of categories:

* + - Clients - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.
    - Clients – Juristic persons / entities / business partners: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.
    - Clients – Foreign persons / entities: names; contact details; physical and postal, financial information addresses; date of birth; passport number tax related information; nationality; gender; confidential correspondence; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
    - Contracted Service Providers/Suppliers/franchisors/franchisees - Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, banking information.
    - Intermediaries / Advisor / Banks / Insurers / Agents - Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners.
    - Employees / Directors / Potential Employees / Shareholders / Volunteers / Employees’ family members / Temporary employees - gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children’s name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal Records; well-being; trade union membership; external commercial interests; medical information; health Records; images; demographics.
    - Website end-users / Application end-users: names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data, social media.
    - Persons who interact with us physically or enter sites, offices, parking areas, manufacturing site, showroom and all facilities of the company or interact via websites / email / correspondence and who provide their personal information.

### Categories of recipients for Processing personal information

We may supply personal Information to these potential recipients:

* Management.
* Employees and temporary employees / job applicants / agents / bursary applicants / directors / learnerships.
* Business partners.
* Advertisers.
* Customers and clients.
* Medical Service Providers, insurance companies, pensions and provident funds, wellness, or health providers; banks.
* Contractors / vendors / suppliers / service providers / operators / franchisors / franchisees.
* Third party service providers.
* Cyber third parties service providers / Users / Third parties with whom Bidvest conducts business.
* Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information, enforcement agencies; public bodies who we engage with to discharge legal and public duties and obligations including SARS, National treasury, Department of Labour and the financial sector conduct authorities.
* Courts, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules.
* Anyone making a successful Request for Access in terms of PAIA or POPIA.
* Subject to the provisions of POPIA and other relevant legislation, Bidvest 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 Bidvest operates.

We may from time to time have to disclose personal information to other parties as set out above, including, trading partners, agents, auditors, organs of state, regulatory bodies and / or national governmental, provincial, or local government municipal officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing the personal information to, which contractually obliges the recipient of the personal information to comply with strict confidentiality and data security conditions. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

### Cross border flows of personal information

The Bank may from time to time have to disclose a Data Subject’s personal information to other parties, including organs of state, other departments or subsidiaries, product or third party service providers, regulators and or governmental officials, overseas service providers and or agents, but such disclosure will always be subject to an agreement which will be concluded as between the company and the party to whom it is disclosing the Data Subject’s personal information to, which contractually obliges the recipient of this personal information to comply with strict confidentiality and data security conditions. Where personal information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject’s personal information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the personal information is bound contractually to a no lesser set of obligations than those imposed by POPIA.

### Security measures

The Bank will ensure that the Data Subject’s personal information is securely stored electronically, which for operational reasons, will be accessible to certain categories of authorized persons within the company on a need to know and business basis, save that where appropriate, some of the Data Subject’s personal information may be retained in hard copy and stored securely. Considering the nature, scope, context, and purpose of Processing, the Bank ensures implementation of appropriate technical and organizational measures designed to ensure the confidentiality, integrity and security of personal information against unlawful access and against accidental loss, destruction or damage as prescribed by POPIA.

The security measures implemented to secure against unauthorized processing or access:

|  |  |
| --- | --- |
| **Security measures implemented to secure against unauthorized processing or access** | **Description** |
| * Firewalls | A firewall is a network security device that monitors incoming and outgoing network traffic and permits, or blocks data packets based on a set of security rules. |
| * Virus protection software and update protocols | Anti-virus software is software that is created specifically to help detect, prevent, and remove malware including viruses. |
| * Logical and physical access control | Logical Access control refers to providing an authorised user the ability to access a computer system resource (workstation, network application or database).  *Physical Access Control measures via Physical Security Department* |
| * Secure setup of hardware and software making up our information technology infrastructure and | To ensure the protection of the Bank’s IT infrastructure. |
| * Outsourced service providers who are contracted to implement security controls. | To ensure that third parties comply with the Bank’s Information Security requirements for the duration of their contracts. |

## REQUEST PROCEDURE

### Completion of the prescribed form

Any Request for Access to a Record from a public body in terms of PAIA must substantially correspond with the form attached hereto marked *Appendix A - FORM 2 - Request for Access to Record (Section 53(1) of PAIA) [Regulation 7].*

A Request for Access to information which does not comply with the formalities as prescribed by PAIA will be returned to you for completion as per PAIA formalities.

### Payment of the prescribed fees

A Fee may be payable, depending on the type of information requested, as described under *Appendix B (Fees in respect of private bodies)*

There are two categories of fees which are payable:

### The request fee: R140

* **The access fee:** This is calculated by considering reproduction costs, search, and preparation costs, as well as postal costs.

Section 54 of PAIA entitles us to levy a charge or to request a fee to enable us to recover the cost of processing a Request for Access. The fees that may be charged are set out in Appendix B. Where a decision to grant a Request for Access has been taken, the Record will not be disclosed until the necessary fees have been paid in full.

POPIA provides that a Data Subject may, upon proof of identity, request us to confirm, free of charge, all the information we hold 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. POPIA also provides that where the Data Subject is required to pay a fee for services provided to him/her, we 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.

## OBJECTION

POPIA provides that a Data Subject may object, at any time, to the Processing of personal information, on reasonable grounds relating to his/her situation, unless legislation provides for such Processing. The Data Subject must complete the prescribed form attached hereto as *Appendix C - FORM 1 - Objection to the Processing of personal information in terms of section 11(3) of POPIA Regulations relating to the protection of personal information, 2018 [Regulation 2]* and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

## RECTIFICATION

A Data Subject may also request us 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 we are 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 rectification in the form of a correction or deletion of personal information or the destruction or deletion of a Record of personal information, must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as *Appendix D - 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 POPIA’s Regulations relating to the protection of personal information, 2018 [Regulation 3].*

## PROOF OF IDENTITY

Proof of identity is required to authenticate your identity and the Request for Access. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

## TIMELINES FOR CONSIDERATION OF A REQUEST FOR ACCESS

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

## GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

There are various grounds upon which a Request for Access to a Record may be refused. These grounds include:

### the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;

### 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);

### if disclosure would result in the breach of a duty of confidence owed to a third party;

### if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;

### if the Record was produced during legal proceedings, unless that legal privilege has been waived;

### if the Record contains trade secrets, financial or sensitive information or any information that would put us at a disadvantage in negotiations or prejudice it in commercial competition; and/or

### if the Record contains information about research being carried out or about to be carried out on behalf of a third party or by the Bank.

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.

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.

## REMEDIES AVAILABLE

If the Information Officer decides to grant a requester access to the relevant Record, such access must be granted within 30 (thirty) days of being informed of the decision.

Where a third party is affected by the Request for Access and the Information Officer has decided to grant access to the Record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, the Requester must be granted access to the Record.

1. **VERSION CONTROL**

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| **Version Number** | 3 |
| **Date Approved** |  |
| **Approved by** | Refilwe Mongalo |
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