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## Promotion of Access to Information Act Manual

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## INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

The Act also gives persons the right of access to information that is required for the exercise or protection of any rights. In order for access to information to be granted, certain requirements have to be met.

The Protection of Personal Information Act (“POPIA”), on the other hand, promotes the protection of personal information processed by public and private bodies, including certain conditions 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.

Amber Financial Technologies (Pty) Ltd. (Amber FinTech) is a private body as defined in PAIA and has compiled this PAIA Manual in compliance with the requirements of PAIA and POPIA. This manual is intended to foster a culture of transparency and accountability, in support of and to promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

This document serves as the Amber Fintech Information manual and provides a reference to the records held by Amber Fintech and the process to request access to such records.

Everyone has rights with regard to how their personal information is handled. During the course of its activities Amber Fintech will collect, store and process personal information about Amber Fintech staff, customers, suppliers and other third parties. Amber Fintech recognises the need to treat it in an appropriate and lawful manner.

## CONTACT DETAILS

### Amber Financial Technologies (Pty) Ltd.

<b>Physical address:</b> Argo House 184 Erasmus Street Meyerspark Pretoria 0184	<b>Postal address:</b> PO Box 74771 Lynnwood Ridge Pretoria 0040
<b>Head of Body:</b>	Mr PH Botha
<b>Information Officer:</b>	Mr D Moller
<b>Telephone number:</b>	012 810 1400
<b>Email address:</b>	informationofficer@amberfintech.com
<b>Website:</b>	www.amberfintech.com

### The Information Regulator

<b>Physical address:</b> JD House 27 Stiemens Street Braamfontein Johannesburg 2001	<b>Postal address:</b> P.O Box 3153 Braamfontein Johannesburg 2017
<b>Website:</b>	<a href="https://info regulator.org.za/">https://info regulator.org.za/</a>
<b>Email address:</b>	<a href="mailto:enquiries@info regulator.org.za">enquiries@info regulator.org.za</a> <a href="mailto:PAIAComplaints@info regulator.org.za">PAIAComplaints@info regulator.org.za</a>
<b>Telephone number:</b>	010 023 5200

## RECORDS HELD BY AMBER FINTECH

Amber Fintech maintains records as and where required on the categories and subject matters below. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted, or that all provisions of the stated legislation necessarily apply to the business of Amber Fintech.

## **Records available in terms of legislation (Section 51(1)(d))**

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- National Credit Act No. 34 of 2005, as amended
- Copyright Act No. 98 of 1978
- Consumer Protection Act No. 68 of 2008
- Currency and Exchanges Act No. 9 of 1933
- Employment Equity Act No. 55 of 1998
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Sector Regulation Act No. 9 of 2017
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Occupational Health & Safety Act No. 85 of 1993
- SA Reserve Bank Act No. 90 of 1989
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

## **ACCESS TO RECORDS**

The accessibility of the documents listed below, may be subject to the specified grounds of refusal. The information is classified and grouped according to records relating to personnel, clients and other parties.

## **PERSONNEL RECORDS**

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Training schedules and material.

Personnel refer to any person who works for, or provides services to or on behalf of Amber Fintech, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Amber Fintech. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

## **CLIENT-RELATED RECORDS**

- Records provided by a client to a third party acting for or on behalf of Access Bank South Africa;
- Records provided by a third party;
- Records generated by or within Access Bank South Africa relating to its clients, including transactional records.

A Client refers to any natural or juristic entity that receives services from Amber Fintech.

## **OTHER PARTY RECORDS**

Records held by Amber Fintech pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

Amber Fintech may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary / holding companies, agencies, joint venture companies and service providers. Alternatively, such other parties may possess records that can be said to belong to Amber Fintech.

## **AMBER FINTECH RECORDS**

The accessibility of the records (or information in these records) listed below, may be subject to grounds of refusal.

- Financial records
- Operational records
- Databases
- Information Technology
- Marketing records
- Internal correspondence
- Product Records
- Statutory records
- Internal Policies and Procedures
- Treasury related records
- Securities records
- Statutory limitations imposed by the Protection of Personal Information Act, 4 of 2013

These records include, but are not limited to, the records which pertain to Access Bank South Africa's own affairs and are confidential by nature.

## **GROUND FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for Amber Fintech to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve 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 disclosure could likely cause harm to the financial or commercial interests of that third party;
  - Information disclosed in confidence by a third party to Access Bank South Africa, 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 commercial activities of Access Bank South Africa, which may include:
  - Trade secrets
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests;
  - Information which, if disclosed could put Amber Fintech at a disadvantage in negotiations or commercial competition;
  - A computer program which is owned by Amber Fintech and which is protected by copyright.
- Research information of Amber Fintech or a third party, if its disclosure would disclose the identity of Amber Fintech, the researcher or the subject matter of the research and would place the research at a disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **REMEDIES UPON REFUSAL**

- **INTERNAL REMEDIES**

Amber Fintech does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

- **EXTERNAL REMEDIES**

A requester that is dissatisfied with an Information Officer's refusal to disclose information may apply to a Court for relief within 30 days of notification of the decision. Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of the decision, apply to a Court for relief.



## REQUEST PROCEDURE

- The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record
- The requester must complete the prescribed form enclosed herewith Appendix 1 and submit it together with a payment of a request fee, if applicable to the Information Officer at the physical, postal address, fax number or electronic mail address as stated above.
- In the event of the request being made at branch level, the procedure stated herein shall apply with the exception that the request form will, together with all other necessary requirements be submitted to the Information Officer who will deal with the respective request.
- 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 indicate which form of access is required and should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- Amber Fintech will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- The requester shall be informed whether access has been granted or denied. If in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and particulars required.

## FEES CHARGEABLE

PAIA provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the

regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated in the table below

A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

Description	Fee
The request fee payable by every requester	R150.00
Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
Printed copy of A4-size page	R2.00 per page or part thereof.
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotations from the Service provider.
Copy of visual images	Service to be outsourced. Will depend on quotations from the Service provider.
Transcription of an audio record, per A4-size page	R25.00
To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R145.00
To not exceed a total cost of	R435.00
Deposit - if search exceeds 6 hours	One third of the amount of the applicable access fee.

## INFORMATION REQUEST DECISION

Amber Fintech will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30-day period may be extended for a further period of not more than thirty days if the request is for a large amount of information, and the information cannot reasonably be obtained within the original 30-day period. The requester will be notified in writing should an extension be sought.

## **POPIA REQUIREMENTS**

### **PURPOSE OF PROCESSING**

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed 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.

In general, personal information is processed for purposes of onboarding clients and suppliers, service or product delivery, records management, security, employment and related matters.

### **ACCESS TO PERSONAL INFORMATION**

POPIA provides that a data subject may, upon proof of identity, request the Bank 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.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, the Bank 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 are discussed above.

POPIA provides that a data subject may object, at any time, to the processing of personal information, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Appendix 3 and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

A data subject may also request the Bank 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 Bank 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 Information Officer at the postal or physical address or electronic mail address set out above on the form attached hereto as Appendix A.

## **CATEGORIES OF DATA SUBJECTS**

Amber Fintech holds information and records on the following categories of data subjects:

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

## **CATEGORIES OF RECIPIENTS TO WHOM INFORMATION IS SUPPLIED**

Depending on the nature of the data, Amber Fintech may supply information to the following 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 (i.e. the Competition Commission in terms of the Competition Act 89 of 1998);
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA; and
- Subject to the provisions of POPIA and the National Credit Act No. 34 of 2005, the Bank 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 Bank operates.

## **CONFIDENTIALITY AND PRIVACY OF INFORMATION**

Amber Fintech is compliant with the Payment Card Industry Data Security Standards (PCI DSS)

Specialised security teams constantly review and improve measures to protect data subject's personal information from unauthorised access, accidental loss, disclosure or destruction.

Should another organisation provide a service on Amber's behalf to process a data subject's personal information, Amber will make sure it has appropriate security measures and only process the information in the way they were authorised to. These organisations won't be entitled to use a data subject's personal information for their own purposes. If necessary, Amber Fintech security teams will check them to make sure they meet the set security requirements.

Communications over the internet (such as emails) are not secure unless they have been encrypted. A data subject's communications may go through a number of countries before being delivered – as this is the nature of the internet. Amber Fintech cannot accept responsibility for any unauthorised access or loss of personal information that is beyond our control.

## **MANUAL AVAILABILITY**

The manual is available from the Amber Fintech website: [www.amberfintech.com](http://www.amberfintech.com)

## APPENDIX A

### Form 02: Request for Access to Record [Regulation 7]

#### A. Particulars of Amber Financial Technologies (Pty) Ltd

Information Officer  
Amber Financial Technologies (Pty) Ltd  
PO Box 74771  
Lynnwood Ridge  
Pretoria  
0040

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

Note:

- The particulars of the person who requests access to the record must be given below.
- The address in the Republic and/or email to which the information is to be sent must be given.
- Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname	
Identity number	
Postal address	
Telephone number	
email address	
Capacity in which request is made, when made on behalf of another person:	

#### C. Particulars of person on whose behalf request is made

Note:

- 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 record 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 from payment of fees:

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**Form of access to a record**

If you are prevented by a disability from reading, viewing or listening 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:

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Form in which record is required:

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Mark the appropriate box below with an X.

Notes:

(a) Compliance with your request 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:					
<input type="checkbox"/>	Copy of record	<input type="checkbox"/>	Inspection of record		
2. If the record consists of visual images: this includes photographs, slides, video recordings, computer-generated images, sketches, etc					
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of images	<input type="checkbox"/>	Transcript of images
3. If records consist of words or information which can be reproduced in sound					
<input type="checkbox"/>	Listen to the soundtrack audio cassette	<input type="checkbox"/>	Transcription of soundtrack* written or printed document		

4. If a record is held on computer or in an electronic or machine-readable form					
	A printed copy of record		A printed copy of information derived from the record		Copy in computer-readable form
	If you requested a copy or a record (above), do you wish the copy or transcription be posted to you? Postage is payable.		Yes		No

**F. Particulars of the right to be exercised or protected**

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

1. Indicate which right is to be exercised or protected:

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

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**G. Notice of decision regarding a 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:

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## H. Response time with respect to the request

The response time in relation to the request made would depend on the nature of the request, the number of records requested and the period for which the records are requested.

Requests will be acknowledged within 5 business days of receipt of the request and the requester will in due course be informed as to when the information would be available.

Signed at \_\_\_\_\_ this day of \_\_\_\_\_ 20\_\_\_\_

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SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE