



Manual:
Access to Information



Drafted in terms of
section 51 of the
Promotion to Access to
Information
Act No. 2 of 2000
(as amended)

Barko Financial Services (Pty) Ltd Registration Number: 1999/022139/07

**Barko Financial Services (Pty) Ltd is a registered Credit Provider with NCR Registration Number:
NCRCP 1764; and
a Financial Services Provider with FSP Registration Number: FSP 45614; Life Cell Number: 00139
VAT NO: 491 023 7504**



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1. Definitions¹

Biometrics	Means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
Consent	Means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.
Credit Life Insurance Claim	Means, unless the context indicates otherwise, a demand for policy benefits by a person in relation to a policy, irrespective of whether or not the person's demand is valid. ²
Credit Life Insurance	Includes cover payable in the event of a consumer's death, disability, terminal illness, unemployment, or other insurable risk that is likely to impair the consumer's ability to earn an income or meet the obligations under a credit agreement. ³
Data Subject	Means a person (natural or juristic) to whom the personal information relates and whose personal information is captured and processed by Barko Financial Services (Pty) Ltd.
Days	Means working days, excluding weekends and public holidays.
Individual's next of kin	Means – <ul style="list-style-type: none"> (a) an individual to whom the individual was married immediately before the individual's death; (b) an individual with whom the individual lived as if they were married immediately before the individual's death; (c) a parent, child, brother or sister of the individual; or (d) if – <ul style="list-style-type: none"> (i) there is no next of kin referred to in paragraphs (a), (b) and (c); or (ii) the requester concerned took all reasonable steps to locate such next of kin, but was unsuccessful, an individual who is related to the individual in the second degree of affinity or consanguinity;
Information Regulator	Means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act No. 4 of 2013, as amended.

¹ The majority of definitions are extracted from sections 1 of the Promotion of Access to Information Act No. 2 of 2002, as amended and the Protection of Personal Information Act No. 4 of 2013, as amended.

² GN 1407 of 15 December 2017: Policyholder Protection Rules (Long term Insurance), 2017.

³ Section 1 of the National Credit Act No. 34 of 2005, as amended.



Insurer	Means the insurance company that underwrites insurance, namely Guardrisk Life Limited (registration number 1999/013922/06 and FSP number 76), an authorised financial services provider and an insurer licensed to conduct life insurance business in terms of the Insurance Act No. 18 of 2017.
Inter-alia	Among other things.
Manual	This Manual is prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2002, as amended and to address the requirements of the Protection of Personal Information Act No. 4 of 2013, as amended.
Personal Information	<p>Means information relating to an identifiable natural person, including, but not limited to –</p> <ul style="list-style-type: none"> (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; (g) the views or opinions of another individual about the person; and (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, <p>but excludes information about an individual who has been dead for more than twenty (20) years.</p>
Processing	<p>Means any operation or activity or set of operations, whether or not by automatic means, concerning personal information, including –</p> <ul style="list-style-type: none"> (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.



Private Body	<p>Means –</p> <ul style="list-style-type: none"> (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity; (b) a partnership which carries or has carried on any trade, business or profession; (c) any former or existing juristic person; or (d) a political party, <p>but excludes a public body.</p> <p>Barko Financial Services (Pty) Ltd is a juristic person and therefore considered as a private body.</p>
Public Body	<p>Means –</p> <ul style="list-style-type: none"> (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or (b) any other functionary or institution when – <ul style="list-style-type: none"> (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or (ii) exercising a public power or performing a public function in terms of any legislation.
Record	<p>Means, in relation to a private body, any recorded information –</p> <ul style="list-style-type: none"> (a) regardless of form or medium; (b) in the possession or under the control of that public or private body, respectively; and (c) whether or not it was created by that public or private body, respectively.
Responsible Party	<p>Means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information. For purposes of this Manual it means Barko Financial Services (Pty) Ltd.</p>
Requester	<p>Means (in relation to a private body) –</p> <ul style="list-style-type: none"> (a) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or (b) a person acting on behalf of the person contemplated in subparagraph (a).
Special Personal Information	<p>Means personal information in respect to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information, or criminal behaviour of a data subject.</p>
“You” and “Your”	<p>The user of this Manual.</p>



2. Introduction and Background

- 2.1. The purpose of the Promotion of Access to Information Act No. 2 of 2002, as amended, the Regulations relating thereto (collectively referred to as PAIA), and this PAIA Manual is to promote transparency and accountability as well as facilitate access to information held by public and private bodies in South Africa. PAIA gives effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights.⁴
- 2.2. PAIA grants requesters the right to request access to records held by public and private bodies, subject to certain limitations and exceptions, if:
 - 2.2.1. that record is required for the exercise or protection of any rights;
 - 2.2.2. that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
 - 2.2.3. access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of PAIA.⁵
- 2.3. Barko Financial Services (Pty) Ltd (BFS), a private body, is committed to ensuring compliance with PAIA and accordingly publishes this PAIA Manual in accordance with section 51 of PAIA, thereby recognising the right of requesters to request access to records held by it, dependent on specific limitations and exclusions.
- 2.4. This PAIA Manual serves as a testament to BFS' commitment to openness, disclosure, and compliance with the provisions of PAIA. It is designed to requesters, to exercise their right to access information while ensuring the protection of privacy and sensitive data.
- 2.5. This PAIA Manual also includes requirements relating to the Protection of Personal Information Act No. 4 of 2013, as amended and the Regulations relating thereto (collectively referred to as POPIA). POPIA is designed to uphold the constitutional right to privacy as outlined in section 14 of the Bill of Rights and to protect personal information by regulating its processing by private bodies. POPIA asserts that data subjects are entitled to have their personal information processed in compliance with the conditions for lawful processing, as stipulated in the legislation.

⁴ As per section 32(1)(b) of the Constitution of the Republic of South Africa, 1996.

⁵ Section 50(1) of PAIA.



3. Purpose

- 3.1. The purpose of this PAIA Manual is for BFS to promote transparency and accountability by providing details of the categories of records and information held by it, how to access these records, the procedures required for making information requests, and the limitations to accessing certain records. BFS considers transparency as an essential element for maintaining public trust and ensuring that individuals, particularly its clients, can exercise their right to access information.
- 3.2. This PAIA Manual serves as a practical guide for requesters seeking to access specific records as well as the personal information processed and held by BFS from time to time. By outlining the process and requirements for making a request, the Manual makes it easier to exercise your right to access information.
- 3.3. This PAIA Manual will assist you to:
 - 3.3.1. understand BFS' position regarding the categories of records held by it which are available without having to submit a formal PAIA request;
 - 3.3.2. possess an adequate understanding of how to make a request for access to a record of BFS, by providing a description of the subjects on which BFS holds records and the categories of records held on each subject;
 - 3.3.3. recognise that BFS holds records in accordance with any other legislation;
 - 3.3.4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist to access the records;
 - 3.3.5. acknowledge the description of the guide on how to use PAIA, as updated by the Information Regulator and how to obtain access to it;
 - 3.3.6. understand if BFS 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;
 - 3.3.7. understand the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 3.3.8. understand the recipients or categories of recipients to whom the personal information may be supplied; and
 - 3.3.9. understand that BFS has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.



4. Contact Details

- 4.1. The key contact details of BFS and the Information and Deputy Information Officers for access to information is detailed in the table below.⁶

Name of Private Body	Barko Financial Services (Pty) Ltd
Postal address	P.O. Box 37004 Faerie Glen 0043
Physical address	Menlyn Woods Office Park, Block B-GF First Floor 291 Sprite Avenue Faerie Glen, Pretoria, 0081
Email address	privacy@barko.co.za
Telephone number	080 777 3777
Website	www.barko.co.za
Information Officer	Mr Jacobus Ignatius de Wet
Deputy Information Officer	Ms Marta Maria Sesilia (Martie) Ruthven

5. Guidance

- 5.1. In accordance with section 10(1) of PAIA, “*Guide on how to use Act*”, the Information Regulator has issued a PAIA Guide.
- 5.2. The purpose of the Guide⁷ is to provide comprehensible information required by any person who wishes to exercise any right contemplated in terms of PAIA and POPIA. It will specifically assist a person, also called a data subject, on how to access his/her or its personal information in terms of section 23 of POPIA.⁸
- 5.3. A copy of the Guide in all official languages and in braille, can be accessed from the website of the Information Regulator at <https://infoeregulator.org.za/paia-guidelines/> or upon request to the Information Regulator. The details of the Information Regulator are reflected in the table below.

Website	infoeregulator.org.za
Telephone number	010 023 5200
Physical address	The Information Regulator (South Africa) JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Postal address	P.O Box 3153, Braamfontein, Johannesburg, 2017
Email address	PAIAComplaints@infoeregulator.org.za ⁹

⁶ Section 51(1)(a) of PAIA.

⁷ Section 51(1)(b)(i) of PAIA.

⁸ “Guide”, “*Purpose of this PAIA Guide*” (Page 9) as issued by the Information Regulator.

⁹ Should BFS not attend to your request to access records, or your request has been denied, you may submit a complaint to this email address.



- 5.4. Members of the public can inspect or make copies of the Guide from the office of the Information Regulator, during normal working hours.¹⁰
- 5.5. The Guide contains the description of the below aspects (only those relevant to a private body, such as BFS, has been included) as detailed in the table beneath.

No.	Description	Details
5.5.1.	the objects of PAIA and POPIA;	
5.5.2.	the postal and street address, phone and fax number and, if available, electronic mail address of –	(a) the Information Officer of every public body, and (b) every Deputy Information Officer of every public and private body designated in terms of section 56 of POPIA; ¹¹
5.5.3.	the manner and form of a request for –	(a) access to a record of a private body contemplated in section 50; ¹²
5.5.4.	the assistance available from the Information Regulator in terms of PAIA and POPIA;	
5.5.5.	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 –	(a) an internal appeal; (b) a complaint to the Regulator; and (c) 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 Information Regulator or a decision of the head of a private body.
5.5.6.	the provisions of section 51 ¹³ requiring a private body, to compile a manual, and how to obtain access to a manual;	
5.5.7.	the provisions of section 52 ¹⁴ providing for the voluntary disclosure of categories of records by a private body;	

¹⁰ “PAIA Manual Template: Private Body” (Page 8) as issued by the Information Regulator.

¹¹ Section 56(a) of POPIA - *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

¹² Section 50(1) of PAIA - *A requester must be given access to any record of a private body if –*

- a) that record is required for the exercise or protection of any rights;*
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

¹³ Section 51(1) of PAIA - *The head of a private body must make available a manual containing the description of the information as may be prescribed.*

¹⁴ Section 52(1) of PAIA - *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.*



5.5.8.	the notices issued in terms of section 54 ¹⁵ regarding fees to be paid in relation to requests for access; and	
5.5.9.	the regulations made in terms of section 92 ¹⁶ .	

5.6. Section 9(b) of PAIA recognises, however, that such right of access to information cannot be unlimited and is subject to justifiable limitation, including *inter-alia* to:

- (a) Commercial confidentiality;
- (b) Effective, efficient, and good governance;
- (c) Limitations aimed at the reasonable protection of privacy; and
- (d) in a manner which balances that right with any other rights, including such rights contained in the Constitution of the Republic of South Africa, 1996.

6. Categories of Records Available Without a Request for Access

- 6.1. In terms of section 52 of PAIA, BFS may on a voluntary basis, make available in the prescribed manner a description of the categories of records that are automatically available without a person having to request access in terms of PAIA.
- 6.2. At this stage BFS has not given notice of any categories of records that are automatically available without a person having to request access in terms of PAIA.

7. Description of Records Available in accordance with any Other Legislation

- 7.1. In accordance with BFS' business and operations, it maintains records and documents in terms of other legislation listed in [Annexure A](#).¹⁷
- 7.2. Some legislation may allow access to specific records upon request and the applicable legislation may be consulted in this regard.

¹⁵ Section 54(1) of PAIA - *The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

¹⁶ Section 92(1) of PAIA provides that – *The Minister may, by notice in the Gazette, make regulations regarding -*

- (a) *any matter which is required or permitted by this Act to be prescribed;*
- (b) *any matter relating to the fees contemplated in sections 22 and 54;*
- (c) *any notice required by this Act;*
- (d) *uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15 of PAIA; and*
- (e) *any administrative or procedural matter necessary to give effect to the provisions of PAIA.*

¹⁷ Section 51(1)(b)(iii). The list is not exhaustive.



- 7.3. Should you determine that there is a right of access to a record as per legislation other than those listed in [Annexure A](#), kindly stipulate the legislative right of access to afford the BFS Information Officers, the opportunity to consider the request for access in view thereof.

8. Description of Subjects and Categories of Record

- 8.1. The below table details the Categories of Records as per Subject of Record maintained by BFS and should not be interpreted to imply that a request for access to such records will be granted.
- 8.2. All requests for access will be assessed on a case-by-case basis in accordance with the provisions of PAIA. The accessibility of the documents listed below, may be subject to the Grounds of refusal as detailed in clause 10 below.
- 8.3. Much of the records maintained by BFS are those of stakeholders (i.e., *inter-alia* employees, clients and suppliers) which are protected and respected as confidential.

No.	Subject of Records	Categories of Records
8.3.1.	Company Information	<ul style="list-style-type: none"> (a) Memorandum of Incorporation (b) Minutes and Resolutions (c) Registers of directors and officers (d) Share registers and other statutory registers (e) Statutory returns to relevant authorities (f) Statutory Records (g) Records relating to appointment of directors, auditors, company secretary, public officer and other officers (h) Policies, procedures and manuals
8.3.2.	Financial and Tax	<ul style="list-style-type: none"> (a) Annual Financial Statements (b) Accounting Records (c) Administrative Records (d) External audit reports (e) Invoices (f) Supporting schedules and documentation to books of account (g) Asset registers (h) Income tax returns and other documentation (i) PAYE Records (j) Skills Development Levies Records (k) Stamp Duties Records (l) Value Added Tax Records
8.3.3.	Compliance	<ul style="list-style-type: none"> (a) List of applicable laws and regulations (b) Regulatory related Licenses, permits and authorisations (c) Regulatory related correspondences



8.3.4.	Legal	<ul style="list-style-type: none"> (a) Documentation pertaining to litigation or arbitration (b) General agreements and contracts (c) Documentation relating to External Debt Collectors (d) Rental agreements (e) Lease agreements (f) Sale Agreements (g) Intellectual Property Records
8.3.5.	Insurance	<ul style="list-style-type: none"> (a) Claims Records (b) Details of insurance coverage, limits, and insurers (c) Insurance policies and procedures
8.3.6.	Marketing and Communications	<ul style="list-style-type: none"> (a) Advertising and Communication Records (b) Marketing related correspondence (c) Third party related correspondence
8.3.7.	Customer and Credit	<ul style="list-style-type: none"> (a) Customer contracts (b) Credit application forms (c) Customer Records (d) Records of customer details and payment performance listed with credit bureaus (e) Transaction Records (f) Complaints
8.3.8.	Human Resources	<ul style="list-style-type: none"> (a) Agreements with trade unions (b) Arbitration awards (c) Attendance registers (d) Casual employee Records (e) CCMA Records (f) Code of conduct (g) Company tax submissions in respect of employees (h) Confidentiality agreements (i) Correspondence relating to Employees (j) Disciplinary Records and internal evaluations (k) Employee personal details (l) Employment conditions and policies (m) Employment contracts (n) Employment equity plan (o) Internal correspondence (p) Internal Records, policies, and procedures (q) Leave Records (r) Operating manuals (s) Medical aid Records (t) Personnel Records provided by personnel (u) Records of strikes, lockouts or protest action (v) Remuneration and benefits Records (w) Restraint of trade agreements (x) Retirement and Pension fund Records (y) Service Records (z) Training schedules and material (aa) UIF and Workmen's compensation



8.3.9.	Third Party / Supplier	<ul style="list-style-type: none"> (a) Code of Conduct (b) Supplier contracts (c) Terms and conditions for dealing with suppliers (d) Transactional Records and supporting information (e) Records pertaining to other parties, including <i>inter-alia</i> financial records, correspondence, contractual records, records provided by the other party
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9. Processing of Personal Information

9.1. Background

9.1.1. POPIA gives effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, such as BFS, subject to justifiable limitations.

9.1.2. POPIA regulates the manner in which personal information may be processed, by adhering to the eight (8) conditions, for the lawful processing of personal information, which includes *inter-alia* collection, usage, dissemination, retention and protection of personal information.

9.1.3. Kindly refer to BFS' [Customer Privacy Notice](#), should you require further information.

9.2. Purpose of Processing Personal Information

9.2.1. The type of personal information that BFS will process depends on the purpose for which it is collected. BFS will stipulate the reason the personal information is being collected and process such for that purpose only.

9.2.2. BFS collects and processes personal information to offer financial products and services to its customers (which includes the 30-day loan product, funeral and credit life insurance). BFS is required to collect, use, share and retain / store personal and financial information for the following purposes:

- (a) Verification of identity and employment.
- (b) Determine the risk of fraud, other illicit activities, money laundering, terrorist financing, proliferation financing or similar malpractices.
- (c) Understanding customers' financial requirements to offer them the most suitable services and products.
- (d) Initiating searches, updates, or record placement with credit reference bureaus and government agencies.
- (e) Evaluation of customers' (including prospective) eligibility to receive credit, including credit checks and affordability assessments.
- (f) Establishment of a business or client relationship with customers.
- (g) Contractual engagement with customers concerning loans, credit arrangements, and insurance products.



- (h) Maintaining audit trails and records for record-keeping purposes.
- (i) Addressing customers' (including prospective) inquiries and/or complaints.
- (j) Engaging in communication with customers' (including prospective) via various channels, including phone, SMS, email, and electronic media such as social media platforms, mobile applications, and online services, to inform them about potentially relevant products and services.
- (k) Monitoring and recording communication between customers' (including prospective) and BFS, employing these recordings to authenticate their instructions, assess BFS' service quality, and enhance training and overall service quality.
- (l) Conducting market research and customer satisfaction surveys.
- (m) Marketing relevant products and services.

9.3. BFS has a legal or regulatory obligation to process your personal information for one of the below mentioned purposes in connection with the product or service that a customer may have requested:

- (a) the prevention, detection, investigation, and prosecution of a crime in any jurisdiction (including, without limitation, money laundering, terrorism, proliferation financing, fraud and other financial crimes). In performing the aforementioned and to the extent acceptable in terms of privacy laws, it may include the –
 - (i) processing of special personal information (for e.g., alleged criminal behaviour or providing inaccurate, false, misleading or dishonest information when applying for a loan with BFS, or evading liability through deceit and deception);
 - (ii) monitoring of BFS' branches and buildings, including using CCTV cameras and access control;
- (b) identity verification;
- (c) to comply with local legislation, regulations, supervisory body requirements, judgments or court orders, government sanctions or embargoes;
- (d) in connection with legal proceedings;
- (e) capture, process and payment of Credit Life Insurance and Funeral Claims;
- (f) legislative reporting to the Insurer alternatively Regulators including *inter-alia* the National Credit Regulator, Financial Intelligence Centre and the Financial Sector Conduct Authority; and / or
- (g) credit data submissions in terms of the National Credit Act No. 34 of 2005, as amended, to South African Credit and Risk Reporting Association.

9.4. Individuals retain the right to decline the provision of your personal information to BFS; however, it is important to acknowledge that such refusal may restrict BFS' capacity to deliver the necessary financial products and services to existing or prospective customers.

9.5. BFS will collect, only information that is necessary and relevant to the services or products that it offers. Further, BFS will only collect and use personal information if it is lawfully allowed to do so.



9.6. Should BFS process your information, it will be because:

- (a) it has your consent to do so;
- (b) it has an obligation to take actions in terms of a contract with you;
- (c) it is required by law to do so;
- (d) doing so will protect your legitimate interest; and/or
- (e) it or a third party has a legitimate interest to pursue.

9.7. Description of Categories of Data Subjects and Personal Information that may be processed

The below table reflects the categories of Data Subjects and the Personal information that may be processed.¹⁸

No.	Categories of Data Subjects	Personal Information that may be processed
9.7.1.	Customers / Clients	<ul style="list-style-type: none"> (a) Name, surname, former names and surname, gender, sex, date of birth and occupation. (b) An identification number of any type such as a South African ID number or Passport number. (c) Home, work and postal addresses, email address and contact numbers (Cell phone numbers). (d) Photographic identification and biometric fingerprint linked to customer account and used as their signature. (e) Gender or marital status. (f) Race or ethnicity (required for statistical purposes or by law). (g) Financial related information. (h) Employment information. (i) Other information including <i>inter-alia</i> records of correspondence / communications between customers and BFS. (j) Online Identifiers. (k) Information for regulatory purposes. (l) Investigation related information including <i>inter-alia</i> due diligence checks. (m) Criminal history and behaviour. (n) Confirmation of death, disability and unemployment (Credit Life Insurance Claims, including Funeral Claims as applicable).
9.7.2.	Employees	<ul style="list-style-type: none"> (a) Names, surnames, addresses and contact details. (b) Identity / passport numbers. (c) Banking details. (d) Qualifications and professional registrations, employment history, Curricula vitae and tax information.

¹⁸ Section 51(1)(c)(ii) of PAIA.



		(e) Marital status, gender, disability status, age, language, citizenship and race, religion or philosophical beliefs. ¹⁹ (f) Next of kin, beneficiaries and benefit selections. (g) Criminal behaviour and or records. (h) Medical information / health records. (i) Credit check records. (j) Training records and leave. (k) Biometric information.
9.7.3.	Service Providers	(a) Names, registration numbers, vat numbers, addresses, contact details, authorised signatories, financial information and banking details.
9.7.4.	Suppliers	(a) Names, addresses, company registration numbers, tax numbers, banking details and contact details.
9.7.5.	Website end-users/Application end-users	(a) Names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data, social media
9.7.6.	Other	(a) Persons who interact (i) physically with BFS or enter sites / offices etc. (ii) via websites / email / correspondence and provide their personal information.

9.8. Description of Categories of Personal Information and Recipients or Categories of Recipients to whom the Personal Information may be supplied

9.8.1. BFS may supply the Personal Information of Data Subjects to service suppliers, who provide the following services:

- (a) administration (for example, clients, investments, medical aids, retirement funds);
- (b) accounting and/or auditing;
- (c) capturing and organising Personal Information;
- (d) compliance (including tax compliance);
- (e) due diligence reviews;
- (f) information and communication technologies (ICT);
- (g) storing of personal information; and
- (h) verification checks.

9.8.2. The Company may supply the Personal Information of Data Subjects to:

- (a) Courts, in terms of matters taken on judicial review;
- (b) enforcement agencies, for criminal investigation (for example, National Prosecuting Authority, South African Police Service);
- (c) people against whom complaints have been lodged; and

¹⁹ Information for statistical purposes.



- (d) regulators, ombuds, or tribunals, in terms of matters that fall under their jurisdiction.

9.8.3. The below table reflects the categories of Personal Information and Recipients or Categories of Recipients to whom the Personal Information may be supplied.

No.	Categories of Personal Information	Recipients or Categories of Recipients to whom the personal information may be supplied
9.8.4.	Identity number, fingerprints and names for criminal checks	(a) South African Police Services or Companies that conduct criminal checks.
9.8.5.	Qualifications, for qualification verifications	(a) South African Qualifications Authority or Companies that conduct qualification checks.
9.8.6.	Credit and payment history, for credit information	(a) Credit Bureaus (b) Debt Collection Agencies (c) Credit Wellness Companies
9.8.7.	Employee names, identity numbers and demographics	(a) SETA (for programmes)
9.8.8.	Employee names and identity numbers	(b) FAIS and OHS training providers
9.8.9.	Suppliers, Credit checks, Media screening, Sanctions Checks	(a) XDS and Consumer Profile Bureau
9.8.10.	Identity number, names, psychometric test scores and reports, employee numbers, contact details, employment dates, performance history, industrial relations information, union membership fees, statutory requirements (including tax) and salary information.	(a) Discovery (provident fund) (b) Discovery (medical aid) (c) Department of Employment and Labour (UIF). (d) South African Revenue Service (PAYE, SDL, UIF) (e) Commission for Conciliation, Mediation and Arbitration (labour relations) (f) Psychometric-assessment suppliers (g) Reference checks for former employees



9.8.11.	Identity numbers, names and surnames, physical and email addresses, payslips, medical records, and contact numbers.	<ul style="list-style-type: none"> (a) Corporate Industrial and Risk consultants (b) Compensation Commissioner (c) Department of Employment and Labour (d) Department of Health (e) ER24 and medical facilities
9.8.12.	Names, identity numbers, and qualifications.	<ul style="list-style-type: none"> (a) Compliance Institute of Southern Africa (b) South African Institute of Chartered Accountants (c) Health Professions Council of South Africa

9.9. Planned Transborder flows of personal information

9.9.1. BFS has not strategised for the international transfer of personal information.

9.9.2. If a need arises to transfer personal information to another country for a lawful purpose, BFS will ensure that the requester of the personal information is subject to a legal framework, binding company rules, and/or contractual agreements that offer an appropriate level of protection. The requester must also commit to treating the personal information with the same level of protection required by BFS under POPIA.

9.9.3. Cross-border transfers of personal information may proceed with the data subject's consent. However, if obtaining the data subject's consent is not reasonably feasible, BFS will carry out the transfer if it is in the data subject's best interest, and the data subject would have given consent if it had been reasonably possible to obtain it.

9.10. Personal Information Security²⁰

9.10.1. To prevent any unauthorised access, accidental loss, misuse, alteration, disclosure, or sharing of personal information, BFS has implemented appropriate security measures to protect the data it collects, including *inter-alia* access rights restrictions to all system users by BFS employees based on the employee's designation. The below security safeguards have been implemented to ensure the confidentiality and integrity of the personal information under the care of BFS –

- (a) Data Encryption;
- (b) Antivirus; and
- (c) Anti-malware Solutions.

9.10.2. All online transactions conducted with BFS are subject to encryption (as mentioned above), and the storage of personal information adheres to internationally recognised banking information security standards.

²⁰ Section 51 (1)(c)(v) of PAIA.



9.10.3. BFS is mandated to provide effective protection for the personal information it processes, aiming to prevent unauthorised access, disclosure, and use of any personal information.

9.10.4. BFS will continuously assess its security controls and related processes to ensure the security of personal information belonging to data subjects. This information will be retained only as required by law or for necessary record-keeping purposes.

9.10.5. BFS' security policies and procedures encompass:

- (a) Lawful and reasonable processing of Personal Information as outlined in section 9 of POPIA;
- (b) Restriction of access to Personal Information;
- (c) Measures for computer and network security;
- (d) Investigation and prompt response to security breaches;
- (e) Monitoring of access and usage of Personal Information;
- (f) Ensuring physical security of hardware and premises where personal information is processed;
- (g) Implementation of appropriate procedures for retention and disposal of personal information;
- (h) Assurance of secure communications; and
- (i) Implementation of proper security arrangements when outsourcing ancillary services or functions.

9.10.6. When engaging with third parties concerning the management of personal information, BFS imposes suitable security, privacy, and confidentiality obligations on them to uphold the secure handling of personal information under BFS's control.

9.10.7. BFS will guarantee that any entity receiving disclosure of Personal Information commits to treating that information with the same level of protection as mandated for BFS.



10. Grounds for Refusal of Access to Records

Chapter 4 of PAIA details the grounds for refusal of access to private body (such as BFS) records.²¹ The primary reasons for BFS to refuse a request for information is described in the table below which is in accordance with Chapter 4 of PAIA.²²

No.	Description	Reasons
10.1.1.	Mandatory Protection of Privacy	Refusal is necessary to protect the mandatory privacy of a third party who is a natural person, preventing the unreasonable disclosure of their personal information, including a deceased individual. ²³
10.1.2.	Mandatory Protection of Commercial Information	Information will be withheld to protect the commercial interests of a third party, especially when the record contains: <ul style="list-style-type: none"> (a) Trade secrets of a third party; (b) Financial, commercial, scientific, or technical information other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or (c) Information supplied in confidence by a third party, the disclosure of which could reasonably be expected to – <ul style="list-style-type: none"> (i) put that third party at a disadvantage in contractual or other negotiations; or (ii) prejudice that third party in commercial competition.²⁴
10.1.3.	Mandatory protection of Confidential Information	Refusal, to access to a record, is required, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement. ²⁵
10.1.4.	Mandatory protection of safety of individuals, and Property Protection	Information will be withheld when necessary to ensure the safety of individuals and the protection of property. ²⁶

²¹ Sections 62 – 70 of PAIA.

²² With the exception of clause 10.1.8 below.

²³ Section 63 (1) of PAIA. Section 63(2) of PAIA stipulates that a record may not be refused as per item 10.1.1 above, insofar as it consists of information as detailed therein.

²⁴ Section 64 (1) of PAIA. Section 63(2) of PAIA stipulates that a record may not be refused as per item 10.1.2 above, insofar as it consists of information as detailed therein.

²⁵ Section 65 of PAIA.

²⁶ Section 66 of PAIA. Kindly refer to the relevant sections, should you require further details.



10.1.5.	Mandatory protection of Privileged Records	Records that would be considered privileged (from production in legal proceedings) unless the person entitled to the privilege has waived the privilege, will be protected with a resultant refusal to a request for access. ²⁷
10.1.6.	Commercial Information	<p>A request for access to a record of BFS may be refused, if the record –</p> <ul style="list-style-type: none"> (a) contains trade secrets of BFS; (b) contains financial, commercial, scientific or technical information, other than trade secrets, of BFS, the disclosure of which would be likely to cause harm to the commercial or financial interests of BFS; (c) contains information, the disclosure of which could reasonably be expected to – <ul style="list-style-type: none"> (i) put BFS at a disadvantage in contractual or other negotiations; or (ii) prejudice BFS in commercial competition; or (d) is a computer program,²⁸ owned by BFS, except insofar as it is required to give access to a record to which access is granted in terms of the relevant legislation.²⁹
10.1.7.	Mandatory protection of Research Information	<p>BFS will refuse a request for access to a record if it contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose –</p> <ul style="list-style-type: none"> (a) the third party (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage.³⁰ <p>BFS may refuse a request for access to a record if it contains information about research being or to be carried out by or on behalf of BFS, the disclosure of which would be likely to expose –</p> <ul style="list-style-type: none"> (a) BFS (b) a person that is or will be carrying out the research on behalf of BFS; or (c) the subject matter of the research, to serious disadvantage.³¹

²⁷ Section 67 of PAIA.

²⁸ As defined in section 1(1) of the Copyright Act No. 98 of 1978, as amended.

²⁹ Section 68 (1) of PAIA. Section 68(2) of PAIA stipulates that a record may not be refused as per item 10.1.6 above, insofar as it consists of information as detailed therein.

³⁰ Section 69(1) of PAIA.

³¹ Section 69(2) of PAIA.



10.1.8.	Frivolous or Vexatious Requests	Requests for information that are evidently frivolous or vexatious or would unreasonably divert resources, may be refused.
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Despite the above,³² BFS must grant a request for access to a record as contemplated in terms of the relevant sections of PAIA if the –

- (a) disclosure of the record would reveal evidence of:
 - (i) a substantial contravention of, or failure to comply with, the law; or
 - (ii) imminent and serious public safety or environmental risk; and
- (b) public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.³³

11. Request Procedure

- 11.1. The requester must comply with the procedural requirements contained in PAIA relating to the request for access to a record/s.
- 11.2. The requester must complete the prescribed PAIA [Form 2](#) – “Request for Access to Record” and make the submission as well as payment of a request fee and a deposit, (if applicable) to the BFS Information Officers at the postal or physical address or e-mail address detailed in clause 4 above.³⁴
- 11.3. The prescribed form must be filled in with sufficient information to enable the BFS Information Officers to identify:³⁵
 - (a) the specific record/s requested;
 - (b) the identity of the requester, through a valid identity document;
 - (c) should access be granted, the form of access required;
 - (d) the postal address or e-mail address of the Requester;
 - (e) the right the Requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
 - (f) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
 - (g) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the BFS Information or Deputy Information Officer.
- 11.4. BFS commits to processing the request within thirty (30) days from the verification of the requester or third party. However, if the requester provides specific justifications that convince the BFS Information Officers that exceptional circumstances warrant an extension, the stipulated timeframes may be adjusted accordingly.

³² Any provision of Chapter 4 of PAIA.

³³ Section 70 of PAIA, Mandatory disclosure in public interest.

³⁴ Section 53(1) of PAIA.

³⁵ Section 53(2) of PAIA.



- 11.5. The requester will receive written notification (Form 3) indicating whether access has been granted or refused. Should the requester also seek the reason/s for the decision, he/she must specify the manner and particulars of the information required.
- 11.6. If a requester faces challenges in completing the designated form due to illiteracy or disability, he/she has the option to submit an oral request through BFS Customer Care on 080 777 3777. BFS Customer Care is authorised to assist in completing the form on behalf of the requester, and a copy of the finalised form will be furnished to the requester.
- 11.7. Processing of the request is contingent upon the requester settling the prescribed fee beforehand.

12. Access to Records held by BFS

- 12.1. Access to records held by BFS is granted once the necessary pre-requisites have been satisfied.
- 12.2. In accordance with this manual, PAIA, POPIA, and relevant laws, BFS will furnish the requested information or provide access to records related to the requester's personal information upon verification of the requester and in accordance with the relevant process. The prescribed fee for reproducing the requested information is outlined in [Annexure B](#).
- 12.3. In the case of a request lodged by a public body, the public body must act in the public interest and provide specific details regarding the public interest it seeks to protect or rely on.

13. Decision

- 13.1. BFS is obligated to, within thirty (30) days of receiving a request form, or within a shorter period if feasible in the circumstances, reach a decision on whether to approve or deny the Request. The Requester will be promptly informed of the decision, accompanied by comprehensive reasons in case of a refusal.
- 13.2. The initial thirty (30) day period for BFS to decide on the request may be extended for an additional period not exceeding thirty (30) days. This extension is permissible when the request involves a substantial volume of records, necessitates a search through a large number of records, or requires searching for records at other locations, making it impractical to obtain the necessary records within the initial thirty (30) day period.
- 13.3. Should an extension of the prescribed period be necessary, BFS will notify the Requester in writing, providing the reasons for the extension.



14. Fees

14.1. PAIA outlines two (2) types of fees:

- (a) **Request Fee:** This fee is a standard charge.
- (b) **Access Fee:** Calculated based on reproduction costs, search and preparation time, as well as postal costs.

14.2. Upon receiving a request from a requester (other than a personal requester), the BFS Information Officers will issue a notice requiring payment of the prescribed request fee (if applicable) before proceeding with the request.

14.3. Should the search and preparation for disclosure of the record exceed six (6) hours, the Information Officers of BFS will notify the requester to pay a deposit equivalent to a portion of the access fee. This deposit is required before further processing.

14.4. The BFS Information Officers will retain the record until the requester fulfils the fee payment as required.

14.5. Upon approval of a request for access, the requester must pay an access fee covering reproduction, search, and preparation and any additional time beyond the six (6) hours for searching and preparing the record for disclosure including making arrangements to make it available in the required form.

14.6. If a deposit was paid in respect of a request for access that was refused, the Information Officers of BFS will refund the deposit to the requester.

14.7. The prescribed list of fees is annexed hereto marked as **Annexure B**. Please be aware that the fees and their structure may undergo changes over time. For the most up-to-date information, kindly refer to the Information Regulator's website at <https://inforegulator.org.za>.

14.8. The option to not request a fee is at the discretion of the Information Officers of BFS.

15. Prescribed forms and fees

The prescribed forms and fees payable in respect of access to records are available on the website of the Information Regulator at <https://inforegulator.org.za/> under the legislation section.

16. Records that cannot be found

16.1. In the event that BFS has conducted a search for a record and concludes that the record either does not exist or cannot be located, the requester will receive notification through an affidavit or written affirmation.

16.2. The affidavit or affirmation will outline the specific steps undertaken to search for the requested record.



17. Complaints to the Information Regulator / Court

- 17.1. Should a requester remain dissatisfied with the decision made by the BFS Information Officer to refuse a request to access information, he/she may lodge a complaint in accordance with the provisions of PAIA with the Information Regulator by completing the PAIA [Form 5](#) – “*Complaint Form*”, and submit it to PAIAComplaints@inforegulator.org.za or complete an online complaints form available at [Complaints - Information Regulator \(inforegulator.org.za\)](http://Complaints - Information Regulator (inforegulator.org.za)).
- 17.2. A requester may submit a complaint to the Information Regulator if the requester alleges that BFS was not compliant with the provisions of PAIA.
- 17.3. The complaint must be submitted within hundred and eighty (180) days from the date of receipt of the written refusal of their request for access by the requester in the prescribed manner and form if the requester is not satisfied with the decision made by the Information Officer of BFS.
- 17.4. If the complainant is not satisfied with the decision of the Information Regulator, the complainant may apply to the court within hundred and eighty (180) days from the date of receipt of the outcome from the Information Regulator.

18. Availability of the Manual

This [PAIA manual](#) is available on the website of BFS at www.barko.co.za

19. Updating of the Manual

BFS Information Officers will on a regular basis update this manual.

20. Conclusion

In conclusion, this PAIA manual serves as a vital document, outlining BFS' commitment to transparency, accountability, and the protection of information rights. Through adherence to the principles of the PAIA, BFS aims to facilitate access to information while safeguarding the privacy and confidentiality of individuals. This manual is a testament to BFS' dedication to promoting openness and accountability within the organisation. All stakeholders are encouraged to familiarise themselves with its contents and utilise the outlined procedures to access the information they seek. By fostering a culture of transparency, BFS' contributes to the principles of democracy and empowers individuals to engage meaningfully with the organisation.

21. References

PAIA Manual Template: Private Body

DOCUMENT VERSION MANAGEMENT

Version	Drafted by	Date
1	Compliance Department	11 December 2023

