

GRINDROD BANK

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL



Published in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

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Approved by: GBL Board 2021



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Definition of Terms

Term	Description
Data Subject	Person to whom the personal information relates. Referred to in this Notice as “you” and “your”.
Information Officer	Conduct duties outlined in Section 55 of POPIA. Responsible for ensuring that the organisation complies with the requirements of POPIA.
Internet cookies	Files that contain small pieces of data that are exchanged between a user's computer and a web server to identify specific users and improve their browsing experience.
Internet Protocol (“IP”)	A standard set of rules for sending and receiving data over the Internet.
Promotion of Access to Information Act (“PAIA”)	Act No. 2 of 2000, to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.
Personal Information	Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable existing juristic person.
Protection of Personal Information (“POPIA”)	Act No. 4 of 2013, to promote the protection of personal information processed by public and private bodies and to introduce certain conditions so as to establish minimum requirements for the processing of personal information.
Prudential Authority	Established on 1 April 2018 to introduce the Twin Peaks approach to financial regulation. Twin Peaks has two main aims: firstly, to strengthen the safety, soundness and integrity of financial institutions and secondly, to better protect financial customers and ensure that they are treated fairly by financial institutions (market conduct).
Special Personal Information	Information concerning a child and personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, DNA, sexual life or criminal behaviour of a data subject.
Subsidiary	A business entity or corporation that is fully owned or partially controlled by another company that is termed as the parent or holding company.

1. Introduction

The Promotion of Access to Information Act 2 of 2002, herein after referred to as PAIA, gives effect to the constitutional right of access to any information in records held by a private or public body that is required for the exercise or protection of any rights. The required procedural issues regarding a request are set out in the PAIA. This also includes the grounds for refusal or partial refusal of such request. This manual outlines the mechanisms to be followed by a requester of information as prescribed by PAIA.

The Act recognises that the right to access cannot be unlimited and should be subject to justifiable limitations including, but not limited to:

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- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality;
- effective, efficient and good governance; and
- in a manner which balances that right with any other rights contained in the Bill of Rights in the Constitution of South Africa.

In this manual, a requester will be able to view the categories of information which the Bank possesses and the procedure to follow to request access to such information.

2. Scope and Purpose

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act. Grindrod Bank Limited ('the Bank', 'we' or 'us' refers to Grindrod Bank Limited and/or its subsidiaries) is a registered bank in accordance with the laws of the Republic of South Africa and is part of the Grindrod Limited Group. This manual will cover the records of the Bank and its subsidiaries. The Bank offers the following products:

- Deposits
- Investment Banking
- Corporate Lending (including Commercial Property Finance and Debtor Finance)
- Corporate Finance
- Retail and Platform Banking

3. Personal Information

3.1 Purpose of the processing of personal information

Grindrod Bank Limited processes personal data for business administration processes as well as to ensure compliance with various regulators including the Prudential Authority, the Financial Intelligence Centre, the Financial Sector Conducts Authority, the National Credit Regulator and other regulators when applicable. For example, client identification data is used to ensure clients are identified and verified in accordance with the Financial Intelligence Centre Act which places an obligation on Banks to identify all persons with whom they establish a business relationship.

3.2 The categories of data subjects and the information or categories of information relating thereto:

- Employees or contract employees of the Bank
- Client and related parties of clients of the Bank
- Contractors, suppliers and services providers of the Bank
- Business partners of the Bank
- General public with legitimate interest within the Bank

This list of data subjects may change from time to time and cannot be construed as an exhaustive list.

3.2.1 The recipient or categories of recipients to whom the personal information may be supplied

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The data collected and processed by the Bank may be shared with the following persons external to the Bank:

- South African Credit Risk Reporting Association (SACRRA) – client data pertaining to credit facilities under the National Credit Act will be shared with the SACRRA as the appointed national credit register in terms of Section 69 of the National Credit Act
- The Financial Intelligence Centre, South African Revenue Service or any other regulatory body that requests client 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
- Auditing and accounting bodies (internal and external)
- Anyone making a successful application for access in terms of PAIA

3.3 (Planned) Transborder flows of personal information

Grindrod Bank may transfer personal information to a third party who is in a foreign country in order to administer certain services however may only do so subject to the provisions of POPIA and cloud computing provisions of the Prudential Authority.

3.4 Description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Bank to ensure the confidentiality, integrity and availability on the information which is to be processed

Grindrod Bank has dedicated cyber security resources and processes in place. In addition, the Bank takes extensive measures to ensure information security is rigorously and robustly managed within the Bank on all its digital platforms.

4. Contact Details of the Information Officer

All requests for access to records in terms of the Act for the Bank must be in writing and must be addressed to the Information Officer at the below contact details:

Name of Private Body: Grindrod Bank Limited
Head of bank: David Polkinghorne
Physical address: 5 Arundel Close, Kingsmead Office Park, Kingsmead, Durban, 4001
Postal Address: PO Box 3211 Durban, 4000
Telephone: (031) 333 6600
Fax: (031) 571 0505
Website: www.grindrodbank.co.za

Name of Private Body: Grindrod Bank Limited
Information Officer: Deneka Pillay
Physical address: 5 Arundel Close, Kingsmead Office Park, Kingsmead, Durban, 4001
Postal Address: PO Box 3211 Durban, 4000
Telephone: (031) 333 6600
Fax: (031) 571 0505
Email: info.officer@grindrodbank.co.za
Website: www.grindrodbank.co.za

5. Section 10 Guide (Section 51 of PAIA)

The South African Human Rights Commission has compiled the guide referred to in Section 10 of PAIA which contains information as may reasonably be required of any person who wishes to exercise any right contemplated in the Act. The guide is available on the South African Human Rights Commission website (www.sahrc.org.za) and available for inspection at their physical address below.

The contact details of the Commission are:

Physical Address: Braampark Forum 3, 33 Hoofd Street, Braampark, Johannesburg, 2001

Postal Address: Private Bag 2700, Houghton 2041

Telephone number: (011) 877 3600

Fax: (011) 403 0625

Email: PAIA@sahrc.org.za

6. Records of Grindrod Bank

This section serves as a reference to the records that the Bank holds to facilitate a request in terms of the Act.

Please note that accessibility of the records below may be subject to the grounds of refusal which is set out in section 7 of this manual. The information is classified and grouped according to records relating to the following subject and categories:

6.1 Personnel records

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

- 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 materials

6.2 Customer related records

A "customer" refers to any natural or juristic entity that receives services from the Bank and is noted as follows:

- Records provided by a customer to a third party acting for or on behalf of the Bank;
- Records provided by a third party;
- Records generated by or within the Bank pertaining to its customers, including transaction records.

6.3 Grindrod Bank Records

The Bank's records are noted as follows:

- Agreements and contracts
- Financial records
- Operational records
- Databases

- Statutory records
- Information technology
- Marketing records
- Internal policies, procedures and correspondence
- Product records
- Treasury related records
- Records held by officials of the Bank

These records include but are not limited to the records which pertain to the Bank's own affairs.

6.4 Other Party Records

These records are noted as follows:

- Personnel, customer or the Banks records that are held by another party, as opposed to the records held by the Bank;
- Records held by the Bank 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.

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

6.5 Information Automatically Available (In terms of section 51 of PAIA)

No notices have been published on the categories of records automatically available without a person having to request access thereto in terms of the Act. The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access in terms of this Act.

- Grindrod Bank Limited Annual Financial Statements
- Other information freely available on Grindrod Banks website (<https://www.grindrodbank.co.za/>)
- Any publication of the Bank in a publicly available forum

Information that is held in terms of Legislation

Information is also available in terms of certain provisions of the statutes listed in Annexure C of this manual.

6.6 Ground for Refusal of Access to Records

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

- 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.
- 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 the Bank, if the disclosure could put that third party at a

disadvantage in negotiations or commercial competition

- Protection of confidential information of third parties if it is protected in terms of any agreement
- Protection of the safety of individuals and the protection of property
- Protection of records that would be regarded as privileged in legal proceedings

- The commercial activities of, which may include:
 - Trade secrets;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Bank
 - Information, which, if disclosed, could put the Bank at a disadvantage in negotiations or commercial competition
 - A computer programme which is owned by the Bank, and which is protected by copyright
- The research information of the Bank or a third party, if its disclosure would disclose the identity of the Bank, the researcher or the subject matter of the research, and would place the research at a serious disadvantage.
- Any information made part of a protected disclosure or part of the Bank's whistleblowing policy.

If a request involves a third party as outlined above, the Bank will as soon as possible, within 21 business days of receipt of such request, inform the third party of the request, the contents thereof, the name of the requester and whether consideration should be given to disclosure on public interest. Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources shall be refused.

7. Request Procedures

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete the prescribed form in Annexure "A" enclosed herewith and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer using the contact details provided in this Manual.

The prescribed form which is also available on the South African Human Rights Commission's website (www.sahrs.org.za) and the Department of Justice and Constitutional Development's website (www.doj.gov.za) must be filled in with enough particularity to at least enable the Information Officer to identify:

- Record or records requested;
- The identity of the requester;
- The form of access is required, if the request is granted;
- The postal address or facsimile number of the requester.

The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be 'necessary' for the exercise or protection of the right so stated.

The requester shall be informed in writing whether access has been granted or denied.

If, in addition, the requester requires the reasons for the decision in any other manner.

The requester must state the manner and the particulars so required.

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.

The requester must pay the prescribed fee before any further processing can take place.

8. Applicable Time Periods

Subject to the provisions in the Act in respect of extensions, the Bank will process the request within 30 business days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The thirty (30) business day period may be extended by a further period of not more than thirty (30) business days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Bank or the records are not located at the Bank, or consultations amongst divisions and/or subsidiaries of the Bank or another private body are required.

9. Access to Records held by Grindrod Bank

Records held by the Bank may be accessed by requests only once the prerequisite requirements for access have been met as per the preceding paragraphs in this manual.

A requester is any person making a request for access to a record of the Bank.

Other requester: This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Bank is not obliged to grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

10. Fees

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee
- An access fee, which must be calculated by considering 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 to pay the prescribed request fee (if any) before further processing of the request. Refer to Annexure B of this Manual.

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 (being not more than one third) 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 Annexure B. The requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee or a deposit.

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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.

11. Decision

The Bank will, within thirty (30) business days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. If request for access is granted, such notice will advise of the access fee; the form in which access will be given and that the requestor may take action against the fee, the form of access and the procedure (including the period allowed) for lodging an application.

The thirty (30) business day period with which the Bank has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty business days if the request is for a large amount of information, or the request requires a search for information held at another office of the Bank and the information cannot reasonably be obtained within the original thirty (30) day period. The Bank will notify the requester within thirty business days of receipt of the request, in writing should an extension be sought, the period of the extension, the reasons therefore and the available action the requester may take by lodging a complaint to the Information Regulator or an application to court.

12. Remedies Available when the Bank refuses a request for information

12.1 Internal Remedies

The Bank does not have internal appeal procedures, therefore the decision made by the Information Officer is final and requesters will have to exercise such external remedies if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

12.2 External Remedies

Subject to the provisions of the Act, a requestor that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 business days of notification of the decision, lodge a complaint to the Information Regulator or apply to a Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 180 business days of notification of the decision, apply to a Court with appropriate jurisdiction for relief. The Constitutional Court, High Court or other court of similar status has jurisdiction over these applications.

13. Availability of the Manual

The manual is made available on the Bank's website; at the address specified in section 4 of this Manual or can be accessed by requesting a copy by e-mail from the Bank's Information Officer (*in terms of Regulation Number R. 187 of 15 February 2002.*)

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORDS OF GRINDROD BANK LIMITED (in terms of section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 10)

Particulars of Grindrod Bank Limited

A. Particulars of Grindrod Bank Limited

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B. Particulars of person requesting access to the record/s

a. The particulars of the person who requests access to the records must be provided in the space provided below.	
b. Furnish address and/or fax number within the Republic of South Africa to which information must be sent.	
c. Proof of the capacity in which a person is making the request must be attached, if applicable.	
Full Name and Surname	
Identity Number	
Postal Address	
Postal Code	
Telephone Number	
Mobile Number	
Email Address	
Capacity in which the request is made, when made on behalf of another person:	

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.	
Full Name 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 requestor must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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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.

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	
Format of record required:	

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Notes:

- Compliance with your request for access in the specified form may depend on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an X.

1. If the record is in written or printed form:						
	Copy of record*		Inspection of record			
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):						
	View of the images		Copy of the images*		Transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:						
	Listen to the soundtrack (audio)		Transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:						
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO

G. Particulars of rights to be exercised or protected

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

1. Indicate which right is to be exercised or protected

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

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

SIGNED at _____ on this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1.10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees

Reproduction fees apply to obtaining copies or transcriptions of information, which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

3. Access fees

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure "A" to the Regulations.

4. Other fees

4.1 A request fee¹ of R50.00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Manual.

4.2 A search fee⁴ may be charged at a rate of R30.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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PART III (OF PAIA REGULATIONS) FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in Regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:

	Rand
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on—	
(i) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	Rand
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(1)(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(1)(c) For a copy in a computer-readable form on—	
(i) compact disc	70,00
(1)(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e)(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00

<i>(e)(ii)</i>	For a copy of an audio record	30,00
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<i>(f)</i>	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
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<i>(2)</i>	For purposes of section 54 (2) of the Act, the following applies:	
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<i>(a)</i>	six hours as the hours to be exceeded before a deposit is payable; and	
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<i>(b)</i>	one third of the access fee is payable as a deposit by the requester.	
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<i>(3)</i>	The actual postage is payable when a copy of a record must be posted to a requester. GBL's banking details will be made available to the requestor.	
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ANNEXURE C

INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Grindrod Bank is required by legislation to hold certain records. This legislation is listed as follows and is not exhaustive:

- Administration of Estates Act No. 66 of 1965
- Banks Act No. 94 of 1990
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- Constitution of South Africa No.108 of 1996
- Employment Equity Act No. 55 of 1998
- Electronic Communications and Transactions Act, No.25 of 2002
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Intelligence Centre Act No. 38 of 2001
- General Data Protection Regulations
- Home Loan Mortgage and Disclosure Act No.63 of 2000
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Long-term Insurance Act No. 52 of 1998
- National Credit Act No. 34 of 2005
- National Payment System Act No. 78 of 1998
- 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
- Protection of Personal Information Act, No. 4 of 2013
- South African Reserve Bank Act No.90 of 1989
- Skills Development Act No. 97 of 1998
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001
- Value-added Tax Act No. 89 of 1991
- Tax Administration Act, No. 28 of 2011
- Trademarks Act No 194 of 1993

END OF DOCUMENT