

**Confidential**

The Land and Agricultural Development Bank of South Africa  
P O Box 375 Pretoria 0001  
Block D Eco Glades 2 Office Park, 420 Witch Hazel Avenue Eco Park  
CENTURION



**Registered credit provider: Reg number NCRCP18**

**PROMOTION OF ACCESS TO**  
**INFORMATION MANUAL (A GUIDE TO**  
**ACCESS INFORMATION)**

## I. INTRODUCTION AND BACKGROUND

This Manual is published in accordance with section 14 of the Promotion of Access to Information Act, 2000 (“**PAIA**”). PAIA gives effect to the public’s right to have access to information, which right is provided for in the Constitution of the Republic of South Africa, 1996 (“**Constitution**”).

Section 9 of PAIA however recognises that such right of access to information is subject to justifiable limitations, including, but not limited to:

- (a) limitations aimed at the reasonable protection of privacy;
- (b) commercial confidentiality;
- (c) effective, efficient and good governance; and
- (d) the balance between the right of access to information and any other rights, including such rights contained in the Bill of Rights in the Constitution of South Africa.

The Protection of Personal Information Act, 2013 (“**POPIA**”) was assented to on 26 November 2013. Broadly, the purpose of POPIA is to give effect to section 14 of the Constitution, being the constitutional right to privacy by protecting Personal Information and regulating the free flow and Processing of Personal Information.

POPIA sets minimum conditions which all Responsible Parties must comply with so as to ensure that Personal Information is respected and protected. These minimum conditions are the Conditions for Lawful processing and are more fully described in paragraph 10 of this Manual.

The Land and Agricultural Development Bank of South Africa, established in terms of the Land and Agricultural Development Bank Act, 2002 (“**Land Bank Act**”) (“**Land Bank**”) is a public body as defined in terms of PAIA. For purposes of this Manual, Land Bank shall include Land Bank Life Insurance Company SOC Ltd and Land Bank Insurance SOC Ltd, collectively referred to as Land Bank Insurance and which are subsidiaries of the Land Bank registered as insurance companies in terms of the Insurance Act 18 of 2017.

Land Bank has compiled this Manual not only to comply with the requirements set out in PAIA but also to foster a culture of transparency and accountability in its environment. Subject to the limitations in the Land Bank Act and the Public Finance Management Act, No.1 of 1999 (“**PFMA**”), Land Bank wants to ensure that members of the public have effective access to information in its possession.

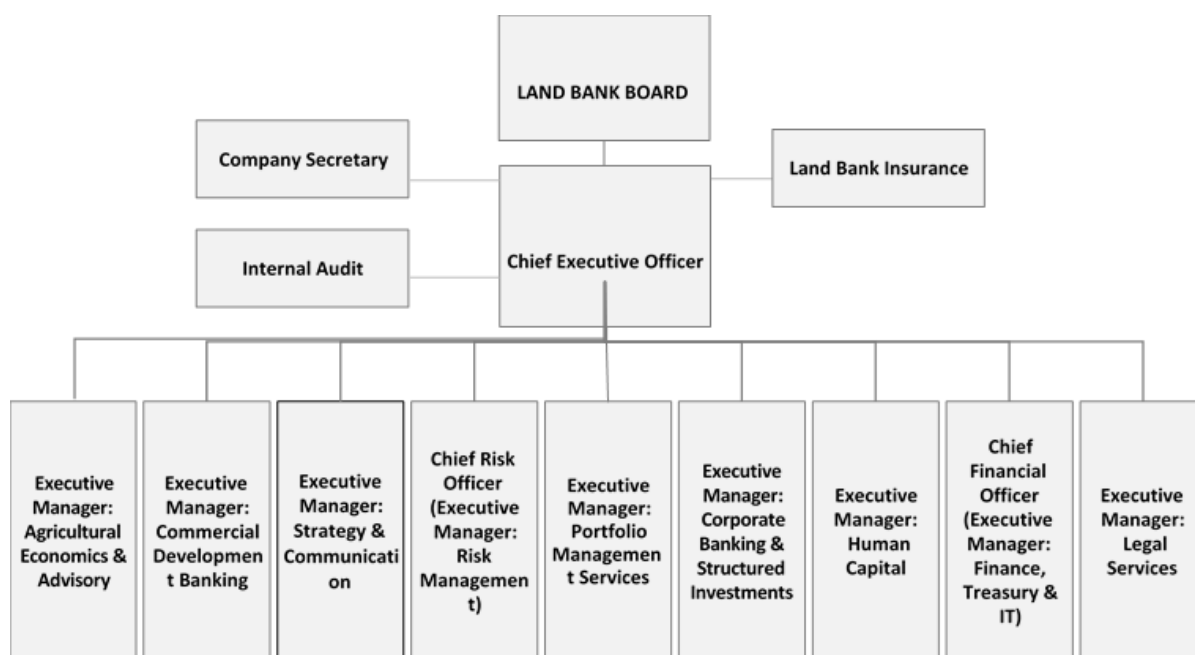
This Manual describes who and what the Land Bank is, the various categories of information that is in Land Bank’s possession and the correct procedure to be followed should a member of the public require access to any of this information.

This Manual can be accessed on the Land Bank website at [www.landbank.co.za](http://www.landbank.co.za) or by requesting a copy by email from one of the Deputy Information Officers as provided for in paragraph 3 below. This Manual may also be obtained from the South African Human Rights Commission.

Defined terms used in this Manual shall have the same meaning ascribed to them in terms of PAIA.

## 2. STRUCTURE AND FUNCTIONS OF THE LAND BANK

### 2.1 Structure



### 2.2 Legislative framework

The Land Bank was established in terms of section 3 of the Land and Agricultural Development Bank Act, 1912 (since repealed) and continues to operate today in terms of the Land Bank Act. The Land Bank is thus a statutory developmental finance institution and it derives its rights, powers, duties and functions from the Land Bank Act.

The Land Bank is capable of suing and being sued in its own name, purchasing or otherwise acquiring, holding or alienating movable or immovable property, and performing such acts as any other juristic persons may, by law, be permitted to perform.

Unless otherwise specified, the Land Bank is exempt from the provisions of legislation governing banks or other financial institutions in South Africa.

### **2.3 Objects of the Land Bank (Section 3 of the Land Bank Act)**

The objects of the Land Bank are the promotion, facilitation and support of:

- a) equitable ownership of agricultural land, in particular the increase of ownership of agricultural land by historically disadvantaged persons;
- b) agrarian reform, land redistribution or development programmes aimed at historically disadvantaged persons or groups of such persons for the development of farming enterprises and agricultural purposes;
- c) land access for agricultural purposes;
- d) agricultural entrepreneurship;
- e) the removal of the legacy of past racial and gender discrimination in the agricultural sector;
- f) the enhancement of productivity, profitability, investment and innovation in the agricultural and rural financial systems;
- g) programmes designed to stimulate the growth of the agricultural sector and the better use of land;
- h) programmes designed to promote and develop the environmental sustainability of land and related natural resources;
- i) programmes that contribute to agricultural aspects of rural development and job creation;
- j) commercial agriculture; and
- k) food security.

### **2.4 The Land Bank must achieve its objects by -**

- a) providing financial services to promote and facilitate access to ownership of land for the development of farming enterprises and for agricultural purposes by historically disadvantaged persons;
- b) providing financial services in support of any of its objects;
- c) facilitating and mobilising private sector finance to the agricultural sector; and
- d) providing such assistance as is necessary for carrying out the objects of the Land Bank.

### **3. CONTACT DETAILS**

#### **3.1 Information Officer:**

In terms of PAIA, the Chief Executive Officer of the Land Bank is the Information Officer. The contact details of the Information Officer are as follows:

#### **Information Officer: Mr Ayanda Kanana (Chief Executive Officer)**

Postal address: P.O. Box 375, Pretoria, 0001

Street address: Block D, Eco Glades 2  
Witch-Hazel Avenue  
Eco Park  
Centurion

Tel: 012-686 0881

Fax: 012-686 0588

E-mail: [CEO@landbank.co.za](mailto:CEO@landbank.co.za)

The Information Officer of a public body has direction and control over every deputy information officer of that body. After giving due consideration to the need to render the Land Bank as accessible as reasonably possible for requesters of its records, the Information Officer has delegated power to the following employees to act as Deputy Information Officers:

#### **3.2 Deputy Information Officers:**

##### **Mr Faride Stiglingh, Executive Manager, Portfolio Management Services**

Postal address: P.O. Box 375, Pretoria, 0001

Street address: Block D, Eco Glades 2  
Witch-Hazel Avenue  
Eco Park  
Centurion

Tel: 012 686 0531

Fax: 012-686 0718

E-mail: [FStiglingh@landbank.co.za](mailto:FStiglingh@landbank.co.za)

**Mr Stephen Sebueng      Executive Manager: Legal Services**

Postal address:      P.O. Box 375, Pretoria, 0001

Street address:      Block D, Eco Glades 2  
Witch-Hazel Avenue  
Eco Park  
Centurion

Tel:      012 686 0711

Fax:      012-686 0718

E-mail:      [SSebueng@landbank.co.za](mailto:SSebueng@landbank.co.za)

**Mr. Sydney Soundy      Executive Manager: Strategy & Communications**

Postal address:      P.O. Box 375, Pretoria, 0001

Street address:      Block D, Eco Glades 2  
Witch-Hazel Avenue  
Eco Park  
Centurion

Tel:      012 686 0881

Fax:      012-686 0581

E-mail:      [SSoundy@landbank.co.za](mailto:SSoundy@landbank.co.za)

**Mr. Adam Rakgalakane      Managing Director: Land Bank Insurance**

Postal address:      P.O. Box 375, Pretoria, 0001

Street address:      Block D, Eco Glades 2  
Witch-Hazel Avenue  
Eco Park  
Centurion

Tel:      012 686 0881

Fax:      012-686 0581

E-mail:      [mrakgalakane@landbank.co.za](mailto:mrakgalakane@landbank.co.za)

#### 4. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The information contained in this Manual and that of all other public and private bodies can be obtained from the South African Human Rights Commission (“**SAHRC**”). Section 10 of PAIA requires the SAHRC to publish a guide containing information that is reasonably required by a person wishing to exercise or protect any right in terms of PAIA (“**the Guide**”). The Guide contains, inter alia, the following information:

- a) the objects of PAIA;
- b) contact details of the Information Officers and Deputy Information Officers of every public body;
- c) the manner and form of a request for access to information held by a body;
- d) assistance available from both the Information Officers and the SAHRC in terms of PAIA;
- e) all remedies in law regarding acts, omissions, rights, and duties, including how to lodge an internal appeal and a court application against a decision by the Information Officer of a public body, a decision on internal appeal or a decision of the head of a private body;
- f) the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access such manuals;
- g) the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- h) schedules of fees to be paid in relation to requests for access to information; and
- i) regulations made in terms of PAIA.

Enquiries regarding the Guide can be addressed to the SAHRC, the contact details are as follows:

**Postal Address:** South African Human Rights Commission  
Promotion of Access to Information Unit  
Research and Documentation Department  
Private Bag 2700  
Houghton  
2041

**Telephone:** 011 877 3600

**Fax:** (011) 484-0582

**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

**E-mail:** [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **5. ACCESS TO RECORDS HELD BY THE LAND BANK**

### **5.1 The Request Procedure**

- 5.1.1 The requester must use the prescribed form, Annexure B, to make the request for access to a record. The request must be directed to the Deputy Information Officer whose contact details are set out in 3.2 above.
- 5.1.2 The requestor must provide sufficient information on the request form to enable the Deputy Information Officer to identify the records requested.
- 5.1.3 The requestor should also indicate which form of access is required, i.e. written or printed or audio or audio visual.
- 5.1.4 The requestor must state whether the record concerned is preferred in any particular language.
- 5.1.5 The requestor should also indicate if he or she wishes to be informed of the decision on the request in any other manner and state that manner and the necessary particulars to be so informed.
- 5.1.6 If the request is made on behalf of another person, the requestor must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- 5.1.7 The Deputy Information Officer shall notify the requestor (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- 5.1.8 A requester whose request for access to a record has been granted must pay an access fee for the reproduction and for the searching and preparation of the copies or transactions of the content of the record requested and for the time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.
- 5.1.9 The Deputy Information Officer will inform the requestor of his decision within 30 days after receipt of the request or may extend that period by a further period not exceeding 30 days. The period within which the Deputy Information Officer will inform the requester of his decision is subject to such extension as may be required to give a third party the chance to make representations to the Deputy Information Officer where the record requested is with regard to the records of that third party.
- 5.1.10 If a request for access to a record has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form by a paragraph (b) public body, as defined in section 1 of PAIA, section 78(2) of PAIA empowers the requestor to apply to court for appropriate relief within 30 days of the decision.
- 5.1.11 If the court orders the Land Bank to grant the requester access to the requested records, the requester must pay the access fee before access to such records can be granted.



## **5.2 Grounds for Refusal of Access to Records**

The Deputy Information Officer shall, subject to other provisions of PAIA, refuse a request for information or record on the grounds of:

- (a) mandatory protection of the privacy of a third party who is a natural person;
- (b) mandatory protection of certain records of South African Revenue Service;
- (c) 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 the disclosure could likely cause harm to the financial or commercial interests of that third party;
  - information supplied in confidence by a third party, if the disclosure could put that third party at a disadvantage in contractual or other negotiations or commercial competition;
- (d) mandatory protection of certain confidential information, and protection of certain other confidential information of third parties;
- (e) mandatory protection of the safety of individuals and the protection of property;
- (f) mandatory protection of records which would be regarded as privileged in legal proceedings;
- (g) economic interests and financial welfare of South African and commercial activities of public bodies;
- (h) mandatory protection of research information of third party, and protection of research information of public body;
- (i) mandatory protection of the operations of public bodies;
- (j) manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources.

## **6. CATEGORIES OF RECORDS HELD BY THE LAND BANK**

### **6.1 INFORMATION THAT IS NOT AUTOMATICALLY AVAILABLE**

Section 14(1)(d) of PAIA requires Land Bank to provide a description of the categories of records held by Land Bank in order to facilitate a formal request for access to information. It is emphasised that access to the records set out in this section is not guaranteed as it is subject to the provisions of PAIA.

<b>A. Loans - Operations and Regions Network</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Minutes (Decision record)</li> <li>- Credit approval record</li> <li>- Project Early Review Report</li> <li>- Project Appraisal Reports</li> <li>- Loan Agreements</li> <li>- Project Completion Reports</li> <li>- Project Evaluation Reports</li> <li>- Loan Applications</li> <li>- Loan Documents (KYC, Securities etc.)</li> <li>- Fees and Costs</li> </ul>
<b>(b) Grants</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Minutes (Decision record)</li> <li>- Grant approval records</li> <li>- Recipient Applications</li> <li>- Recipient Information</li> <li>- Project Grant Appraisal Reports</li> <li>- Grant Agreements</li> <li>- Project Completion Reports</li> <li>- Project Evaluation Reports</li> </ul>
<b>(c) Risk Management</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Risk Management Reports</li> <li>- Project/Client Risk Reviews</li> <li>- Capital Adequacy Framework</li> <li>- Risk Management Framework</li> <li>- PIP/PEP information</li> </ul>
<b>(d) Financial Management</b>	<ul style="list-style-type: none"> <li>- Policies &amp; procedures</li> <li>- Corporate Budgets</li> <li>- Business Unit Budgets</li> <li>- Corporate Financial Reports</li> <li>- Management Accounting Reports</li> <li>- Payroll Documentation</li> <li>- Financial Administration Documentations</li> <li>- Financial Acts &amp; Regulations</li> </ul>
<b>(e) Supply Chain Management</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Bid documents</li> <li>- Third party information (KYC, Tax clearance, BEE etc.)</li> <li>- Reports</li> <li>- Minutes and decision records</li> </ul>
<b>(f) Contracts Administrations</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Loans Agreements/Contracts</li> <li>- Loan Disbursement Procedure Manual</li> <li>- Claims for Payment Documentation</li> <li>- Disbursements of Payments Documentation</li> <li>- Loan Repayment Documentation</li> </ul>
<b>(g) Treasury</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Journals</li> <li>- Fund mobilization (agreements, credit ratings etc.)</li> </ul>

	<ul style="list-style-type: none"> <li>- Reports</li> <li>- Market data</li> <li>- Deal confirmations</li> <li>- Settlements</li> <li>- Securities and cessions</li> <li>- Cash flow management</li> <li>- Borrowing Programmes</li> <li>- Domestic Medium Term Note Programme Documentation</li> </ul>
<b>(h) Human Resources</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Personnel files</li> <li>- Appointment offers</li> <li>- Performance bonuses</li> <li>- Training and development</li> <li>- HIV Aids</li> <li>- Employment equity</li> <li>- Occupational Health and Safety</li> <li>- Labour disputes</li> <li>- Negotiations and Union related records</li> <li>- Disciplinary records</li> <li>- IR Collective Agreements</li> <li>- Land Bank Retirement Fund Rules</li> <li>- Workplace Skills Plan</li> </ul>
<b>(i) Information &amp; Technology</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- ICT Service Level Agreements</li> <li>- System related records</li> <li>- Disaster recovery and implementation plans</li> <li>- IT Service Providers of Business Applications in use</li> <li>- Procurement of IT services and equipment</li> </ul>
<b>(j) Facilities Management</b>	<ul style="list-style-type: none"> <li>- Policies and procedure</li> <li>- Building Plans</li> <li>- Asset Register (non-financial)</li> <li>- Insurance Documentation</li> </ul>
<b>(j) Corporate Strategy</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Corporate Vision and Mission Statements</li> <li>- Corporate Strategy</li> <li>- Balanced Scorecards</li> <li>- Environmental Scans</li> </ul>
<b>(k) Legal Services</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Agreements</li> <li>- Memorandum of Understanding</li> <li>- Legal opinion</li> <li>- Litigations</li> <li>- Security</li> </ul>
<b>(l) Communication</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Brand</li> <li>- Annual report</li> <li>- Press release</li> </ul>

	<ul style="list-style-type: none"> <li>- Speeches</li> <li>- Internal newsletters</li> <li>- Intranet</li> <li>- Minutes of meetings</li> <li>- Communication strategies</li> <li>- Unpublished Media strategies</li> <li>- Unpublished Media briefs</li> <li>- Unpublished News articles</li> <li>- Unpublished Publications</li> <li>- Corporate Social Investment</li> <li>- Student Bursary Contracts</li> </ul>
<b>(m) Marketing</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Promotional and marketing materials</li> <li>- Minutes of meetings</li> <li>- Marketing and distribution strategies</li> <li>- Broadcast adverts and programmes</li> <li>- Photographic images</li> </ul>
<b>(n) Board Secretariat</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Declaration of Interests</li> <li>- Records relating to Board members</li> <li>- Board and Committee Attendance Registers</li> <li>- Board and Committee minutes and Agendas</li> <li>- Tape recordings of Board and Committee meetings</li> <li>- Executive Committee minutes</li> </ul>
<b>(o) Office of the CEO</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Board Correspondences to and from internal and external stakeholders</li> <li>- Board correspondences to and from Ministry of Finance</li> <li>- Board correspondences</li> <li>- Delegation of Powers</li> <li>- Signing authorities</li> <li>- Corporate Plan</li> <li>- Shareholders' Compact</li> </ul>
<b>(p) Agricultural Economic Research and Innovation Services</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Commodities Reports</li> <li>- Economic Reviews</li> <li>- Market Indicators</li> <li>- Reports / Policies</li> <li>- Research and Innovation</li> <li>- Industry and Sector Reports</li> </ul>
<b>(q) Land Bank Insurance</b>	<ul style="list-style-type: none"> <li>- Policies and procedures</li> <li>- Insurance Contracts</li> <li>- Insurance Quotations</li> <li>- Agreements</li> <li>- Reports</li> <li>- Regulatory Returns</li> <li>- Board Correspondence</li> </ul>

- A. Board Secretariat**
- a. Board and Committee Attendance Registers
  - b. Board and Committee minutes and Agendas
  - c. Tape recordings of Board and Committee meetings
  - d. Executive Committee minutes
- B. Operations and Regions Network**
- a. Loan Applications
  - b. Loan Documents
  - c. Fees and Costs
  - d. Client information
  - e. Policies and procedures
- C. Communications**
- a. Internal newsletters
  - b. Intranet
  - c. Minutes of meetings
  - d. Communication strategies
  - e. Unpublished Media strategies
  - f. Unpublished Media briefs
  - g. Unpublished News articles
  - h. Unpublished Publications
  - i. Corporate Social Investment
  - j. Student Bursary Contracts
  - k. Policies and procedures
- D. Human Resources**
- a. HR Policies
  - b. IR Collective Agreements
  - c. Land Bank Retirement Fund Rules
  - d. Employment Equity Plan
  - e. Workplace Skills Plan
- E. Information Technology**
- a. Information Technology Policies and Procedures
  - b. IT Service Providers of Business Applications in use
  - c. Procurement of IT services and equipment
- F. Legal**
- a. Legal Policies and Procedures
  - b. Agreements with service providers and other parties
  - c. Correspondence with clients
- G. Marketing**
- a. Promotional and marketing materials
  - b. Minutes of meetings
  - c. Marketing and distribution strategies
  - d. Broadcast adverts and programmes
  - e. Photographic images
- H. Finance**

- a. Financial Management Policies and Procedures
- b. Business Unit Budgets
- c. Books of account
- d. Client records/accounts
- e. Procurement contracts and agreements
- f. Suppliers Database
- g. Asset Register
- h. Insurance Policies

**I. Treasury**

- a. Treasury Policy Manual
- b. Borrowing Programmes
- c. Domestic Medium Term Note Programme Documentation
- d. Treasury Reports

**J. General**

- a. All and any minutes, records of decisions or deliberations, together with all supporting documents, that took place or were exchanged in relation to internal meetings of Land Bank committees, departments, region network or sub-groups thereof.
- b. All and any internal communications or communications between Land Bank employees regarding Land Bank matters and external parties.

## **7. INFORMATION THAT IS AUTOMATICALLY AVAILABLE**

The information set out in this section relate to records that are automatically available for inspection, purchase or photocopying. This information need not be requested by a formal request in terms of PAIA and can be requested from any of the Deputy Information Officers listed under paragraph 3.

### **7.1 Automatically available information**

The following information / records can be obtained automatically without a formal request:

- (a) Annual Reports
- (b) Land Bank printed publications
- (c) Newsletters
- (d) Marketing material
- (e) Booklets
- (f) Posters
- (g) Pamphlets
- (h) Leaflets
- (i) Other literature intended for public viewing

The information that is available on the Land Bank website ([www.landbank.co.za](http://www.landbank.co.za)) is voluntarily disclosed.

## 8. REMEDIES IN TERMS OF PAIA

Any requester that is dissatisfied with any decision of the Land Bank in respect of a request for access to a record of the Land Bank can approach the High Court or another court of similar status to seek redress by way of an application to the court within 30 (thirty) days in terms of section 78(2) of PAIA.

## 9. FEES PAYABLE AS PRESCRIBED BY PAIA

### Annexure A

#### GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

#### PART I

##### FEES IN RESPECT OF GUIDE

The fee for a copy of the guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0, 60 for every photocopy of an A4-size page or part thereof.

#### PART II

##### FEES IN RESPECT OF PUBLIC BODIES

The fee for a copy of this Manual as contemplated in regulation 5 (c) is R0,60 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 7 (I) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffer disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(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	12,00
(ii) For a copy of an audio record	17,00

The request fee payable by every requester, other than a personal requester, referred to in regulation 7 (2) is R35,00.

The access fees payable by a requester referred to in regulation 7 (3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	0,60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,40
(c) For a copy in a computer-readable form on—	
(i) stiffer disc	5,00
(ii) compact disc	40,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22,00
(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	12,00
(ii) For a copy of an audio record	17,00
(f) To search for and prepare the record for disclosure, R15,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
(2) For purposes of <a href="#">section 22 (2)</a> of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable as a deposit by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	



## **10. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY LAND BANK**

### **10.1 Conditions of Lawful Processing**

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

- (a) **Accountability-** the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the processing of Personal Information.
- (b) **Processing limitation –** Personal Information must be collected directly from a Data Subject to the extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purpose for which it was obtained.
- (c) **Purpose specification-** Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- (d) **Further processing limitation-** further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- (e) **Information quality-** the Responsible Party must ensure that Personal Information held is accurate regularly and that the integrity of the information is maintained by appropriate security measures.
- (f) **Openness-** there must be transparency between the Data Subject and the Responsible Party.
- (g) **Security safeguards-** a Responsible Party must take reasonable steps ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- (h) **Data Subject participation-** the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

### **10.2 Purpose of the Processing of Personal Information by Land Bank**

As outlined in paragraph 10.1c), Personal Information may only be Processed for a specific purpose. The purpose for which Land Bank Processes or will Process Personal Information is set out in Part I of Appendix E.

### **10.3 Recipients of Personal Information**

Part 2 of Appendix E outlines the recipients to whom the Land Bank may provide a Data Subject's Personal Information to.

### **10.4 Cross-border flows of Personal Information**

Section 72 of POPIA provides that Personal Information may be transferred out of the republic of South Africa:

- (a) If the recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- (b) If the Data Subject consents to the transfer of their Personal Information; or
- (c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- (d) If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- (e) If the transfer is for the benefit of the Data Subject, and it is not reasonably practical to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

Part 3 of Appendix E sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

### **10.5 Description of information security measures to be implemented by the Land Bank**

Part 4 of Appendix E sets out the types of security measures implemented by the Land Bank of SA in order to ensure that Personal Information is respected and protected.

### **10.6 Objection of the Processing of Personal Information by a Data Subject**

Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/ Personal Information in the prescribed form attached to this manual as Appendix C subject to exceptions contained in POPIA.

### **10.7 Request for correction or deletion of Personal Information**

Section 24 of POPIA and regulation 3 of the POPIA Regulations provide that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix D to this Manual.

**APPENDIX A PRESCRIBED FORMS**

**FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18 (1) of the Promotion of Access to Information Act, 2000)

(Act No. 2 of 2000))

[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number: \_\_\_\_\_

Request received by \_\_\_\_\_

(state rank, name and surname of information officer/deputy information officer) on (date)  
at \_\_\_\_\_ (place)

Request fee (in any) : \_\_\_\_\_ R \_\_\_\_\_

Deposit (if any): R \_\_\_\_\_

Access fee; R \_\_\_\_\_

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Full names and surnames: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_

Fax number \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which 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 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 records 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.*

Reasons for exemption from payment of fees:

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**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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Form in which record is required: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Mark the appropriate box with an **X**

**NOTES:**

- (a) *Compliance with your request for access 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:**

	Copy of record*		Inspection of record
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**2. If records consist of visual images –**

*(this includes photographs, slides, video recordings, computer-generated images, sketches, etc):*

	View the images		Copy of the images*		Transcription of the images*
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<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)

<b>4. If record is held on computer or in an electronic or machine-readable form::</b>						
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or 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?					YES	NO
<b>Postage is payable</b>						
<p>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</p> <p>In which language would you prefer the record? _____</p>						

**G. 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 you request.*

How would you prefer to be informed on the decision regarding your request for access to the record?

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

\_\_\_\_\_  
**SIGNATURE OF REQUESTER/ PERSON ON WHOSE BEHALF REQUEST IS MADE**



## APPENDIX B

### FEES PAYABLE AS PRESCRIBED BY PAIA

The fee for a copy of the Manual as contemplated in regulation 11 (3) of the Act is R1.10 for every photocopy of an A4 size of page or part thereof.

The request fee payable by every requester, other than a personal requester, referred to in regulation 11 (2) of the Act is R50, 00

The fees for reproduction referred to in regulation 11(1) of the Act are as follows:

For every photocopy of an A4-size page or part thereof	R1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
For a copy in a computer-readable form on – <ul style="list-style-type: none"> <li>○ Compact disc</li> <li>○ Stiffy Disk</li> </ul>	R70,00 R7,50
For a transcription of visual images, for an A4-size page or part thereof	R40,00
For a copy of visual images	R60,00
For a transcription of an audio record, for an A4-size page or part thereof	R20,00
For a copy of an audio record	R30,00

The access fees payable by a requester referred to in regulation 11 (3) of the Act are as follows:

For every photocopy of an A4-size page or part thereof	R1.10
(1)	R0,75
(a) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	
(b) For a copy in a computer-readable form on <ul style="list-style-type: none"> <li>○ Compact disc</li> <li>○ Stiffy Disk</li> </ul>	R70,00 R7.50
(c)	
I. For a transcription of visual images, for an A4-size page or part thereof	R40,00
II. For a copy of visual images	R60,00
(d) For a transcription of an audio record, for an A4-size page or part thereof	R20,00

I. For a copy of an audio record	R30,00
<p>(f) To search for and prepare the record for disclosure, R30, 00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.</p>	
(2) For purpose of section 54 (2) of the Act, the following applies:	
<p>I. For any request that would require more than six hours to access or to prepare for disclosure, one third of the access fee is payable as a deposit by the requester.</p>	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

**APPENDIX C**  
**FORM FOR THE OBJECTION TO THE PROCESSING OF PERSONAL**  
**INFORMATION IN TERMS OF POPIA**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11 (3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT**

**2013 (ACT NO.4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL**  
**INFORMATION, 2017**

[Regulation 2(1)]

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page*
3. *This objection is subject to other related regulatory requirements*

Reference Number....

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name and surname of data subject	
Residential, postal or business address	
	Code (    )
Contact number(s)	
Fax number:	
E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name and surname of responsible party (if the responsible party is a natural):	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number	
E-mail address:	



**APPENDIX D**  
**FORM FOR THE REQUEST TO DELETE OR CORRECT PERSONAL**  
**INFORMATION IN TERMS OF POPIA**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR**  
**DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN**  
**TERMS OF SECTION 24 (1) OF THE PROTECTION OF PERSONAL**  
**INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**[Regulation 3 (2)]**

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached*
2. *If the space provided for in this Form is Inadequate, submit information as an Annexure to this Form and sign each page*
3. *This request is subject to other related regulatory requirements*

Reference Number.....

Mark the appropriate box with an “x”

**Request for:**

Reference Number....

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party

Destroying or deletion of a record of personal information about the data subject which in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ( )
Contact number(s)	
Fax number:	
E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>



## APPENDIX E

### PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

Part I	Categories of Data Subjects of Land Bank and categories of Personal Information relating thereto	Data Subject	Personal Information Processed
	<p><b>Customer:</b></p> <ul style="list-style-type: none"> <li>• <b>Corporate:</b> Customer Profile information, account details, payment information, corporate structure, client risk rating and other client information including to the extent the categories of information relate to individuals or representatives of client (e.g., shareholders, directors, etc.) required for the above mentioned purposes.</li> <li>• <b>Individual:</b> Name; contact details (Company E-Mail Address, Company Telephone Number), client details (Home Facsimile Number, Home Postal Address, Home Telephone Number, Personal Cellular, Mobile or Wireless Number, Personal E-Mail Address); regulatory identifiers (e.g. tax identification number, Account Information (Bank Account ID, Bank Account Name, Bank Account Type, Bank account balance); transaction details and branch details; “know-your client” data, photographs; other identification and verification data as contained in images of ID card, passport and other ID documents, images of client signatures).</li> <li>• <b>Staff:</b> Name; Land Bank employee Number, business contact details ( address/telephone number/email address).</li> </ul>	<ul style="list-style-type: none"> <li>• Natural Persons;</li> <li>• Juristic Persons</li> </ul>	<p>Personal data relating to a Data Subject received by or on behalf of Land Bank of SA from the Client, Client’s representatives and related parties in the course of providing accounts and services to the Client or in connection with a transaction or services. Client personal data may include names contact, contact details, identification and verification information, nationality and residency information, taxpayers identification numbers, voiceprints, bank account and transactional information (where legally permissible), to the extent that these amount to personal data under POPIA.</p>
<b>Part 2</b>	<b>Recipients of Personal Information</b>		
	Land Bank of SA, its affiliates and their respective representatives		
<b>Part 3</b>	When making authorized disclosures or transfers of personal information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do offer a level of protection for those data as high as the level of protection as South Africa.		
<b>Part 4</b>	<b>Description of Information security measures to be implemented by the Land Bank</b>		

The following contains 7 measures that are implemented and reviewed from time to time by the Land Bank of SA to maintain a high level of data protection. Each measure is aligned to an objective as follows:

**1. Access Control of Persons**

The Land Bank implements suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

**2. Data Media Control**

The Land Bank implements suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by the Land Bank and containing personal data of Clients.

**3. Data Memory Control**

The Land Bank implements suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data of the Data Exporter’s clients.

**4. User Control**

The Land Bank implements suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

**5. Access Control of Data**

The Land Bank asserts that the person entitled to use the Land Bank’s data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization).

**6. Transport Control**

The Land Bank implements suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

**7. Organisation Control**

The Land Bank commits to maintain its internal organisation in manner that meets the requirements of this Manual.