LAND BANK
We stand by you

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

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1. DEFINITIONS

1.1. "**Conditions for Lawful Processing**" means the conditions for lawful Processing of Personal Information as fully set out in chapter 3 of POPIA and in paragraph 21.1 of this Manual;

1.2. "**Constitution**" means the Constitution of the Republic of South Africa, 1996;

1.3. "**Data Subject**" means the person to whom personal information relates;

1.4. "**Information Officer**" means the duly authorised Head (as defined in section 1 of PAIA) of Land Bank or such person that has been registered as the information officer with the Information Regulator in accordance with POPIA;

1.5. "**Land Bank**" means the Land and Agricultural Development Bank of South Africa established in terms of the Land Bank Act;

1.6. "**Land Bank Act**" means Land and Agricultural Development Bank Act, 2002 as amended or replaced from time to time;

1.7. "**Manual**" means this Manual prepared in accordance with section 14 of PAIA;

1.8. "**PAIA**" means the Promotion of Access to Information Act 2 of 2000, as amended or replaced from time to time;

1.9. "**PAIA Regulations**" mean the regulations made in terms of section 92 of PAIA;

1.10. "**Personal Information**" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including but not limited to

(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, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment 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;

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

1.12. "**PFMA**" means the Public Finance Management Act, No.1 of 1999, as amended or replaced from time to time;

1.13. "**POPIA**" means the Protection of Personal Information Act 4 of 2013, as amended or replaced from time to time;

1.14. "**POPIA Regulations**" means the regulations promulgated in terms of section 112(2) of POPIA;

1.15. "**Private Body**" a natural person who carries or has carried on any trade, business or profession, but only in such capacity; a partnership which carries or has carried on any trade, business or profession; or any former or existing juristic person, but excludes a public body

1.16. "**Public Body** "any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or; any other functionary or institution when exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation;

1.17. "**Processing**" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, degradation, erasure or destruction of information;

1.18. "**Record**" A record is any recorded information regardless of the form or medium including written documents, audio, digital and video materials;

1.19. "**Requester**" in relation to a public body, means any person making a request for access to a record of that public body and in relation to a private body, means any person but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or a person acting on behalf of the person;

1.20. "**Request for Access**" in relation to a public body, means a request for access to a record of a public body and in relation to a private body, means a request for access to a record of a private body;

1.21. "**Responsible Party**" 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; and

1.22. "**Special Personal Information**" means Personal Information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information and criminal behaviour.

2. PURPOSE OF THE MANUAL

2.1. 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 PFMA, Land Bank wants to ensure that members of the public have effective access to information in its possession.

2.2. The purpose of this Manual is to give effect to both the constitutional right of access to information, where that information is required for the exercise or protection of a right, and the right to privacy in relation to the protection of Personal Information.

2.3. Both PAIA and POPIA recognise that the rights to access of information and privacy respectively may be limited in accordance with section 36 of the Constitution to the extent that such limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

2.4. This PAIA Manual is useful for the public to:

2.4.1. check the nature of the records which may already be available at Land Bank, without the need for submitting a formal PAIA request;

2.4.2. understand how to make a request for access to a record held by Land Bank;

2.4.3. access all the relevant contact details of the persons who will assist the public with the records they intend to access;

2.4.4. know all the remedies available from the Land Bank regarding request for access to the records, before approaching the Regulator or the Courts;

2.4.5. the description of the services available to members of the public from the Land Bank, and how to gain access to those services;

2.4.6. a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.4.7. if the body 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;

2.4.8. know if the Land Bank has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

2.4.9. know whether the Land Bank has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. ESTABLISHMENT OF THE LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA

3.1. The Land Bank is a Public Body as defined in terms of PAIA.

3.2. The Bank is established under section 3 of the Land Bank Act, 1912 (Act No. 18 of 1912), and which continued to exist in terms of section 3 of the Land Bank Act, 1944 (Act No. 13 of 1944), continues to exist under the name of the Land and Agricultural Development Bank of South Africa despite the repeal of those Acts.

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.
To the extent that such description is provided the application of this Manual shall be limited to the Land Bank to the exclusion of its subsidiaries.

3.3. Objectives / Mandate

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

3.3.1.1 Equitable ownership of agricultural land, in particular the increase of ownership of agricultural land by historically disadvantaged persons;

3.3.1.2 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;

3.3.1.3 land access for agricultural purposes;

3.3.1.4 agricultural entrepreneurship;

3.3.1.5 the removal of the legacy of past racial and gender discrimination in the agricultural sector;

3.3.1.6 the enhancement of productivity, profitability, investment and innovation in the agricultural and rural financial systems;

3.3.1.7 programmes designed to stimulate the growth of the agricultural sector and the better use of land;

3.3.1.8 programmes designed to promote and develop the environmental sustainability of land and related natural resources;

3.3.1.9 programmes that contribute to agricultural aspects of rural development and job creation;

3.3.1.10 commercial agriculture; and

3.3.1.11 food security.

3.4. The Bank must achieve its objects by:

3.4.1 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;

3.4.2 providing financial services in support of any of its objects;

3.4.3 facilitating and mobilising private sector finance to the agricultural sector; and

3.4.4 providing such assistance as is necessary for carrying out the objects of the Bank.

4. STRUCTURE AND FUNCTIONS OF THE LAND BANK

4.1 Structure

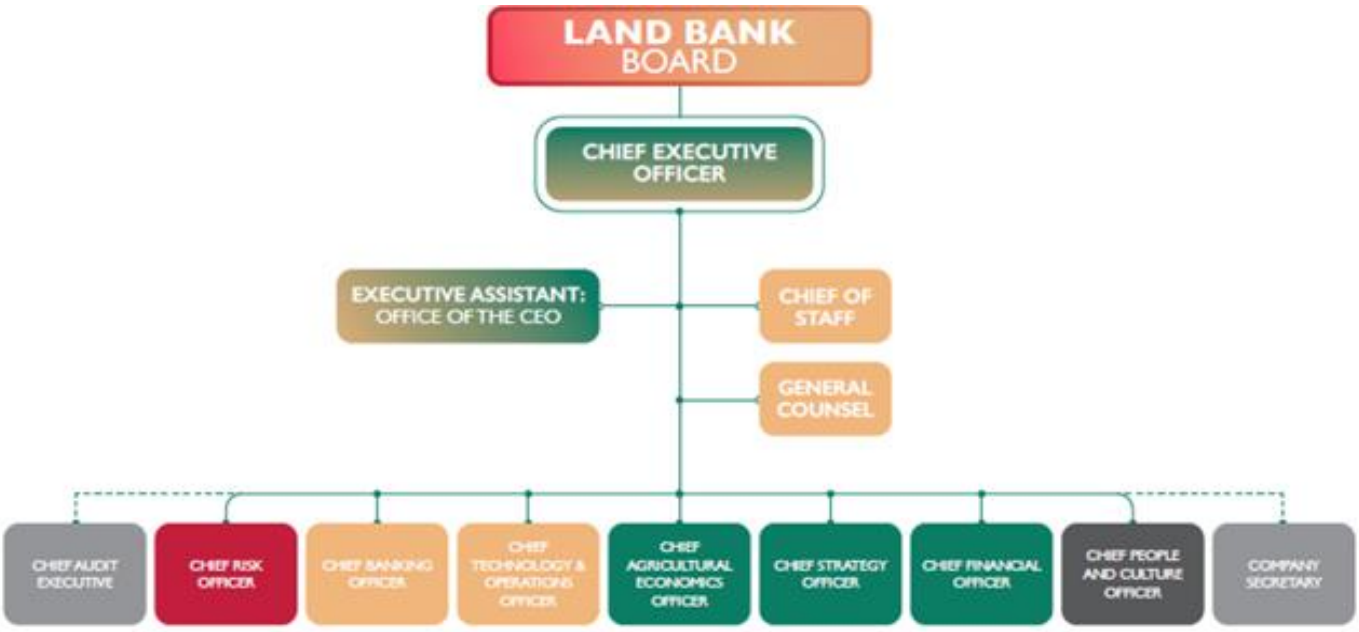

Figure 1 *: Land Bank Structure*

4.2 Board Governance Committees

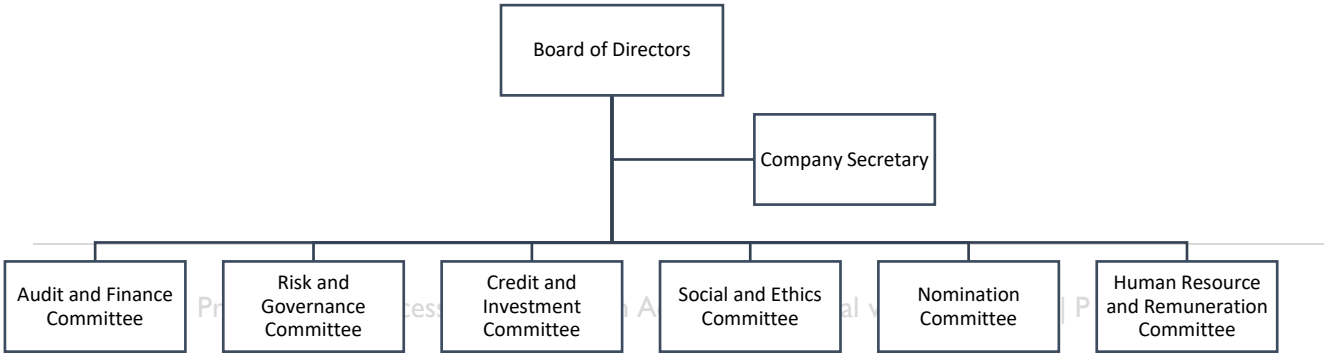

Figure 2: *Land Bank Board Organogram*

4.3 Key Functions of Land Bank

4.3.1 Corporate Banking and Structured Investment

- Provide debt, structured finance and equity solutions to agri-businesses.

4.3.2 Commercial Development and Business Banking

- Offer direct lending financial solutions to small and emerging farmers via an extensive provincial network.
- Offer direct lending solutions through partnerships with agribusinesses or corporates.
- Provide wholesale funding facilities to intermediaries that on-lend to smallholder farmers.

4.3.3 Insurance Solutions

- Provide short term insurance, as well as life insurance products to Land Bank clients and farmers.

4.3.4 Capacity Building and Business Support

- We offer business support to our clients through the project development, agricultural economics and advisory and post investment monitoring divisions.
- Through partnerships with funding partners in the public and private sector we are able to leverage funds for financial and non-financial support to assist our emerging farmers.

4.3.5 Corporate Social Responsibility

- We ensure a meaningful contribution to society through supporting subsistence farmers and initiatives that contribute towards social and environmental sustainability.

For further information on how to access these and other services on offer by the Land Bank please visit our website, www.landbank.co.za.

5 KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LAND BANK

5.1 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	:	**Chief Executive Officer**
Postal address	:	Land and Agricultural Development Bank of South Africa,
		P.O. Box 375, Pretoria, 0001
Street address	:	148 Kelvin Drive
		Magnolia Close
		Woodmead, 2057
Tel	:	012-686 0500
E-mail	:	PAIA@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:

5.2 Deputy Information Officers:

Deputy Information Officer	:	**Executive Manager: Legal Services**
Postal address	:	Land and Agricultural Development Bank of South Africa,
		P.O. Box 375, Pretoria, 0001
Street address	:	148 Kelvin Drive
		Magnolia Close
		Woodmead, 2057
Tel	:	012-686 0500
E-mail	:	PAIA@landbank.co.za

Deputy Information Officer	:	**Chief Risk Officer (CRO)**
Postal address	:	Land and Agricultural Development Bank of South Africa,
		P.O. Box 375, Pretoria, 0001
Street address	:	148 Kelvin Drive
		Magnolia Close
		Woodmead, 2057
Tel	:	012-686 0500
E-mail	:	PAIA@landbank.co.za

The Land Bank has offices spread across South Africa and information held by these centres if requested will be processed centrally at Head Office by the Information Officer and/or the approved information officers due to sensitivity of information normally requested by the external parties.

5.3 Access to information general contacts Email: PAIA@landbank.co.za

5.4 National / Head Office

Postal address	:	Land and Agricultural Development Bank of South Africa,
		P.O. Box 375, Pretoria, 0001
Street address	:	148 Kelvin Drive
		Magnolia Close
		Woodmead, 2057
Switchboard	:	012 686 0500
Toll Free	:	0800 005 259
E-mail	:	PAIA@landbank.co.za
Website	:	www.landbank.co.za

6 INFORMATION REGULATOR GUIDE

6.1 The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("**Guide**"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

6.2 The Guide is available in English, and may be arranged for the rest of the official languages and in braille.

6.3 The aforesaid Guide contains the description of:

6.3.1 the objects of PAIA and POPIA;

6.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of:

6.3.3 the Information Officer of every Public Body, and

6.3.4 every deputy information officer of every public and Private Body designated in terms of section 17(1) of PAIA1 and section 56 of POPIA;

6.3.5 the manner and form of a request for:

6.3.5.1 access to a Record of a Public Body contemplated in section 11;[2] and

6.3.5.2 access to a Record of a Private Body contemplated in section 50;[3]

6.3.6 the assistance available from the Information Officer of a Public Body in terms of PAIA and POPIA;

6.3.7 the assistance available from the Information Regulator in terms of PAIA and POPIA;

6.3.8 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:

6.3.8.1 an internal appeal;

6.3.8.2 a complaint to the Information Regulator; and

6.3.8.3 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;

Section 17(1) of PAIA- For the purposes of PAIA, each Public Body must, subject to legislation governing the employment of personnel of the Public Body concerned, designate such number of persons as deputy information officers as are necessary to render the Public Body as accessible as reasonably possible for Requesters of its Records.

Section 11(1) of PAIA- A Requester must be given access to a Record of a Public Body if that Requester complies with all the procedural requirements in PAIA relating to a Request for Access to that Record; and access to that Record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

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.*

6.3.8.4 the provisions of sections 14[4] and 51[5] requiring a Public Body and Private Body, respectively, to compile a Manual, and how to obtain access to a Manual;

6.3.8.5 the provisions of sections 15[6] and 52[7] providing for the voluntary disclosure of categories of Records by a Public Body and Private Body, respectively;

6.3.8.6 the notices issued in terms of sections 22[8] and 54[9] regarding fees to be paid in relation to Requests for Access; and

6.3.8.7 the PAIA Regulations.[10]

6.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

6.5 The Guide can also be obtained:

6.5.1 upon request to the Information Officer; and

6.5.2 from the website of the Regulator, being: https://inforegulator.org.za

7 AVAILIBILITY OF THE MANUAL

7.1 This Manual is made available in electronic and hard copies in Afrikaans, English, Sesotho and isiZulu:

7.1.1 on the website of the Bank, being: www.landbank.co.za

7.1.2 the hard copies are available at the head office of Land Bank for inspection during normal business hours;

Section 14(1) of PAIA- The information officer of a Public Body must, in at least three official languages, make available a Manual containing information listed in paragraph 4 above.

Section 51(1) of PAIA- The head of a Private Body must make available a Manual containing the description of the information listed in paragraph 4 above.

Section 15(1) of PAIA- The information officer of a Public Body, must make available in the prescribed manner a description of the categories of Records of the Public Body that are automatically available without a person having to request access.

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.
Section 22(1) of PAIA- The information officer of a Public 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.

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.

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; and
e) *any administrative or procedural matter necessary to give effect to the provisions of this Act."*

7.1.3 to any person upon request and upon the payment of a reasonable prescribed fee where applicable; and

7.1.4 to the Information Regulator upon request.

7.2 A fee for a copy of any Manual, as contemplated in Annexure B of the PAIA Regulations, shall be payable per each A4-size photocopy made.

whether the said Record accessed in accordance with PAIA. Access to such Records may not be granted if they are subject to the grounds of refusal, which are specified in paragraph 15 below.

8 PUBLICATION AND AVAILIBILITY OF CERTAIN RECORDS IN TERMS OF PAIA

Schedule of Records

The Schedule of Records as contained in paragraphs 16, and Part 1 and Appendix E of this Manual details the Records that held and/or Processed by Land Bank for the purposes of PAIA and POPIA respectively. Such Records are categorised in paragraphs 16 which details whether access to such Records is automatically available or

9 RIGHT OF ACCESS

A Requester has a right of access to Records of Public Bodies in terms of section 11 of PAIA and must be given access to a Record of a Public Body such as Land Bank.

If that Requester complies with all procedural requirement relating to a Request for Access, as described in paragraph 10 below and access to that Record is not refused in terms of any ground of refusal, as described in paragraph 15 below.

10 ACCESS TO RECORDS HELD BY THE LAND BANK

10.1 The Request Procedure

10.1.1 The Requester must use the prescribed request for access form, attached as Appendix A, to make the Request for Access and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable) to the Deputy Information Officer whose contact details are set out in Section 5 above.

10.1.2 The Requester must provide sufficient information on the request form to enable the Deputy Information Officer to identify the following:

10.1.2.1 the Record/s requested;

10.1.2.2 the identity of the Requester;

10.1.2.3 the form of access which is required, i.e. written or printed or audio or audio visual, if the request is granted;

10.1.2.4 the postal address or fax number of the Requester;

10.1.2.5 the right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right; and

10.1.2.6 the Requester must state whether the Record concerned is preferred in any particular language.

10.1.3 The Requester 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.

10.1.4 If the request is made on behalf of another person, the Requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Deputy Information Officer.

10.1.5 An individual who, because of illiteracy or a disability, is unable to make a Request for Access to a Record may make that request orally. The Deputy Information Officer of Land Bank will reduce such oral request to writing in the prescribed form and provide a copy thereof to the Requester.

10.1.6 The Deputy Information Officer shall notify the Requester (other than a personal Requester) by notice, requiring the Requester to pay the prescribed fee (if any) before further Processing the Request for Access.

10.1.7 A Requester whose Request for Access 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.

11 DUTY TO ASSIST REQUESTERS

11.1 If a Requester informs the Deputy Information Officer of Land Bank that he or she wishes to make a Request for Access for a Record of Land Bank or wishes to make a Request for Access to a Record of another Public Body, the Deputy Information Officer of Land Bank must render reasonable assistance, free of charge, to enable the Requester to make such Request for Access.

11.2 If a Requester has made a Request for Access that does not comply with the requirements in paragraph 10 above, the Deputy Information Officer may not refuse the Request for Access because of that non-compliance unless the Deputy Information Officer has:

11.2.1 notified that requester of an intention to refuse the request and stated in the notice:

11.2.1.1 the reasons for the contemplated refusal;

11.2.1.2 that the Deputy Information Officer or another official identified by the Deputy Information Officer would assist that Requester in order to make the request in a form that would remove the grounds for refusal and have given the Requester a reasonable opportunity to seek such assistance;

11.2.1.3 as far as reasonably possible, furnished the Requester with any information (including information about the Records, other than information on the basis of which a Request for Access may or must be refused in terms of any provision of paragraph 15 below) that would assist the making of the Request for Access in that form; and

11.2.1.4 given the Requester a reasonable opportunity to confirm the request or alter it to comply with paragraph 10 above.

11.3 If it is apparent on receipt of a Request for Access that it should have been made to another Public Body, the Deputy Information Officer of the Public Body concerned must:

11.3.1 render such assistance as is necessary to enable the Requester to make the Request for Access to the information officer of the appropriate Public Body; or

11.3.2 Transfer the request in accordance with paragraph 12 below to the last-mentioned information officer, whichever will result in the request being dealt with earlier.

12 TRANSFER OF REQUESTS

12.1 If a Request for Access is made to Land Bank in respect of which:

12.1.1 the Record is not in the possession or under the control of Land Bank but is in the possession of another Public Body;

12.1.2 the Record's subject matter is more closely connected with the functions of another Public Body than those of Land Bank; or

12.1.3 the Record contains commercial information contemplated in 15.1.3.9 in which any other Public Body has a greater commercial interest, the Deputy Information Officer to whom the request is made must as soon as reasonably possible, but in any event within 14 days after the request is received:

12.1.4 transfer the request to the information officer of the other Public Body or, if there is in the case of paragraph 12.1.3 more than one other Public Body having a commercial interest, the other Public Body with the greatest commercial interest; and

12.1.5 if Land Bank is in possession of the Record and considers it helpful to do so to enable the information officer of the other Public Body to deal with the request, send the Record or a copy of the Record to that information officer.

12.2 If a Request for Access is made to Land Bank in respect of which:

12.2.1 the Record is not in the possession or under the control of Land Bank and Land Bank does not know which Public Body has possession or control of the Record;

12.2.2 the Record's subject matter is not closely connected to the functions of Land Bank and Land Bank does not know whether the Record is more closely connected with the functions of another Public Body than those of Land Bank; and

12.2.3 the Record was created by or for another Public Body or was not so created by or for any Public Body, but was received first by another Public Body, Land Bank must as soon as reasonably possible, but in any event within 14 days after the Request for Access is received, transfer the Request for Access to the information officer of the Public Body by or for which the Record was created or which received it first, as the case may be.

12.3 Upon the transfer of a Request for Access, the Deputy Information Officer must immediately notify the Requester of the transfer, the reasons for the transfer and the period within which the request must be dealt with.

13 DECISION TO GRANT ACCESS TO RECORDS

13.1 If a Requester has been given notice that the Request for Access has been granted, the Requester must:

13.1.1 if an access fee is payable, upon payment of that fee; or

13.1.2 if no access fee is payable, immediately,

be given access in the applicable form as the Requester indicated in the Request for Access and in the language as preferred by the Requester should the Record be available in that language.

13.2 The Deputy Information Officer will inform the Requester of their decision within 30 days after receipt of the

Request for Access 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 their 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.

13.3 The period referred to in paragraph 13.2 above may be extended for a further period of not more than 30 days if:

13.3.1 the Request for Access is for a large number of Records and compliance with the original period would unreasonably interfere with the activities of Land Bank;

13.3.2 the Request for Access requires a search for Records held at another office of Land Bank not situated in the same town or city as the office of the Deputy Information Officer that cannot reasonably be completed within the original period;

13.3.3 consultation among divisions of Land Bank or with another Public Body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;

13.3.4 the Records cannot reasonably be obtained within the original 30-day period; or

13.3.5 The Requester consents in writing to such extension.

13.4 Land Bank will notify the Requester in writing should an extension of time as contemplated in paragraph 13.3

above be required.

13.5 Should the Deputy Information Officer fail to give a decision on a Request for Access within 30 days, the Deputy Information Officer is regarded as having refused the Request for Access.

13.6 If a Request for Access has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form by a Public Body, section 78(2) of PAIA empowers the Requester to apply to court for appropriate relief within 180 days of the decision.

13.7 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.

14 DEFERRAL OF ACCESS

14.1 If the Deputy Information Officer of Land Bank decides to grant access to a Record but that Record:

14.1.1 is to be published within 90 days after the receipt or transfer of the request or such further period as is reasonably necessary for printing and translating the Record for the purpose of publishing it;

14.1.2 is required by law to be published but is yet to be published; or

14.1.3 has been prepared for submission to any legislature or a particular person but is yet to be submitted,

the Deputy Information Officer may defer giving access to the Record for a reasonable period.

14.2 If access to a Record deferred in terms of paragraph 14.1 above, the Deputy Information Officer must notify the Requester concerned:

14.2.1 that the Requester may, within 30 days after that notice is given, make representations to the Deputy Information Officer why the Record is required before such publication or submission; and

14.2.2 of the likely period for which access is to be deferred.

14.3 If a Requester makes representations in terms of paragraph 14.2 above, the Deputy Information Officer must, after due consideration of those representations, grant the Request for Access only if there are reasonable grounds for believing that the Requester will suffer substantial prejudice if access to the Record is deferred for the likely period.

15 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

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

15.1.1 mandatory protection of the privacy of a third party who is a natural person;

15.1.2 mandatory protection of certain Records of South African Revenue Service;

15.1.3 mandatory protection of the commercial information of a third party, if the Record contains:

15.1.3.1 trade secrets of that third party;

15.1.3.2 financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party; or

15.1.3.3 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;

15.1.3.4 mandatory protection of certain confidential information, and protection of certain other confidential information of third parties;

15.1.3.5 mandatory protection of the safety of individuals and the protection of property;

15.1.3.6 mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings;

15.1.3.7 mandatory protection of Records which would be regarded as privileged in legal proceedings;

15.1.3.8 defence, security and international relations of South Africa;

15.1.3.9 economic interests and financial welfare of South African and commercial activities of Public Bodies;

15.1.3.10 mandatory protection of research information of third party, and protection of research information of a Public Body;

15.1.3.11 mandatory protection of the operations of Public Bodies; and

15.1.3.12 manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources.

16 CATEGORIES OF RECORDS HELD BY THE LAND BANK

16.1 Information that is <u>not automatically</u> 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.

A. Loans - Operations and Regions Network	- Policies and procedures - Minutes (Decision Record) - Credit Approval Record - Project Early Review Report - Project Appraisal Reports - Loan Agreements - Project Completion Reports - Project Evaluation Reports - Loan Applications - Loan Documents (KYC, Securities etc.) - Fees and Costs - Client information
(b) Grants	- Policies and procedures - Minutes (Decision Record) - Grant approval Records - Recipient Applications - Recipient Information - Project Grant Appraisal Reports - Grant Agreements - Project Completion Reports - Project Evaluation Reports
(c) Risk Management	- Policies and procedures - Risk Management Reports - Project/Client Risk Reviews - Capital Adequacy Framework

	- Risk Management Framework - PIP/PEP information
(d) Financial Management	- Policies & procedures - Corporate Budgets - Business Unit Budgets - Corporate Financial Reports - Management Accounting Reports - Payroll Documentation - Financial Administration Documentations - Financial Acts & Regulations - Books of account - Client records/accounts - Procurement contracts and agreements - Suppliers Database - Asset Register - Insurance Policies
(e) Supply Chain Management	- Policies and procedures - Bid documents - Third party information (KYC, Tax clearance, BEE etc.) - Reports - Minutes and decision Records
(f) Contracts Administrations	- Policies and procedures - Loans Agreements/Contracts - Loan Disbursement Procedure Manual - Claims for Payment Documentation - Disbursements of Payments Documentation - Loan Repayment Documentation
(g) Treasury	- Policies and procedures - Journals - Fund mobilization (agreements, credit ratings etc.) - Reports - Market data

	- Deal confirmations - Settlements - Securities and cessions - Cash flow management - Borrowing Programmes -Domestic Medium Term Note Programme Documentation
(h) (People & Culture)	- P&C Policies and procedures - Personnel files - Appointment offers - Performance bonuses - Training and development - HIV Aids - Employment equity plan - Occupational Health and Safety - Labour disputes - Negotiations and Union related Records - Disciplinary Records - IR Collective Agreements - Land Bank Retirement Fund Rules - Workplace Skills Plan - Land Bank Retirement Fund Rules
(i) Information & Technology	- Policies and procedures - ICT Service Level Agreements - System related Records - Disaster recovery and implementation plans - IT Service Providers of Business Applications in use - Procurement of IT services and equipment
(j) Facilities Management	- Policies and procedure - Building Plans - Asset Register (non-financial) - Insurance Documentation
(j) Corporate Strategy	- Policies and procedures - Corporate Vision and Mission Statements

	- Corporate Strategy - Balanced Scorecards - Environmental Scans
(k) Legal Services	- Policies and procedures - Agreements - Memorandum of Understanding - Legal opinions - Litigation - Security - Agreements with service providers and other parties - Correspondence with clients
(l) Communications	- Policies and procedures - Brand - Annual report - Press release - Speeches - Internal newsletters - Intranet - Minutes of meetings - Communication strategies - Unpublished Media strategies - Unpublished Media briefs - Unpublished News articles - Unpublished Publications - Corporate Social Investment - Student Bursary Contracts
(m) Marketing	- Policies and procedures - Promotional and marketing materials - Minutes of meetings - Marketing and distribution strategies - Broadcast adverts and programmes - Photographic images
(n) Board Secretariat	- Policies and procedures

	- Declaration of Interests - Records relating to Board members - Board and Committee Attendance Registers - Board and Committee minutes and Agendas - Tape recordings of Board and Committee meetings - Executive Committee minutes
(o) Office of the CEO	- Policies and procedures - Board Correspondences to and from internal and external stakeholders - Board correspondences to and from Ministry of Finance - Board correspondences - Delegation of Powers - Signing authorities - Corporate Plan - Shareholders' Compact
(p) Agricultural Economic Research and Innovation Services	- Policies and procedures - Commodities Reports - Economic Reviews - Market Indicators - Reports / Policies - Research and Innovation - Industry and Sector Reports
(q) General	- 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. - All and any internal communications or communications between Land Bank employees regarding Land Bank matters and external parties.

17 INFORMATION THAT IS AUTOMATICALLY AVAILABLE

17.1 The organisation is not obligated to publish a notice of Records that are automatically available for inspection, purchase or photocopying.

17.2 The information that is available on Information/ Records that can be obtained automatically without a formal request is available at Land Bank offices and Land Bank website:

the Land Bank website (www.landbank.co.za) voluntarily disclosed.

18 REMEDIES IN TERMS OF PAIA

18.1 Internal Remedies

Any Requester that is dissatisfied with the decision made by a Deputy Information Officer of the Land Bank can send through an appeal directly to the Information Officer of the Bank. The appeal should be done in writing either on email or a hard copy letter (typed or written).

If the Requester is still dissatisfied with the decision made by the Information Officer of the Bank, the Requesters will have to exercise such external remedies at their disposal.

18.2 External Remedies

Any Requester that is dissatisfied with any decision of Land Bank in respect of a Request for Access to a Record of Land Bank can send an appeal directly to the Information Regulator or approach the High Court or another court of similar status to seek redress by way of an application to the court within 180 (one hundred and eighty) days in terms of section 78 of PAIA.

19 FEES PAYABLE

19.1 A Requester who requests a copy of a Record or access to a record may be charged a fee for reproduction and postage if the Request for Access is granted, as prescribed.

19.2 If the search for a Record and the preparation of the Record for disclosure would, in the opinion of the Deputy Information Officer, require more than six hours for these purposes, the Deputy Information Officer must inform the Requester to pay as a deposit, a portion of the access fee, provided that the amount payable as a deposit must not exceed one third of the amount payable, if the Request for Access is granted.

19.3 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer must repay the deposit to the Requester.

19.4 If a Request for Access is granted or refused, the Deputy Information Officer must inform the Requester of their decision and the fees payable.

19.5 Please refer to Appendix B for the relevant fees payable by a Requester.

20 PUBLIC INVOLVEMENT IN THE FORMULATION OF POLICY AND THE EXERCISE OF POWERS OR PERFORMANCE OF DUTIES BY THE LAND BANK

20.1 In the exercise of its powers or performance of its duties in terms of PAIA and POPIA, the public may be invited by the Bank, to make representations or to participate or influence on the development or review of public interest policies.

20.2 Members of the public can, at any time, make representations to the Bank regarding the conduct of any person that falls within the jurisdiction of any of the Bank's mandate.

20.3 Members of the public are also encouraged to submit proposals for the development or review of any policies or representations on any matter affecting the Personal Information of a data subject. The public is also encouraged to participate in public consultation and stakeholder's engagement arranged by the Bank.

20.4 The platform utilised for public participation may either be through public hearings (physical or virtual), email or written submissions.

20.5 The inputs and submissions of members of the public are considered intensively during the formulation of the policies, Standard Operating Procedures (SOPs), and Guidelines.

20.6 The Bank disseminates information to the public via electronic and print media, as well as social media.

21 PROCESSING OF PERSONAL INFORMATION

21.1 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 outlines in POPIA. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

21.1.1 **Accountability -** the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.

21.1.2 **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.

21.1.3 **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.

21.1.4 **Further Processing limitation –** further Processing of Personal Information must be compatible with the initial purpose for which the information was collected.

21.1.5 **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.

21.1.6 **Openness –** there must be transparency between the Data Subject and the Responsible Party.

21.1.7 **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.

21.1.8 **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.

21.2 Purpose of the Processing of Personal Information by Land Bank

As outlined in paragraph 20.1.3, Personal Informational 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 1 of Appendix E.

21.3 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.

21.4 Cross-border flows of Personal Information

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

21.4.1 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

21.4.2 the Data Subject consents to the transfer of their Personal Information; or

21.4.3 the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

21.4.4 the transfer is necessary of the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or

21.4.5 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.

21.5 Description of information security measures to be implemented by the Land Bank

Part 4 and 5 of Appendix E sets out the types of security measures implemented by the Land and Development Bank of SA in order to ensure that Personal Information is respected and protected.

21.6 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, object to the Processing of his / her Personal Information, subject to exceptions contained in POPIA.

21.7 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

REQUEST FOR ACCESS TO RECORD

(Regulation 7)

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

_____

_____

_____

_____

(Address)

E-mail address:

Fax number:

Mark with an ***"X"***

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made *(when made on behalf of another person)*				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made *(if applicable):*				
Identity Number				

Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD
*(Mark the applicable box with an "**X**")*

Record is in written or printed form	
Record comprises virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)*	

Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS *(Mark the applicable box with an "**X**")*	
Printed copy of record *(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)*	
Written or printed transcription of virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)*	
Transcription of soundtrack *(written or printed document)*	
Copy of record on flash drive *(including virtual images and soundtracks)*	
Copy of record on compact disc drive*(including virtual images and soundtracks)*	
Copy of record saved on cloud storage server	

MANNER OF ACCESS *(Mark the applicable box with an "**X**")*	
Personal inspection of record at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)*	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	
Preferred language *(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)*	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED *If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*	
Indicate which right is to be exercised or protected	

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

FEES

A request fee must be paid before the request will be considered.

a)	*You will be notified of the amount of the access fee to be paid.*
b)	*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.*
c)	*If you qualify for exemption of the payment of any fee, please state the reason for exemption*

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	**Facsimile**	**Electronic communication** ***(Please specify)***

Signed at_____this_____day of_____20 _____

Article I. Signature of Requester / person on whose behalf request is made

---

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

_____

Signature of Information Officer

APPENDIX B

FEES PAYABLE AS PRESCRIBED BY PAIA

1.	The request fee payable by every Requester	R100.00
2.	For every photocopy of an A4-size page or part thereof	R1,50
3.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R1,50
4.	For a copy in a computer-readable form on – o Flash drive o Compact disc • If provided by Requester • If provided to the Requester	 R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced. Will depend on quotation from service provider
6.	For a copy of visual images	
7.	For a transcription of an audio Record, for an A4-size page or part thereof	R24.00
8.	For a copy of an audio Record on: o Flash drive o Compact disc • If provided by Requester • If provided to Requester	 R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R100 R300
10.	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
11.	Postage, email, or any other electronic transfer	Actual expense, if any

APPENDIX C

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

Reference Number:

DETAILS OF DATA SUBJECT	
Name and surname of data subject:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number:	
E-mail address:	
DETAILS OF RESPONSIBLE PARTY	
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:	

Name of public or private body*(if the responsible party is not a natural person)*:	
Business address:	
	Code ( )
Contact number(s):	
Fax number:	
E-mail address:	
REASONS FOR OBJECTION *(Please provide detailed reasons for the objection)*	

Signed at ..... this ..... day of .....20……...

.....

Signature of data subject (applicant)

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.

A	**DETAILS OF THE DATA SUBJECT**
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ( )
Contact number(s)	
Fax number:	
E-mail address:	
B	**DETAILS OF RESPONSIBLE PARTY**
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	

	Code ( )
Contact number(s)	
Fax number:	
E-mail address:	

Name of public or private body (if the responsible party is not a natural person):	
Business address:	
C	**REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY.** (Please provide detailed reasons for the request)

Signed at……..this……..day of……..20……

Signature of Data subject……..

APPENDIX E

PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

Part 1	**Categories of Data Subjects of Land Bank and categories of Personal Information relating thereto**	**Data Subject**	**Personal Information Processed**
	Customer: • **Corporate:** 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. • **Individual:** 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). • **Staff:** Name; Land Bank employee Number, business contact details (address/telephone number/email address)	• Natural Persons; • Juristic Persons	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
Part 2	**Recipients of Personal Information**		
	Land Bank, its affiliates and their respective representatives (Refer to Appendix F).		
Part 3	When making authorized disclosures or transfers of personal information in terms of section 72 of POPIA, Land Bank may disclose Personal Data to recipients located in other countries. When undertaking such transfers, Land Bank will ensure that such transfers apply with all applicable laws, including POPIA.		
Part 4	**Description of Information security measures to be implemented by the Land Bank**		
	Land Bank undertakes to institute appropriate reasonable technical and organisational measures to prevent the loss of, damage to, unauthorised destruction, unlawful access to or unlawful processing of personal information. Land Bank undertakes to maintain the data protection measures below to accomplish the objectives in outlined in numbers 1 – 7 below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Land Bank may use different otherwise-suitable measures and adapt to technological security development, as needed, provided that the level of data protection achieved by Land Bank remains appropriate and reasonable. **1. Access Control of Persons**		

	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** 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** 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** 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** Land Bank asserts that the person entitled to use 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** 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** Land Bank commits to maintain its internal organisation in manner that meets the requirements of this Manual.
Part 5	**Information Security and Related Policies (controls) in place at the Land Bank**
	1. Records and Information Management and ICT Policy 2. Information Classification and Security Policy 3. Retention and Disposal Schedule for Functional Records 4. Security Governance Policy 5. Land Bank Information Privacy Policy 6. Guide to Access Information (PAIA Manual) 7. Clean Desk Guideline 8. IT User Access Management Standard Operating Procedure

ANNEXURE F

LAND BANK APPLICABLE LEGISLATION, IT'S AFFILIATES AND THEIR RESPECTIIVE REPRESENTATIVES

No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
1.	Public Finance Management Act	1. Un-audited Annual Financial Statements	S55(1) (c), TR28.1	Chief Financial Officer (CFO)	• Auditor General • National Treasury
		2. Audited Financial Statements and	S55(3), S65(a)	Chief Financial Officer (CFO)	• National Treasury • Parliament
		3. Audit Report	S(55)(3), S65(a)	Chief Financial Officer (CFO)	• National Treasury • Parliament
		4. Annual Report : Any material losses through criminal conduct and any irregular and fruitless and wasteful expenditure	S(55)(3), S65(a), TR28.2.1(a)	Chief Audit Executive (CAE)	• National Treasury • Parliament
		5. Annual Report : Actual performance against the strategic objectives and outcomes	S(55)(3), S65(a), TR28.2.1(b)	Chief Strategy Officer	• National Treasury • Parliament
		6. Three-Year Borrowing Plan / Programme	S66, TR29.1.3	Chief Financial Officer (CFO)	National Treasury
		7. Update on Borrowing Plan	S66, TR29.1.3	Chief Financial Officer (CFO)	National Treasury
		8. Budget of estimated revenue and expenditure for the year	S52(a), TR29.4	Chief Financial Officer	National Treasury
		9. Financial misconduct procedures report • the outcome of any disciplinary hearings and/or criminal charges; • the names and ranks of employees involved; and • the sanctions and any further actions taken against these employees.	S85(1)(b), (c)&(d), TR33.3.1	Chief People & Culture Officer	• Shareholder • National Treasury • Auditor General
		10. Corporate Plan and/or Strategic or	S52(b),TR29.1(a-c)	Chief Strategy Officer	National Treasury
		11. Corporate Plan: Shareholders Compact	TR29.1 & TR29.2 (a)	Company Secretary (ComSec)	National Treasury (Shareholder)
		12. Corporate Plan: Risk Management Plan	TR29.1(d)	Chief Risk Officer (CRO)	National Treasury (Shareholder)
		13. Corporate Plan: Fraud Prevention Plan;	TR29.1(e)	Chief Audit Executive (CAE)	National Treasury (Shareholder)
		14. Corporate Plan: Materiality and Significance Framework	Sections 55(2), 54(2), TR28.3,TR29.1(f)	Chief Financial Officer (CFO)	National Treasury
		15. Corporate Plan: Financial Plan • Projections of revenue, expenditure and borrowings; • Asset and liability management; • Cash flow projections; • Capital expenditure programmes; and • Dividend policies.	TR29.1(g)	Chief Financial Officer (CFO)	National Treasury
		16. Report on compliance to PFMA	TR 26.1.2	Chief Risk Officer (CRO)	National Treasury
		17. Report on SCM Deviations or Procurement through other means • Emergency sourcing; • Urgent sourcing • Limited bidding (i.e. sole, single, pre-selection and multiple sourcing • Procurement through other means in a form of written price quotation	SCM Instruction Note No 03 of 2021/2022	Chief Financial Officer (CFO)	• National Treasury • Auditor General

ANNEXURE F

LAND BANK APPLICABLE LEGISLATION, IT'S AFFILIATES AND THEIR RESPECTIIVE REPRESENTATIVES

No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
		18. Report on SCM Variations by contract period and contract scope of work: • Variation or expansion of the order for goods and services by 15% or R15 million • Variation or expansion of the order for all construction related goods and services by 20% or R20 million.	SCM Instruction Note No 03 of 2021/2022	Chief Financial Officer (CFO)	• National Treasury • Auditor General
		19. Report on restriction of person from trading with the State (Informing the National Treasury of non- performance or fraudulent incidents/transgressions)	SCM Instruction Note No 03 of 2021/2022	Chief Financial Officer (CFO)	• National Treasury • Auditor General
		20. All information required by the National Treasury in terms of the Act and Regulations.	TR 25.1.3	Chief Executive Officer (CEO) or Board Chairperson (Depending on the delegation of powers)	• Registrar of Public Entities in the • National Treasury
		21. CEO designated as the Accounting authority or Board of Directors	Section 49:	Company Secretary or Board Chairperson depending on delegations	• National Treasury
2.	Land Bank Act	22. Approval of the Investment Policy (Equity Investment)	S23(1)	Chief Banking Officer	National Treasury (Shareholder)
		23. Approval of the Investment Policy (Liquidity Risk / Cash Investment)	S23(1)	Chief Banking Officer	National Treasury (Shareholder)
		24. Approval of the Borrowing Policy (Raising Additional Capital Funding)	S24(1)	Chief Financial Officer ~~(CRO)~~ (CFO)	National Treasury (Shareholder)
		25. Approval of investment in unlisted companies, ventures and other legal entities	S23(2)	Chief Banking Officer	National Treasury (Shareholder)
		26. Surplus funds distribution to the State(National Reserve Fund)	S (25)	Chief Banking Officer	National Treasury (Shareholder)
		27. Board member resignation	S11	Company Secretary (ComSec)	National Treasury (Shareholder)
		28. Board Member material interest constituting conflict of interest	S21	Company Secretary (ComSec)	National Treasury (Shareholder)
		29. Approval of conducting business on: • Investing money • Providing grant funding • Providing insurance service • Providing import and export financial services	S26(3)	Chief Executive Officer (CEO)	National Treasury (Shareholder)
		30. Approval of the memorandum and articles of association of a subsidiary established	36(3)	Chief Banking Officer	National Treasury (Shareholder)
		31. Board Application of Judicial Management Order of the Bank (i.e. for rehabilitation of the Bank and Alternatives to Liquidation of the Bank)	S45	Chief Executive Officer (CEO) or Board Chairperson (Depending on the Delegations)	National Treasury (Shareholder)
3. 5	National Credit Act	32. NCA Compliance Report	Reg 62	Chief Risk Officer (CRO)	National Credit Regulator (NCR)

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LAND BANK APPLICABLE LEGISLATION, IT'S AFFILIATES AND THEIR RESPECTIIVE REPRESENTATIVES

No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
		33. Statistical Return Form 39 Large Credit Providers (R15 million and above).	Reg 64	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
		34. Annual Financial Statements	Reg 65	Chief Financial Officer (CFO)	National Credit Regulator (NCR)
		35. Auditor's Report	Reg 65	Chief Financial Officer (CFO)	National Credit Regulator (NCR)
		36. Annual Financial and Operational Return - Form 40	Reg 66	Chief Financial Officer (CFO)	National Credit Regulator (NCR)
		37. Assurance Engagement Report	Reg 62 and 68	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
		38. Language Policy – Proposal.	S63	Chief Strategy Officer	National Credit Regulator (NCR)
		39. Notice of terminations of debt review in terms section 86(10)	S86(10)	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
		40. Proof of payment of the annual registration renewal fee as prescribed in accordance with section 51(1)	S51(1)	Chief Financial Officer (CFO)	National Credit Regulator (NCR)
4.	Financial Intelligence Centre Act	41. Report on Unusual and Suspicious Transaction Reporting (STR)	S29 (1)(c)	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
		42. Report on Terrorist Property Reporting (TPR)	S28(A)	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
		43. Report all cash transactions above the threshold of R24, 999.99	S28 (a) (b)	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
		44. Section 27 and 32 report (i.e. any additional information FIC may deem necessary elating to section 28 and 29 reports or any other relevant information	S27 &32	Chief Risk Officer (CRO)	National Credit Regulator (NCR)
5.	Financial Markets Act	45. Annual Financial Statements	S6.15 of JSE Debt Listing Requirements	Chief Financial Officer (CFO)	Financial Services Conduct Authority and Johannesburg Securities Exchange (JSE)
6.	Unemployment Insurance Contributions Act	46. Payment Statement	S8(2)	Chief People & Culture Officer	Commissioner/Department of Employment and Labour
		47. Personnel information in relation to • the termination of the employment of any employee; and • the appointment of any employee by the employer.	S10(3)	Chief People & Culture Officer	Commissioner/Department of Employment and Labour
7.	Skills Development Levies Act	Skills Development Levy Report (Contributions to SARS)	S3 and 6, 22	Chief People & Culture Officer	Department of Employment and Labour
		48. Annual Training Report (ATR)	S3 and 6, 22	Chief People & Culture Officer	Relevant SETA

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No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
		49. Workplace Skills Plan (WSP)	S3 and 6, 22	Chief People & Culture Officer	Relevant SETA
8.	Employment Equity Act	50. Employment Equity Report and its Progress	S21(a)	Chief People & Culture Officer	Department of Employment and Labour
		51. Publication of Report – summary of report on the annual financial report	S22(1)	Chief People & Culture Officer	Department of Employment and Labour
		52. Statement on income differentials	S27:	Chief People & Culture Officer	Employment Conditions Commission
		53. Collecting information and conducting an analysis	Regulation 8	Chief People & Culture Officer	Department of Employment and Labour
9.	National Disaster Management Act	54. Report detailing the disaster (Compliance Report)	As per Regulations- by the Minister	Chief People & Culture Officer	Department of Cooperative Governance and Traditional Affairs
		55. Disaster Management Plan	S25(3)(a)	Chief Risk Officer (CRO)	Department of Cooperative Governance and Traditional Affairs
		56. Any occurrence leading to the declaration of a disaster	24(4):	Chief Risk Officer (CRO)	Department of Cooperative Governance and Traditional Affairs
10.	Compensation for Occupational Injuries and Diseases	57. Notice of accident by employer to the Commissioner	S39	Chief People & Culture Officer	Compensation Commissioner
		58. Inquiry by the Director-General into an accident	S40	Chief People & Culture Officer	Compensation Commissioner
		59. Notice of occupational disease to the Commissioner	S68	Chief People & Culture Officer	Compensation Commissioner
		60. Employer to register with the Commissioner and to furnish the Commissioner with particulars	S80	Chief People & Culture Officer	Compensation Commissioner
		61. Employer to furnish returns of earnings to the Commissioner	S82	Chief People & Culture Officer	Compensation Commissioner
		62. Assessment to be paid by employer to the Commissioner	S86	Chief People & Culture Officer	Compensation Commissioner
		63. COVID Report	Part 6 of Circular CF/03/2020	Chief People & Culture Officer	National Command Centre
11.	Labour Relations Act	64. Compliance reports – records to be kept by employer	S205	Chief People & Culture Officer	Registrar of Labour Relations
12.	Occupational Health and Safety Act	65. Reporting certain incidents to an inspector	S14 and 24	Chief Financial Officer (CFO)	Department of Employment and Labour

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No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
		66. Reporting of incidents and occupational diseases	Reg. 8:	Chief Financial Officer (CFO)	Department of Employment and Labour
		67. Approval and registration of training providers	Reg.20	Chief Financial Officer (CFO)	Department of Employment and Labour
13.	Broad Based Black Economic Empowerment (BEE) Act and Regulations	68. B-BBEE Plans	Reg13(G)	Chief Strategy Officer	B-BBEE Commission
		69. BBEE Scorecard	Reg13(G)	Chief Strategy Officer	B-BBEE Commission
		70. Annual Financial Statements	Reg13(G)	Chief Strategy Officer	B-BBEE Commission
		71. Annual Report	Reg13(G)	Chief Strategy Officer	B-BBEE Commission
		72. Strategy for Broad-Based Black Economic Empowerment	S11	Chief Strategy Officer	Department of Trade, Industry and Competition
		73. Other offences and penalties: Any procurement officer or other official of an organ of state or public entity who becomes aware of the commission of, or any attempt to commit SCM fraud	S13(O)	Chief Audit Executive (CAE)	Law Enforcement Agencies such as SAPS, SIU, Hawks and others
14. 5	King IV report on Corporate Governance	74. Corporate Governance Report	n/a	Company Secretary (ComSec)	Forms part of the annual integrated report.
15. 7	Income Tax and VAT (SARS Return)	75. VAT Return (Land Bank and LBIC)	S28 of VAT Act	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		76. Vendor to notify change of status	Section 25:	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		77. Special Returns as deemed necessary by the Commissioner	Section 29:	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		78. Annual notice by the Commissioner requiring returns for assessment of taxes	Section 66	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		79. Employers to keep records and furnish returns	Par 14 of the Fourth Schedule	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		80. Estimates of taxable income to be made by provisional taxpayers	Par 19 of the Fourth Schedule:	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		81. SARS Annual Returns of interest Income (IT3B)	25BB of the Income Tax Ac	Chief Financial Officer (CFO)	South African Revenue Services (SARS)
		82. EMP501 (IRP5+IT3a)	S29	Chief People & Culture Officer	

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No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
		83. EMP501 (without IRP5) – Mid-year submission	S29	Chief People & Culture Officer	
		84. EMP201 (declaration of PAYE, UIF & SDL)	Section 3 (1), (4) and (5) of the Skills Development Levy Act	Chief People & Culture Officer	
16.	The Legal Deposit Act	85. Submission of 5 hard copies of the Annual Report to prescribed places including Parliamentary Information Centre	S2(1)	Company Secretary (ComSec)	National Library
17.	Transfer Duty Act	86. Custodianship of Assets	Section 35A of Income Tax Act	EM: Legal Services	South African Revenue Services (SARS)
18.	Alienation of Land Act	87. Report of Land Redistribution activities	S8,20,28,30	EM: Legal Services	Department of Rural Development and Land Reforms (Registrar)
		88. Sale and purchase of Land Certificate	S8,20,28,30	EM: Legal Services	Department of Rural Development and Land Reforms (Registrar)
19.	Regulation of Interception of Communications and (RICA)	89. Loss, theft or destruction of cellular phone or SIM-card to be reported	Section 41	Chief Financial Officer (CFO)	South African Police Services
		90. Keeping of information by juristic persons and persons who lease SIM-cards	Section 62C	Chief Financial Officer (CFO)	South African Police Services
20.	Pension Funds Act	91. Schedule of payments	S13A	Chief People & Culture Officer	The Bank does not report directly to the Regulator, the Pension Fund (Alex Forbes does). However, the Bank has to confirm of payment
21.	Promotion of Access to Information Act	92. Company Information or any company record - PAIA Manual	S51 of the Act	EM: Legal Services	Information Regulator
		93. S32 Request for Information Compliance Report	S32 of Act	EM: Legal Services	Information Regulator
		94. Voluntary disclosure and automatic availability of certain records	S15, 52:	EM: Legal Services	Information Regulator
		95. Availability of the manual required by the Act	Regulations 4 and 9:	EM: Legal Services	Information Regulator
		96. The information officer of a public body or a private body must compile a manual containing prescribed information	S14 and 51:	EM: Legal Services	Information Regulator
22.	Protection of Personal Information Act(POPI)	97. Annual Report to Parliament	Section 90	Chief Executive Officer or Deputy Information officer EM: Legal Services	Information Regulator
		98. Notification of security compromises	Section 22:	Chief Executive Officer or Deputy Information officer EM: Legal Services	Information Regulator

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No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
		99. Notification of information processing requiring prior authorisation	Section 58:	Chief Executive Officer or Deputy Information officer EM: Legal Services	Information Regulator
		100. Compliance reporting	Section 90:	Chief Executive Officer or Deputy Information officer EM: Legal Services	Information Regulator
23.	National Strategic Intelligence Act	101. Analysis of electronic communications security needs	Section 3(8)	Chief Financial Officer (CFO) (CIO)	South African State Security Agency (SSA)
		102. Electronic communications security needs analysis	Regulation 2.4	Chief Financial Officer (CFO) (CIO)	South African State Security Agency (SSA)
		103. Provision of information	Section 79B	Chief Financial Officer (CFO) (CIO)	Minister of Communication
24.	Prevention and Combatting of Corrupt Activities Act (PRECCA)	104. Duty to report corrupt transactions : Any activities of corruption, theft, fraud, extortion, forgery and uttering of forged document	S34	Chief Audit Executive (CAE)	South African Police Services (SAPS) and other law enforcement agencies such as Special Investigating Unit (SIU)
25.	Protection of Constitutional Democracy Against Terrorism and Related Activities Act (POCDATRA)	105. Suspicious and terrorism related activities report : Linked to Section 28A and 29 of FICA	S12	Chief Audit Executive (CAE)	South African Police Services (SAPS) and other law enforcement agencies such as Special Investigating Unit (SIU)
26.	National Prosecution Authorities Act	106. Report detailing the offence / Affidavit	S27(a-c)	Chief Audit Executive (CAE)	National Prosecution Authorities (NPA)
27.	Medical Schemes Act	107. Member schedule form *Land Bank receives member schedule.	S23	Chief People & Culture Officer	No direct reports to the Medical Schemes Regulator. Bankmed responsible
28.	Competition Act	108. Notification and implementation of mergers	Section 13A	Chief Banking Officer	National Treasury (Shareholder)
29.	Immigration Act	109. Duties and obligations related to employment (Termination foreign national's employment)	Section 38:	Chief People & Culture Officer	Director General: Home Affairs
		110. Duties and obligations of organs of state (Ascertaining citizenship of foreign nationals)	Section 44:	Chief People & Culture Officer	Director General: Home Affairs
30.	Marketing of Agricultural Products	111. Records and returns	S18	Chief Executive Officer (CEO)	Director General : Department of Agriculture
31.	National Environmental Management	112. Consequences of unlawful conduct of listed activity resulting in atmospheric emission	Section 22A	EM Agricultural Economic Advisory	Minister of Environmental Affairs or MEC, as the case may be

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No	Legislation	Reporting Requirement	Reference	Responsibility / Risk Owner	Regulatory Body
32.	Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017	113. Remedies : Submitted false information regarding its B-BBEE status level of contributor	Regulation 14:	Chief Financial officer (CFO)	National Treasury