

MANUAL CONTEMPLATED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, No 2 OF 2000.

1. INTRODUCTION

1.1. General

The Promotion of Access to Information Act, 2 of 2000 (“the Act”) was enacted on the 3rd of February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

Where a request is made to a body in terms of this Act, such body is obliged to release the information, **except where the Act expressly provides that the record/s containing such information may or must not be released.** The Act contains requisite procedural issues attached to such request.

1.2. Purpose of the Manual

This manual is intended to foster and proclaim Nedbank’s commitment to fostering a culture of transparency and accountability within the organisation as a whole, by giving effect to the right to access information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote the effective governance of all private institutions Nedbank recognize the fundamental requirement that all the people of South Africa be empowered and educated to understand their rights in terms of this Act in order for them to exercise their rights in relation to all institutions, whether those institutions are of a private or public nature.

In following the example set out in terms of Section 36 of the Constitutions of South Africa (Act 108 of 1996), Section 9 of the Act recognizes that such right to access information cannot be unlimited and should be subject to justifiable limitations.

2. DEFINITIONS

“Client” refers to any natural or juristic entity that receives services from Nedbank, and *“customer”* has a similar meaning;

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

“Information and Officer” means a person or persons acting on behalf of Nedbank which is responsible for discharging the duties and responsibilities assigned to the “head” of Nedbank as prescribed in terms of this Act, and includes a Deputy Information Officer.

- “Nedbank”* Refers to all and/or any of the companies that forms part of the Nedbank.
- “Organisation”* refers to the Nedbank has a corresponding meaning.
- “Other Requester”* means any requester other than a personal requester.
- “Personal Requester”* means a requester who is seeking to access a record containing personal information about that requester.
- “Requester”* means any person making a request for access to a record that is under the control of Nedbank.
- “Third Party”* means any natural or juristic person other than the requester or such party acting on behalf of the requester, or Nedbank itself.

PART 1

3. CONTACT DETAILS:

3.1 Information Officer: MR. WILLEM KRUGER

Postal address: P O Box 1144
Johannesburg
2000.

Physical address: 135 Rivonia Road
Sandown
Johannesburg.

Telephone No.: (011) 294 - 2173

Fax No.: (011) 295 - 2173

E-mail: JanetS@Nedbank.co.za

3.2. Deputy Information Officer: Dr. FRANCOIS VILJOEN

Postal address: P O Box 1144
Johannesburg
2000.

Physical address: 135 Rivonia Road
Sandown
Johannesburg.

Telephone No.: (011) 294 - 2173

Fax No.: (011) 295 - 2173

E-mail: JanetS@Nedcor.co.za

3.3. General Information:

3.3.1. Name of Private Body: Nedbank Limited

3.4. Postal address: P O Box 1144
Johannesburg
2000

3.4.1. Physical address: 135 Rivonia Road
Sandown

Johannesburg.

3.4.2. Tel No.: (011) 294 – 2173

3.4.3. Fax No.: (011) 295 – 2173

3.4.4. E-mail: JanetS@nedcor.co.za

3.4.5. Website: <http://www.Nedbank.co.za>

PART II

4. GUIDANCE FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

As at date hereof, the South African Human Rights Commission has not yet compiled a Guide contemplated in Section 10 of the Act.

The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this Guide must be directed to:

The South African HUMAN RIGHTS COMMISSION,

**at PAIA Unit (THE RESEARCH AND DOCUMENTATION
DEPARTMENT),**

Private Bag X2700, Houghton, 2041;

Telephone Number: (011) 484-8300;

Facsimile Number:(011) 484-1360;

Website: www.sahrc.org.za

E-mail address: paia@sahrc.org.za

PART III

5. NOTIFICATION BY THE MINISTER OF JUSTICE IN TERMS OF SECTION 52

5.1. The Minister of Justice is entitled to publish a list of records submitted

by Nedbank to which the public may have access without the necessity of formally applying for access to such records.

5.2. The list of records that are freely and voluntarily available and which

need not be requested in terms of this Act will be submitted on a periodic basis to the Minister of Justice.

- 5.3. The list of records that Nedbank holds and which will be freely available to the public are contained in an appendix to this manual titled "***APPENDIX 1***".

PART IV

6. RECORDS

This clause is aimed at serving as a reference to the records that Nedbank holds in order to facilitate a request in terms of the Act.

All information held by Nedbank is classified and grouped according to records relating to the following subjects and categories:

6.1. PERSONNEL RECORDS:

6.1.1. Personal records provided by employees of Nedbank;

6.1.2. Records provided by individuals other than employees;

6.1.3. Conditions of employment and other employee-related contractual and *quasi*-legal records;

6.1.4. Internal evaluation records and other internal records;

6.1.5. Correspondence relating to personnel;

6.1.6. Training schedules and material.

6.2. CUSTOMER/CLIENT RELATED RECORDS:

6.2.1. Records provided by a customer/client to Nedbank;

6.2.2. Records provided by a customer to a third party acting for or on behalf of Nedbank;

6.2.3. Records provided by third parties to Nedbank;

6.2.4. Records generated by or within Nedbank relating to its customers/clients, including transactional records.

6.3. RECORDS RELATING TO NEDBANK:

6.3.1. Financial records;

6.3.2. Operational records;

6.3.3. Databases;

- 6.3.4. Information Technology;
- 6.3.5. Marketing records;
- 6.3.6. Internal correspondence;
- 6.3.7. Product related records;
- 6.3.8. Statistical records;
- 6.3.9. Product records;
- 6.3.10. Statutory records;
- 6.3.11. Internal Policies and Procedures;
- 6.3.12. Treasury-related records;
- 6.3.13. Securities & Equities; and
- 6.3.14. Records held by Officials of Nedbank.

6.4. OTHER RECORDS:

- 6.4.1. Employee-, Customer/Client- and records relating to Nedbank itself, which are held by another party; as opposed to being held by Nedbank itself;
- 6.4.2. Records held by the institution pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by

other parties, and records that third parties have provided which relate to contractors and suppliers.

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

PART V

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds upon which Nedbank could refuse access to records relate to:

7.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.

7.2. Mandatory protection of the commercial information of a third party, where the requested record/s contain:

7.2.1. Trade secrets of that third party;

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

7.2.3. Information disclosed in confidence by a third party to the institution, if the disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition.

7.3. Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.

(The Nedbank's core function is that of delivering banking services to its clients. Consequently, all client-related information will as a general rule fall within the ambit of the Banker's common law duty to keep all such information confidential as implied within the Banker-Client contractual relationship)

7.4. Mandatory protection of the safety of individuals and the protection of property;

7.5. Mandatory protection of records which would be regarded as privileged in legal proceedings;

7.6. The commercial activities of Nedbank, which may include, without limitation:

7.6.1. Trade secrets;

7.6.2. Financial, commercial, scientific or technical information; the disclosure of which could likely harm the financial or commercial interests of Nedbank;

7.6.3. Information which, if disclosed could put Nedbank at a disadvantage in negotiations or commercial competition;

7.6.4. Computer programs and related Information Technology software which is owned by Nedbank and which is protected by copyright.

7.7. Research information compiled by Nedbank or a third party, if its disclosure would place the research at a serious disadvantage.

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

8. REMEDIES AVAILABLE TO A REQUESTER UOPN REFUSAL OF ACCESS

8.1. Internal remedies:

Nedbank does not have any internal appeal procedures that may be followed after a request to access information has been refused. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the information officer.

8.2. External remedies:

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to an competent Court for relief.

Likewise, a third party that is dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a competent Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

9. REQUEST PROCEDURE

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

9.2. The requester must complete the prescribed form enclosed herewith in **APPENDIX2**, and submit same as well as payment of a request fee (if applicable) and a deposit, where a request is made for access to information relating to a third party, to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraphs 4.1 and 4.2 above.

9.3. The prescribed form must be completed with enough particularity to at least enable the Information Officer to identify the following:

- 9.3.1. The record or records required by the requester;
- 9.3.2. The identity of the requester and such person acting on behalf of the requester where applicable;
- 9.3.3. What form of access is required, if the request is granted;
- 9.3.4. The telephone number, postal address or fax number of the requester (within the Republic of South Africa);

9.4. The requester must state that the information is required in order to exercise or protect a right, and clearly indicate what the nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such right.

9.5. The institution will process the request within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is necessitated.

9.6. Where an extension of the 30-day time limit is required, the requester shall
be notified, together with reasons explaining why such extension is necessitated.

9.7. The requester shall be informed whether access will be granted or whether
it is refused. If, in addition, the requester requires reasons to be provided for the decision, this requirement must be stated by the

requester with reference to the manner in which and the particulars so required.

9.8.If a request is made on behalf of another person, then the requester must

submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer.

9.9.If an individual is unable to complete the prescribed form (see *APPENDIX 2*) because of illiteracy or disability, such a person may make the request orally.

9.10. Where applicable the requester must pay the prescribed fee/s before any further processing can take place (see paragraph 12 below).

10. ACCESS TO RECORDS HELD BY NEDBANK

Records that are in the possession of Nedbank may only be accessed by a requester once the prerequisite requirements for access have been met.

10.1 Personal requester

Nedbank will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information will be charged.

10.2 Other requester

This requester is entitled to request access to information held on any third party or parties. However, Nedbank is not obliged to voluntarily grant access to such records. The requester must fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

11. FEES

11.1. The Act provides for two types of fees that might be payable, namely:

11.1.1. A **request fee** which will be a standard fee prescribed by Regulation published in the Government Gazette; and

11.1.2. An **access fee**, which must be calculated by taking the following factors into consideration: reproduction costs, search and preparation time and cost and postal costs.

11.2. When the request is received by the Information Officer, such Officer shall by notice require the requester (other than a personal

requester) to pay the prescribed request fee (if applicable), before further processing the request.

11.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make the records available in the requested form, requires more than the hours prescribed by Regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

11.4. The Information Officer shall withhold a record until a requester has paid the fees as indicated in **APPENDIX 3**.

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

11.6. Where a deposit has been paid in respect of a request for access, which is subsequently refused, then the information officer concerned shall refund the deposit to the requester.

12. **DECISION**

12.1. The Information Officer (or person(s) properly authorised to fulfill such function in the absence of the Information Officer or Deputy

Information Officer) will, within 30 days after receipt of the request, decide whether to grant or decline the request and give notice with reasons (if so required by the requester) to that effect.

12.2. The 30 day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office of Nedbank and the information cannot reasonably be obtained within the original 30 day period.

12.3. Unless otherwise required by the requester, Nedbank will notify the requester in writing should an extension be necessitated.

13. LIST OF APPLICABLE LEGISLATION

A table of legislation setting out a description of the records of the institution which are available in accordance with other legislation, is annexed hereto marked "**APPENDIX 4**".

14. AVAILABILITY OF THIS MANUAL

14.1. This Manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

14.2. This Manual is also available on the website of Nedbank, being: www.Nedbank.com

14.3. The Manual is further available at the South African Human Rights Commission and shall be published in English in the Government Gazette.

14.4. Copies of this Manual can also be obtained from the Information Officer.

RECORDS THAT ARE FREELY ACCESSIBLE

- **Annual reports**
- **Annual Financial Statements**
- **Investor Information**
- **Weekly financial market updates**
- **Monthly economic data**
- **Economic research**
- **Organisational structures**
- **Statutory Information**
- **Social responsibility reports & projects**
- **Marketing Material**
- **Product information**

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF NEDBANK

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation4)

A. Particulars of Nedbank

.....
.....
.....
.....

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

(a) The particulars of the person who requests access to the records must be provided in the space provided below

(b) Furnish an address and/or fax number within the Republic of South Africa to which information must be sent.

(c) Proof of the capacity in which a person is making the request must be attached, if applicable.

Full Name and

Surname:

Identity Number:

Postal Address:

Postal Code: _____

Telephone Number:

Fax 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 only be completed if a request for information is made on behalf of another person.

3. Any further particulars of the record/s required:

E. Fees

- (a) A request for access to a record, other than a record containing personal information about the requester will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount of the request fee.
- (c) The fee payable for access to a record depends on the form in which the access is required and the reasonable time spent to obtain the required information.
- (d) If you qualify for exemption of the payment of any fee, please state the reason therefor.

Reason for exemption of payment of the fee/s:

F. Form of Access required

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 hereunder, state your disability and indicate in which form the record is required.

Disability: _____ _____ _____ _____	Form in which record is required: _____ _____ _____ _____
--	--

Mark the appropriate box below with an "X"

Note:

(a) Your indication as to the required form of access depends 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 required.

1. If the record is in writing or printed form:

	Copy of record		Inspection of record
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2. If the record consists 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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3. If the record consist of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack (audio cassette)		Transcription of the soundtrack (written or printed document)
--	--	--	--

4. If the record is held on computer or in an electronic or machine-readable form:

	Printed copy of record		Printed copy of information derived from the record		Copy in computer readable form (stiffy or compact disk)
--	------------------------	--	---	--	---

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable</p>	YES	NO

G. Particulars of right to be exercised or protected:

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

Indicate which right is to be exercised or protected:

Explain why the requested record(s) is required for the exercising or protection of the aforementioned right(s):

H. Notice of decision regarding request for access:

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

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

Signed at _____ on this the ____ day of _____ 200__

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF
REQUEST IS MADE

APPENDIX – 3

REPRODUCTION FEES

Where requested documents appear in the Appendix 1 (i.e. the institution has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto) the only charge that will be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

R

✍ For every photocopy of an A4-size page or part thereof
1,10

✍ For every printed copy of an A4-size page or part thereof held

✍ on a computer or in electronic or machine readable form

0,75

✍ For a copy in a computer-readable form on:

✍ - Stiffy disc

7,50

✍ - Compact disc

70,00

✍ A transcription of visual images, for an A4-size page or part

✍ thereof

40,00

✍ For a copy of visual images

60,00

✍ A transcription of an audio record, for an A4-size page or

✍ part thereof

20,00

✍ For a copy of an audio record

30,00

Request fee:

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself/itself. A request fee in the amount of R 50,00 is payable up-front before the institution will further process the request received.

Access fee:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

THE APPLICABLE **ACCESS FEES** WHICH WILL BE PAYABLE ARE:

R

- ✍ For every photocopy of an A4-size page or part thereof
1,10

- ✍ For every printed copy of an A4-size page or part thereof held
✍ on a computer or in electronic or machine readable form
0,75

- ✍ For a copy in a computer-readable form on:
 - ✍ - Stiffy disc 7,50
 - ✍ - Compact disc 70,00

- ✍ A transcription of visual images, for an A4-size page or part
✍ thereof
40,00

- ✍ For a copy of visual images
60,00

- ✍ A transcription of an audio record, for an A4-size page or
✍ part thereof 20,00
- ✍ For a copy of an audio record
30,00

- ✍ To search for a record that must be disclosed (per hour
✍ or part thereof reasonably required for such search)
30,00 p/h

- ✍ Where a copy of a record needs to be posted, the actual postal
✍ fee will be payable.

Deposits:

Where the institution receives a request for access to information held on a person other than the requester himself/herself/itself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

APPENDIX – 4**TABLE OF LEGISLATION**

A table of legislation setting out a description of the records of the Group which are available in accordance with other legislation is available from the information officer upon request. Alternatively this

table, which is marked as Appendix 4, can be obtained from the Nedbank website at www.Nedbank.co.za