

PAIA Manual

Tyme Bank Limited ('Tyme')

Published in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

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1. Introduction

Tyme Bank Limited ('Tyme Bank') is committed to the observance of and compliance with the directives of the Constitution and national legislation like the Promotion of Access to Information Act, 2 of 2000 ('PAIA'). It endorses the key principles of good governance, transparency and accountability.

PAIA was enacted on 3 February 2000, giving effect to the constitutional right of access of any information held by the State and any information that is held by another person that is required for the exercise of rights. Where a request is made in terms of PAIA, the body to whom the request is made is obliged to release information, except where the Act expressly provides that the information may not be released.

In the pursuit of its objectives, Tyme Bank encourages the sharing of information with requesters and members of the public as optimally as is possible.

The information in this manual provides the process by which a person can request information, the categories of information/records available and the fees charged, if any for providing the information. This manual will always be available on Tyme Bank's website, www.tybank.co.za.

2. South African Human Rights Commission

The South African Human Rights Commission ("SAHRC") is mandated under PAIA to promote the right of access to information, monitor the implementation of PAIA, make recommendations to strengthen PAIA and to report annually to Parliament.

The SAHRC has compiled a guide that contains information which would be reasonably required of any person wishing to exercise any rights set out in the Act. The guide is available in all of the official languages and can be viewed at www.sahrc.org.za.

3. Company Details

Name:	Tyme Bank Limited trading as TymeBank
Status:	Public Company
Physical Address:	30 Jellicoe Avenue, Rosebank, 2196, Johannesburg
Postal Address:	PostNet Suite 168, Private Bag X31, Saxonwold, 2192
Phone number:	087 286 8833
CEO:	Sandile Shabalala

4. Functions of the Company

The main business and main object of Tyme Bank is that of a registered bank that provides a range of banking and financial services.

5. Key Contact Details for Access to Information Queries

All requests for access to records in terms of PAIA must be in writing and must be addressed to the Information Officer.

Sandile Shabalala
Chief Executive Officer
Tyme Bank Limited
30 Jellicoe Avenue
Rosebank
2196
Email: compliance@tybank.co.za

6. Records Held / Generated by the Company

6.1. Applicable Legislation:

Tyme Bank is required by legislation to hold certain records and a list of the applicable legislation follows:

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communication Act 36 of 2005
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Amendment Act 38 of 2017
- Financial Sector Regulation Act 89 of 1991
- Identification Act 68 of 1997
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Payment Systems Act 78 of 1998
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Pension Funds Act 11 of 2007
- Skills Development Act 97 of 1998
- Skills Development Levies Act
- South African Reserve Bank Act 90 of 1989
- Tax Administration Act 28 of 2011
- The Constitution of the Republic of South Africa, 1996
- The Human Rights Act 54 of 1994
- Unemployment Insurance Act 63 of 2001
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

*Please note that this is not an exhaustive list.

6.2. Categories of Records:

The categories of records generated by Tyme Bank are classified and grouped as follows:

	Category	Document Type
1	Personnel Records	Personal records provided by personnel
		Records relating to personnel, provided by a third party
		Conditions of employment and other personnel-related contractual and quasi-legal documents
		Internal evaluation records and other internal records
		Correspondence relating to personnel

2	Customer-Related Records	Records provided by a client to a third party acting for or on behalf of Tyme Bank
		Records provided by a third party
		Records generated by or within Tyme Bank and pertaining to its clients (including transaction records)
3	Company Records	Agreements and contracts
		Databases
		Financial records
		Fixed, movable, and intellectual property
		Information technology
		Insurance
		Internal correspondence
		Internal policies and procedures
		Marketing records
		Operational records
		Product records
		Records held by officers of Tyme Bank
		Statutory records
Taxation		
Treasury-related records		
4	Other Party Records	Personnel, client, or Tyme Bank records that are held by another party, as opposed to the records held by Tyme Bank
		Records held by Tyme Bank which pertain to other parties, including, without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers

**The records listed in the categories above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds set out in item 6.3 below.*

6.3. Categories of records automatically available

PAIA requires institutions to list those records which are automatically available. Such automatically available records usually do not have information which can reasonably be said to be of a sensitive nature. Most records which fall into this category of information are available from Tyme Bank at its Head Office or on Tyme Bank's website (www.tyembank.co.za) and do not require a formal process to access same.

Records Automatically Available from Tyme Bank:

- Newsletters
- Booklets
- Pamphlets/Brochures
- Annual reports
- Circulars to Shareholders
- Other literature intended for public viewing

6.4. Grounds for refusal of access to records

Tyme Bank may refuse a request for information that relates to the:

- 6.4.1. 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;
- 6.4.2. mandatory protection of the commercial information of a third party, if the record contains:
 - 6.4.2.1. trade secrets of Tyme Bank;
 - 6.4.2.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Tyme Bank;
 - 6.4.2.3. information disclosed in confidence by a third party to Tyme Bank, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 6.4.3. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 6.4.4. mandatory protection of the safety of individuals and the protection of property;
- 6.4.5. mandatory protection of records that would be regarded as privileged in legal proceedings;
- 6.4.6. the commercial activities of Tyme Bank, which may include:
 - 6.4.6.1. trade secrets;
 - 6.4.6.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Tyme Bank;
 - 6.4.6.3. information, which, if disclosed, could put Tyme Bank at a disadvantage in negotiations or commercial competition;
 - 6.4.6.4. a computer programme/software which is owned by Tyme Bank, and which is protected by copyright.
- 6.4.7. The research information of Tyme Bank or a third party, if its disclosure would disclose the identity of Tyme Bank, the researcher or the subject matter of the research, and would place the research at a serious disadvantage.
- 6.4.8. Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources shall be refused.

7. Request Procedure

7.1. Voluntary access

Information that is automatically available can be obtained from Tyme Bank's website. In certain instances, a reproduction fee may be charged. Transcription and copying of records in other media will also attract reproduction fees. The manner of access to these documents is not limited to inspection and perusal.

7.2. Formal Requests

- 7.2.1. The requester must comply with all procedural requirements as set out in PAIA relating to the request for access to any of the above-mentioned categories of information.
- 7.2.2. The requester must complete the prescribed Form C, enclosed herewith, and submit same as well as the payment of the request fee to the Information Officer at Tyme Bank's physical address or by way of electronic mail.
- 7.2.3. The prescribed form must be filled in with enough detail to at least enable the Information Officer to identify:
 - The record/s requested;
 - Identity of the requester;
 - Which form or manner of access is required; and
 - The postal or e-mail address of the requester.
- 7.2.4. The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

- 7.2.5. Subject to the provisions in PAIA, a 30 (thirty) day time frame is permitted for a response to the request. The requester may submit special reasons to the Information Officer that dictate why the time periods as set out above should be shortened.
- 7.2.6. These 30 (thirty) days may further be extended to for a further period of not more than 30 (thirty) working days if the request is for a large number of information, or the request requires a search for information held at another office of Tyme Bank and the information cannot reasonably be obtained within the initial 30-day period. Tyme Bank will notify the requester in writing should the extension be necessary.
- 7.2.7. The requester shall be informed in writing whether access has been granted or denied within 30 days of receipt of the request. If the request is denied, the notice to the requester must state the reasons for refusal which must be supported by the relevant provisions of PAIA. If the documents cannot be located, the Information Officer will submit an affidavit to the requester giving notice that the records in question do not exist or cannot be found.
- 7.2.8. Requesters will be assisted in completing the form if they are unable to do so because of illiteracy or disability – such a person may also make the request verbally.
- 7.2.9. If a person is making a request on behalf of another, then they must submit proof that they have been requested and duly authorised to do so.

8. Remedies for Non-Compliance with the Provisions of the Act

- 8.1. Tyme Bank does not have an internal appeal procedure and as such, the decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer provided by the Information Officer.
- 8.2. Requesters or third parties have the right to approach a court, within 30 days of being informed of the decision, for relief where they are dissatisfied with the imposition of fees, the time frames within which they received a response from Tyme Bank, or with a decision by the Information Officer to refuse access in part or fully.

9. Request Fees and Payment Method

- 9.1. PAIA prescribed fees (request and access fees) must be paid by a requester when applying for access to information. The fee schedule as per the regulations to PAIA is listed below under 13.1. 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 any), before further processing the request.
- 9.2. The Information Officer shall withhold a record until the requester has paid the prescribed fees.
- 9.3. Fee impositions are required in terms of the regulations to PAIA and the fee schedule is listed under 13.1. Fees are paid at the inception of a request and thereafter, fees are incurred for search processes and reproduction costs. Certain categories of persons are exempt from paying fees. These categories include those who qualify on the basis of their annual income and those who are requesting personal information. The regulation relating to the exemption from fees is attached to this manual.
- 9.4. Persons who are requesting personal information about themselves or their minor children do not have to pay a request fee. All other persons have to pay the request fee of R35, 00 as provided for in PAIA.
- 9.5. If a request is granted, then a further access or search fee is required. This fee is calculated in terms of the rates fixed in the fees schedule attached hereto. Fees are charged for time spent searching for the record and preparing and/or reproducing the record/s.

10. Availability of this PAIA Manual

- 10.1. The PAIA Manual is available in English and will be available at Tyme Bank offices during office hours and on the website of Tyme Bank.

11. Missing Records

- 11.1. Requestors have the right to receive a response on affidavit for records which cannot reasonably be located, but to which a requestor would have had access had the record been available.

12. Disposal of Records

- 12.1. Requesters will be advised whether a particular requested record has been disposed of.

13. General Note

- 13.1. Tyme Bank reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where Tyme Bank no longer has possession of such record, and to create new categories of records where this is necessary. This manual will be updated to reflect changes in categories of records accordingly.

Schedule of Fees	
Description	Fee
The fee for a copy of the manual contemplated in regulation 5(c) is R0,60 for every copy of an A4-sized page or part thereof.	R0,60
Reproduction Fees (Regulation 7(1))	
For every photocopy of an A4-sized page or part thereof	R1,10
For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form	R0,75
For a copy in a computer-readable form on a CD	R70,00
For a transcription of visual images:	
(i) for an A4-sized page or part thereof	R40,00
(ii) copy of visual images	R60,00
(iii) transcription of an audio recording, per A4-sized page or part thereof	R20,00
(iv) copy of an audio recording	R30,00
Request fee payable by a requester, other than a personal requester	R35,00
Fee to search and prepare a record for disclosure, charged per hour or part thereof (first hour is free)	
*If the Information Officer is of the opinion that the collections and reproduction of the documents will take longer than 6 hours, the Information Officer will inform the requester that one third of the access fee is payable as a deposit by the requester.	R30,00
The actual postage is payable when a copy of a record must be posted to a requester.	

Request for Access to Record of Private Body

In terms of section 53(1) of the Promotion of Access to Information Act 2 of 2000

Regulation 10

A. Particulars of private body

Chief Executive Officer
Tyme Bank Limited
30 Jellicoe Avenue
Rosebank
2196
Johannesburg

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

Mobile number: _____ E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
(b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. Fees

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

Reason for exemption from payment of fees: _____

F. Form of access to record

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

Disability: _____

Form in which record is required: _____

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.
- Mark the appropriate box below with an 'x'.

1. If the record is in written or printed form:
 - copy of record*
 - inspection of record
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*
3. If record consists of recorded words or information which can be reproduced in sound:
 - listen to the soundtrack (audio cassette)
 - transcription of soundtrack (written or printed document)*
4. If record is held on computer or in an electronic or machine-readable form:
 - printed copy of record*
 - printed copy of information derived from the record*
 - copy in computer readable form (stiffy or compact disc)*

**If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.*

YES

NO

G. 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:

H. Notice of decision regarding request for access

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

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

Signed at _____ this ____ day of _____ 20 ____.

Signature of requester (or person on whose behalf request is made)