



IMPERIAL BANK

INFORMATION MANUAL

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

Compiled by	Compliance	Date	31 August 2005
Noted by	Johan Breedt	Date	October 2005
Recommended by	ORCO	Date	12 October 2005
Approved by	Board	Date	1 November 2005

Table of Contents

1. Introduction.....	3
2. Purpose of the Manual	3
3. Definitions.....	4
Part I.....	5
4. Imperial Bank Structure.....	5
5. Contact Details.....	6
Part II	8
6. Guidance from the South African Human Rights Commission.....	8
Part III.....	9
7. Notification by the Minister of Justice in terms of Section 52	9
Part IV.....	10
8. Records	10
Part V.....	12
9. Grounds of refusal of access to records	12
10. Remedies available to a Requester upon Refusal of Access.....	14
11. Request Procedure	15
12. Access to Records held by Imperial Bank Ltd.....	16
13. Fees	17
14. Decision	18
15. Availability of this Manual	18
APPENDIX - 1	19
Records that are freely accessible.....	19
APPENDIX - 2	20
Prescribed form to be completed by a requester.....	20
APPENDIX - 3	25
Reproduction Fees	25
Request Fee.....	25
Access Fees.....	26
Deposits.....	26
APPENDIX - 4	27
Table of legislation	27

1. Introduction

General

The Promotion of Access to Information Act, No 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.

2. Purpose of the Manual

This manual is intended to foster and proclaim Imperial Bank Ltd’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 Imperial Bank Ltd recognizes 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 Chapter II of the Constitution 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.

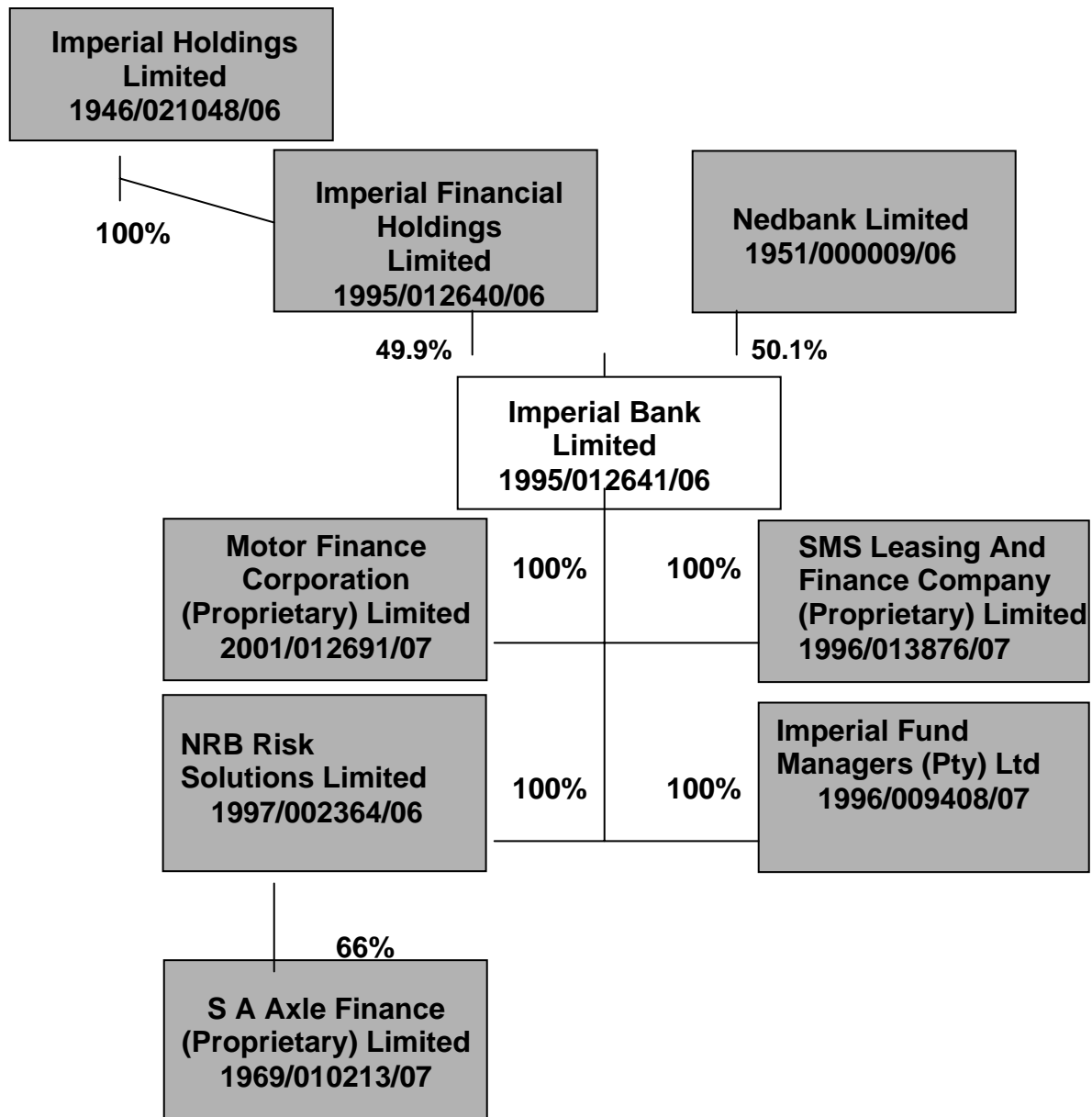
3. Definitions

Word	Definition
Client	refers to any natural or juristic entity that receives services from Imperial Bank Ltd, and “ <i>customer</i> ” 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 officer	means a person or persons acting on behalf of Imperial Bank Ltd and which is responsible for discharging the duties and responsibilities assigned to the “head” of Imperial Bank Ltd as prescribed in terms of this Act, and includes a Deputy Information Officer.
Imperial Bank Ltd	<i>Refers to all and/or any of the companies that forms part of the Imperial Bank Ltd Group of companies.</i>
Organisation	<i>refers to the Imperial Bank Ltd Group of Companies and Imperial Bank Ltd has a corresponding meaning.</i>
Other Requester	<i>means any requester other than a personal requester.</i>
Personal Requester	<i>means a requester who is seeking to access a record containing personal information about that requester.</i>
Requester	means any person making a request for access to a record that is under the control of Imperial Bank Ltd.
Third Party	means any natural or juristic person other than the requester or such party acting on behalf of the requester, or Imperial Bank Ltd itself.

Part I

4. Imperial Bank Structure

The structure of Imperial Bank Limited including its subsidiaries being Imperial Fund Managers (Pty) Ltd, SMS Leasing and Finance Company (Pty) Ltd, The Motor Finance Corporation (Pty) Ltd and NRB Risk Solution Ltd, respectively.



5. Contact Details

**Information
Officer:**

Mr. Pavel Hassim

Postal address: P O Box 6093
Rivonia
2128

Physical address: 24 Achter Road
Paulshof
2056

Telephone No.: (011) 275 - 3220

Facsimile No.: (011) 275 - 3970

E-mail: phassim@imperialbank.co.za

**Deputy
Information
Officer:**

Ms Natasha Maharaj

Postal address: P O Box 6093
Rivonia
2128

Physical address:
24 Achter Road
Paulshof
2056

Telephone No.: (011) 275-3221

Facsimile No.: (011) 275-3971

E-mail: nmaharaj@imperialbank.co.za

Continued on next page

5. Contact Details, Continued

General Information:	Name of Private Body:	Imperial Bank Ltd
	Postal address:	P O Box 6093 Rivonia 2128
	Physical address:	24 Achter Road Paulshof 2056
	Tel No.:	(011) 275 – 3000
	Fax No.:	011) 275 - 4488
	Website:	http://www.imperialbank.co.za/

Part II

6. Guidance from the South African Human Rights Commission

Introduction 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:

Contact details **The South African HUMAN RIGHTS COMMISSION,**
at PAIA Unit (THE RESEARCH AND DOCUMENTATION
DEPARTMENT),

Postal address: Private Bag X2700
Houghton
2041

Telephone Number: (011) 484 - 8300

Facsimile Number: (011) 484 - 1360

Website: <http://www.sahrc.org.za>

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

Part III

7. Notification by the Minister of Justice in terms of Section 52

The Minister of Justice is entitled to publish a list of records submitted by Imperial Bank Ltd to which the public may have access without the necessity of formally applying for access to such records.

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.

The list of records that Imperial Bank Ltd holds and which will be freely available to the public are contained in an appendix to this manual titled "**Appendix 1**".

Note:

The notice regarding the list of documents, that are freely available, has not been published as yet.

Part IV

8. Records

Introduction

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

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

Personnel Records:

8.1.

- Personal records provided by employees of Imperial Bank Ltd;
- Records provided by individuals other than employees;
- Conditions of employment and other employee-related contractual and *quasi*-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Training schedules and material.

Customer / Client Related Records:

8.2.

- Records provided by a customer/client to Imperial Bank Ltd;
- Records provided by a customer to a third party acting for or on behalf of Imperial Bank Ltd;
- Records provided by third parties to Imperial Bank Ltd;
- Records generated by or within Imperial Bank Ltd relating to its customers/clients, including transactional records.

Continued on next page

8. Records, Continued

Records relating to Imperial Bank Ltd
8.3

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Product related records;
- Statistical records;
- Product records;
- Statutory records;
- Internal Policies and Procedures;
- Treasury-related records;
- Securities & Equities; and
- Records held by Officials of Imperial Bank Ltd.

Other records: Employee-, Customer/Client- and records relating to Imperial Bank Ltd itself, which are held by another party; as opposed to being held by Imperial Bank Ltd itself;

8.4

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.

Imperial Bank Ltd 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 Imperial Bank Ltd.

Part V

9. Grounds of refusal of access to records

The main grounds for refusal
Relate to:
9.1

- Mandatory protection of the privacy of a third party that is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, where the requested record/s contain:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information; the disclosure of which could likely cause harm to the financial or commercial interests of that third party;
 - 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.
- Mandatory protection of confidential information of third parties, if it is protected in terms of any agreement.

(Imperial Bank's core function is that of delivering asset-financing facilities 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)

- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;

Continued on next page

9. Grounds of refusal of access to records, Continued

The main grounds for refusal
Relate to:
9.1
(continued)

- The commercial activities of Imperial Bank Ltd, which may include, without limitation:
 - Trade secrets;
 - Financial, commercial, scientific or technical information; the disclosure of which could likely harm the financial or commercial interests of Imperial Bank Ltd;
 - Information which, if disclosed could put Imperial Bank Ltd at a disadvantage in negotiations or commercial competition;
 - Computer programs and related Information Technology software which Imperial Bank Ltd owns and which is protected by copyright.
 - Research information of Imperial Bank Ltd or a third party, if its disclosure would place the research at a serious disadvantage.
 - Requests for access to records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
-

10. Remedies available to a Requester upon Refusal of Access

Internal remedies:
10.1

Imperial Bank Ltd 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.

External remedies:
10.2

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 a 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.

11. Request Procedure

The requester must:
11.1

- comply with all the procedural requirements contained in the Act relating to the request for access to a record;
- complete the prescribed form (**Appendix 2**), and:
 - submit completed form with the required payment for the request (if applicable), where a request is made for access to information relating to a third party;
 - send for the attention of the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address, as stated in paragraph 5.
 - If an individual is unable to complete the prescribed form (**Appendix 2**) because of illiteracy or disability, such a person may make the request orally.
- ensure that the prescribed form is completed with enough particularity to at least enable the Information Officer to identify the following:
 - The record or records required;
 - The identity of the requester and such person acting on behalf of the requester, where applicable;
 - What form of access is required, should the request be granted;
 - The telephone number, postal address or fax number of the requester (within the Republic of South Africa);
- submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer, if a request is made on behalf of another person.
- pay, where applicable, the prescribed fee/s before any further processing can take place (see paragraph 13 below).
- ***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.***

Continued on next page

11. Request Procedure, Continued

The institution will:
11.2

- 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.
 - where an extension of the 30-day time limit is required, notify the requester, together with reasons explaining why such extension is necessitated.
 - inform the requester whether access will be granted or whether it is refused. If, in addition, the requester requires reasons to be provided for the decision, the requester with reference to the manner in which must state this requirement, and the particulars so required.
-

12. Access to Records held by Imperial Bank Ltd

A requester may only access records in possession of Imperial Bank Ltd, once the prerequisite requirements of access have been met.

Personal requester
12.1

- Imperial Bank Ltd 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.

Other requester
12.2

- This requester is entitled to request access to information held on any third party or parties. However, Imperial Bank Ltd 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.
-

13. Fees

The Act makes provision for two types of fees, that may be payable, namely:

- | | |
|----------------------------|---|
| Request Fee
13.1 | <ul style="list-style-type: none">• which will be a standard fee prescribed by Regulation published in the Government Gazette; and |
| Access Fee
13.2 | <ul style="list-style-type: none">• which must be calculated by taking the following factors into consideration: reproduction costs, search and preparation time, cost and postal costs |

The following conditions apply:

- | | |
|---------------------------|--|
| Conditions
13.3 | <ul style="list-style-type: none">• The Information Officer receiving such a request shall, by notice require the requester (other than a personal requester) to pay the prescribed request fee (if applicable), before further processing the request.• 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.• The Information Officer shall withhold a record until a requester has paid the fees as indicated in Appendix 3• 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.• 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. |
|---------------------------|--|

14. Decision

- 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
 - 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 Imperial Bank Ltd and the information cannot reasonably be obtained within the original 30 day period.
 - Unless otherwise required by the requester, Imperial Bank Ltd will notify the requester in writing should an extension be necessitated.
-

15. 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**".

15. Availability of this Manual

Availability of this manual:

- in terms of Regulation Number R. 187 of 15 February 2002.
 - on website www.imperialbank.co.za
 - at South African Human Rights Commission and shall be published in the Government Gazette.
-

Records that are freely accessible

- **Annual Reports**
- **Annual Financial Statements**
- **Investor Information**
- **Organisational structures**
- **Statutory Information**
- **Social Responsibility Reports & Projects**
- **Marketing Material**
- **Production Information**

Prescribed form to be completed by a requester

FORM B

REQUEST FOR ACCESS TO RECORDS OF

[Empty rectangular box for requester details]

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

(Regulation4)

A. Particulars of
.....
.....
.....

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

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) The address and/or fax number within the Republic of South Africa to which 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 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 ONLY if a request for information is made on behalf of another person.

Full names and

Surname: _____

Identity Number: _____

D. Particulars of Record

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

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

2. Reference number, if available:

3. Any further particulars of the 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 the 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.
- (e) 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) Compliance with your request in the specified form may depend on the form in which the record is available. 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 requested.

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

<input type="checkbox"/>	Copy of record	<input type="checkbox"/>	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 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)
--	---------------------------	--	---	--	--

	YES	NO
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postal fee is payable		

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

1. Indicate which right is to be exercised or protected:

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

H. Notice of decision regarding request for access:

You will be notified in writing whether your request has been approved/denied. If you wish to be informed 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

Note:

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

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.

Fee - (R value)	Description of service / reproduction
1,10	For every photocopy of an A4-size page or part thereof
0,75	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form
7,50	For a copy in a computer-readable form on Stiffy disc
70,00	For a copy in a computer-readable form on Compact disc
40,00	A transcription of visual images, for an A4-size page or part thereof
60,00	For a copy of visual images
20,00	A transcription of an audio record, for an A4-size page or part thereof
30,00	For a copy of an audio record

Request Fee

Fee - (R value)	Description of service.
50,00	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 is payable up-front before the institution will further process the request received.

Access Fees

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).

Fee - (R value)	Description of service.
1,10	For every photocopy of an A4-size page or part thereof
0,75	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form
7,50	For a copy in a computer-readable form on Stiffy disc
70,00	For a copy in a computer-readable form on Compact disc
40,00	A transcription of visual images, for an A4-size page or part thereof
60,00	For a copy of visual images
20,00	A transcription of an audio record, for an A4-size page or part thereof
30,00	For a copy of an audio record
30,00 p/h	To search for a record that must be disclosed (per hour or part thereof reasonably required for such search)
Actual Postal Fee	Where a copy of a record needs to be posted.

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.

APPENDIX - 4

Table of legislation

A table of legislation setting out a description of the records of the institution which are available in accordance with other legislation is available from the Information officer upon request, alternatively it can be found on the Imperial Bank website at www.imperialbank.co.za.