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VWFS Promotion of Access to Information Manual

Level	Group
Framework owner	Information Office
Approving Committee	Board Risk Committee
Date	24 March 2021
Noting Committee	Management Risk Committee
Date	15 March 2021

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Glossary of abbreviations and definitions

Term	Description
BIOMETRICS	Technology which is mainly used for identification and access control, or for identifying individuals who are under surveillance. The basic premise of biometric authentication is that every person can be accurately identified by his or her intrinsic physical measurements.
CIPC	Companies and Intellectual Property Commission
PAIA	The Promotion of Access to Information Act, No 2 of 2000
POPI/A	Protection of Personal Information Act, 4 of 2013
PI	Personal Information
SAHRC	South African Human Right Commission
SPI	Special Personal Information
VWFS SA	Volkswagen Financial Services South Africa (Pty) Ltd

1 Introduction

The Promotion of Access to Information Act, No 2 of 2000 and the Promotion of Information Amendment Act 54 of 2002 (“PAIA”) give effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. PAIA provides an outline of the types of records and the personal information held by VWFS SA and sets out the procedure to request access to personal information, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request. In addition, it explains how to access, or object to, personal information held by VWFS SA, or request correction of the personal information, in terms of Section 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPIA”).

2 Purpose

PAIA gives effect to the constitutional right of access to personal information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights.

PAIA and POPIA recognize that the right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution of South Africa and the Protection of Personal Information Act 4 of 2013 (“POPIA”).

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by PAIA and POPIA. The prescribed fees are provided under Annexure 1 and Annexure 2.

3 Availability of PAIA and POPI Guides

The South African Human Rights Commission (“SAHRC”) has compiled the guide contemplated in Section 10 of PAIA which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Copies of the PAIA and POPIA Acts, the POPIA Regulations and guides to the Acts, can be obtained from the SAHRC or the Information Regulator and queries directed to:

SAHRC	Information Regulator
South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 Houghton Johannesburg 2041	The Information Regulator (South Africa)
Braampark, Forum 3 33 Hoofd Street Braamfontein Johannesburg 2001	SALU Building 316 Thabo Sehume Street Pretoria 0001
Telephone number: (011) 877 3600 Fax number: (011) 484 7146/7 Website: www.sahrc.org.za E-mail: info @sahrc.org.za	Telephone number: (012) 406 4818 Fax number: (086) 500 3351 Website: www.justice.gov.za/inforeg E-mail: inforeg@justice.gov.za

4 RECORDS OF VWFS SA

VWFS SA takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy legislation under the POPIA. Accordingly, the relevant personal information privacy conditions and requirements relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and destruction) will be applied to any personal information processed by VWFS SA.

4.1 The purpose of processing personal information by VWFS SA

VWFS SA processes personal information for a variety of purposes, including but not limited to the following:

- to provide our customers with products, goods and services;
- to market our products, goods and services to you;
- to respond to customers/supplier's enquiries and complaints;
- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfill reporting requirements and information requests;
- to detect, prevent and report theft, fraud, money laundering and other crimes. This may

include the processing of special personal information, e.g. alleged criminal behavior, the supply of false, misleading or dishonest information when opening an account with us or avoiding liability by way of deception;

- to enforce and collect on any agreement when the customer is in default or breach of the agreement terms and conditions, e.g. tracing you or to institute legal proceedings against the customer;
- to conduct market and behavioral research, including scoring and analysis to determine if you qualify for products and services or to determine your credit or insurance risk;
- to develop, test and improve products and services for you;
- for historical, statistical and research purposes, e.g. market segmentation;
- to process payment instruments (e.g. a cheque) and payment instructions (e.g. a debit order);
- to conduct affordability assessments, credit assessments and credit scoring;
- to develop credit models and credit tools;
- to open, manage and maintain your accounts or relationship with us;
- to disclose and obtain personal information from credit bureau regarding your credit history;
- to enable us to deliver goods, documents or notices to you;
- for security, identity verification and to check the accuracy of your personal information;
- to communicate with you and carry out your instructions and requests;
- for customer satisfaction surveys, promotional and other competitions;
- to provide insurance and assurance policies and products and related services;
- to enable you to take part in and make use of value added products and services;
- to assess our lending and insurance risks;
- for any other related purposes and as an employee; and
- for recruitment and employment purposes.

4.2 Categories of data subjects and personal information processed by VWFS SA

Categories of data subjects and personal information processed by VWFS SA include the following:

Categories of Data Subjects	Personal Information processed
Shareholders	Shareholder personal information

Categories of Data Subjects	Personal Information processed
Customers, potential and previous customers	Customer personal/special information e.g. name, ID, race etc.
	Customer bank details e.g. account number and products etc.
	Customer biometric special information
	Customer vehicle registration (where applicable)
	Surveillance records
	Customer contracts
	Customer location information
	Customer third party information such as from credit bureau and CIPC.
Suppliers	Supplier personal information
	Supplier contracts
	Supplier bank details
	Biometric information of supplier representatives
	Surveillance information of supplier representatives
	Personal information of supplier representatives
Employees (previous and existing)	Employee personal information e.g. name, and ID, etc.
	Employee medical information
	Employee disability information
	Employee biometric information
	Employee Pension and Provident Fund Information
	Employee bank details
	Employee tax and financial information
	Employee contracts
	Employee beneficiary information
	Employee vehicle registration
	Employee performance records

Categories of Data Subjects	Personal Information processed
	Payroll records
	Electronic access records
	Physical access records
	Surveillance records
	Health and safety records
	Training records
	Background checks
	Criminal checks
	Employment history
Job applicants	Curriculum vitae and application forms
	Criminal checks
	Background checks
	Employee education and Psychometrics records
Family members of employees	Personal information e.g. name. ID etc.
	Medical and disability information (where applicable)
	Personal information acquired for processing travel documents
Children of employees	Childs personal information processed e.g. birth certificate. ID etc.
	Childs medical information and disability information (where applicable)
	Child's information acquired for processing travel documents
Visitors	Physical access records
	Surveillance records

4.3 Recipients or categories of recipients with whom personal information is shared

4.3.1 VWFS SA may share the personal information of our data subjects for any of the purposes outlined below, with the following:

- VWFS South Africa and in other countries or its holding companies; and
- our service providers, operators (suppliers and third parties) who perform services on our behalf.

4.3.2 VWFS SA does not share the personal information of our data subjects with any third parties, except if:

- we are obliged to provide such information for legal or regulatory purposes;
- we are required to do so for purposes of existing or future legal proceedings;
- we are selling one or more of our businesses or parts of our businesses to a third party to whom we may transfer our rights under any customer agreement we have with you;
- we are involved in the prevention of fraud, loss, bribery or corruption;
- the third party performs services and processes personal information on our behalf;
- this is required to provide or manage any information, products and/or services to data subjects; or
- needed to help us improve the quality of our products and services.

4.3.3 We will send our data subjects appropriate notifications or communications of our processing if we are obliged to do so by law, or in terms of our contractual relationship with them.

4.3.4 We will only disclose personal information to government authorities if we are required to do so by law.

4.3.5 Our employees and suppliers are required to adhere to legislation relating to privacy and confidentiality principles and to attend privacy training.

4.4 Information security measures to protect personal information

4.4.1 Reasonable technical and organizational measures have been implemented for the protection of personal information processed by VWFS SA and its operators (suppliers and third parties). In terms of the POPIA, operators (suppliers and third parties) are suppliers and third parties that process personal information on behalf of VWFS SA.

4.4.2 We continuously implement and monitor technical and organizational security measures to protect the personal information we hold, against unauthorized access, as well as accidental or willful manipulation, loss, damage, or destruction.

4.4.3 We will take steps to ensure that operators (suppliers and third parties) that process personal information on behalf of VWFS SA apply adequate safeguards as outlined above.

4.5 Trans-border flows of personal information

- 4.5.1 We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing. In doing so we will do so only in accordance with South African legislative requirements, or if the data subject consents to the transfer of their personal information to third parties in foreign countries.
- 4.5.2 We will take all reasonable steps to ensure that operators (suppliers and third parties) are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of POPIA.
- 4.5.3 We will take steps to ensure that operators (suppliers and third parties) that process personal information in jurisdictions outside of South Africa apply adequate safeguards as outlined above.

4.6 Personal information received from third parties

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual, the Customer Privacy Policy, and the applicable legislation, and do not have any objection to our processing their information in accordance with the Customer Privacy Policy.

5 GROUNDS FOR THE REFUSAL OF RECORDS

5.1 The main grounds for VWFS SA to refuse a request for information relates to the accountability/responsibility

- 5.1.1 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;
- 5.1.2 Mandatory protection of the commercial information of a third party, if the record contains:
- trade secrets of that third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or
 - information disclosed in confidence by a third party to VWFS SA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 5.1.3 Mandatory protection of confidential information of third parties if it is constituting a breach of the duty of confidence owed to a third party in terms of any agreement;

5.1.4 Mandatory protection of the safety of individuals and the protection of property;

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

5.1.6 The commercial activities of VWFS SA, which may include –

- trade secrets of VWFS SA;
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of VWFS SA;
- information which, if disclosed could put VWFS SA at a disadvantage in negotiations or commercial competition; or
- a computer program which is owned by VWFS SA, and which is protected by copyright.

5.1.7 The research information of VWFS SA or a third party, if its disclosure would disclose the identity of VWFS SA, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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

6 REMEDIES AVAILABLE WHEN VWFS SA REFUSES A REQUEST FOR INFORMATION

6.1 Internal remedies

VWFS SA does not have internal appeal procedures. 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

6.2 External remedies

Subject to the provisions of the **PAIA** Act, a requestor that is dissatisfied with an Information Officer' refusal to disclose information, may within 180 days of notification of the decision, apply to a Court or to the Information Regulator for relief.

Likewise, a third party dissatisfied with an Information Officer' decision to grant a request for information, may within 180 days of notification of the decision, apply to the Information Regulator or to a Court with appropriate jurisdiction, for relief.

Notice of Appeal, Form B, in terms of Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 8], can be found on the website of the Information Regulator

7 REQUEST PROCEDURE

The following procedural requirements serve as guidelines for requestors:

- 7.1** The requester must comply with all the procedural requirements contained in the PAIA Act relating to the request for access to a record.
- 7.2** The requester must complete the prescribed form enclosed herewith in Annexure 1, and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address or electronic mail address as stated in Section 13 of the prescribed form.
- 7.3** The prescribed form must be completed with enough detail particularity to at least enable the Information Officer to identify –
 - the record or records requested;
 - proof of identity of the requester;
 - which form of access is required, if the request is granted; and
 - the postal address or fax number or electronic mail address of the requester.
- 7.4** The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated. This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced.
- 7.5** Subject to the provisions in the PAIA Act, in respect of extensions, VWFS SA will process the request within 30 (thirty) calendar days from when the request is received and the fee is paid, unless the requester has stated special reasons which would satisfy the Information Office that circumstances dictate that the above time periods could not be complied with.
- 7.6** The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner which will be provided if possible to do so.
- 7.7** If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 7.8** If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9** The requester must pay the prescribed fee, before any further processing can take place.

8 ACCESS TO RECORDS HELD BY VWFS SA

- 8.1** Records held by VWFS SA may be accessed only once the prerequisite requirements for access have been met.

8.2 A requester is any person making a request for access to a record of VWFS SA. There are two types of requesters:

8.2.1 Personal requester

8.2.1.1 A personal requester is a requester who is seeking access to a record that relates to their own personal information (as defined in the Act);

8.2.1.2 Subject to the provisions of this manual, the PAIA Act, the POPI Act and other applicable law, VWFS SA will 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 requested will be charged.

8.2.1 Other requester

8.2.1.3 This requester (other than a personal requester) is entitled to request access to information on third parties. However, VWFS SA is not obliged to grant access. The requester must fulfill the prerequisite requirements for access in terms of the PAIA Act, including the payment of a request and access fee.

8.2.1.4 The Act provides that the third party whose information is requested must be given 21 (twenty one) calendar days in which to make representations.

8.2.1.5 If a public body lodges a request, the public body must be acting in the public interest.

9 Fees

9.1 PAIA provides for two types of fees, namely:

9.1.1 A request fee, which will be a standard fee; and

9.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

9.2 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 any), before further processing of the request.

9.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations 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.

9.4 The Information Officer shall have the discretion to withhold a record until the requester has paid the fees as indicated in Appendix 2.

9.5 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 request form.

9.6 If a deposit has been paid in respect of a request for access, which is refused.

9.7 The Information Office will at all times have the discretion to charge the applicable fees as described above.

10 Decision

- 10.1** VWFS SA will, within 30 (thirty) business days (excludes weekends & public holidays) after receipt of the request, decide whether to grant or decline the request and give written notice with reasons (if required) to that effect, to the requester.
- 10.2** The 30 (thirty) day period within which VWFS SA must decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large amount of information, or the request requires a search for information held at another office of VWFS SA and the information cannot reasonably be obtained within the original 30-day period. VWFS SA will notify the requester in writing should an extension be required.

11 List of Applicable Legislation

A table of legislation setting out a description of the records of VWFS SA which are available in accordance with other legislation:

- 11.1** Basic Conditions of Employment Act No. 75 of 1997
- 11.2** Employment Equity Act No. 55 of 1998
- 11.3** National Credit Act 34 of 2005
- 11.4** Labour Relations Act 66 of 1995
- 11.5** Consumer Protection Act 68 of 2008
- 11.6** Companies Act No 71 of 2008 Act and Companies Amendment Act No 3 of 2011
- 11.7** Income Tax Act 89 of 1991 and amendments
- 11.8** Value Added Tax Act 89 of 1991
- 11.9** Protection of Personal Information Act 4 of 2013
- 11.10** Promotion of Access to Information Act 2 of 2000a
- 11.11** Insurance Act 18 of 2017
- 11.12** Financial Advisory and Intermediary Services Act 32 of 2002
- 11.13** Financial Intelligence Centre Act 38 of 2001

12 Availability of the Manual

- 12.1** This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 12.2** The manual of VWFS SA will be available on the website of VWFS SA: www.vwfs.co.za.
- 12.3** Alternatively, a copy can be requested from the Information Officer.

13 Contact Details and Information

All requests for access to records in terms of the PAIA must be in writing in terms of Paragraph 6

of this Manual and must be addressed to VWFS SA's Information Officer at the below contact details:

Contact person

Name	Pierre Engelbrecht (Information Officer)
Phone number	+27 11 245 7000
E-mail address	informationoffice@vwfs.co.za
Physical Address	Freestone Office Park, 135 Patricia Road Sandton, South Africa
Postal Address	Freestone Office Park, 135 Patricia Road Sandton, South Africa

Revision summary

Framework Name	Version	Approval Date
VWFS PAIA Manual V4	Final	31 March 2021

Review

Frequency of review	Next review date	Last review date
Every 2 years or as required	23 October 2025	23 October 2023