



SOUTHERN FINANCE

SOUTHERN CROSS FINANCE (PTY) LTD | REG NO: 2018/471321/07

REGISTERED CREDIT PROVIDER: NCRCP11981

UNIT 14, KINGFISHER BUILDING, HAZELDEAN OFFICE PARK

SILVERLAKES ROAD, TYGER VALLEY, 0084

TEL: 012 534 3416 | EMAIL: info@southernfinance.co.za

INFORMATION MANUAL

***Prepared in accordance with Section 51 of the
Promotion of Access to Information Act, No 2 of 2000.***

for

SOUTHERN CROSS FINANCE (PTY) LTD

**This Manual applies to Southern Finance (Pty) Ltd, a registered
credit provider NCRCP11981**

(hereafter referred to as "SOUTHERN FINANCE")

1 INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 (“***the Act***”) gives 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. The Act sets out the requisite procedural issues attached to such request, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

This manual informs a requester of procedural and other requirements which a request must meet as prescribed by the Act.

The Act recognises that the right to 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.

2 CONTACT DETAILS & GENERAL INFORMATION

All requests for access to records in terms of the Act must be in writing and must be addressed to the SOUTHERN FINANCE Information Officer at the below contact details:

Information Officer:-

Name: Madel Kruger

Physical Address: Unit 14, Kingfisher Building, Hazeldean Office Park, Silverlakes Rd, Tyger Valley, 0084

Tel: 012 534 3416

E-mail: madel@southernfinance.co.za

Website(s): <https://www.southernfinance.co.za>

3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has compiled the guide contemplated in Section 10 of the Act which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide is available from their website (www.sahrc.org.za)

4 RECORDS OF SOUTHERN FINANCE (DATA PROCESSOR)

This clause serves as a reference of the records/data that is potentially held by SOUTHERN FINANCE.

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The information is classified and grouped according to records relating to the following subjects and categories:

4.1.1 PERSONNEL RECORDS

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Training schedules and material;

“Personnel” refers to any person who works for, or provides services to or on behalf of SOUTHERN FINANCE, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of SOUTHERN FINANCE.

This includes, without limitation, directors (executive and non- executive), all permanent, temporary and part-time staff, as well as contract workers.

4.1.2 CUSTOMER RELATED RECORDS

- 4.1.2.1 Records provided by a customer to a third party, acting for or on behalf of SOUTHERN FINANCE, held with SOUTHERN FINANCE;
- 4.1.2.2 Records provided by a third party;
- 4.1.2.3 Records generated by or within SOUTHERN FINANCE, relating to its customers, including transactional records;
- 4.1.2.4 A *“customer”* refers to any natural or juristic entity that receives services from SOUTHERN FINANCE, and is the Subject of the data held by SOUTHERN FINANCE, a Data Subject.

4.1.3 PRIVATE BODY RECORDS

- | | |
|---|---|
| • Financial records | • Marketing records |
| • Operational records | • Internal correspondence |
| • Databases | • Product records |
| • Information Technology | • Statutory records |
| • Internal Policies and Procedures | • Securities and Equities |
| • National Credit Regulator - related records | • Records held by officials of SOUTHERN FINANCE |

These records include, but are not limited to, the records which pertain to SOUTHERN FINANCE’s own affairs.

4.1.4 OTHER PARTY RECORDS

- 4.1.4.1 Personnel, customer or private body records which are held by another party, as opposed to the records held by SOUTHERN FINANCE itself;
- 4.1.4.2 Records held by SOUTHERN FINANCE pertaining 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.
- 4.1.4.3 SOUTHERN FINANCE 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 SOUTHERN FINANCE.

5 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for SOUTHERN FINANCE to refuse a request for information relates to the -

- 5.1 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;
- 5.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 5.2.1 trade secrets of that third party;
 - 5.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 5.2.3 information disclosed in confidence by a third party to SOUTHERN FINANCE, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 5.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 5.4 mandatory protection of the safety of individuals and the protection of property;
- 5.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 5.6 the commercial activities of SOUTHERN FINANCE, which may include –
 - 5.6.1 trade secrets of SOUTHERN FINANCE;
 - 5.6.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of SOUTHERN FINANCE;
 - 5.6.3 information which, if disclosed could put SOUTHERN FINANCE at a disadvantage in negotiations or commercial competition;
 - 5.6.4 a computer program which is owned by SOUTHERN FINANCE, and which is protected by copyright.
- 5.7 the research information of SOUTHERN FINANCE or a third party, if its disclosure would disclose the identity of SOUTHERN FINANCE, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 5.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused;
- 5.9 Any data requested is of a personal nature and the provision or supply of such information would be dependent upon a “*third party consent*” of which consent the Requester does not possess, and as such any refusal would be required and justifiable / reasonable in terms of any promotion and protection of personal data legislation.

6 REMEDIES AVAILABLE WHEN SOUTHERN FINANCE REFUSES A REQUEST FOR INFORMATION

6.1 INTERNAL REMEDIES

SOUTHERN FINANCE does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and a requester 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 supplied by the Information Officer.

6.2 EXTERNAL REMEDIES

Subject to the provisions of the Act, a requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

Likewise, a third party 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 Court with appropriate jurisdiction for relief.

7 REQUEST PROCEDURE

- 7.1 The following procedural requirements serve as guidelines for a requester and
- 7.2 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 7.3 The requester must complete the prescribed form enclosed herewith in **Appendix 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, fax number or electronic mail address as stated in paragraph 2 above.
- 7.4 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
 - 7.4.1 The record or records requested;
 - 7.4.2 The identity of the requester;
 - 7.4.3 Which form of access is required, if the request is granted;
 - 7.4.4 The postal/delivery address of the requester;
 - 7.4.5 Consent to supply the data requested, being it from the Requester personally or from such third party.
- 7.5 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.
- 7.6 Subject to the provisions in the Act in respect of extensions, SOUTHERN FINANCE will process the request within 30 (thirty) days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 7.7 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 must state the manner and the particulars so required.
- 7.8 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.
- 7.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.10 The requester must pay the prescribed fee, before any further processing can take place.

8 ACCESS TO RECORDS HELD BY SOUTHERN FINANCE

- 8.1 Records held by SOUTHERN FINANCE may be accessed by requests 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 SOUTHERN FINANCE. There are two types of requesters:

8.2.1 DATA SUBJECT ACCESS REQUEST (DSAR)

- 8.2.1.1 A Data Subject is a requester who is seeking access to any record/s containing personal and/or private information about that specific Data Subject, by way of a Data Subject Access Request (DSAR).
- 8.2.1.2 Subject to the provisions of the Act and any applicable law, SOUTHERN FINANCE will provide the requested information, or give access to any record with regard to the Data Subject's personal information.
- 8.2.1.3 The prescribed fee for reproduction of the information requested will be charged, together with any related reasonable cost applicable to making such information available.

8.2.2 OTHER REQUESTER

- 8.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties, with the appropriate and necessary written consent from the applicable third party, together with any power of attorney which may be necessary and or applicable under the given circumstances, to be considered at the sole discretion of SOUTHERN FINANCE.
- 8.2.2.2 However, SOUTHERN FINANCE is not obliged to grant access. The requester must fulfil the prerequisite requirements for such access in terms of the Act or any applicable legislation, as may be applicable to the Data Subject and/or the nature of the data concerned, including the payment of a request and access fee.

9 FEES

- 9.1 The Act 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 or delivery costs, considering the nature and size of the data sought.
- 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 will take place.
- 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 withhold any record or data 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, then the Information Officer concerned must repay the deposit to the requester, as may be applicable.

10 DECISION

- 10.1 SOUTHERN FINANCE will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 10.2 The 30 (thirty) day period with which SOUTHERN FINANCE has to 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 number of information, or the request requires a search for information held at another office of SOUTHERN FINANCE and the information cannot reasonably be obtained within the original 30 day period.
- 10.3 SOUTHERN FINANCE will notify the requester, in writing, should an extension be required or sought.

11 LIST OF APPLICABLE LEGISLATION:

- 11.1 A table of legislation setting out a description of the records of SOUTHERN FINANCE which are available in accordance with other legislation, is posted on the SOUTHERN FINANCE website.

12 AVAILABILITY OF THE MANUAL

- 12.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002 (as amended from time to time);
- 12.2 The manual of SOUTHERN FINANCE is available on the following websites:
- <https://www.southernfinance.co.za/>

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

** (Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 4)

A. Particulars of private body

The Head: _____

B. Particulars of Person requesting access to the record

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

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone / Cellphone Number: _____

E-mail Address One: _____

E-mail Address Two: _____

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

C. Particulars of person of 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:

- Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- If the provided space is inadequate please continue on a separate 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 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.
- You will be notified of the amount of the request fee.
- 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.
- If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption of payment of the fee: _____

Form of Record Access:

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: _____ _____ _____
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Mark the appropriate box with an "X"

NOTES:

- (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 requested.

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

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

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images *	<input type="checkbox"/>	Transcription of the images*
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3. If the record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack * (written or printed document)
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4. If the record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	Printed copy of record	<input type="checkbox"/>	Printed copy of information derived from the record *	<input type="checkbox"/>	Copy in computer readable form * (USB or compact disc)
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If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
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A postal fee is payable.		
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F. 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 folios

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

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

G. 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 _____ this _____ day of _____, 20____

**SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS
MADE**

REPRODUCTION FEES

Where SOUTHERN FINANCE 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 may 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	
- Compact disc	70,00
- USB	125,00
• 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 fees:

Where a requester submits a request for access to information held by the Data Processor on a person other than the requester himself/herself, a request fee in the amount of R 50,00 is payable up-front before SOUTHERN FINANCE 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).

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	
- Compact disc	70,00
- USB	125,00
• 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 of an hour reasonably required for such search.)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

Deposits:

Where SOUTHERN FINANCE receives a request for access to information held on a person other than the requester himself/herself 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 one half 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.