

PAIA Manual

Prepared in accordance with Section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

June 2022

HSBC BANK PLC - JOHANNESBURG BRANCH

Revision History

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1. List of Acronyms and Abbreviations

“CEO”	means the Chief Executive Officer;
“CIPC”	means the Companies and Intellectual Property Commission;
“Excon Legislation”	Currency and Exchanges Act, 1933 and all regulations, rules, guidance notes etc. promulgated thereunder;
“DIO”	means the Deputy Information Officer established under POPIA;
“FAIS”	Financial Advisory and Intermediary Services Act, 2002;
“FSP”	means a financial services provider authorised under FAIS;
“FMA”	the Financial Markets Act, 2012;
“HSBC”	means HSBC Bank plc Johannesburg Branch Registration Number 2003/004613/10;
“IO”	means the Information Officer established under POPIA;
“JSE”	means the Johannesburg Stock Exchange;
“Minister”	means Minister of Justice and Correctional Services;
“ODP”	means an authorised over the counter (OTC) derivatives provider authorised under the FMA;
“PA”	means the Prudential Authority of the SARB;
“PAIA”	means the Promotion of Access to Information Act No. 2 of 2000 (as amended);
“PAIA guide”	means the guide issued by the Regulator in terms of section 10(1) of PAIA on how to use and navigate PAIA;
“POPIA”	Protection of Personal Information Act No.4 of 2013;
“Private Body”	means (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity; (b) a partnership which carries or has carried on any trade, business or profession; (c) any former or existing juristic person; or (d) a political party, but excludes a public body (as defined under PAIA);
“Regulator”	Information Regulator established under POPIA; and
“Republic”	Republic of South Africa
“SARB”	means the South African Reserve Bank;
“NT”	means the National Treasury of the Republic.

Any reference to an Act of Parliament or any subordinate legislation promulgated thereunder shall be a reference to such Act of Parliament or subordinate legislation as amended, varied or replaced from time to time.

1.1. Purpose of PAIA Manual

1.1.1. PAIA Manual is useful for the public to:

- a. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- b. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- c. know the description of the records of the body which are available in accordance with any other legislation;
- d. access all the relevant contact details of the IO and DIO who will assist the public with the records they intend to access;
- e. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- f. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- g. know the recipients or categories of recipients to whom the personal information may be supplied;
- h. know if the body has planned to transfer or process personal information outside the Republic and the recipients or categories of recipients to whom the personal information may be supplied; and
- i. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

1.2. Background on HSBC

HSBC is established as a bank under the laws of England and Wales under Company Number 00014259 and is registered in South Africa as a branch under the Banks Act, 1990 and as an external company under the Companies Act, 2008 with registration number 2003/004613/10.

1.2.1. HSBC Johannesburg is authorised and regulated by:

- a. the PA under section 18A of the Banks Act, 1990 as a branch of a foreign institution;
- b. the FSCA under:
 - i. FAIS as a FSP with Financial Services Provider No 43940,
 - ii. FMA as an ODP;
 - iii. Excon Legislation (pursuant to the Orders issued under the Exchange Control Regulations), as an authorised dealer in foreign exchange;
 - iv. NT as a Primary Dealer to purchase bonds in the Primary Market (being the primary market for the issuance of bonds by NT on behalf of the Government of the Republic;
 - v. The JSE as a member of the Interest Rates and Currency Derivatives Market.

1.3. Contact Information for HSBC

CEO	Mr Muneer Ismail
IO	Ms Carolyn Smith
DIO	Ms Elizabeth Pinsloo
Postal address:	Private Bag X 785434, Sandton, 2146
Physical Address:	1 Mutual Place, 107 Rivonia Road, Sandton, 2196
Tel:	+27 (0) 11 676 4200
Facsimile number:	+27 (0) 11 676 4659
E-mail:	legal@za.hsbc.com
Website:	https://www.hsbc.co.za/

1.4. PAIA Guide

- 1.4.1. The Regulator has published the Guide¹ in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 1.4.2. The Guide is available in each of the official languages and in braille.
- 1.4.3. The Guide contains the description of:
- PAIA Manual Template and Private Body;
 - the objects of PAIA and POPIA;
 - the postal and street address, phone and fax number and, if available, electronic mail address of the IO of every public body, and every DIO of every public and private body designated in terms of section 17(1) of PAIA² and section 56 of POPIA³
 - the manner and form of a request for:
 - access to a record of a public body contemplated in section 11⁴;
 - access to a record of a private body contemplated in section 54⁵;
 - the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - the assistance available from the Regulator in terms of PAIA and POPIA;
 - all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:

¹ [PAIA Guide - English Upd 5 Sept \(info regulator.org.za\)](#)

² Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

³ Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

⁴ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- that record is required for the exercise or protection of any rights;
- that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- i. an internal appeal;
- ii. a complaint to the Regulator; and
- iii. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- h. the provisions of sections 14⁶ and 51⁷ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- i. the provisions of sections 15⁸ and 52⁹ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- j. the notices issued in terms of sections 22¹⁰ and 54¹¹ regarding fees to be paid in relation to requests for access; and
- k. the regulations made in terms of section 92¹²

1.5. Records HSBC Holds to Function

We hold the following subjects and categories of records in electronic or physical format, which we do not make automatically available.

Company Records
Records of power of attorney
Documents on business processes
Minutes of board or directors meetings
Records relating to appointment of auditors, secretary, public officer, or other officers.
Delegation of authority records
Strategic planning records
Statutory records
Business records
Contractor, client and supplier agreements
Operational records
Published works
Internal correspondence
Product records
List of suppliers, products, services and distributions
Procurement policies and standards
Standard terms and conditions
Tender documentation
Financial Records
Financial statements
Tax returns and records
Other documents relating to tax
Accounting records
Auditor reports
Banking records

⁶ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁷ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁸ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.

⁹ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.

¹⁰ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹² Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Bank statements
Electronic banking records
Asset register
Invoices
Financial agreements
Insurance Records
Insurance policies we hold
Insurance investigation reports
Employee records
List of employees
Employee personal information
Employee employment contracts
Employment applications and appointment letters
Employment policies and procedures
Employment equity plan
Health and safety records
Medical aid records
Pension and provident fund records
Salaries or wages of employees
Leave records
Internal evaluations and performance records
Disciplinary records
Disciplinary codes
Training records
Operating manuals
Personal records provided by personnel
Other statutory records
Related correspondence
Workplace and union agreements
Policies and Directives
Internal: relating to employees and the organisation
External: relating to customers and other third parties
Information technology systems and documents
Customer Information
Customer details
Contact details of individuals within customers
Communications with customers
Customer complaints
Sales records
Transactional information
Marketing records
Information security information
Computer and mobile device usage policy documentation
Information technology security policies, standards and procedures
Information usage policy documentation
Project, disaster recovery and implementation plans
Software licensing
System documentation and manuals
Intellectual property information
Copyrights
Designs
Licenses
Patents
Trademarks
Reference materials
Newsletters and journals articles
Magazines
Newspaper articles

1.6. Categories of HSBC records automatically available without a formal PAIA request

HSBC may make some records automatically available to a requester without the requester being required to access them through a formal PAIA Request for Information:

Category and Type of Record	Available on Website / Available on request
BEE certificate	Website
Memorandum of Incorporation (MOI)	On request
Directors names	On request
Certificate of incorporation / registration	On request
Regulatory licences	On request
Other information intended for public viewing	On request
Information on our website	http://www.hsbc.co.za
Product information	On request

1.7. Description of Records of HSBC available in accordance with any other legislation

1.7.1. Information is available in terms of certain provisions of the legislation to certain persons or entities specified as being entitled to access the relevant information in such legislation:

Information available under other legislation
Administration of Estates Act 66 of 1965
Basic Conditions of Employment Act 75 of 1997
Broad Based Black Economic Empowerment Act 53 of 2003
Companies Act 61 of 1973
Companies Act 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
Competition Act 89 of 1998
Consumer Protection Act 68 of 2008
Copyright Act 98 of 1978
Cybercrimes Act 19 of 2020
Electronic Communications Act 36 of 2005
Electronic Communications and Transactions Act 25 of 2002
Employment Equity Act 55 of 1998
Financial Advisory and Intermediary Services Act 37 of 2002
Financial Intelligence Centre Act 38 of 2001
Financial Markets Act 19 of 2012
Income Tax Act 1958 of 1991
Insolvency Act 24 of 1936
Intellectual Property Laws Amendment Act 38 of 1997
Intellectual Property Laws Amendment Act 28 of 2013
Labour Relations Act 66 of 1995
Prevention of Organised Crime Act 121 of 1998
Prevention and Combating of Corrupt Activities Act 12 of 2004
Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
Prescription Act 18 of 1943
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
Occupational Health and Safety Act 85 of 1993
Pension Funds Act 24 of 1956
Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002
South African Reserve Bank Act 90 of 1989
Skills Development Act 97 of 1998
Skills Development Levies Act 9 of 1999
Unemployment Contributions Act 4 of 2002
Unemployment Insurance Act 63 of 2001
Value Added Tax Act 89 of 1991
Protected Disclosures Act 26 of 2000
Protection of Personal Information Act 4 of 2013

- 1.7.2. We will not automatically grant a request, but we will evaluate it in accordance with the provisions of POPIA, PAIA, any other legal requirements and our policies.

1.8. POPIA

- 1.8.1. POPIA aims to promote the protection of personal information processed by public and private bodies, by among others, introducing certain conditions for the lawful processing of personal information so as to establish minimum requirements for the processing of such information. A person having provided adequate proof of identity, has the right to:
- ◆ request that HSBC confirms, free of charge, whether or not it holds personal information about the person; and
 - ◆ request from HSBC the record or a description of the personal information about the person held by HSBC, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information:
 - i. within a reasonable time;
 - ii. at a prescribed fee, if applicable
 - iii. in a reasonable manner and format; and
 - iv. in a form that is generally understandable
- 1.8.2. HSBC may or must refuse to provide access to any information requested in terms of POPIA to which the grounds for refusal of access to records set out in the applicable sections of Chapter 4 PAIA apply (see 1.11 below).

1.9. How to request access from HSBC

- 1.9.1. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 1.9.2. The requester must complete the prescribed form 2 (required in terms of Regulation 7 of the regulations promulgated under the PAIA which can be accessed at this link on HSBC's website at [request for access form](#), and submit same as well as payment of a request fee and a deposit, if applicable, to the IO at the postal, physical address, or by electronic mail as provided in clause 1.3.
- 1.9.3. The prescribed form must be completed with sufficient detail to at least enable the IO to identify:
- a. The record or records requested;
 - b. The identity of the requester;
 - c. Where an agent is lodging the request, agent's identity and proof of security;
 - d. Which form of access is required, if the request is granted;
 - e. The postal address, email address or fax number of the requester

- 1.9.4. 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.
- 1.9.5. 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 IO.
- 1.9.6. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

1.10. Decision

HSBC will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons, if required. The 30-day period with which HSBC has to decide whether to grant or refuse the request, may be extended for a further period but not exceeding another 30 days, if the request is for vast amounts of information. HSBC will notify the requester in writing should an extension be required.

1.11. Grounds for refusal of access to records

1.11.1. The main reasons on which HSBC may refuse access to records relate to:

1.11.1.1. The privacy of a third party who is a natural person;

1.11.1.2. The commercial information of a third party;

1.11.1.3. Confidential information of a third party;

1.11.1.4. The safety of individuals and property;

1.11.1.5. Legally privileged records; and

1.11.1.6. HSBC's commercial information which includes the following:

- ◆ Trade secrets
- ◆ financial, commercial, scientific or technical information, if disclosure would likely harm HSBC's financial or commercial interests;
- ◆ information that, if disclosed, could put HSBC at a disadvantage in negotiations or commercial competition;
- ◆ computer programs and related information technology software that HSBC owns and are protected by copyright; and
- ◆ research information that HSBC or a third party has compiled, if disclosure would expose the third party, researcher or subject matter of the research and therefore disadvantage HSBC.

1.12. Remedies should your request be refused:

1.12.1. Internal Remedies

HSBC does not have internal appeal procedures. As such, the decision made by the IO 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 IO.

1.12.2. External Remedies

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

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

1.13. Prescribed fees

1.13.1. PAIA provides for two types of fees (which can be accessed on the HSBC website at [prescribed fees](#) namely:

- ◆ A request fee, which will be a standard fee; and
- ◆ An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

1.13.2. When the request is received by the IO, they 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.

1.13.3. 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 IO will notify the requester to pay a deposit for the prescribed portion of the access fee which would be payable if the request is granted.

1.13.4. The IO will withhold a record until the requester has paid the required fees.

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

1.13.6. If a deposit has been paid in respect of a request for access, which is refused, the IO, on behalf of HSBC, must repay the deposit.

1.14. Availability of the Manual

1.14.1. This manual is available in English in electronic format on the HSBC website and in physical format at our company offices.

1.15. Updates to this manual

1.15.1. HSBC will update this manual whenever there are material changes to it.

