The Land and Agricultural Development Bank of South Africa
P O Box 375 Pretoria 0001
272 Lenchen Avenue, Lakefield Office Park, Building A,
First Floor, Die Hoewes,
CENTURION

LAND BANK
INSURANCE (SOC) LIMITED

# LBI Promotion of Access to Information Manual

## (A Guide to Access Information)

**Level 1 Policy Number**
P10.04

| | | | |
|---|---|---|---|
| **Division** | Land Bank Insurance Company SOC Ltd ("LBIC")<br>Land Bank Life Insurance Company SOC Ltd ("LBLIC") | | |
| **Policy Reference** | P10.04 | | |
| **Version** | Version 2 | | |
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| **Owner (Head: Legal & Compliance):** | L Mnyandu | Signature | dd/mm/yyyy |
| **Supporter (MD):** | P Siphugu | Signature | dd/mm/yyyy |
| **Sponsor (Chairperson: Board of Directors):** | S Masuku | Signature | dd/mm/yyyy |

**Does the policy require recurring communication?**

| | | | |
|---|---|---|---|
| **Yes** | **x** | **Frequency: Annually** | |
| **No** | | **Biennial** | **x** |

**Adoption statement:**

This Manual commences from the date of approval by the Board and replaces any previous similar Manual. It is the responsibility of all employees to keep up to date and to be conversant with the contents of this Manual. Any queries regarding the matters pertaining to this Manual can be discussed with the Information Officers, Deputy Information Officers or Land Bank Insurance Legal Advisors. Violation of any

principles stipulated in this Manual may lead to disciplinary action outlined in the Disciplinary Code and Procedure for Land Bank Insurance.

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## 1. DEFINITIONS

1.1. "**Conditions for Lawful Processing**" means the conditions for lawful Processing of Personal Information as fully set out in chapter 3 of POPIA and in paragraph 20.1 of this Manual;

1.2. "**Constitution**" means the Constitution of the Republic of South Africa, 1996;

1.3. "**Data Subject**" has the meaning ascribed thereto in section 1 of POPIA and includes both natural persons and juristic persons;

1.4. "**Information Officer**" means the duly authorised Head (as defined in section 1 of PAIA) of Land Bank Insurance or such person that has been registered as the information officer with the Information Regulator in accordance with POPIA;

1.5. "**Land Bank"** means the Land and Agricultural Development Bank of South Africa established in terms of the Land Bank Act;

1.6. "**Land Bank Act**" means Land and Agricultural Development Bank Act, 2002 as amended or replaced from time to time;

1.7. **"Land Bank Insurance"** means Land Bank Life Insurance Company SOC Limited and Land Bank Insurance SOC Limited as established in terms of the Land Bank Act.

1.8. "**Manual**" means this Manual prepared in accordance with section 14 of PAIA;

1.9. "**PAIA**" means the Promotion of Access to Information Act 2 of 2000, as amended or replaced from time to time;

1.10. "**PAIA Regulations**" mean the regulations made in terms of section 92 of PAIA;

1.11. "**Personal Information**" has the meaning ascribed thereto in section 1 of POPIA;

1.12. "**Personnel**" refers to any person who works for, or provides services to or on behalf of Land Bank Insurance, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Land Bank Insurance, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;

1.13. "**PFMA**" means the Public Finance Management Act, No.1 of 1999, as amended or replaced from time to time;

1.14. "**POPIA**" means the Protection of Personal Information Act 4 of 2013, as amended or replaced from time to time;

1.15. "**POPIA Regulations**" means the regulations promulgated in terms of section 112(2) of POPIA;

1.16. "**Private Body**" has the meaning ascribed thereto in section 1 of PAIA and section 1 of POPIA;

1.17. "**Public Body**" has the meaning ascribed thereto in section 1 of PAIA and section 1 of POPIA;

1.18. "**Process**" has the meaning ascribed thereto in section 1 of POPIA and "**Processing**" shall have a similar meaning;

1.19. "**Record**" has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;

1.20. "**Requester**" has the meaning ascribed thereto in section 1 of PAIA;

1.21. "**Request for Access**" has the meaning ascribed thereto in section 1 of PAIA;

1.22. "**Responsible Party**" has the meaning ascribed thereto in section 1 of POPIA; and

1.23. "**Special Personal Information**" means Personal Information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information and criminal behaviour.

## 2. PURPOSE OF THE MANUAL

2.1. Land Bank Insurance has compiled this Manual not only to comply with the requirements set out in PAIA but also to foster a culture of transparency and accountability in its environment. Subject to the limitations in the Land Bank Act; Companies Act and the PFMA, Land Bank Insurance wants to ensure that members of the public have effective access to information in its possession.

2.2. The purpose of this Manual is to give effect to both the constitutional right of access to information, where that information is required for the exercise or protection of a right, and the right to privacy in relation to the protection of Personal Information.

2.3. Both PAIA and POPIA recognise that the rights to access of information and privacy respectively may be limited in accordance with section 36 of the Constitution to the extent that such limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom.

2.4. This PAIA Manual is useful for the public to:

2.4.1. check the nature of the records which may already be available at Land Bank Insurance, without the need for submitting a formal PAIA request;

2.4.2. understand how to make a request for access to a record held by Land Bank Insurance;

2.4.3. access all the relevant contact details of the persons who will assist the public with the records they intend to access;

2.4.4. know all the remedies available from the Land Bank Insurance regarding request for access to the records, before approaching the Regulator or the Courts;

2.4.5. the description of the services available to members of the public from the Land Bank Insurance, and how to gain access to those services;

2.4.6. a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.4.7. 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;

2.4.8. know if the Land Bank Insurance has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

2.4.9. know whether the Land Bank Insurance has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## 3. ESTABLISHMENT OF THE LAND BANK INSURANCE

3.1. The Land Bank Insurance is a Public Body as defined in terms of PAIA.

3.2. Land Bank Insurance SOC Limited and Land Bank Life Insurance Company SOC Limited are subsidiaries of Land and Agricultural Bank of South Africa.

3.3. The Land and Agricultural Development Bank of South Africa (the Land Bank) is established under section 3 of the Land Bank Act, 1912 (Act No. 18 of 1912), and which continued to exist in terms of section 3 of the Land Bank Act, 1944 (Act No. 13 of 1944), continues to exist under the name of the Land and Agricultural Development Bank of South Africa despite the repeal of those Acts.

3.4. Section 36 of the Land Bank Act empowers the Land Bank to establish subsidiary companies to enable the Land Bank to achieve its objectives. The Land Bank has thus established Land Bank Insurance.

## 4. STRUCTURE AND FUNCTIONS OF THE LAND BANK INSURANCE

### 4.1. Executive Management

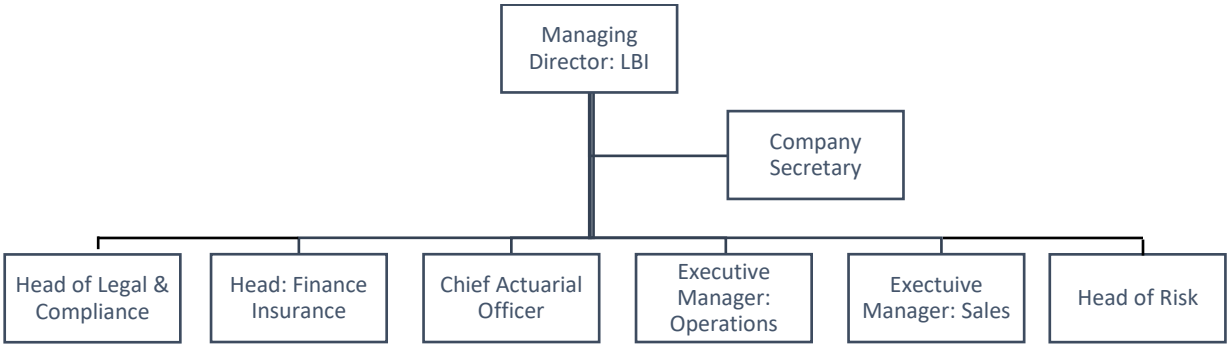


*Figure 1: Land Bank Insurance Executive Management Organogram*

4.2. **Board Committees**

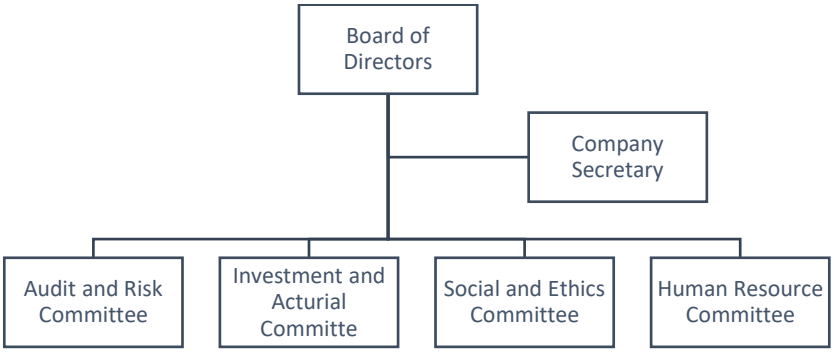


*Figure 1: Land Bank Insurance Board Organogram*

4.3. **Functions of Land Bank Insurance**

**Insurance Solutions**

- Provide non-life insurance as well as life insurance products to the South African agricultural sector.

For further information on how to access these and other services on offer by the Land Bank Insurance please visit our website www.lbic.co.za.

## 5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LAND BANK INSURANCE

5.1. **Information Officer:**

In terms of PAIA, the Chief Executive Officer of the Land Bank Insurance is the Information Officer. The contact details of the Information Officer are as follows:

| | | |
|---|---|---|
| **Information Officer** | : | **Mr P Siphugu** |
| Postal address | : | Land Bank Insurance, |
| | | P.O. Box 375, Tshwane, 0001 |
| Street address | : | 272 Lenchen Avenue |
| | | Lakefield Office Park, Building A, First Floor |
| | | Die Hoewes |
| | | Centurion |
| Tel: | | 012 686 0500 |
| Fax: | | 012-686 0588 |

E-mail: PSiphugu@landbank.co.za

The Information Officer of a Public Body has direction and control over every deputy information officer of that body. After giving due consideration to the need to render the Land Bank Insurance as accessible as reasonably possible to Requesters of its Records, the Information Officer has delegated power to the following employee to act as a Deputy Information Officer:

5.2. **Deputy Information Officers:**

| | | |
|---|---|---|
| Name | : | Andries Mahlase |
| Postal address | : | Land Bank Insurance,<br>P.O. Box 375, Tshwane, 0001 |
| Street address | : | 272 Lenchen Avenue<br>Lakefield Office Park, Building A, First Floor<br>Die Hoewes<br>Centurion |
| Tel | : | 012 686 0500 |
| Fax | : | 012 686 0581 |
| E-mail | : | AMahlase@landbank.co.za |

5.3. Access to information general contacts

Email: PSiphugu@landbank.co.za

5.4. National / Head Office

| | | |
|---|---|---|
| Postal address | : | Land Bank Insurance,<br>P.O. Box 375, Tshwane, 0001 |
| Street address | : | 272 Lenchen Avenue<br>Lakefield Office Park, Building A, First Floor<br>Die Hoewes<br>Centurion |
| Switchboard | : | 012 686 0500 |
| Toll Free | : | 0800 005 259 |
| Website | : | www.lbic.co.za |

## 6. INFORMATION REGULATOR GUIDE

6.1. The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("**Guide**"), 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.

6.2. The Guide is available in each of the official languages.

6.3. The aforesaid Guide contains the description of:

6.3.1. the objects of PAIA and POPIA;

6.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:

6.3.3. the Information Officer of every Public Body, and

6.3.4. every deputy information officer of every public and Private Body designated in terms of section 17(1) of PAIA[1] and section 56 of POPIA;[2]

6.3.5. the manner and form of a request for:

6.3.5.1. access to a Record of a Public Body contemplated in section 11;[3] and

6.3.5.2. access to a Record of a Private Body contemplated in section 50;[4]

6.3.6. the assistance available from the Information Officer of a Public Body in terms of PAIA and POPIA;

6.3.7. the assistance available from the Information Regulator in terms of PAIA and POPIA;

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[1] *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.*

[2] *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.*

[3] *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.*

[4] *Section 50(1) of PAIA- A Requester must be given access to any Record of a Private Body if-*

*a) that Record is required for the exercise or protection of any rights;*
*b) that person complies with the procedural requirements in PAIA relating to a Request for Access to that Record; and*
*c) access to that Record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*
d)

6.3.8. 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:

6.3.8.1. an internal appeal;

6.3.8.2. a complaint to the Information Regulator; and

6.3.8.3. 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 Information Regulator or a decision of the head of a Private Body;

6.3.8.4. the provisions of sections 14[5] and 51[6] requiring a Public Body and Private Body, respectively, to compile a Manual, and how to obtain access to a Manual;

6.3.8.5. the provisions of sections 15[7] and 52[8] providing for the voluntary disclosure of categories of Records by a Public Body and Private Body, respectively;

6.3.8.6. the notices issued in terms of sections 22[9] and 54[10] regarding fees to be paid in relation to Requests for Access; and

6.3.8.7. the PAIA Regulations.[11]

6.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

6.5. The Guide can also be obtained:

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[5] *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.*

[6] *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.*

[7] *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.*

[8] *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.*

[9] *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.*

[10] *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.*

[11] *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."*

6.5.1. upon request to the Information Officer; and

6.5.2. from the website of the Regulator, being https://inforegulator.org.za/.

## 7. AVAILIBILITY OF THE MANUAL

7.1. This Manual is made available to:

7.1.1. on the website of Land Bank Insurance, being: www.lbic.co.za

7.1.2. offices of Land Bank Insurance for inspection during normal business hours;

7.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

7.1.4. the Information Regulator upon request.

7.2. A fee for a copy of the Manual, as contemplated in Annexure B of the PAIA Regulations, shall be payable per each A4-size photocopy made.

## 8. PUBLICATION AND AVAILIBILITY OF CERTAIN RECORDS IN TERMS OF PAIA

### Schedule of Records

The Schedule of Records as contained in paragraphs 16, 17 and Part 1 and Appendix E of this Manual details the Records that are held and/or Processed by Land Bank Insurance for the purposes of PAIA and POPIA respectively. Such Records are categorised in paragraphs 16 and 17 which details whether access to such Records is automatically available or whether the said Record must be accessed in accordance with PAIA. Access to such Records may not be granted if they are subject to the grounds of refusal which are specified in paragraph 15 below.

## 9. RIGHT OF ACCESS

A Requester has a right of access to Records of Public Bodies in terms of section 11 of PAIA and must be given access to a Record of a Public Body such as Land Bank Insurance if that Requester complies with all procedural requirement relating to a Request for Access, as described in paragraph 10 below and access to that Record is not refused in terms of any ground of refusal, as described in paragraph 15 below.

## 10. ACCESS TO RECORDS HELD BY THE LAND BANK INSURANCE

10.1. The Request Procedure

10.1.1. The Requester must use the prescribed request for access form, attached as Appendix A, to make the Request for Access and submit the completed Request for Access form as well as payment of a request fee (if applicable)

and a deposit (if applicable) to the Deputy Information Officer whose contact details are set out in 5.2 above.

10.1.2. The Requester must provide sufficient information on the request form to enable the Deputy Information Officer to identify the following:

10.1.2.1. the Record/s requested.

10.1.2.2. the identity of the Requester;

10.1.2.3. the form of access which is required, i.e. written or printed or audio or audio visual, if the request is granted;

10.1.2.4. the postal address or fax number of the Requester;

10.1.2.5. the right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right; and

10.1.2.6. the Requester must state whether the Record concerned is preferred in any particular language.

10.1.3. The Requester should also indicate if he or she wishes to be informed of the decision on the request in any other manner and state that manner and the necessary particulars to be so informed.

10.1.4. If the request is made on behalf of another person, the Requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Deputy Information Officer.

10.1.5. An individual who, because of illiteracy or a disability, is unable to make a Request for Access to a Record may make that request orally. The Deputy Information Officer of Land Bank Insurance will reduce such oral request to writing in the prescribed form and provide a copy thereof to the Requester.

10.1.6. The Deputy Information Officer shall notify the Requester (other than a personal Requester) by notice, requiring the Requester to pay the prescribed fee (if any) before further Processing the Request for Access.

10.1.7. A Requester whose Request for Access has been granted must pay an access fee for the reproduction and for the searching and preparation of the copies or transactions of the content of the Record requested and for the time reasonably required in excess of the prescribed hours to search for and prepare the Record for disclosure.

## 11. DUTY TO ASSIST REQUESTERS

11.1. If a Requester informs the Deputy Information Officer of Land Bank Insurance that he or she wishes to make a Request for Access for a Record of Land Bank Insurance or wishes to make a Request for Access to a Record of another Public Body, the Deputy Information Officer of Land Bank Insurance must render reasonable

assistance, free of charge, to enable the Requester to make such Request for Access.

11.2. If a Requester has made a Request for Access that does not comply with the requirements in paragraph 10 above, the Deputy Information Officer may not refuse the Request for Access because of that non-compliance unless the Deputy Information Officer has:

11.2.1. notified that requester of an intention to refuse the request and stated in the notice:

11.2.1.1. the reasons for the contemplated refusal;

11.2.1.2. that the Deputy Information Officer or another official identified by the Deputy Information Officer would assist that Requester in order to make the request in a form that would remove the grounds for refusal and have given the Requester a reasonable opportunity to seek such assistance;

11.2.1.3. as far as reasonably possible, furnished the Requester with any information (including information about the Records, other than information on the basis of which a Request for Access may or must be refused in terms of any provision of paragraph 15 below) that would assist the making of the Request for Access in that form; and

11.2.1.4. given the Requester a reasonable opportunity to confirm the request or alter it to comply with paragraph 10 above.

11.3. If it is apparent on receipt of a Request for Access that it should have been made to another Public Body, the Deputy Information Officer of the Public Body concerned must:

11.3.1. render such assistance as is necessary to enable the Requester to make the Request for Access to the information officer of the appropriate Public Body; or

11.3.2. transfer the request in accordance with paragraph 12 below to the last-mentioned information officer, whichever will result in the request being dealt with earlier.

## 12. TRANSFER OF REQUESTS

12.1. If a Request for Access is made to Land Bank Insurance in respect of which:

12.1.1. the Record is not in the possession or under the control of Land Bank Insurance but is in the possession of another Public Body;

12.1.2. the Record's subject matter is more closely connected with the functions of another Public Body than those of Land Bank Insurance; or

12.1.3. the Record contains commercial information contemplated in 15.1.9 in which any other Public Body has a greater commercial interest,

the Deputy Information Officer to whom the request is made must as soon as reasonably possible, but in any event within 14 days after the request is received:

12.1.4. transfer the request to the information officer of the other Public Body or, if there is in the case of paragraph 12.1.3 more than one other Public Body having a commercial interest, the other Public Body with the greatest commercial interest; and

12.1.5. if Land Bank Insurance is in possession of the Record and considers it helpful to do so to enable the information officer of the other Public Body to deal with the request, send the Record or a copy of the Record to that information officer.

12.2. If a Request for Access is made to Land Bank Insurance in respect of which:

12.2.1. the Record is not in the possession or under the control of Land Bank Insurance and Land Bank Insurance does not know which Public Body has possession or control of the Record;

12.2.2. the Record's subject matter is not closely connected to the functions of Land Bank Insurance and Land Bank Insurance does not know whether the Record is more closely connected with the functions of another Public Body than those of Land Bank Insurance; and

12.2.3. the Record was created by or for another Public Body or was not so created by or for any Public Body, but was received first by another Public Body,

Land Bank Insurance must as soon as reasonably possible, but in any event within 14 days after the Request for Access is received, transfer the Request for Access to the information officer of the Public Body by or for which the Record was created or which received it first, as the case may be.

12.3. Upon the transfer of a Request for Access, the Deputy Information Officer must immediately notify the Requester of the transfer, the reasons for the transfer and the period within which the request must be dealt with.

## 13. DECISION TO GRANT ACCESS TO RECORDS

13.1. If a Requester has been given notice that the Request for Access has been granted, the Requester must:

13.1.1. if an access fee is payable, upon payment of that fee; or

13.1.2. if no access fee is payable, immediately,

be given access in the applicable form as the Requester indicated in the Request for Access and in the language as preferred by the Requester should the Record be available in that language.

13.2. The Deputy Information Officer will inform the Requester of their decision within 30 days after receipt of the Request for Access or may extend that period by a further

period not exceeding 30 days. The period within which the Deputy Information Officer will inform the Requester of their decision is subject to such extension as may be required to give a third party the chance to make representations to the Deputy Information Officer where the Record requested is with regard to the Records of that third party.

13.3. The period referred to in paragraph 13.2 above may be extended for a further period of not more than 30 days if:

13.3.1. the Request for Access is for a large number of Records and compliance with the original period would unreasonably interfere with the activities of Land Bank Insurance;

13.3.2. consultation with another Public Body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;

13.3.3. the Records cannot reasonably be obtained within the original 30-day period; or

13.3.4. The Requester consents in writing to such extension.

13.4. Land Bank Insurance will notify the Requester in writing should an extension of time as contemplated in paragraph 13.3 above be required.

13.5. Should the Deputy Information Officer fail to give a decision on a Request for Access within 30 days, the Deputy Information Officer is regarded as having refused the Request for Access.

13.6. If a Request for Access has been refused, delayed or granted subject to unreasonable fees or in an unacceptable form by a Public Body, section 78(2) of PAIA empowers the Requester to apply to court for appropriate relief within 180 days of the decision.

13.7. If the court orders the Land Bank Insurance to grant the Requester access to the requested Records, the Requester must pay the access fee before access to such Records can be granted.

## 14. DEFERRAL OF ACCESS

14.1. If the Deputy Information Officer of Land Bank Insurance decides to grant access to a Record but that Record:

14.1.1. is to be published within 90 days after the receipt or transfer of the request or such further period as is reasonably necessary for printing and translating the Record for the purpose of publishing it;

14.1.2. is required by law to be published but is yet to be published; or

14.1.3. has been prepared for submission to any legislature or a particular person but is yet to be submitted,

the Deputy Information Officer may defer giving access to the Record for a reasonable period.

14.2. If access to a Record is deferred in terms of paragraph 14.1 above, the Deputy Information Officer must notify the Requester concerned:

14.2.1. that the Requester may, within 30 days after that notice is given, make representations to the Deputy Information Officer why the Record is required before such publication or submission; and

14.2.2. of the likely period for which access is to be deferred.

If a Requester makes representations in terms of paragraph 14.2 above, the Deputy Information Officer must, after due consideration of those representations, grant the Request for Access only if there are reasonable grounds for believing that the Requester will suffer substantial prejudice if access to the Record is deferred for the likely period.

## 15. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

15.1. The Deputy Information Officer shall, subject to other provisions of PAIA, refuse a request for information or Record on the grounds of:

15.1.1. mandatory protection of the privacy of a third party who is a natural person;

15.1.2. mandatory protection of certain Records of South African Revenue Service;

15.1.3. mandatory protection of the commercial information of a third party, if the Record contains:

15.1.3.1. trade secrets of that third party;

15.1.3.2. financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party; or

15.1.3.3. information supplied in confidence by a third party, if the disclosure could put that third party at a disadvantage in contractual or other negotiations or commercial competition;

15.1.4. mandatory protection of certain confidential information, and protection of certain other confidential information of third parties;

15.1.5. mandatory protection of the safety of individuals and the protection of property;

15.1.6. mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings;

15.1.7. mandatory protection of Records which would be regarded as privileged in legal proceedings;

15.1.8. defence, security and international relations of South Africa;

15.1.9. economic interests and financial welfare of South African and commercial activities of Public Bodies;

15.1.10. mandatory protection of research information of third party, and protection of research information of a Public Body;

15.1.11. mandatory protection of the operations of Public Bodies; and

15.1.12. manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources.

## 16. CATEGORIES OF RECORDS HELD BY THE LAND BANK INSURANCE

16.1. **Information that is <u>not automatically</u> available**

Section 14(1)(d) of PAIA requires Land Bank Insurance to provide a description of the categories of Records held by Land Bank Insurance in order to facilitate a formal Request for Access to information. It is emphasised that access to the Records set out in this section is not guaranteed as it is subject to the provisions of PAIA.

| | |
|---|---|
| **a) Risk Management** | - Policies and procedures<br>- Risk Management Reports<br>- Risk Management Framework<br>- PIP/PEP information |
| **b) Financial Management** | - Policies & procedures<br>- Corporate Budgets<br>- Business Unit Budgets<br>- Corporate Financial Reports<br>- Management Accounting Reports<br>- Payroll Documentation<br>- Financial Administration Documentations<br>- Books of account<br>- Client records/accounts<br>- Procurement contracts and agreements<br>- Suppliers Database<br>- Asset Register<br>- Insurance Policies |
| **c) Supply Chain Management** | - Policies and procedures<br>- Bid documents |

| | |
|---|---|
| | - Third party information (KYC, Tax clearance, BEE etc.)<br>- Reports<br>- Minutes and decision Records |
| **d) Contracts Administrations** | - Policies and procedures<br>- Insurance Policies/Contracts |
| **e) Human Resources** | - Policies and procedures<br>- Personnel files<br>- Appointment offers<br>- Performance bonuses<br>- Training and development<br>- Employment equity plan<br>- Occupational Health and Safety<br>- Labour disputes<br>- Negotiations and Union related Records<br>- Disciplinary Records<br>- IR Collective Agreements<br>- Workplace Skills Plan |
| **f) Information & Technology** | - Policies and procedures<br>- ICT Service Level Agreements<br>- System related Records<br>- Disaster recovery and implementation plans<br>- IT Service Providers of Business Applications in use<br>- Procurement of IT services and equipment |
| **g) Facilities Management** | - Policies and procedure<br>- Building Plans<br>- Asset Register (non-financial)<br>- Insurance Documentation |
| **h) Corporate Strategy** | - Policies and procedures<br>- Corporate Vision and Mission Statements<br>- Corporate Strategy<br>- Balanced Scorecards |

| | |
|---|---|
| | - Environmental Scans |
| **i) Legal Services** | - Agreements<br>- Memorandum of Understanding<br>- Legal opinions<br>- Litigation<br>- Security<br>- Agreements with service providers and other parties<br>- Correspondence with clients |
| **j) Communications** | - Policies and procedures<br>- Brand<br>- Annual report<br>- Press release<br>- Speeches<br>- Internal newsletters<br>- Intranet<br>- Minutes of meetings<br>- Communication strategies<br>- Unpublished Media strategies<br>- Unpublished Media briefs<br>- Unpublished News articles<br>- Unpublished Publications<br>- Corporate Social Investment<br>- Student Bursary Contracts |
| **k) Marketing** | - Policies and procedures<br>- Promotional and marketing materials<br>- Minutes of meetings<br>- Marketing and distribution strategies<br>- Broadcast adverts and programmes<br>- Photographic images |
| **l) Board Secretariat** | - Policies and procedures<br>- Declaration of Interests<br>- Records relating to Board members |

| | |
|---|---|
| | - Board and Committee Attendance Registers<br>- Board and Committee minutes and Agendas<br>- Tape recordings of Board and Committee meetings<br>- Executive Committee minutes |
| **m) Office of the Managing Director** | - Board Correspondences to and from internal and external stakeholders<br>- Board correspondences to and from Ministry of Finance<br>- Board correspondences<br>- Delegation of Powers<br>- Signing authorities<br>- Corporate Plan<br>- Shareholders' Compact |
| **n) General** | - All and any minutes, records of decisions or deliberations, together with all supporting documents, that took place or were exchanged in relation to internal meetings of Land Bank Insurance committees, departments, region network or sub-groups thereof.<br>- All and any internal communications or communications between Land Bank Insurance employees regarding Land Bank Insurance matters and external parties. |

## 17. INFORMATION THAT IS AUTOMATICALLY AVAILABLE

17.1. The information set out in this section relate to Records that are automatically available for inspection, purchase or photocopying.

17.2. This information need not be requested by a formal request in terms of PAIA and can be requested from any of the Deputy Information Officers listed under paragraph 5.

17.3. **Automatically available information**

The following information / Records can be obtained automatically without a formal request:

17.3.1. Annual Reports

17.3.2. Land Bank Insurance printed publications

17.3.3. Newsletters

17.3.4. Marketing material

17.3.5. Booklets

17.3.6. Posters

17.3.7. Pamphlets

17.3.8. Leaflets

17.3.9. Other literature intended for public viewing

The information that is available on the Land Bank Insurance website (www.lbic.co.za) is voluntarily disclosed.

## 18. REMEDIES IN TERMS OF PAIA

### 18.1. Internal Remedies

Any Requester that is dissatisfied with the decision made by a Deputy Information Officer of the Land Bank Insurance can send through an appeal directly to the Information Officer of Land Bank Insurance. The appeal should be done in writing either on email or a hard copy letter (typed or written).

If the Requester is still dissatisfied with the decision made by the Information Officer of the Land Bank Insurance, the Requesters will have to exercise such external remedies at their disposal.

### 18.2. External Remedies

Any Requester that is dissatisfied with any decision of Land Bank Insurance in respect of a Request for Access to a Record of Land Bank Insurance can send an appeal directly to the Information Regulator or approach the High Court or another court of similar status to seek redress by way of an application to the court within 180 (one hundred and eighty) days in terms of section 78 of PAIA.

## 19. FEES PAYABLE

19.1. A Requester who requests a copy of a Record or access to a record may be charged a fee for reproduction and postage if the Request for Access is granted, as prescribed.

19.2. If the search for a Record and the preparation of the Record for disclosure would, in the opinion of the Deputy Information Officer, require more than six hours for these purposes, the Deputy Information Officer must inform the Requester to pay as a deposit, a portion of the access fee, provided that the amount payable as a deposit must not exceed one third of the amount payable, if the Request for Access is granted.

19.3. If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer must repay the deposit to the Requester.

19.4. If a Request for Access is granted or refused, the Deputy Information Officer must inform the Requester of their decision and the fees payable.

19.5. Please refer to Appendix B for the relevant fees payable by a Requester.

## 20. PROCESSING OF PERSONAL INFORMATION

### 20.1. Conditions of Lawful Processing

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlines in POPIA. Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

20.1.1. **Accountability -** the Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.

20.1.2. **Processing limitation -** Personal Information must be collected directly from a Data Subject to the extent applicable; must only be Processed with the consent of the Data Subject and must only be used for the purpose for which it was obtained.

20.1.3. **Purpose specification –** Personal Information must only be Processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.

20.1.4. **Further Processing limitation –** further Processing of Personal Information must be compatible with the initial purpose for which the information was collected.

20.1.5. **Information quality –** the Responsible Party must ensure that Personal Information held is accurate regularly and that the integrity of the information is maintained by appropriate security measures.

20.1.6. **Openness –** there must be transparency between the Data Subject and the Responsible Party.

20.1.7. **Security safeguards –** a Responsible Party must take reasonable steps ensure that adequate safeguards are in place to ensure that Personal Information is being Processed responsibly and is not unlawfully accessed.

20.1.8. **Data Subject participation –** the Data Subject must be made aware that their information is being Processed and must have provided their informed consent to such Processing.

### 20.2. Purpose of the Processing of Personal Information by Land Bank Insurance

As outlined in paragraph 20.1.3, Personal Informational may only be Processed for a specific purpose. The purpose for which Land Bank Insurance processes or will process Personal Information is set out in Part 1 of Appendix E.

20.3. **Recipients of Personal Information**

Part 2 of Appendix E outlines the recipients to whom the Land Bank Insurance may provide a Data Subject's Personal Information.

20.4. **Cross-border flows of Personal Information**

Section 72 of POPIA provides that Personal Information may be transferred out of South Africa if:

20.4.1. the recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or

20.4.2. the Data Subject consents to the transfer of their Personal Information; or

20.4.3. the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

20.4.4. the transfer is necessary of the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or

20.4.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practical to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

Part 3 of Appendix E sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

20.5. **Description of information security measures to be implemented by the Land Bank Insurance**

Part 4 and 5 of Appendix E sets out the types of security measures implemented by the Land Bank Insurance in order to ensure that Personal Information is respected and protected.

20.6. **Objection of the Processing of Personal Information by a Data Subject**

Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his / her Personal Information in the prescribed form attached to this Manual as Appendix C, object to the Processing of his / her Personal Information, subject to exceptions contained in POPIA.

20.7. **Request for correction or deletion of Personal Information**

Section 24 of POPIA and regulation 3 of the POPIA Regulations provide that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix D to this Manual.

## 21. UPDATING OF THE PAIA MANUAL

The Land Bank Insurance will, if necessary, update and publish this Manual once every two years.

## 22. APPROVAL OF THE PAIA MANUAL

This Manual was approved by the Land Bank Insurance Board of Directors.

**APPENDIX A PRESCRIBED FORMS**

## REQUEST FOR ACCESS TO RECORD

(Regulation 7)

**NOTE:**

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

**TO:** The Deputy Information Officer

_____

_____

_____

_____

*(Address)*

E-mail address:

Fax number:

*Mark with an **"X"***

☐ Request is made in my own name ☐ Request is made on behalf of another person.

| **PERSONAL INFORMATION** | | | | |
|---|---|---|---|---|
| Full Names | | | | |
| Identity Number | | | | |
| Capacity in which request is made *(when made on behalf of another person)* | | | | |
| Postal Address | | | | |
| Street Address | | | | |
| E-mail Address | | | | |
| Contact Numbers | Tel. (B): | | Facsimile: | |
| | Cellular: | | | |
| Full names of person on whose behalf request is made *(if applicable):* | | | | |
| Identity Number | | | | |
| Postal Address | | | | |

| | | | | |
|---|---|---|---|---|
| Street Address | | | | |
| E-mail Address | | | | |
| Contact Numbers | Tel. (B) | | Facsimile | |
| | Cellular | | | |

**PARTICULARS OF RECORD REQUESTED**

*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 page and attach it to this form. All additional pages must be signed.)*

| | |
|---|---|
| Description of record or relevant part of the record: | |
| | |
| | |
| | |
| | |
| Reference number, if available | |
| Any further particulars of record | |
| | |
| | |
| | |
| | |

**TYPE OF RECORD**
*(Mark the applicable box with an "**X**")*

| | |
|---|---|
| Record is in written or printed form | |
| Record comprises virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)* | |
| Record consists of recorded words or information which can be reproduced in sound | |
| Record is held on a computer or in an electronic, or machine-readable form | |

| **FORM OF ACCESS**<br>*(Mark the applicable box with an "**X**")* | |
|---|---|
| Printed copy of record *(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)* | |
| Written or printed transcription of virtual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)* | |
| Transcription of soundtrack *(written or printed document)* | |
| Copy of record on flash drive *(including virtual images and soundtracks)* | |
| Copy of record on compact disc drive*(including virtual images and soundtracks)* | |
| Copy of record saved on cloud storage server | |

| **MANNER OF ACCESS**<br>*(Mark the applicable box with an "**X**")* | |
|---|---|
| Personal inspection of record at registered address of public/private body *(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)* | |
| Postal services to postal address | |
| Postal services to street address | |
| Courier service to street address | |
| Facsimile of information in written or printed format *(including transcriptions)* | |
| E-mail of information *(including soundtracks if possible)* | |
| Cloud share/file transfer | |
| Preferred language<br>*(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)* | |

| **PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**<br>*If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.* | |
|---|---|
| Indicate which right is to be exercised or protected | |
| | |
| | |

The Land and Agricultural Development Bank of South Africa
P O Box 375 Pretoria 0001
272 Lenchen Avenue, Lakefield Office Park, Building A,
First Floor, Die Hoewes,
CENTURION

| | |
|---|---|
| Explain why the record requested is required for the exercise or protection of the aforementioned right: | |
| | |
| | |

| **FEES** | |
|---|---|
| *a) A request fee must be paid before the request will be considered.*<br>*b) You will be notified of the amount of the access fee to be paid.*<br>*c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*<br>*d) If you qualify for exemption of the payment of any fee, please state the reason for exemption* | |
| Reason | |
| | |
| | |

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

| **Postal address** | **Facsimile** | **Electronic communication** ***(Please specify)*** |
|---|---|---|
| | | |

Signed at_____this_____day of_____20 _____

_____

***Article I. Signature of Requester / person on whose behalf request is made***

---

***FOR OFFICIAL USE***

| | |
|---|---|
| *Reference number:* | |
| *Request received by: (State Rank, Name And Surname of Information Officer)* | |
| *Date received:* | |
| *Access fees:* | |
| *Deposit (if any):* | |

_____

***Signature of Deputy Information Officer***

## APPENDIX B

## FEES PAYABLE AS PRESCRIBED BY PAIA

| | | |
|---|---|---|
| 1. | The request fee payable by every Requester | R100.00 |
| 2. | For every photocopy of an A4-size page or part thereof | R1,50 |
| 3. | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | R1,50 |
| 4. | For a copy in a computer-readable form on –<br>o Flash drive<br>o Compact disc<br>• If provided by Requester<br>• If provided to Requester | <br>R40.00<br><br>R40.00<br>R60.00 |
| 5. | For a transcription of visual images, for an A4-size page or part thereof | Service to be outsourced. Will depend on quotation from service provider |
| 6. | For a copy of visual images | |
| 7. | For a transcription of an audio Record, for an A4-size page or part thereof | R24.00 |
| 8. | For a copy of an audio Record on:<br>o Flash drive<br>o Compact disc<br>• If provided by Requester<br>• If provided to Requester | <br>R40.00<br><br>R40.00<br>R60.00 |
| 9. | To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.<br>To not exceed a total cost of | R100<br><br>R300 |
| 10. | Deposit: if search exceeds 6 hours | One third of amount per request calculated in terms of items 2 to 8 |
| 11. | Postage, email, or any other electronic transfer | Actual expense, if any |

**APPENDIX C**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017**

(Regulation 2(1))

*Note:*

1. *Affidavits or other documentary evidence in support of the objection must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number:

| **DETAILS OF DATA SUBJECT** | |
|---|---|
| Name and surname of data subject: | |
| Residential, postal or business address: | |
| | |
| | |
| | Code ( ) |
| Contact number(s): | |
| Fax number: | |
| E-mail address: | |
| **DETAILS OF RESPONSIBLE PARTY** | |
| Name and surname of responsible party*(if the responsible party is a natural)*: | |
| Residential, postal or business address: | |
| | |
| | |
| | |

| | |
|---|---|
| | Code ( ) |
| Contact number(s): | |
| Fax number: | |
| E-mail address: | |

| | |
|---|---|
| Name of public or private body*(if the responsible party is not a natural person)*: | |
| Business address: | |
| | |
| | |
| | Code ( ) |
| Contact number(s): | |
| Fax number: | |
| E-mail address: | |
| **REASONS FOR OBJECTION** *(Please provide detailed reasons for the objection)* | |
| | |
| | |

Signed at ..... this ..... day of .....20……..

.....

*Signature of data subject (applicant)*

**APPENDIX D**

**FORM FOR THE REQUEST TO DELETE OR CORRECT PERSONAL INFORMATION IN TERMS OF POPIA**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24 (1) OF THE PROTECTION OF PERSONAL**

**INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**Regulation 3 (2)**

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached*
2. *If the space provided for in this Form is Inadequate, submit information as an Annexure to this Form and sign each page*
3. *This request is subject to other related regulatory requirements*

Reference Number……

Mark the appropriate box with an "x"

**Request for:**

Reference Number…..

☐ Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party

☐ Destroying or deletion of a record of personal information about the data subject which in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

| **A** | **DETAILS OF THE DATA SUBJECT** |
|---|---|
| Surname: | |
| Full names: | |
| Identity number: | |
| Residential, postal or business address: | |
| | |
| | |
| | Code ( ) |
| Contact number(s) | |
| Fax number: | |
| E-mail address: | |
| **B** | **DETAILS OF RESPONSIBLE PARTY** |
| Name and surname of responsible party (if | |

| | |
|---|---|
| the responsible party is a natural person): | |
| Residential, postal or business address: | |
| | |
| | |
| | |
| Contact number(s) | |
| Fax number: | |
| E-mail address: | |

| | |
|---|---|
| Name of public or private body (if the responsible party is not a natural person): | |
| | |
| Business address: | |
| **C** | **REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY.** (Please provide detailed reasons for the request) |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Signed at……..this……..day of……..20……

Signature of Data subject……..

**APPENDIX E**

**PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA**

| Part 1 | Categories of Data Subjects of Land Bank Insurance and categories of Personal Information relating thereto | Data Subject | Personal Information Processed |
|---|---|---|---|
| | **Customer:**<br><br>• **Corporate:** Customer Profile information, account details, payment information, corporate structure, client risk rating and other client information including to the extent the categories of information relate to individuals or representatives of client (e.g., shareholders, directors, etc.) required for the above-mentioned purposes.<br>• **Individual:** Name; contact details (company E-Mail Address, company telephone number), client details (Home Facsimile Number, Home Postal Address, Home Telephone Number, Personal Cellular, Mobile or Wireless Number, Personal E-Mail Address); regulatory identifiers (e.g. tax identification number, Account Information (Bank Account ID, Bank Account Name, Bank Account Type, Bank account balance); transaction details and branch details; "know-your client" data, photographs; other identification and verification data as contained in images of ID card, passport and other ID documents, images of client signatures).<br><br>• **Staff:** Name; Land Bank Insurance employee Number, business contact details ( address/telephone number/email address) | • Natural Persons;<br>• Juristic Persons | Personal data relating to a Data Subject received by or on behalf of Land Bank Insurance from the Client, Client's representatives and related parties in the course of providing financial products and services to the Client or in connection with a transaction or services. Client personal data may include names contact, contact details, identification and verification information, nationality and residency information, taxpayers identification numbers, voiceprints, bank account and transactional information (where legally permissible), to the extent that these amount to personal data under POPIA |
| **Part 2** | **Recipients of Personal Information** | | |
| | Land Bank Insurance and their respective representatives (Refer to Appendix F). | | |
| **Part 3** | When making authorized disclosures or transfers of personal information in terms of section 72 of POPIA, Land Bank Insurance may disclose Personal Data to recipients located in other | | |

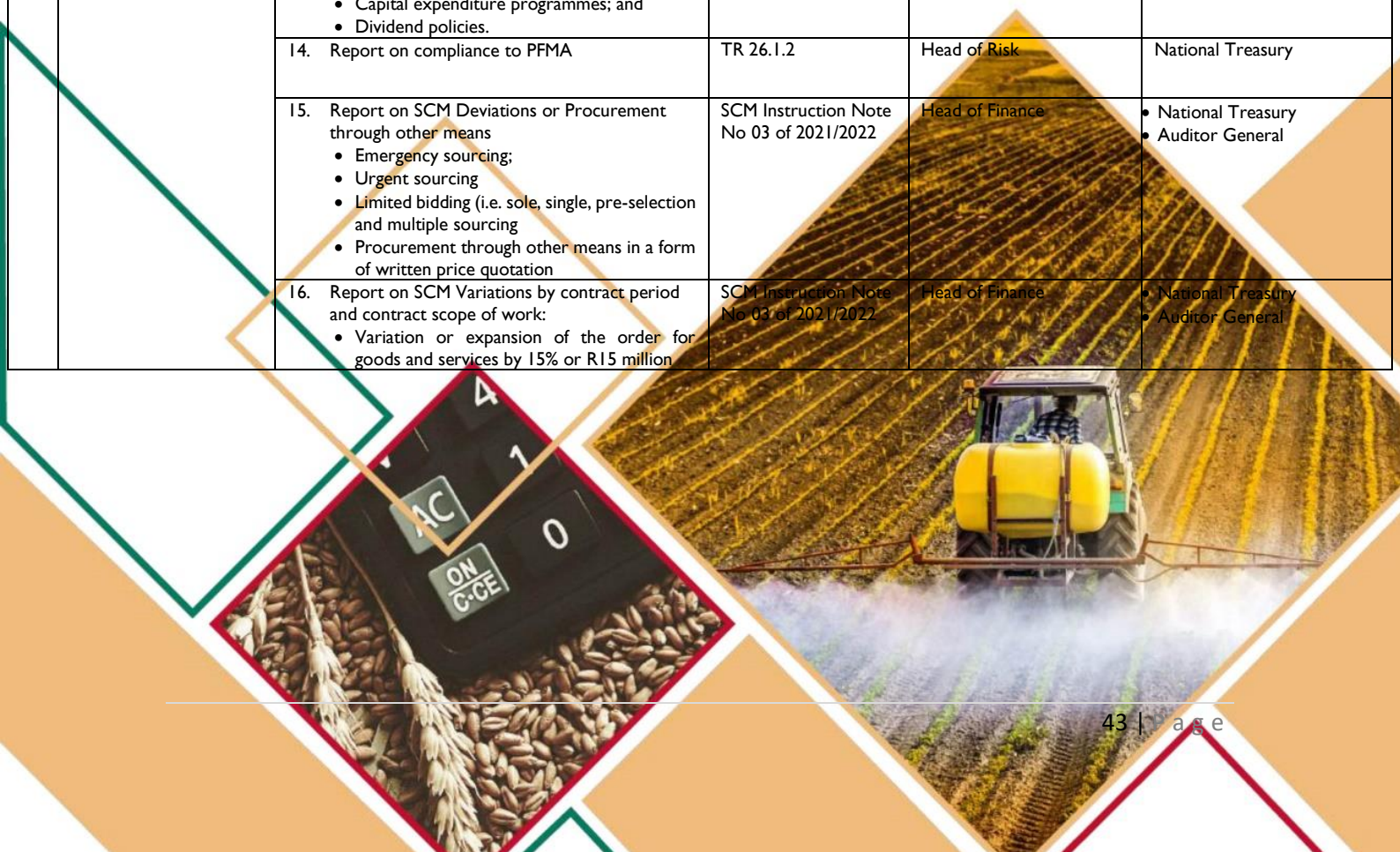
| | |
|---|---|
| | countries. When undertaking such transfers, Land Bank Insurance will ensure that such transfers apply with all applicable laws, including POPIA. |
| **Part 4** | **Description of Information security measures to be implemented by the Land Bank Insurance** |
| | Land Bank Insurance undertakes to institute appropriate reasonable technical and organisational measures to prevent the loss of, damage to, unauthorised destruction, unlawful access to or unlawful processing of personal information. Land Bank Insurance undertakes to maintain the data protection measures below to accomplish the objectives in outlined in numbers 1 – 7 below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Land Bank Insurance may use different otherwise-suitable measures and adapt to technological security development, as needed, provided that the level of data protection achieved by Land Bank Insurance remains appropriate and reasonable.<br><br>**1. Access Control of Persons**<br>Land Bank Insurance implements suitable measures in order to prevent unauthorized persons from gaining access to the data Processing equipment where the data are Processed.<br><br>**2. Data Media Control**<br>Land Bank Insurance implements suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by the Land Bank Insurance and containing personal data of Clients.<br><br>**3. Data Memory Control**<br>Land Bank Insurance implements suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data of the data exporter's clients.<br><br>**4. User Control**<br>Land Bank Insurance implements suitable measures to prevent its data Processing systems from being used by unauthorized persons by means of data transmission equipment.<br><br>**5. Access Control of Data**<br>Land Bank Insurance asserts that the person entitled to use Land Bank Insurance's data Processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization).<br><br>**6. Transport Control**<br>Land Bank Insurance implements suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.<br><br>**7. Organisation Control**<br>Land Bank Insurance commits to maintain its internal organisation in manner that meets the requirements of this Manual. |
| **Part 5** | **Information Security and Related Policies (controls) in place at the Land Bank Insurance** |
| | 1. Records Management Policy<br>2. Land Bank Insurance Information Privacy Policy |

| | |
|---|---|
| | 3. Guide to Access Information (PAIA Manual)<br>4. IT and Cyber Policy<br>5. ICT Change Management Policy<br>6. IT Governance Framework<br>7. IT User Access Management Standard Operating Procedure |

## ANNEXURE F

### LAND BANK INSURANCE APPLICABLE LEGISLATION, AND THEIR REPRESENTATIVES

| No | Legislation | Reporting Requirement | Reference | Responsibility / Risk Owner | Regulatory Body |
|---|---|---|---|---|---|
| 1. | Public Finance Management Act | 272 Lenchen Avenue, Lakefield Office Park, Building A, First Floor, De Hoewes, CENTURION<br>1. Un-audited Annual Financial Statements | S55(1) (c), TR28.1 | Head of Finance | • Auditor General<br>• National Treasury |
| | | 2. Audited Financial Statements and | S55(3), S65(a) | Head of Finance | • National Treasury<br>• Parliament |
| | | 3. Audited Audit Report | S(55)(3), S65(a) | Head of Finance | • National Treasury<br>• Parliament |
| | | 4. Annual Report : Any material losses through criminal conduct and any irregular and fruitless and wasteful expenditure | S(55)(3), S65(a), TR28.2.1(a) | Head of Internal Audit | • National Treasury<br>• Parliament |
| | | 5. Annual Report : Actual performance against the strategic objectives and outcomes | S(55)(3), S65(a), TR28.2.1(b) | EM Human Capital | • National Treasury<br>• Parliament |
| | | 6. Budget of estimated revenue and expenditure for the year | S52(a), TR29.4 | Head of Finance | National Treasury |
| | | 7. Financial misconduct procedures report<br>• the outcome of any disciplinary hearings and/or criminal charges;<br>• the names and ranks of employees involved; and<br>• the sanctions and any further actions taken against these employees. | S85(1)(b), (c)&(d), TR33.3.1 | EM Human Capital | • Shareholder<br>• National Treasury<br>• Auditor General |
| | | 8. Corporate Plan and/or Strategic or | S52(b),TR29.1(a-c) | Head of Finance | National Treasury |
| | | 9. Corporate Plan: Shareholders Compact | TR29.1 & TR29.2 (a) | Company Secretary (ComSec) | National Treasury (Shareholder) |
| | | 10. Corporate Plan: Risk Management Plan | TR29.1(d) | Head of Risk | National Treasury (Shareholder) |
| | | 11. Corporate Plan: Fraud Prevention Plan; | TR29.1(e) | Head of Internal Audit | National Treasury (Shareholder) |
| | | 12. Corporate Plan: Materiality and Significance Framework | Sections 55(2), 54(2), TR28.3,TR29.1(f) | Head of Finance | National Treasury |
| | | 13. Corporate Plan: Financial Plan<br>• Projections of revenue, expenditure and borrowings;<br>• Asset and liability management;<br>• Cash flow projections;<br>• Capital expenditure programmes; and<br>• Dividend policies. | TR29.1(g) | Head of Finance | National Treasury |
| | | 14. Report on compliance to PFMA | TR 26.1.2 | Head of Risk | National Treasury |
| | | 15. Report on SCM Deviations or Procurement through other means<br>• Emergency sourcing;<br>• Urgent sourcing<br>• Limited bidding (i.e. sole, single, pre-selection and multiple sourcing<br>• Procurement through other means in a form of written price quotation | SCM Instruction Note No 03 of 2021/2022 | Head of Finance | • National Treasury<br>• Auditor General |
| | | 16. Report on SCM Variations by contract period and contract scope of work:<br>• Variation or expansion of the order for goods and services by 15% or R15 million | SCM Instruction Note No 03 of 2021/2022 | Head of Finance | • National Treasury<br>• Auditor General |



## ANNEXURE F

### LAND BANK INSURANCE APPLICABLE LEGISLATION, AND THEIR REPRESENTATIVES

| No | Legislation | Reporting Requirement | Reference | Responsibility / Risk Owner | Regulatory Body |
|---|---|---|---|---|---|
| | | • Variation or expansion of the order for all construction related goods and services by 20% or R20 million. | | | |
| | | 17. Report on restriction of person from trading with the State (Informing the National Treasury of non- performance or fraudulent incidents/transgressions) | SCM Instruction Note No 03 of 2021/2022 | Head of Finance | • National Treasury<br>• Auditor General |
| | | 18. All information required by the National Treasury in terms of the Act and Regulations. | TR 25.1.3 | Managing Director<br><br>(Depending on the delegation of powers) | • Registrar of Public Entities in the<br>• National Treasury |
| | | 19. CEO designated as the Accounting authority or Board of Directors | Section 49: | Company Secretary or Board Chairperson depending on delegations. | • National Treasury |
| 2. | Land Bank Act | 20. Approval of the Investment Policy (Equity Investment) | S23(1) | Managing Director | National Treasury (Shareholder) |
| | | 21. Approval of the Investment Policy (Liquidity Risk / Cash Investment) | S23(1) | Managing Director | National Treasury (Shareholder) |
| | | 22. Board member resignation | S11 | Company Secretary (ComSec) | National Treasury (Shareholder) |
| | | 23. Board Member material interest constituting conflict of interest | S21 | Company Secretary (ComSec) | National Treasury (Shareholder) |
| | | 24. Approval of conducting business on:<br>• Investing money<br>• Providing grant funding<br>• Mandate to provide insurance service<br>• Providing import and export financial services | S26(3) | Managing Director | National Treasury (Shareholder) |
| | | 25. Approval of the memorandum and articles of association of a subsidiary established | 36(3) | Managing Director | Prudential Authority |
| 3. | Financial Intelligence Centre Act | 26. Report on Unusual and Suspicious Transaction Reporting (STR) | S29 (1)(c) | Head of Legal and Compliance | FIC |
| | | 27. Report on Terrorist Property Reporting (TPR) | S28(A) | Head of Legal and Compliance | FIC |
| | | 28. Report all cash transactions above the threshold of R49, 999.99 | S28 (a) (b) | Head of Legal and Compliance | FIC |
| | | 29. Section 27 and 32 report (i.e. any additional information FIC may deem necessary elating to section 28 and 29 reports or any other relevant information | S27 &32 | Head of Legal and Compliance | FIC |
| 4. | Unemployment Insurance Contributions Act | 30. Payment Statement | S8(2) | EM: Human Capital | Commissioner/Department of Employment and Labour |
| | | 31. Personnel information in relation to<br>• the termination of the employment of any employee; and<br>• the appointment of any employee by the employer. | S10(3) | EM: Human Capital | Commissioner/Department of Employment and Labour |

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| No | Legislation | Reporting Requirement | Reference | Responsibility / Risk Owner | Regulatory Body |
|---|---|---|---|---|---|
| 5. | Skills Development Levies Act | Skills Development Levy Report (Contributions to SARS) | S3 and 6, 22 | EM: Human Capital | Department of Employment and Labour |
| | | 32. Annual Training Report (ATR) | S3 and 6, 22 | EM: Human Capital | Relevant SETA |
| | | 33. Workplace Skills Plan (WSP) | S3 and 6, 22 | EM: Human Capital | Relevant SETA |
| 6. | Employment Equity Act | 34. Employment Equity Report and its Progress | S21(a) | EM: Human Capital | Department of Employment and Labour |
| | | 35. Publication of Report – summary of report on the annual financial report | S22(1) | EM: Human Capital | Department of Employment and Labour |
| | | 36. Statement on income differentials | S27: | EM: Human Capital | Employment Conditions Commission |
| | | 37. Collecting information and conducting an analysis | Regulation 8 | EM: Human Capital | Department of Employment and Labour |
| 7. | National Disaster Management Act | 38. Report detailing the disaster (Compliance Report) | As per Regulations- by the Minister | EM: Human Capital | Department of Cooperative Governance and Traditional Affairs |
| | | 39. Disaster Management Plan | S25(3)(a) | Head of Risk | Department of Cooperative Governance and Traditional Affairs |
| | | 40. Any occurrence leading to the declaration of a disaster | 24(4): | Head of Risk | Department of Cooperative Governance and Traditional Affairs |
| 8. | Compensation for Occupational Injuries and Diseases | 41. Notice of accident by employer to the Commissioner | S39 | EM: Human Capital | Compensation Commissioner |
| | | 42. Inquiry by the Director-General into an accident | S40 | EM: Human Capital | Compensation Commissioner |
| | | 43. Notice of occupational disease to the Commissioner | S68 | EM: Human Capital | Compensation Commissioner |
| | | 44. Employer to register with the Commissioner and to furnish the Commissioner with particulars | S80 | EM: Human Capital | Compensation Commissioner |
| | | 45. Employer to furnish returns of earnings to the Commissioner | S82 | EM: Human Capital | Compensation Commissioner |
| | | 46. Assessment to be paid by employer to the Commissioner | S86 | EM: Human Capital | Compensation Commissioner |
| 9. | Labour Relations Act | 47. Compliance reports – records to be kept by employer | S205 | EM: Human Capital | Registrar of Labour Relations |
| 10. | Occupational Health and Safety Act | 48. Reporting certain incidents to an inspector | S14 and 24 | EM: Human Capital | Department of Employment and Labour |
| | | 49. Reporting of incidents and occupational diseases | Reg. 8: | EM: Human Capital | Department of Employment and Labour |
| | | 50. Approval and registration of training providers | Reg.20 | EM: Human Capital | Department of Employment and Labour |
| 11. | Broad Based Black Economic | 51. B-BBEE Plans | Reg13(G) | Managing Director | B-BBEE Commission |
| | | 52. BBEE Scorecard | Reg13(G) | Managing Director | B-BBEE Commission |

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| No | Legislation | Reporting Requirement | Reference | Responsibility / Risk Owner | Regulatory Body |
|---|---|---|---|---|---|
| | Empowerment (BEE) Act and Regulations | 53. Annual Financial Statements | Reg13(G) | Managing Director | B-BBEE Commission |
| | | 54. Annual Report | Reg13(G) | Managing Director | B-BBEE Commission |
| | | 55. Strategy for Broad-Based Black Economic Empowerment | S11 | Managing Director | Department of Trade, Industry and Competition |
| | | 56. Other offences and penalties : Any procurement officer or other official of an organ of state or public entity who becomes aware of the commission of, or any attempt to commit SCM fraud | S13(O) | Head of Internal Audit | Law Enforcement Agencies such as SAPS, SIU, Hawks and others |
| 12. | King IV report on Corporate Governance | 57. Corporate Governance Report | n/a | Company Secretary (ComSec) | Forms part of the annual integrated report. |
| 13. | Income Tax and VAT<br><br>(SARS Return) | 58. VAT Return | S28 of VAT Act | Head of Finance | South African Revenue Services (SARS) |
| | | 59. Vendor to notify change of status | Section 25: | Head of Finance | South African Revenue Services (SARS) |
| | | 60. Special Returns as deemed necessary by the Commissioner | Section 29: | Head of Finance | South African Revenue Services (SARS) |
| | | 61. Annual notice by the Commissioner requiring returns for assessment of taxes | Section 66 | Head of Finance | South African Revenue Services (SARS) |
| | | 62. Employers to keep records and furnish returns | Par 14 of the Fourth Schedule | Head of Finance | South African Revenue Services (SARS) |
| | | 63. Estimates of taxable income to be made by provisional taxpayers | Par 19 of the Fourth Schedule: | Head of Finance | South African Revenue Services (SARS) |
| | | 64. SARS Annual Returns of interest Income (IT3B) | 25BB of the Income Tax Ac | Head of Finance | South African Revenue Services (SARS) |
| | | 65. EMP501 (IRP5+IT3a) | S29 | EM: Human Capital | |
| | | 66. EMP501 (without IRP5) – Mid-year submission | S29 | EM: Human Capital | |
| | | 67. EMP201 (declaration of PAYE, UIF & SDL) | Section 3 (1), (4) and (5) of the Skills Development Levy Act | EM: Human Capital | |
| 14. | South African Reserve Bank Act | 68. Annual Financial Statements | S45 insurance Act<br><br>S19 of FAIS | Head of Finance | Prudential Authority<br><br>Financial Sector Conduct Authority<br><br>Companies and Intellectual Property Commission |
| | | 69. Quarterly SAM Return (QRTs) | | Head of Actuarial | Prudential Authority |
| | | 70. Annual SAM Returns (ARTs) | S45 insurance Act | Head of Actuarial | Prudential Authority |

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| No | Legislation | Reporting Requirement | Reference | Responsibility / Risk Owner | Regulatory Body |
|---|---|---|---|---|---|
| | | 71. Qualitative Regulatory Reporting | | Head of Actuarial; Head of Risk Management; Legal and Compliance | Prudential Authority |
| | | 72. Own Risk and Solvency Assessment (ORSA) | Prudential Standard GOI 3.1 | Head of Actuarial; Head of Risk | Prudential Authority |
| | | 73. C68 SARB Submission - Quarterly Return by Insurers transacting business in SA | | Head of Finance | Prudential Authority |
| | | 74. Liquidity Funding Risk Management Report | | Head of Finance; Head of Actuarial; Executive Manager of Operations | Prudential Authority |
| | | 75. AML/CFT Risk Return | | Executive Manager of Operations; Head of Legal and Compliance | Prudential Authority |
| 15. | Regulation of Interception of Communications and (RICA) | 76. Loss, theft or destruction of cellular phone or SIM-card to be reported | Section 41 | Head of Finance | South African Police Services |
| | | 77. Keeping of information by juristic persons and persons who lease SIM-cards | Section 62C | Head of Finance | South African Police Services |
| 16. | Pension Funds Act | 78. Schedule of payments | S13A | EM: Human Capital | The Land Bank Insurance does not report directly to the Regulator, the Pension Fund (Alex Forbes does). However, the Bank has to confirm of payment |
| 17. | Promotion of Access to Information Act | 79. Company Information or any company record - PAIA Manual | S51 of the Act | Managing Director | Information Regulator |
| | | 80. S32 Request for Information Compliance Report | S32 of Act | Managing Director | Information Regulator |
| | | 81. Voluntary disclosure and automatic availability of certain records | S15, 52: | Managing Director | Information Regulator |
| | | 82. Availability of the manual required by the Act | Regulations 4 and 9: | Managing Director | Information Regulator |
| | | 83. The information officer of a public body or a private body must compile a manual containing prescribed information | S14 and 51: | Managing Director | Information Regulator |
| 18. | Protection of Personal Information Act(POPI) | 84. Notification of security compromises | Section 22: | Head of Legal and Compliance | Information Regulator |
| | | 85. Notification of information processing requiring prior authorisation | Section 58: | Head of Legal and Compliance | Information Regulator |
| | | 86. Compliance reporting | Section 90: | Head of Legal and Compliance | Information Regulator |
| 19. | National Strategic Intelligence Act | 87. Analysis of electronic communications security needs | Section 3(8) | Managing Director | South African State Security Agency (SSA) |
| | | 88. Electronic communications security needs analysis | Regulation 2.4 | Managing Director | South African State Security Agency (SSA) |
| | | 89. Provision of information | Section 79B | Managing Director | Minister of Communication |

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| No | Legislation | Reporting Requirement | Reference | Responsibility / Risk Owner | Regulatory Body |
|---|---|---|---|---|---|
| 20. | Prevention and Combatting of Corrupt Activities Act (PRECCA) | 90. Duty to report corrupt transactions : Any activities of corruption, theft, fraud, extortion, forgery and uttering of forged document | S34 | Head of Internal Audit | South African Police Services (SAPS) and other law enforcement agencies such as Special Investigating Unit (SIU) |
| 21. | Protection of Constitutional Democracy Against Terrorism and Related Activities Act (POCDATRA) | 91. Suspicious and terrorism related activities report : Linked to Section 28A and 29 of FICA | S12 | Head of Legal and Compliance | South African Police Services (SAPS) and other law enforcement agencies such as Special Investigating Unit (SIU)<br>Financial Intelligence Centre |
| 22. | National Prosecution Authorities Act | 92. Report detailing the offence / Affidavit | S27(a-c) | Head of Internal Audit | National Prosecution Authorities (NPA) |
| 23. | Medical Schemes Act | 93. Member schedule form<br>*Land Bank Insurance receives member schedule. | S23 | EM: Human Capital | No direct reports to the Medical Schemes Regulator. Bankmed responsible |
| 24. | Competition Act | 94. Notification and implementation of mergers | Section 13A | Managing Director | National Treasury (Shareholder) |
| 25. | Marketing of Agricultural Products | 95. Records and returns | S18 | Executive Manager: Sales | Director General : Department of Agriculture |
| 26. | National Environmental Management | 96. Consequences of unlawful conduct of listed activity resulting in atmospheric emission | Section 22A | Head of Finance | Minister of Environmental Affairs or MEC, as the case may be |
| 27. | Preferential Procurement Policy Framework Act, 2000: Preferential Procurement Regulations, 2017 | 97. Remedies : Submitted false information regarding its B-BBEE status level of contributor | Regulation 14: | Head of Finance | National Treasury |
| 28. | Financial Advisory & Intermediary Services Act 37 of 2002 | 98. Annual Financial Statements | Section 19(3) | Head of Finance | Financial Sector Conduct Authority |
| | | 99. Conduct of Business Returns | | Executive Manager: Operations | Financial Sector Conduct Authority |