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Introduction

Your privacy is very important to us, and Discovery Bank is committed to protecting your right to privacy as well as your right to access any information that Discovery has on you.

This Access to Information Manual ('Manual') is prepared in compliance with the Promotion of Access to Information Act 2 of 2000 ('PAIA') and the Protection of Personal Information Act 4 of 2013 ('POPIA'). In terms of this legislation, everyone has the right to access their personal information that is processed by a private body or responsible party, such as Discovery Bank. The purpose of this Manual is to enable requesters to get access to the records to which they are entitled in a quick, easy, and accessible manner.

Purpose of the PAIA and POPIA

PAIA aims to give effect to every South African's constitutional right to access their information held by the state or a private body. This information can be accessed for the purpose of exercising or protecting any right contained in the Bill of Rights.

When such a request is made, Discovery is obliged to give access to the requested information, except where the law expressly provides that the information must not be released.

It is important to note that PAIA recognises certain limitations to the right of access to information, which includes:

- Limitations aimed at the reasonable protection of the right to privacy;
- Commercial confidentiality; and
- Effective, efficient, and good governance.

The limitation should be in a manner that balances that right of access to information with any other rights.

The main objective of POPIA is to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

Access to the Information Manual

In line with the legislative requirements, this Manual serves as Discovery Bank's information manual, and provides information on both the types and categories of records held by Discovery Bank. This includes the following:

- A description of the records held by and on behalf of Discovery Bank;
- The procedure to be followed; and
- Any fees payable when requesting access to any of these records.

This Manual is available for public inspection as follows:



Access to Information Manual

- At the physical address of any Discovery office;
- On the Discovery website (www.discovery.co.za);
- On request by any person and upon payment of a reasonable prescribed fee; and
- From the designated Information Officer.

A fee for a copy of the Manual shall be payable per each A4- size page photocopy made.

Contact details

General contact details

Company name	Discovery Bank Limited
Postal address	PO Box 786722, Sandton, 2146
Physical address	1 Discovery Place, Sandton, 2146
Telephone number	0800 07 96 97
Fax number	011 324 4800

Information Officer contact details

Information Officer	Hylton Kallner
Postal address	PO Box 786722, Sandton, 2146
Physical address	1 Discovery Place, Sandton, 2146
Telephone number	011 529 1459
Email address	InformationOfficer@discovery.bank

Deputy Information Officer contact details

Deputy Information Officer	Craig Du Preez
Postal address	PO Box 786722, Sandton 2146
Physical address	1 Discovery Place, Sandton 2146
Telephone number	011 529 2772
Email address	InformationOfficer@discovery.bank

South African Human Rights Commission: The PAIA Unit

The South African Human Rights Commission compiled an official guide that contains information to assist a person wishing to exercise their right of access to information in terms of the Act. The same process applies to information sought in terms of POPIA. The guide on how to use the Act is available at www.sahrc.org.za.

As of 30 June 2021, the Information Regulator will take over regulatory duties (mandate functions) relating to the Act.



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Information Regulator details:

The Information Regulator (South Africa)
Postal address: PO Box 31533, Braamfontein, 2017
Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg
Telephone number: +27 10 023 5207
Fax number: +27 11 403 0668
PAIA complaints email: PAIAComplaints@infoeregulator.org.za
POPIA complaints email: POPIAComplaints@infoeregulator.org.za
General enquiries email: enquiries@infoeregulator.org.za

Automatic disclosure

Discovery Bank has made available a description of categories of records that are automatically available without a person having to request access in terms of this Manual. The below records are automatically available:

- Product and Services Brochures;
- Trade circulars;
- Pamphlets; and
- News and other Marketing Information.

Records of Discovery Bank

Discovery Bank will treat all your personal records as confidential, even if you are no longer a client. As a rule, we won't share anything about your accounts, name or address with anyone, including other companies in the Discovery Group, without your consent. By law, there are only four exceptional situations when we will share your information without written permission.

We have to share your information:

1. Because of a court case or we are legally compelled to do so;
2. If it is in the public interest to disclose information;
3. If our interests require disclosure (this will not be used as a reason for sharing information about you or your accounts such as your name and address) to anyone else including other companies in the Discovery Group for marketing purposes); and
4. You ask us to share your information or give us written permission to share your information.

Section 50 of the Act states that the person requesting information has access to any record of a private body if:

- That record is necessary for the exercise or protection of any right; or
- That person complies with the procedural requirements in the Act relating to a request for access to that record; or
- There is a refusal that's not in terms of the grounds for refusal in Part 3, Chapter 4 of the Act.

We may refuse to give you access to documents depending on the situation. We set out and explain these reasons in Section 5 of this manual.

We broadly classify and group records according to the following subjects and categories:



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Personnel records:

- Personal records that personnel provide;
- Records that a third party (external company or person) provides relating to personnel;
- Conditions of employment and other personnel-related contracts and quasi-legal records;
- Internal evaluation records and other internal records;
- Letters and documents relating to personnel; and
- Training schedules and material.

'Personnel' refers to any person who works for or provides services to or on behalf of Discovery Bank. This person is paid for their work or should be paid for their work. Personnel also includes any other person who assists in carrying out or conducting the business of Discovery Bank as well as, without limitation, the trustees, all permanent, temporary and part-time staff, and contract workers.

Client-related records:

- Records a client or secondary cardholder provides to Discovery Bank;
- Records a client or secondary cardholder provides to a third party (external person or organisation) acting for or on behalf of Discovery Bank;
- Records a third party provides concerning a client or secondary cardholder;
- Records generated by or within Discovery Bank relating to a client or secondary cardholder.

'Client' refers to any natural or juristic entity that receives services from Discovery Bank. This includes prospective clients who submit applications to Discovery Bank, but which or who ultimately don't become Discovery Bank clients.

Discovery Bank records:

These records include, but are not limited to, the records which affect Discovery Bank's own affairs:

- Financial records;
- Strategic records;
- Operational records;
- Information technology policies and procedures; and
- Other policies and procedures.

Other party records:

Discovery Bank may possess records affecting other parties including, but not limited to, contractors, suppliers, and service providers. These other parties can have records that belong to Discovery Bank such as:

- Personnel, client, or private body records which another party holds, as opposed to the records Discovery Bank holds;
- Records held by Discovery Bank relating to other parties, including without limitation, financial records, correspondence, contractual records, records the other party provides, and records third parties provide about contractors or suppliers.

Recipients to whom personal information may be supplied

A requester is any person making a request for access to a record of, or held by, Discovery Bank. The requester is entitled to requesting access to the requester's own information, or information pertaining to third parties, where the requester has a legitimate interest to protect or is appropriately authorised. The access to information may be subject to a payment of fees in accordance with Annexure 1. Subject to the



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nature of the data, Discovery Bank may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data (such as the National Credit Regulator in terms of the National Credit Act 34 of 2005);
- Any court, administrative or judicial forum, arbitration, statutory commission or ombud making a request for data held by Discovery Bank in terms of the applicable rules (such as the Competition Commission in terms of the Competition Act 89 of 1998);
- South African Revenue Service, or another similar authority;
- A contracted third party who requires this information to provide a healthcare service to a client or any dependants on the client's health plan;
- Third parties with whom Discovery Bank have a contractual relationship for the retention of data (for example, third-party archiving services);
- Research or academic institutions;
- Auditing and accounting bodies (internal and external);
- Anyone making a successful application for access in terms of PAIA; and
- Subject to the provisions of POPIA and the National Credit Act 34 of 2005, Discovery Bank may share information about a client's creditworthiness with any credit bureau or credit providers, industry association or other association for an industry in which Discovery Bank operates.

Transborder flows of personal information

Discovery Bank may transfer personal information to a third party who is in a foreign country to administer certain services. Personal Information may be stored in data servers hosted outside South Africa. However, Discovery Bank may only do so subject to the provisions of POPIA. Academic or market research may be conducted by a company within the Discovery Group and/or by a contracted research and survey provider, which may be inside or outside South Africa.

Security measures

Discovery Bank takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in Discovery Bank's possession or under its control. Discovery Bank takes appropriate technical and organisational measures designed to ensure that personal data remains protected and secure against unauthorised or unlawful processing or access, and against accidental loss, destruction or damage.

Grounds for refusal to access records

Discovery Bank may refuse a request for information in these circumstances:

Compulsory protection of privacy of a third party who is a natural person:

In South African law, '*natural person*' means an ordinary person as opposed to a legal entity like a company. We may refuse a request for access to records if sharing it would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

Compulsory protection of commercial information of a third party:

We may refuse a request for access to records if the record contains:

- Trade secrets of a third party (external person or organisation);
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party if sharing the information would be likely to cause harm to the commercial or financial interests of that third party; or
- Confidential information a third party supplies of which the disclosure could reasonably:
 - Put that third party at a disadvantage in contractual or other negotiations; or



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- Put that third party at a disadvantage in commercial competition.

We have to protect certain confidential information about a third party:

We may refuse a request for access to records if sharing them would go against our duty of keeping an organisation or person's information confidential according to an agreement.

Compulsory protection of the safety of individuals, and protection of property:

We may refuse a request for access to records:

- If sharing it could reasonably endanger the life or physical safety of an individual; or
 - If sharing it would be likely to cause harm to or impair the security of:
 - A building, structure or system, including, but not limited to, a computer or communication system;
 - A means of transport; or
 - Any other property.
- If keeping the information confidential protects methods, systems, plans or procedures to protect an individual in line with a witness protection scheme; or
- To protect the safety of the public, or any part of the public, or the security of property.

Compulsory protection of records privileged from production in legal proceedings:

We may refuse a request for access to records if the record is privileged from production in legal proceedings unless the person entitled to the privilege gives us written permission to share the record.

Commercial information of a private body:

We may refuse a request for access to records if the record:

- Contains trade secrets of the private body;
- Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body;
- Contains information, which if shared could reasonably be expected:
 - To put the private body at a disadvantage in contractual or other negotiations; or
 - To prejudice the body in commercial competition.
- Is a computer program, as defined in section 1(1) of the Copyright Act 98 of 1978 as amended, owned by the private body, except when necessary to give access to a record to which access is granted in terms of this Act.

Compulsory protection of research information of a third party and protection of research information of a private body:

We may refuse a request for access to records if the record:

- Contains information about research being carried out or going to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose:
 - The third party;
 - A person that is or will be carrying out the research on behalf of the third party; or
 - The subject matter of the research, to serious disadvantage.
- Contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose:



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- The private body;
- A person that is or will be carrying out the research on behalf of the private body; or
- The subject matter of the research – to serious disadvantage.

We may refuse a request for access to records that are made jokingly or upsetting or which involve an unreasonable diversion of resources.

Access to records that Discovery Bank holds

A requester requiring access to information held by Discovery Bank must complete the Access Request Form or visit www.discovery.co.za to complete the online form. The manual form must be submitted to the Information Officer at the postal address, physical address or email address provided. The requester must pay an access request fee (and a deposit, if applicable).

- The Access Request Form must contain enough details to enable the Information Officer to identify:
 - The records requested
 - The proof of identity of the requester
 - The form of access required if the request is granted
 - The email address, postal address, or fax number of the requester.
 - If the request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request. This information must be to the reasonable satisfaction of the Information Officer and the requester must clearly disclose the nature of the right they wish to protect, and why the requested information is necessary to exercise or protect such a right.
 - If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
 - The requester will be informed whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, the requester must state the manner and the particulars so required.

Third-party notification

Discovery Bank will take all reasonable steps to inform a third party to whom a requested record relates if the disclosure of that records would involve the disclosure of any of the following:

- Personal information about that third party
- Trade secrets of that third party
- Financial, commercial, scientific, or technical information (other than trade secrets) of that third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party
- Information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations
- Information about research being, or to be, carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, a person that is or will be carrying out the research on behalf of the third party, or the subject matter of the research, to serious disadvantage.

In addition, Discovery Bank will take all reasonable steps to inform a third party to whom a requested record relates if the disclosure of that records would lead to any of the following:

- Prejudice to that third party in commercial competition



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- An action for breach of a duty of confidence owed to a third party in terms of an agreement

Discovery Bank will inform the third party as soon as reasonably possible, but in any event, within 21 days after that request is received.

Within 21 days of being informed of the request, the third party may do one of the following:

- Make written or oral representations to the Information Officer, explaining why the request for access should be refused
- Give written consent for the disclosure of the record to the requester.

Discovery Bank will notify the third party of the outcome of the request. If the request is granted, adequate reasons for granting the request will be given.

The third party may lodge a complaint to the Information Regulator or an application with a court against the decision within 30 days after notice is given, after which the requester will be given access to the record after the expiry of the 30-day period.

Decision

Discovery Bank will, within 30 days of receiving the request, decide whether to grant or decline the request and give notice with reasons (if necessary).

The 30-day period which Discovery Bank has to decide whether to grant or refuse the request may be made longer if the request is for a large volume of information or whether the request requires a search for information and the information can't reasonably be obtained within the original 30-day period. The Information Officer will use our digital channels to notify the requester in writing if there needs to be an extension.

Remedies available when Discovery Bank refuses a request for information

Discovery Bank does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer may exercise external remedies at their disposal.

All complaints by a requester or a third party can be made to the Information Regulator or a court, in the manner prescribed below.

Complaints to the Information Regulator

The requester or third party may submit a complaint in writing to the Information Regulator, within six months of the decision, alleging that the decision was not compliant with the provisions of the legislation.

The Information Regulator will investigate the complaint and reach a decision, which may include a decision to investigate, to take no further action, to conciliate the matter or to refer the complaint to the Enforcement Committee. The Information Regulator may serve an enforcement notice confirming, amending, or setting aside the impugned decision, which must be accompanied by reasons.

Application to court

An application to court maybe brought in the ordinary course. For this purpose, any reference to an application to court includes an application to a relevant Magistrate's Court.



Annexure 1: Fees

Payment of Fees

Payment details can be obtained from the Information Officer. Payment can be made by direct deposit into the nominated Discovery bank account. Proof of payment must be attached to the Access Request Form along with the other required documentation.

The following fees are (or may be) payable:

- Request fee
- Access fee
- Reproduction fee

Request fees:

The requester must pay an initial request fee when submitting the Access Request Form. The prescribed fee is set out below in Annexure 1.

Access fees:

If the request for access is successful, an access fee must be paid prior to the release of the records by Discovery. This fee is for the search, reproduction and/or preparation of the record(s). The access fee will be calculated based on the prescribed fees set out below in this annexure.

Reproduction fee:

This fee applies to documents or records that are voluntarily disclosed (see 'Automatic Disclosure' in the Discovery Access to Information Manual). This is for reproduction, copying and transcribing the relevant documents or records. The reproduction fee will be calculated based on the prescribed fees set out below in this annexure.

Deposit:

If the search for, and the preparation of, the record for disclosure would, in the opinion of the Information Officer, require more than 6 hours, the requester may be required to pay as a deposit one third of the access fee (the fee which will be payable if the request is granted).

If a deposit has been paid in respect of a request for access which is subsequently refused, then the Information Officer must refund the deposit in full to the requester.

The requester must pay the prescribed fee before any processing, or any further processing, can take place.

Discovery Bank reserves the right to waive the fees payable subject to the type and categories of information requested as well as the effort required to provide access to the requested information. The requester may lodge a complaint with the Information Regulator or an application with a court against the tender or payment of the request and access fees or deposit if Discovery Bank declines the requester's request to waive the fees.

Where Discovery Bank receives a request for access to information held on a person other than the requester and the Information Officer, upon receipt of the request, is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable to the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.



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Please note: In terms of Regulation 8, value-added tax (VAT) must be added to all fees prescribed in terms of the Regulations. Therefore, the fees reflected above include VAT.

REPRODUCTION AND ACCESS FEES	
Where Discovery Bank has voluntarily provided the Information Regulator with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records will be a fee for reproduction of the record in question.	
Applicable fees for reproduction (including VAT)	Amount in rand
For every photocopy of an A4-size page or part thereof	2.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or computer-readable form	2.00
For a copy in a computer-readable form on compact disc	
- If provided by the requestor	40.00
- If provided to the requestor=	60.00
For a copy in a computer-readable form on flash drive (provided by the requestor)	40.00
A transcription of visual images for an A4-size page or part thereof	Service to be outsourced. Will depend on quotation from service provider
For a copy of visual images	Service to be outsourced. Will depend on quotation from service provider
A transcription of an audio record, for an A4-size page or part thereof	24.00
For a copy of an audio record on flash drive (provided by requestor)	40.00
For a copy of an audio record on compact Discovery	
- If provided by requestor	40.00
- If provided to requestor	60.00
Request fees	
The request fee payable by every requester	140.00



Access fees	
An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act, or an exclusion is determined by the Minister in terms of section 54(8).	
Applicable fees (including VAT)	
For every photocopy of an A4-size page or part thereof	2.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	2.00
Applicable fees for a copy in a computer-readable form (including VAT)	
For a copy in a computer-readable form on compact disc	40.00
- If provided by the requestor	60.00
- If provided to the requestor=	
For a copy of an audio record on flash drive (provided by requestor)	40.00
A transcription of visual images for an A4-size page or part thereof	Service to be outsourced. Will depend on quotation from service provider
For a copy of visual images	Service to be outsourced. Will depend on quotation from service provider
A transcription of an audio record, for an A4-size page or part thereof	24.00
For a copy of an audio record on flash drive (provided by requestor)	40.00
To search for a record that must be disclosed (per hour or part of an hour, excluding the first hour, reasonably required for such search and preparation)	145.00
- To not exceed a total cost of	435.00
Where a copy of a record needs to be posted the actual postal fee is payable.	TBC

