

Promotion of Access to Information Act (PAIA) Manual

**PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, NO 2 OF 2000 ("PAIA")**

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1. Introduction

Promotion of Access to Information Act, No 2 of 2000 (“**PAIA**”) was enacted on the 3rd of February 2000, giving effect to the constitutional right of access to any information held by the State and any information held by another person and that is required for the exercise or protection of any rights.

The South African Human Rights Commission has issued a guide, containing information as may reasonably be required by a person wishing to exercise any right contemplated in PAIA.

Where a request is made to UBS South Africa (“**UBS**” or “**we**”) in terms of the PAIA, UBS is obliged to release the information, except where PAIA expressly provides that the information may or must not be released.

This Promotion of Access to Information Manual (“**Manual**”) provides an outline of the type of records and the personal information we hold and explains how to submit requests for access to these records in the terms of PAIA.

If you are not satisfied with UBS’s response, you have the right to make a complaint to Human Rights Commission at the following contact details:

South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
Johannesburg
2041

Telephone: +27 11 877 3600
Fax: +27 11 403 0684
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

2. Purpose of the Manual

The Manual is intended to:

Provide transparency about the right to access to information and how to exercise such right;
To know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

As per Section 9 of PAIA, the right to access is not unlimited but is subject to justifiable limitations, including, but not limited to:

- Reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3. Company contact details

This PAIA Manual applies to: **UBS South Africa (Proprietary) Limited.**

Status: Private Body

Address: 144 Oxford road,
8th floor South Wing,
Melrose, Gauteng, 2196,
South Africa

Website: <https://www.ubs.com/za/en.html>

Information Officer details:

Head of Institution/
Information Officer: John Slettevold

Address: 144 Oxford road,
8th floor South Wing,
Melrose, Gauteng, 2196,
South Africa

Email: john.slettevold@ubs.com

Alternative Email: dpo-mena@ubs.com

4. Guide on how to use PAIA and how to obtain access to the guide

The 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.

The Guide is available in each of the official languages and in braille.

The aforesaid Guide contains the description of:

- the objects of PAIA and POPIA;
- the postal and street address, phone and fax number and, if available, electronic mail address of-
 - the Information Officer of every public body, and
 - every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- the manner and form of a request for:
 - access to a record of a public body contemplated in section 11³; and
 - access to a record of a private body contemplated in section 50⁴;
- the assistance available from the IO of a public body in terms of PAIA and POPIA;
- the assistance available from the Regulator in terms of PAIA and POPIA;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
 - an internal appeal;
 - a complaint to the Regulator; and

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.*

- an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- the regulations made in terms of section 92¹¹.
- 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.
- The Guide can also be obtained:
 - upon request to the Information Officer;
 - from the [website of the Regulator](#).
- A copy of the Guide is also available for public inspection during normal office hours.

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.”

5. Applicable legislation

Where applicable, UBS retains records in terms of the legislation included, but not limited, to the list below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA. A request to access must be done according to the prescriptions of PAIA.

1. Promotion of Access To Information Act 2 Of 2000;
2. Protection of Personal Information Act of 2013;
3. Banks Act 94 of 1990 as amended;
4. Companies Act 61 of 1973 as amended;
5. Companies Act 71 of 2008 as amended;
6. National Credit Act 34 of 2005 as amended;
7. Consumer Protection Act 68 of 2008;
8. Electronic Communications Act 36 of 2005;
9. Electronic Communications and Transactions Act 25 of 2002;
10. Long Term Insurance Act 52 of 1998;
11. Pension Funds Act 24 of 1956;
12. Labour Relations Act 66 of 1995;
13. Basic Conditions of Employment Act 75 of 1997;
14. Employment Equity Act 55 of 1998;
15. Skills Development Levies Act 9 of 1999;
16. Unemployment Insurance Act 63 of 2001;
17. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
18. Occupational Health and Safety Act 85 of 1993;
19. Prevention and Combating of Corrupt Activities Act 12 of 2004;
20. Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004;
21. Policy Holder Protection Rules;
22. Magistrates Court Act 59 of 1959;
23. Financial Intelligence Centre Act 38 of 2001;
24. Income Tax Act 58 of 1962;
25. Debt Collectors Act 114 of 1998;
26. Financial Advisory and Intermediary Services Act 37 of 2002;
27. Financial Markets Act 19 of 2012;
28. Inspection of Financial Institutions Act 80 of 1998;
29. National Payment System Act 78 of 1998;

6. Records available on request to access in terms of PAIA

Records which may be requested are classified and grouped according to the following subjects and categories:

A. Personnel records:

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

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

B. Client Related Records:

- Records provided by a client to a third party acting for or on behalf of UBS in the financial services industry;
- Records provided by a third party;
- Records generated by or within UBS in the financial services industry relating to its clients, including transactional records.

A “client” refers to any natural or juristic entity that receives services from UBS.

C. Private Body Records:

- Financial Records
- Operational Records
- Databases
- Marketing Records
- Internal Correspondence
- External Correspondences
- Product Records
- Statutory Records
- Internal Policies and Procedures
- Treasury related Records
- Legal Agreements and Records
- Records held by officials of the institution.

These records include, but are not limited to, the records which pertain to UBS own affairs.

D. Other Party Records:

- Personnel, customer or private body records which are held by another party, as opposed to the records held by UBS itself;
- Records held by UBS pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/vendors;
- UBS may possess records pertaining to other parties, including without limitation contractors, vendors, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to UBS.

7. Privacy notices

For more information about how UBS processes personal data specifically, including to know the recipients or categories of recipients to whom the personal information may be supplied; international data transfers, the appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed, your rights in respect of your data and contact details of the Data Protection Officer, please refer to our [privacy notice](#). UBS employees can access the employee privacy notice in the UBS intranet.

8. Request procedure

Access to records held by UBS may be accessed by requesters only once the prerequisite requirements for access have been met.

Requester

A requester is any person making a request for access to the records of or held by UBS. There are two types of requesters:

- a. **Personal Requester:** is a requester who is seeking access to a record containing personal information about the requester. UBS will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information;
- b. **Other Requester:** this requester (other than a personal requester) is entitled to request access to information on third parties. However, UBS is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of PAIA.

Request Form

The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record:

- The requester must use the prescribed form (FORM C available on https://www.justice.gov.za/forms/form_paia.htm) to make the request for access to a record. The request should be made to the Information Officer at the address or electronic mail address as stated in section 3 above.
- The prescribed form must be filled in with sufficient detail to enable:
 - The record or records requested;
 - The identity of the requester;
 - Which form of access is required;
 - Contact details of the requester;
 - The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof to UBS of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- Requests will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is needed. If an extension is necessary, the requester will be notified with reasons for the extension.
- UBS will inform the requester in writing whether access is granted or denied. If we do not comply with your request, we will explain why.

Grounds for refusal

The main grounds for UBS to refuse a request for information may amongst others relate to the mandatory protection of:

- the privacy of a third party who is a natural person or a juristic person, as included in the Protection of Personal Information Act of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Information Act of 2013;
- commercial information of a third party, if the record contains:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of a third party;
 - Information disclosed in confidence by a third party to UBS, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- confidential information protected in terms of any agreement;
- the safety of individuals and the protection of property;
- records which would be regarded as privileged in legal proceedings;

as well as commercial activities of UBS, which may amongst others include:

- Trade Secretes of UBS;
- Financial, commercial, or technical information which disclosure could likely cause harm to the financial or commercial interests of UBS;
- Information, which if disclose, could put UBS at a disadvantage in negotiations or commercial competition;
- A computer program which is owned by UBS, and which is protected by copyright.

UBS may refuse requests submitted in terms of the Protection of Personal Information Act of 2013, on the same grounds set out above.

Remedies available to a requester on refusal of access

UBS does not have any internal appeal procedures that may be followed once a request to access information has been refused. The decision of the information officer is final. If the requester is not satisfied with the outcome of the request, he is entitled to apply to a court of competent jurisdiction to take the matter further.

9. Availability of this Manual

This Manual was updated in November 2021. Any amendment or update to this Notice we will make available on the UBS website accessible [here](#).

This manual is also available for inspection by the general public upon request, during office hours and free of charge at the offices of UBS.

Issued by

John Slettevold

Head of Institution / Information Officer