

# GENFIN FINANCE

Registration Number: 2022/479087/07

## Manual

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In terms of Section 51 of

### **The Promotion of Access to Information Act 2 of 2000 ("PAIA")**

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Incorporating additional requirements of

### **The Protection of Personal Information Act 4 of 2013 ("POPIA")**

*(Collectively referred to as "the Acts")*

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Date of Compilation: 22 November 2023

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## 1 Introduction

GENFIN FINANCE (Pty) Ltd (herein after referred to as "the Company" and/or "GENFIN FINANCE") is a private company and conducts business as a lender by assisting the small to medium enterprise ("SME") market across South Africa with affordable business loans of up to R5 million.

Copies of this manual are available for inspection, free of charge, at the registered offices of the Company or can be downloaded from the website of the Company.

## 2 Contact Details

*(As required in terms of Section 51(1)(a) of PAIA)*

Directors: Mr J Erasmus; Mr JP Haveman

Information Officer: Mr JP Haveman

Physical/Postal Address: 1<sup>st</sup> Floor, Building B, Farm 1, Vineyard Office Estate  
99 Jip De Jager Drive, De Bron  
Cape Town  
Western Cape  
7530

Registered Address: Same as above

Telephone Number: 0800 436346

Email: [compliance@genfin.co.za](mailto:compliance@genfin.co.za) / [info@genfin.co.za](mailto:info@genfin.co.za)

Website: [www.genfinfinance.co.za](http://www.genfinfinance.co.za)

Registration Number: 2022/479087/07

## 3 The Acts

*(As required in terms of Section 51(1)(b) of PAIA)*

The Promotion to Access to Information Act 2 of 2000 ("PAIA") was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of PAIA, the body to whom the request is made is obliged to release the information, except where PAIA expressly provides that the information may or must not be released. PAIA sets out the requisite procedural issues attached to such request. PAIA is read in conjunction with the Protection of Personal Information Act 4 of 2013 ("POPIA").

POPIA was enacted to promote the protection of personal information processed by public and private bodies and introduces minimum conditions for the lawful processing of personal information, an obligation on Information Officers of public and private bodies to designate and delegate any power or duty to Deputy Information Officers, and compulsory requirements for registration of Information Officers with the Information Regulator.

PAIA grants a requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of the Acts shall be made in accordance with the prescribed procedures, at the rates provided in the Acts.

Requesters are referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission ("SAHRC"), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

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**The contact details of the Commission are:**

Postal Address:	Private Bag 2700, Houghton, 2041
Physical Address:	PAIA Unit – The Research and Development Department Braampark Forum 3, 33 Hoofd Street, Braamfontein
Telephone Number:	011 877 3600 / 011 484 8300
Fax Number:	011 403 0625 / 011 484 0582
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
Email:	paia@sahrc.org.za

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**Requesters can also contact the Information Regulator for any queries:**

Postal Address:	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Physical Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg
Complaints:	complaints.IR@justice.gov.za
General Enquiries:	infoereg@justice.gov.za
Website:	<a href="http://www.justice.gov.za/infoereg/">www.justice.gov.za/infoereg/</a>

#### **4 Information Officer's General Responsibilities under POPIA**

The Information Officer's general responsibilities are as follows:

- To encourage and ensure the Company's compliance with POPIA;
- Dealing with information access requests pursuant to POPIA; and
- Working with the Information Regulator in relation to investigations conducted in terms of POPIA.

#### **5 Form of Request**

*(As required in terms of Section 51(1)(e) of PAIA)*

##### **5.1 How to Attend to a Request**

The request must comply with all the procedural requirements contained in the Acts relating to the request for access to a record. To facilitate the processing of your request, kindly:

- Use the prescribed form available on the website of the SAHRC; or
- The form can also be found on the Information Regulator's website; or
- Alternatively, use the form annexed hereto as Annexure "A".
- Address your request to the Information Officer.
- Provide sufficient details to enable the Company to identify:

- The record(s) requested.
- The requester (and if an agent is lodging the request, proof of capacity).
- The form of access required.
- The postal address and/or email of the requested in the Republic.
- If the requester wishes to be informed of the decision in any manner (in addition to written correspondence via postal address and/or email), the manner and particulars thereof.
  - The right which the requested is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## 5.2 Processing of a Request

The Information Officer will process the request and notify the requester, within 30 (thirty) days of its decision whether the request has been granted. Should the request be granted, the notice will state the access fees (if any) that are payable and of the different procedures that must be followed until the request is finalised. Should the request be refused, the notice will state adequate reasons for the refusal.

If the Company has searched for a record and believe that it either does not exist or cannot be found, the Company will notify the requester by way of an affidavit or affirmation that it is not possible to provide access to the requested record due to its inability to locate it. The Company will also provide the requester with details on the steps that were taken to try to locate the record and will confirm to the requester that, if at a later stage the record is located, the Company will grant the requester access, provided that access is not prohibited in terms of the Acts.

## 5.3 Grounds of Refusal of a Request

Access to certain records may be or must be denied as set out in Sections 63 – 69 of PAIA. This includes:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
- Mandatory protection of commercial information of a third party, if the records contain:
  - Trade secrets of that third party.
  - Financial, commercial, scientific or technical information of the third party, the disclosure of which would likely cause harm to the financial or commercial interests of that third party.
  - Information disclosed in confidence by a third party to the Company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
- Mandatory protection of certain confidential information of a third party if it is protected in terms of any agreement.
- Mandatory protection of safety of individuals and protection of property.
- Mandatory protection of records privileged from production in legal proceedings.
- Protection of the commercial information of a private body, which may include:
  - trade secrets.
  - financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company.
  - Information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition.
  - Computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws.
- Mandatory protection of research information of a third party and protection of research information of a private body.
- Research information of the Company or a third party if such disclosure would place the research or the researcher at a serious disadvantage.
- Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

## 5.4 Remedies available to the Requester

If the Company has denied access to certain records, the requester can utilise remedies stipulated in PAIA (section 56) as the Company does not have an internal appeal procedure. Accordingly, the decision made by the Information Officer will be deemed final.

## 6 Schedule of Records

*(As required in terms of Section 51(1)(d) of PAIA)*

No notice has been published to date in terms of Sections 51(1)(c) and 52(1) of the Act. The Schedule of Records as contained in Annexure "B" details the records that are held and/or processed by the Company for the purposes of PAIA and POPIA, respectively. Access to some of the records may not be granted if they are subject to the grounds of refusal which are specified in paragraph 5.3 above.

## 7 Applicable Legislation

*(As required in terms of Section 51(1)(c) of PAIA)*

The Company retains records which are required in terms of the Acts. There is certain legislation that provides that private bodies shall allow access to relevant records upon request. The said legislation that may be consulted to establish whether the requester has a right of access to a record, other than in terms of the procedure set out in PAIA, are indicated in Annexure "C".

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

## 8 Prescribed Fees

*(As required in terms of Section 51(1)(f) of PAIA)*

Please refer to the table of fees set out in Annexure "D" hereto applicable on the compiling of documents.

The following applies to requests (other than personal requests):

- A requester is required to pay the prescribed fees (R50.00) in terms of the Act before a request will be processed.
- The requester must request the banking details of the Company from the Information Officer to attend to payment and must provide proof of said payment to the Information Officer.
- If the preparation of the records requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the SAHRC.

## 9 Processing of Personal Information in terms of POPIA

The Company takes privacy and the protection of Personal Information seriously and will only process information in accordance with POPIA.

The Company requires Personal Information which relates to both individuals (natural persons) and juristic entities in order to carry out its business, contractual and organisational functions.

### 9.1 Purpose of Processing

The Company processes Personal Information which includes but is not limited to the following purposes:

- To render a service to our clients.
- Providing or managing any information relating to our services.
- Maintaining client records.

- Employee administration.
- Lead Provider / Broker administration.
- General administration.
- Financial and tax purposes.
- Legal purposes.
- Health and safety purposes.
- Managing of rental premises.
- Investigating and preventing of fraud.
- Debt recovery.
- Website access / enquiries.

## 9.2 Types of Personal Information held by GENFIN FINANCE

*Kindly refer to Annexure "B".*

## 9.3 Sharing, Processing and Protection of Personal Information

*Please refer to the Company's Privacy Policy as found on the Company's website.*

# 10 Compliance Framework

## 10.1 How we implement, monitor and maintain our Compliance Framework

The manner in which Personal Information is processed and the purpose for which it is processed is determined by the Company. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- Is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. The Company must also have a legal basis (for example, consent) to process Personal Information.
- Is processed only for the purposes for which it was collected.
- Will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
- Is adequate, relevant and not excessive for the purposes for which it was collected.
- Is accurate and kept up to date.
- Will not be kept for longer than necessary.
- Is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage.
- Is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
  - Be notified that their Personal Information is being collected by the Company. The Data Subject also has the right to be notified in the event of a data breach.
  - Know whether the Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual.
  - Request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information.
  - Object to the Company's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Company's record keeping requirements).
  - Object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
  - Complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

## **11 Description of Information Security Measures**

The Company utilises up to date technology to ensure the confidentiality, integrity, and availability pertaining to the Personal Information under its care. Measures include:

- Virus protection software and up-to-date protocols.
- Access control (e.g. access to server rooms only with key or chip card, office rooms secured with alarm, firewalls, Bring-Your-Own Device ("BYOD") controls).
- Data integrity (e.g. user authorisations are restricted to specific tasks).
- Data encryption (e.g. cloud solution with encryption).
- Transmission control (e.g. using SSL certificate for websites).
- Confidentiality enforcement (e.g. password policies, non-disclosure agreements).
- Recoverability support (e.g. backups that are regularly checked for successful recovery).
- Training (e.g. privacy awareness training, information security training).

## **12 Electronic Storage**

The Company may transfer data trans-border to store data with third-party cloud storage providers. The Company may share some or all customer information with parent companies, subsidiaries, or other companies under common control with the Company. When processing of Personal Information is carried out in other countries, the Company will take appropriate steps to ensure the provision of a similar or a better level of protection of clients' Personal Information as that which is required in terms of South African law.

## **13 Personal Information Impact Assessment**

The Company performs a Personal Information Impact Assessment ("PIIA") as part of deploying new features and functionality. PIIA is done to make sure that adequate measures and standards exist to comply with the conditions for the lawful processing of Personal Information.

## **14 Internal Measures for the Processing of Requests for Information and/or Access thereto**

The Company implements Internal Information Security Policies which controls user access to inter alia information, password management, and security awareness.

## **15 Internal Awareness Sessions**

This manual, together with any other internal policies which the Company might have and which relates to the processing, accessing and utilization of Personal Information, will be provided to every employee of the Company. The Company also attends to regular information sessions with the employees to update, make aware or remind its employees on the importance of keeping Personal Information safe.

## 16 Annexure "A": Request Form

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]

### A. Particulars of private body

The Head: \_\_\_\_\_

\_\_\_\_\_

### B. Particulars of person requesting access to the record

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

Full names and surname:

\_\_\_\_\_

Identity number:

\_\_\_\_\_

—

Postal address: \_\_\_\_\_

Telephone number:

\_\_\_\_\_

—

Fax number: \_\_\_\_\_

E-mail address:

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

### C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
The requester must sign all the additional folios.

1. Description of record or relevant part of the record: \_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
  - (b) You will be notified of the amount required to be paid as the request fee.
  - (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.
  - (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.
- Reason for exemption from payment of fees (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: \_\_\_\_\_

Form                      in                      which                      record                      is                      required:  
\_\_\_\_\_

Mark the appropriate box with an X.

**NOTES:**

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

*(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

Copy of record\*

Inspection of record

2. If the record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images

Copy of the images

Transcription of the images\*

3. If the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack  
(audio cassette)

Transcription of soundtrack\*  
(written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

Printed copy of record\*

Printed copy of information  
derived from the record\*

Copy in computer readable form\*  
(stiffy or compact disc)

### G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

\_\_\_\_\_

Signed at \_\_\_\_\_ this day \_\_\_\_\_ of \_\_\_\_\_ year \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

## 17 Annexure "B": Schedule of Records

Records	Subject	Availability
Statutory	Memorandum of Incorporation; Company Registers; Statutory records and returns; Third Party Agreements	To be requested in terms of PAIA.
Financial Information	Financial Statements; Financial and Tax Records (Company and employees); Asset Register; Management Accounts; Other Accounting Records; Banking Details	To be requested in terms of PAIA.
Employee	ID Number; contact details; physical addresses; date of birth; race; age; marital status; disability information; employment history; criminal/background checks; CVs; education history; personal banking details; income tax reference numbers; remuneration and benefit information; any other benefit information (medical aid, pension fund, provident fund); details relating to employee procedures; employee performance details; employee contracts; payroll record; training records; employment history, time and attendance records	To be requested in terms of PAIA.
Suppliers / Service Providers	Entity name; registration number; income tax number; contact details; contractual documentation	To be requested in terms of PAIA.
Directors & Shareholders	Name; Surname; ID Number; financial information as required for statutory reporting	To be requested in terms of PAIA.
Website Visitors	Name; email address; entity name; entity registration number; contact details	To be requested in terms of PAIA.
Marketing	Market Information; Product Brochures; Product Sales Records; Marketing Strategies	Limited information available on website. To be requested in terms of PAIA otherwise.
Customer Information	All information pertaining to client details (customer database) and client financial information.	To be requested in terms of PAIA.
Policies and Terms & Conditions	Privacy Policy; Product and Website Terms and Conditions; Internal policies relating to operations of the Company; System documentation and manuals	Limited information available on website. To be requested in terms of PAIA otherwise.
Other	Lead Provider / Broker details and agreements; Performance records; Environmental, Health & Safety records	To be requested in terms of PAIA.

**18 Annexure "C": Applicable Legislation**

No	Ref	Act
1	No 75 of 1997	Basic Conditions of Employment Act
2	No 61 of 1973	Companies Act
3	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
4	No 68 of 2008	Consumer Protection Act
5	No 36 of 2005	Electronic Communications Act
6	No 55 of 1998	Employment Equity Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 38 of 2001	Financial Intelligence Centre Act
9	No 58 of 1962	Income Tax Act
10	No 66 of 1995	Labour Relations Act
11	No 34 of 2005	National Credit Act
12	No 85 of 1993	Occupational Health and Safety Act
13	No 2 of 2000	Promotion of Access to Information Act
14	No 4 of 2000	Promotion of Equality and Prevention of Unfair Discrimination Act
15	No 4 of 2013	Protection of Personal Information Act
16	No 28 of 2011	Tax Administration Act
17	No 63 of 2001	Unemployment Insurance Act
18	No 4 of 2002	Unemployment Insurance Contributions Act
19	No 89 of 1991	Value Added Tax Act

**19 Annexure "D": Table of Fees**

Fee for a copy of the manual as contemplated in Regulation 5(c) for every photocopy of an A4-size page or part thereof.	R0.60
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**The Fees for reproduction referred to in Regulation 7(1) are as follows:**

For every photocopy of an A4-size page or part thereof	R1.00
--	-------

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
--	-------

For a copy in a computer-readable form on:

(i) stiffy disc	R7.50
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(ii) compact disk	R70.00
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For a transcription of visual images:

(i) for an A4-size page or part thereof	R40.00
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(ii) for a copy of visual images	R60.00
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For a transcription of an audio record

(i) for an A4-size page or part there	R20.00
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(ii) for a copy of an audio record	R30.00
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<b>Request fee payable by a requester, other than a personal requester referred to in Regulation 7(2)</b>	R50.00
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**The access fees payable by a requester referred to in regulation 7(3) are as follows:**

(a) For every photocopy of an A4-size page or part thereof.	R1.10
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(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form.	R0.75
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(c) For a copy in a computer-readable form on:

(i) stiffy disc	R7.50
-----------------	-------

(ii) compact disk	R70.00
-------------------	--------

(d) For a transcription of visual images:

(i) for an A4-size page or part thereof	R40.00
(ii) for a copy of visual images	R60.00
(e) For a transcription of an audio record	
(i) for an A4-size page or part thereof	R20.00
(ii) for a copy of an audio record	R30.00
(f) 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.	R30.00 for each hour

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**For purposes of Section 22(2) of the PAIA, the following applies:**

- (a) Six hours as the hours to be exceeded before a deposit is payable
- (b) One third of the access fee is payable as a deposit by the requester

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The actual postage is payable when a copy of a record must be posted to a requester.

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