

# Experian South Africa (Pty) Ltd

Including all Divisions

Hereinafter referred to as Experian

## Divisions:

Experian's Credit Information

Experian's Decision Analytics

Experian's Business Information

## Information Manual

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000

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## **1. Introduction**

**Experian is a global information solutions organisation, with Head Offices in Nottingham, UK, Costa Mesa and California. Information, being the basis of the business, is used to develop products which will assist clients in targeting prospective customers, managing existing customer relationships and identifying opportunities for profitable growth.**

Our trademark and know-how lies in the great wealth of information that we retain concerning consumers and their respective market credit behaviour., Our expertise lies in the skills we have developed, to look at information in an innovation manner, and apply it to the various aspects of the customer relationship. Our creativity is reflected in the manner in which we support our clients by developing information solutions which enhances their relationship with their customers.

Experian combines the strength of our comprehensive credit history database, scoring expertise and sophisticated software to deliver a holistic solution which will effectively target, acquire and manage the most profitable customer base. Our acquisition and behavioural scoring solutions are supported by the most comprehensive software products, designed to maximise profitability throughout the customer lifecycle.

### **Experian Head Office:**

Experian House  
Ballyoaks Office Park  
35 Ballyclare Drive  
Bryanston ext 7  
Telephone (2711) 799 3400  
Facsimile (2711) 799 3451  
Website [www.experian.co.za](http://www.experian.co.za)

## 2. Background to the Promotion of Access to Information Act

Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa Act 108 of 1996 (“the Constitution”) provides that everyone has the right of access to any information:

- (a) held by the State; and
- (b) held by another person and that is required for the exercise or protection of any right.

The Promotion of Access to Information Act 2 of 2000 (‘the Act’) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information as detailed above. Where a request is made in terms of the Act, the public body to which the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released**. A private body must then disclose the requisite information if the requester is able to show that the record is required for the exercise or protection of a right, and **provided that no grounds of refusal contained in the Act are applicable**. The Act sets out the relevant procedure to be adopted when requesting information from a public or private body. In terms of Section 51 of the Act, Experian is required to compile a Manual containing the relevant information as prescribed therein.

## 3. Purpose of the manual

This manual seeks to ensure Experian’s compliance with the Act, and further will foster a culture of transparency and accountability within the Financial Services Industry by giving effect to the right to information for the protection of a right.

**Section 9 of the Act**, recognises that justifiable limitations of the right to access may be permitted. Such justifiable limitations include but are not limited to:

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

The manual provides a generic format, which will enable requesters to obtain the records, which they are entitled to under the Act, in a quick and accessible manner.

This manual is available for inspection at Experian House, The Ambridge, Vrede Avenue, Douglasdale; the SAHRC; and at [www.experian.co.za](http://www.experian.co.za).

#### **4. Part I - Contact details and general Information - (Section 51(1)(A))**

Name of Body	:	Experian South Africa
Registration Number	:	2006/010440/07
Country Manager	:	Kim Jenkins
Physical Address	:	Experian House Ballyoaks Office Park 35 Ballyclare Drive Bryanston ext 7
Postal Address	:	PO Box 70224 Bryanston 2021
Telephone Number	:	(2711) 799 3400 (Main Switchboard)
Facsimile	:	(2711) 707 6627
Website	:	<a href="http://www.experian.co.za">www.experian.co.za</a>

- **Contact details of the Information Officer - (Section 51(1)(B))**

All requests for information in terms of the Act must be addressed to

**The information officer**

Postal Address	:	PO Box 70224 Bryanston 2021
Physical Address	:	Experian House Ballyoaks Office Park 35 Ballyclare Drive Bryanston ext 7
Contact details	:	(2711) 799 3400 (2711) 707 6627 (Fax)

**Deputy information Officer :**

Postal Address : PO Box 70224  
Bryanston  
2021

Physical Address : Experian House  
Ballyoaks Office Park  
35 Ballyclare Drive  
Bryanston ext 7

Contact details : (2711) 799 3400  
(2711) 707 6627 (Fax)

Should a requester be uncertain of the procedure for the request for information, the following person apart from the Information Officer may be contacted:

Legal and Compliance Officer:

Postal Address : PO Box 70224  
Bryanston  
2021

Physical Address : Experian House  
Ballyoaks Office Park  
35 Ballyclare Drive  
Bryanston ext 7

Contact details : (2711) 799 3585  
(2711) 707 6627

**5. Part II - Guide of South African Human Rights Commission**

The South African Human Rights Commission has published a guide as contemplated in Section 10 of the Act on their website [www.sahrc.org.za](http://www.sahrc.org.za). The Guide includes information as may reasonably be required by a person who wishes to exercise any right as contemplated in the Act and accordingly:

- contains information on how to use the Act
- includes:
  - the objects of the Act
  - particulars of every public and private body
  - the manner and form for requests
  - contents of the Regulations promulgated under the Act
- will be updated and published every two years

The guide can be requested directly from the South African Human Rights Commission as per the following contact details:

The South African Human Rights Commission  
The PAIA Unit (Research and Documentation Department)  
Private Bag X2700, Houghton, 2041  
Tel: (2711) 484 8300  
Fax: (2711) 4841360  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail : [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **6. Part III - Description Of The Subjects And Records Of Experian Available In Terms Of Any Other Legislation To Members Of The General Public - (Section 51 (1)(d))**

It is recorded that the accessibility of the documents detailed below may be subject to the grounds of refusal set out hereinafter. The documents as listed are not readily available and every request will be reviewed on its merits.

All information readily available may be obtained from the Experian Website at [www.experian.co.za](http://www.experian.co.za)

### **6.1 Experian holds information in the following categories:**

- **Experian Decision Analytics:**

Engagement material/engagement letters  
Correspondence from Experian Decision Analytics  
Correspondence with the Accountants  
Press releases and other related material  
Correspondence with other parties  
Legal Documents and contracts  
Policies and Procedures

- **Experian Credit Services:**

Engagement material/engagement letter  
Correspondence from Experian Credit Services  
Correspondence with the Accountants  
Press releases and other related material  
Correspondence with other parties  
Legal Documents and contracts  
Policies and Procedures

- **Shared Services:**

Client and supplier agreements  
Accounting (financial and management)  
Annual Financial statements  
Audit reports  
Compliance reports  
Banking  
Bookkeeping  
Budgets  
Capital expenditure  
Costs  
Creditors  
Debtors  
Estimates  
Forecasts  
Forex  
Revenues  
Shares  
Taxation

- **Human Resources:**

Personnel Files\*

Payroll records

Policies and procedures

Forms and applications

Standard letters and notices

Retirement funds – rules

Benefit arrangements – rules

Department of Labour report – Employment Equity Plan

Annual Department of Labour Report – Employment Equity Targets

Employee loans

Staff Development

\* *‘Personnel’ refers to any person who works for, or provides services to or on behalf of Experian and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the institution.*

- **Training and Development:**

Skills and development plan submitted to FASSETA

Training schedules

Training material

Individual learning records

- **Company Secretarial:**

Minute books

Company registers

Memoranda and Articles of Association

Correspondence

Share certificates

Company agreements

Returns to Registrar of Companies

Attendance registers for meetings

Agendas for meetings

Dividend lists

Members’ registers – for listed and unlisted companies

Certificate of Incorporation

Certificate of Registration as a Credit Bureau

- **Marketing:**

Advertising and marketing material (brochures, leaflets, videos)

- **Compliance:**

Compliance Manual

Compliance policies and procedures

## **7. Description of records available in terms of any other legislation to members of the general public - (Section 51(1)(D))**

Companies Act 61 of 1973

- (a) All documents of incorporation of Experian are lodged at the offices of the Registrar of Companies, and may be inspected there. The documents include the memorandum and articles of association of each company comprising of Experian, as well as the relevant forms.
  - (b) The register of members and register of transfer (of members), pledges and bonds of each company comprising of Experian are available for inspection at the registered office of the relevant company.
  - (c) Special resolutions are lodged with the Registrar of Companies, and are therefore available for inspection.
  - (d) A register of the directors' and officials' interests in contracts entered into by each company comprising of Experian is kept at the registered office of the relevant company, and is available for inspection.
- As designated employers, Experian has lodged copies of employment equity plans at the Department of Labour in terms of the Employment Act no 55 of 1998

## **8. Procedure of how can records be obtained (manner of access) - (Section 51(1)(E))**

### **8.1 The requester must comply with all the procedural requirements as set out in the Act relating to the request for access to a record**

- The requester must complete the prescribed form to make the request and submit same as well as payment of a request fee and a deposit (if applicable), to the Information Officer at the postal, physical address, fax number or electronic mail address as noted in Part 1 3.2. (See Annexure A)
- The prescribed form must be completed with sufficient information to enable the Information Officer to identify:
  - (a) the record or records requested; and
  - (b) the identity of the requester

(s53(2)(a), (b), (c))
- The requester should indicate which form of access is required and to specify a postal address or fax number of the requester within the Republic.
- The prescribed form should also contain the postal address or fax number of the requester.
- **The requester must state that he/she requires the information in order to exercise or protect a right and clearly state what the nature of the right is so to be exercised or protected. The requester must state clearly and specifically why the record is necessary to exercise or protect a right. (s53(2)(d))**
- Experian is required to process the request within 30 days, unless special circumstances exist which dictate that the time period may be extended.
- If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of the request.
- The requester shall be advised whether access was granted or denied. If the requester requires reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

- If a 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 to the reasonable satisfaction of the Information Officer. (s53(2)(f))
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such request may be oral.
- The requester must pay the prescribed fee before any processing of information can take place.
- All information as listed in 7.3. to 7.5. above should be provided and **failing which the process will be delayed until the required information is provided.** The prescribed time periods will not commence until the requester has furnished all the necessary information.
- The Information Officer must sever a record, if possible, and grant access only to that portion which the law does not prohibit access to.

## **9. Prescribed fees - (Chapter 3 Section 54 See ANNEXURE B)**

### **9.1 The Act provides for two types of fees, namely:**

- (a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
  - (b) An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the body in obtaining and preparing a record for delivery to the requester.
- When a request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request. (s54(1)).
  - Information may be withheld until the request fee and the deposit (if applicable) have been paid.
  - If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.
  - If the request has been granted then an access fee must be paid for the search, reproduction, preparation of the requested records, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. (s54(6))

## **10. Information or records not found**

- If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.
- The affidavit or affirmation shall provide full details of all the steps taken to find the record or to determine its existence, including details of all communications by the Information Officer with every person who conducted the search.
- This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access.
- The attention of the requester is drawn to the provisions of Chapter 4; Part 3 of the Act in terms of which Experian **may** refuse, on certain specified grounds, to provide information to a requester.

## **11. Information requested about a third party**

- Chapter 5; Part 3 of the Act specifies the procedure regarding a request for information or records about a third party
- In considering such a request, Experian will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him that he may make written or oral representations to the Information Officer why the request should be refused, or give written consent for the disclosure of the record.

## **12. Grounds for refusal of a request**

A private body such as Experian is entitled to refuse a request for information on the following grounds:

- Section 63 provides for the mandatory protection of the privacy of a third party who is a natural person, including a deceased person which would involve the unreasonable disclosure of personal information of that natural person.
- Section 64 provides for the mandatory protection of the 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 that third party;
  - information disclosed in confidence by a third party to the private body, if such disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Section 65 provides for the mandatory protection of confidential information of third parties if such disclosure would constitute a breach of a duty of confidence owed to such third party in terms of any agreement;
- Section 66 provides for the mandatory protection of the safety of individuals and the protection of property;
- Section 67 provides for the mandatory protection of records, which would be regarded as privileged in legal proceedings;
- Section 68 provides for protection of the commercial activities of a private body such as Experian, which may include:
  - trade secrets of Experian;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Experian;
  - information which, if disclosed, could put Experian at a disadvantage in negotiations or commercial competition;
  - a computer program which is owned by Experian and which is protected by copyright
- Section 69 provides for the protection of research information of the Experian or a third party, if its disclosure would place Experian, the third party or the subject matter of the research at a serious disadvantage;

**All requests will be assessed on their own merits and in accordance with the applicable legal principles and legislation.**

## 13. Remedies available when a request is refused

- **Internal Remedies**

Experian does not have internal appeal procedures. The decision by the Information Officer is **final**. Requesters will have to exercise such external remedies at their disposal if a request is refused and the requester is not satisfied with the response of the Information Officer.

- **External Remedies**

A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision apply to Court for appropriate relief. A third party who is dissatisfied with an Information Officers decision to disclose information may within 30 days apply to a court for appropriate relief. The courts with jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated Magistrate.

## 14. Updating of manual

Experian will update this manual at such intervals as may be deemed necessary.

**15. Annexure a – The prescribed Form**

**A. Particulars of Experian**

Information

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

Full Name

Identity

Postal

Address

(in the

Republic)

Telephone  Fax

E-mail

Capacity in which

**C. Particulars of Person on whose Behalf Request is Made:**

(This section must only be completed if a request for information is made on behalf of another person. Proof is required for authority in the form of a letter of authorisation from the person on whose behalf request is made and a certified copy of the identities of the requester and person on whose behalf the request is made is required)

Full Name and

Identity Number

**D. Particulars of Record (Provide full particulars of the record to which access is requested, to enable the record to be located)**

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

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2. Reference Number (if known)

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 of 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 therefore:

Reason for Exemption of payment of fees:

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**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 hereunder, 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) Your indication as to the required form of access depends 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  
Image

Copy of  
Images

Transcription  
of Images

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

Listen to  
Soundtrack  
(Audio  
Cassette)

Transcription of  
Soundtrack  
(Written or  
Printed  
Document)

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

Printed

Printed

Copy in computer

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? (A postal fee is payable)

Yes

No

**G. Particulars of Right to be Exercised or Protected (if the space is inadequate, please continue on a separate folio and attach to this form)**

Indicate which right is to be exercised or protected:

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Explain why the requested record is required for the exercising or protection of the right mentioned above:

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**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 of this decision 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?

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Signature of Requester or Person on whose behalf request is made

The applicable fees for reproduction as referred:

The cost to access, reproduce, search for and/or prepare any of the abovementioned records, unless otherwise agreed, is:

- for every A4 sized photocopy of a page or part thereof R 1,10
- for every printed copy of an A4 sized page or part thereof held on a computer or in electronic or machine readable form R 0,75
- for a copy in a computer readable form on:
  - stiffy disc R 7,50
  - compact disc R70,00
- A transcription of visual images, for an A4 size page or part thereof R40,00
- for a copy of visual images R60,00
- a transcription of an audio record, for an A4 size page or part thereof R20,00
- for a copy of an audio record R30,00

### Request Fees

Where a requester submits for access to information held by Experian on a person other than the requester himself/herself, a request fee in the amount of R50, 00 is payable up-front before Experian will further process the request received.

### Access fee

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 especially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8)

- for every photocopy of an A4 size page or part thereof R
- for every printed copy of an A4 size page or part readable form R
- for a copy in a computer readable form on: R
  - stiffy disc
- for transcription of visual images, for an A4 size page or part thereof R
- for a copy of visual images R
- for a transcription of an audio record, for an A4 size page or part thereof R
- for a copy of an audio record R
- To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

- For purposes of s54(2) of the Act, the following applies:
  - six man hours will be the limit set before a deposit is payable and
  - one third of the access fee is payable as a deposit by the requester

**Please note: all fees are exclusive of Value Added Tax (VAT)**

# Document version control

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