



**CONSULTING
ENGINEERS**
progress delivered

PAIA MANUAL

Of KLS Consulting Engineers cc
(herein referred to as KLS Consulting Engineers)

COMPANY REGISTRATION NUMBER:
2004/103553/23

REGISTERED OFFICE
13 PASITA STREET
ROSENPARK
CAPE TOWN
7550

This Manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 ("the Act") (as amended) in respect of KLS Consulting Engineers.

A copy of the Manual is available for inspection at the Company as well as on the website <https://kls.co.za/>

DATE OF COMPILATION: 01/10/2021
DATE OF REVISION: 01/11/2023

CIVIL | STRUCTURAL | ELECTRICAL

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LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000 Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (the "Act") give third parties the right to approach private bodies and government to request information held by them, which is required in the exercise and protection of any rights.

On request, the private body or government is obliged to release such information unless the Act states that the records containing such information may or may not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

2. NATURE OF BUSINESS

KLS Consulting Engineers is an energetic, young, spirited engineering consultancy.

The company was established in 2004 when founding directors Hannes Kotze and Gerrit Steyn joined their civil and structural expertise. Together, they have more than 70 years' experience in the construction industry.

In 2015 this expertise was further increased by the addition of an Electrical Engineering division, introducing Henk van der Merwe to the team.

3. PURPOSE OF THE MANUAL

This PAIA Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

- 3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;

- 3.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

4.1 Chief Information Officer

Name: Michelle Steyn
Tel: 021 812 5315
Email: paia@kls.co.za

4.2 Deputy Information Officer

Name: Rezia Marais
Tel: 021 812 5300
Email: admin@kls.co.za

4.3 Access to information general contacts

Email: paia@kls.co.za

4.4 Head Office

Postal Address:
PO Box 5900
Tygervalley
7536

Physical Address: 13 Pasita Street
Rosenpark
Cape Town
7550

Telephone: 021 812 5300

Email: info@kls.co.za

Website: <https://kls.co.za/>

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

5.1 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.

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

5.3 The aforesaid Guide contains the description of-

5.3.1 the objects of PAIA and POPIA;

5.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-

- 5.3.2.1 the Information Officer of every public body, and
- 5.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 5.3.3 the manner and form of a request for-
 - 5.3.3.1 access to a record of a public body contemplated in section 11³; and
 - 5.3.3.2 access to a record of a private body contemplated in section 50⁴;
- 5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;

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.*

- 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6 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-
 - 5.3.6.1 an internal appeal;
 - 5.3.6.2 a complaint to the Regulator; and
 - 5.3.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7 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;

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.

5.3.8 the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively.

5.3.9 the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

5.3.10 the regulations made in terms of section 92¹¹.

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

5.5 The Guide can also be obtained-

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.”

5.5.1 upon request to the Information Officer;

5.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

5.6.1 Afrikaans and English.

6. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

7. RECORDS OF THE PRIVATE BODY

Personnel Documents and Records

- Employment Contracts
- Employment Equity Plan
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records
- Training records

- Training manual

Client Documents and Records

- Contact details (email addresses and telephone numbers) of clients
- Company/ CC Registration
- Physical and Postal addresses

Companies Act Records:

- Documents of Incorporation
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Records relating to appointment of directors/auditors/secretary/public officer and other officers

Financial Records:

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Bank Records
- Bank Statements
- Electronic Bank Records
- Asset Register
- Rental Agreements
- Invoices

Tax Records

- PAYE Records

- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of clients and employees
- VAT
- Skill Development Levies
- UIF
- Workmen's Compensation
- All other statutory compliances

8. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to KLS Consulting Engineers, which includes but is not limited to, the following –

- Labour Relations Act, 66 of 1995
- Employment Equity Act, 55 of 1998
- Electronic Communications and Transactions Act 36 of 2005
- Basic Conditions of Employment Act, 75 of 1997
- Broad Based Economic Empowerment Act, 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Constitution of the Republic of South Africa, 108 of 1996
- Companies Act, 71 of 2008
- Unemployment Insurance Act, 63 of 2001
- Unemployment Contributions Act, 4 of 2002
- Consumer Protection Act, 68 of 2008
- Value Added Tax Act, 89 of 1991
- Skills Development Act, 9 of 1997
- Skills Development Levy Act, No. 9 of 1999

- Income Tax Act, 58 of 1962
- Financial Intelligence Centre Act, 38 of 2001
- Protection of Personal Information Act, 4 of 2013
- Employment Tax Incentive Act, 26 of 2013
- Occupational Health and Safety Act, 85 of 1993
- Prevention of Organised Crime Act, 121 of 1998
- Prevention and Combatting of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act, 2 of 2000
- protection of Constitutional Democracy against Terrorist and Related Activities Act, 33 of 2004
- Tax Administration Act, 28 of 2002

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

9. PROCESSING OF PERSONAL INFORMATION

The Company uses Personal Information under its care in the following ways:

- Rendering services according to instructions given by clients
- Staff administration
- Keeping of accounts and records
- Complying with tax laws and regulations
- Quotes and Invoices

Categories of Data Subjects and their Personal Information

The Company may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

ENTITY TYPE	PERSONAL INFORMATION PROCESSED
Employees/ Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behavior; Well-being;
Clients- Juristic Persons/ Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Clients	Names; registration number; contact details; physical and postal addresses; Tax related information; confidential correspondence
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration

ENTITY TYPE	PERSONAL INFORMATION PROCESSED
	Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Intermediary/ Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

Categories of Recipients for Processing the Personal Information

The Company may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to clients;
- Conducting due diligence checks;
- Administration of the Collective Investment Schemes;

Actual or Planned Trans border Flows of Personal Information

The Company may transfer data trans-border in order to store data with third party cloud storage providers.

General Description of Information Security Measures

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

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of the Company are contracted to implement security controls.

10. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Access to records held by KLS Consulting Engineers

A requester must state that he or she requires the information to exercise or protect a right, and clearly state what the nature of the right is, so to be exercised or protected.

The prescribed form (Annexure A) must be filled in with enough particulars to at least enable the Information Officer to identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;

- The postal address or fax number or email address of the requester.

The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

KLS Consulting Engineers will process a request within thirty (30) days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this period not be complied with. The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the way it is required. If a request is made on behalf of another person, the requester must then submit proof 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 to the information officer.

11. DECISION

The company will within thirty (30) days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30 (thirty) day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than thirty (30) days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original thirty (30) day period. The information officer will notify the requester in writing should an extension be necessary.

12. GROUNDS FOR REFUSAL

The main grounds for KLS Consulting Engineers to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party that is a natural person that would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - o Trade secrets of that third party;
 - o Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
 - o Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of confidential information of the protection of property;
- Mandatory protection of records that would be regarded as privileged in legal proceedings;
- The commercial activities of KLS Consulting Engineers which may include:
 - o Trade secrets of KLS Consulting Engineers
 - o Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of KLS Consulting Engineers ;

- o Information which, if disclosed could put KLS Consulting Engineers at a disadvantage in negotiations or commercial competition;
 - o A computer program, owned by KLS Consulting Engineers and protected by copyright.
- The research information of KLS Consulting Engineers or a third party, if its disclosure would reveal the identity of KLS Consulting Engineers, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

13. REMEDIES AVAILABLE ON REFUSAL OF ACCESS

The decision made by the information officer as to whether or not to grant access to a record is final.

If the requester wishes to dispute the decision, an application must be made by the requester to the Constitutional Court, the High Court or another court with similar status to make a final ruling.

14. FEES

The Act provides for two types of fees, namely:

- 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
- 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 private body in obtaining and preparing a record for delivery to the requester.

When the 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 (Section 54(1)).

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

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.

15. AVAILABILITY OF THE MANUAL

8.1 A copy of the Manual is available-

8.1.1 on <https://kls.co.za/> ;

8.1.2 head office of KLS Consulting Engineers for public inspection during normal business hours;

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

8.1.4 to the Information Regulator upon request.

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

16. UPDATING OF THE MANUAL

The Information Officer will on a regular basis update this manual.

Issued by



Michelle Steyn

HR Coordinator

FORM 2
REQUEST FOR ACCESS TO RECORD
[Regulation 7]

NOTE:

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

TO: The Information Officer

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

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

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

Contact Numbers	
PARTICULARS OF RECORD REQUESTED	
Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)	
Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	
TYPE OF RECORD (Mark the applicable box with an "X")	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

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

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

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

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

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

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

Note:

1. If your request is granted the—
 (a) amount of the deposit, (if any), is payable before your request is processed; and
 (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

- Approved
- Denied, for the following reasons:

--

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive			
• To be provided by requestor	R 40.00		
(ii) Compact disc			
• If provided by requestor	R40.00		
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the		

Copy of visual images	quotation of the service provider		
Transcription of an audio record, per A4-size	R 24.00		
Copy of an audio record (i) Flash drive • To be provided by requestor	R 40.00		
(ii) Compact disc • If provided by requestor	R 40.00		
• If provided to the requestor	R 60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer