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**competitioncommission**  
*south africa*

**Enquiries: Mr P Alves / Ms W Mkwanzu**  
**Our Ref: Banking Enquiry**

18 December 2008

The Editor

<http://www.wikileaks.org>

By electronic mail only:

[wl-editor@sunshinepress.org](mailto:wl-editor@sunshinepress.org)

Dear Sirs

**REQUEST FOR THE REMOVAL OF “UNCENSORED COMPETITION COMMISSION REPORT  
ON BANKING”**

On the morning of 18 December 2008, it came to the attention of the Competition Commission of South Africa (“Competition Commission”) that an unauthorised version of The Technical Report of the Banking Enquiry, which contains confidential information, had been uploaded onto the Wikileaks website. This letter serves to request that Wikileaks, and/or those with authority over the administration of the Wikileaks website, remove the report from that website with immediate effect.

The Competition Commission is a statutory body established in terms of South Africa’s Competition Act 89 of 1998, as amended (“the Competition Act”) to regulate competition amongst firms in the South African economy. Amongst its functions, the Competition Commission is authorised to conduct market enquiries with the aim of removing uncompetitive conditions which prevail in the market and/or improving the competitive conditions within such a market.

In line with its objectives the Competition Commission commissioned a market enquiry into banking services in South Africa. The enquiry took place over a period of approximately 22 months, concluding in June 2008. The process involved extensive consultations with the major banks and

other financial institutions operating in South Africa. The result of the enquiry was a 590 page report setting out the appointed enquiry Panel's views of the competitive conditions within the South African banking industry. The Panel made recommendations to the Competition Commission for the improvement of access to banking services and systems by market participants and consumers alike.

Prior to the official release of the Technical Report of the Banking Enquiry, the financial institutions which had submitted information to the Panel filed claims of confidentiality over some of the information submitted, stating that such information was trade, business or industrial information that belonged to them, had a particular economic value and was not generally available to or known by others. The Competition Commission accepted these claims and undertook not to disclose the information which had been so claimed. Pursuant to the above, the Competition Commission blackened out the sensitive information by electronically covering it with black filler, securing the PDF files containing the blackened-out sections, and thereafter publicly released the partially censored Technical Report of the Banking Enquiry on 12 December 2008.

Despite the security measures which the Competition Commission took to protect the information filed under claim of confidentiality, certain individuals, whose complete details remain unknown to us, utilised third party software on 16 December 2008 to expose various portions of the abovementioned Technical Report. In the latest illegal actions taken in this respect, the uncensored Technical Report of the Banking Enquiry was uploaded on the Wikileaks website:

[https://secure.wikileaks.org/wiki/South African Competition Commission: unredacted%2C final Report on Banking%2C 12 Dec 2008](https://secure.wikileaks.org/wiki/South_African_Competition_Commission:_unredacted%2C_final_Report_on_Banking%2C_12_Dec_2008). Wikileaks is, therefore, in possession of data obtained illegally under South African law.

Given that the "view source" tab on Wikileaks states that *Using technical methods, Wikileaks has decrypted and removed the redactions from all of the report apart from a few images. The previously redacted regions, are shown in blue highlight*, we saw fit to contact Wikileaks directly in order to:

- provide Wikileaks with the history behind the compilation of the Technical Report;
- impress upon Wikileaks the sensitivity surrounding the information which is now publicly available from the Wikileaks website; and
- respectfully request that Wikileaks remove the uncensored report from its website with immediate effect.

Moreover, the following statement which appears under the “view source” tab on Wikileaks is inaccurate and should also be removed from the website with immediate effect:

*The Competition Commission has the power to put some regulatory pressure on the banks to eg. lower fees & pay fines should the report find that the banks have formed a cartel with their exorbitant fees and unfair business practices. This report is important as it might explain why Banking fees in South Africa are so extremely high.*

I trust that you understand my need to raise these concerns with yourselves and that you will honour our request made herein as soon as you receive this letter.

Yours faithfully

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**MR MIRANSHAN RAMBURUTH**  
**COMMISSIONER: COMPETITION COMMISSION, SOUTH AFRICA**  
**NOT SIGNED DUE TO ELECTRONIC TRANSMISSION**