



## PROMOTION OF ACCESS TO INFORMATION POLICY & MANUAL V1

Version history	
V1	Requires Board Approval

For Confirmation by Board| Last updated: April 2021

Board Approval required on:	
PROMOTION OF ACCESS TO INFORMATION POLICY	Management Recommendation 2021
Promotion of Access to Information Policy Document	As Detailed



**TABLE OF CONTENTS**

<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. PARTICULARS IN TERMS OF SECTION 51</b>	<b>3</b>
<b>3. THE HUMAN RIGHTS COMMISSION GUIDELINE</b>	<b>3</b>
<b>4. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT</b>	<b>4</b>
<b>5. REQUEST PROCEDURE</b>	<b>6</b>
<b>6. PRESCRIBED FEES</b>	<b>6</b>
<b>7. GROUNDS FOR REFUSING OF ACCESS TO INFORMATION</b>	<b>7</b>
<b>8. DECISION MAKING PROCESS</b>	<b>9</b>
<b>9. AVAILABILITY OF PAIA MANUAL</b>	<b>9</b>
<b>10. REQUEST FOR ACCESS TO RECORDS OF NNAC</b>	<b>9</b>
<b>11. FEES IN RESPECT OF PRIVATE BODIES</b>	<b>10</b>



**1. INTRODUCTION**

The Promotion of Access to Information Act No. 2 of 2000 (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we, as a Private Company, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights. We as a Private Company have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

**2. PARTICULARS IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT**

<b>CONTACT DETAILS</b>	
Name of Business	New National Assurance Company
Designated contact person	Mr Kalim Rajab/ Ms Vicky Lakhraj
Physical address	Field House, 5 <sup>th</sup> Floor, 25 Joe Slovo Street, Durban, 4001
Telephone number	031 334 2000
Fax number	031 301 1166
Email address	krajab@nnac.co.za / vicky@nnac.co.za

**3. THE HUMAN RIGHTS COMMISSION GUIDELINE**

The South African Human Rights Commission has compiled a guide that contains information reasonably required by a person who wishes to exercise any right contemplated in the Act.

This guide is available in hard copy from the South African Human Rights Commission or can be accessed on their website.

The details are as follows:

Postal address	The South African Human Rights Commission- PAIA Unit The Research and Documentation Department Private Bag 2700 Houghton 2041
Telephone number	011 877 3600
Fax number	011 403 0625
Email address	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>



#### 4. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT?

Any person, who requires information for the exercise or protection of any rights, may request information from a Private Company.

Section 50 of the Act states that:

- (a) That record is required for the exercise or protection of any rights.
- (b) That person complies with the procedural requirements in this Act 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 the PAIA Act.

The subject on which the Company holds records, and the categories of records are listed below.

##### 4.1 Records Available in terms of any other Legislation

Basic Conditions of Employment Act, 97 of 1997
Companies Act, 61 of 1973
Compensation for Occupational Injuries and Health Diseases Act, 130 of 1993
Conduct of Financial Institution Bill
Consumer Protection Act, 68 of 2008
Electronic Communications and Transactions Act No 25 of 2002
Employment Equity Act, 55 of 1998
Financial Advisory and Intermediary Services Act No.37 of 2002
Financial Intelligence Centre Act, 38 of 2002
Financial Services Board Act no 97 of 1990
Financial services Ombud Schemes Act No 37 of 2004
Income Tax Act No 58 of 1962
Insurance Act No 18 of 2017
Insurance Laws Amendment Act No 27 of 2008
Labour Relations Act No 66 of 1995
Occupational Health and Safety Act No 85 of 1993
Promotion of Access to Information Act No 2 of 2000
Protection of Personal Information Act 4 of 2013
Protected Disclosure Act No 26 of 2000
Short Term Insurance Act No 53 of 1998
Skills Development Act No 97 of 1998
Unemployment Contributions Act, 4 of 2002
Unemployment Insurance Act, 63 of 2001
Value Added Tax No 89 of 1991



**4.2 Categories of records and subjects in respect of which records are held:**

<b>Administration:</b>	
Incorporation documents	Not available automatically
Minutes of general meetings	Not available automatically
Employment Equity Plans and Reports	Not available automatically
Any other records required to be kept in terms of the Companies Act or other legislation	Not available automatically

<b>Human Resources:</b>	
Employment contracts	Not available automatically
Policy and Procedures	Not available automatically
Training	Not available automatically
Safety and Security Documents	Not available automatically
Disciplinary Records	Not available automatically
Leave Records	Not available automatically
<b>Operations:</b>	
Compliance manuals- FAIS	Not available automatically
Compliance reports	Not available automatically
Complaint's procedure	Not available automatically
Register of Key Individuals	Not available automatically
Register of representatives	Not available automatically
Standard agreements	Not available automatically

<b>Regulatory:</b>	
Permits, Licenses or Authorities	Not available automatically



<b>Published Information:</b>	
External newsletters and Circulars	Available Automatically
Internal newsletters and Circulars	Available Automatically
Information on the company published by third parties	Available Automatically

<b>Finances:</b>	
Accounting and audit records	Not available automatically
Financial statements	Not available automatically
Assets Inventory	Not available automatically

### 5. The Request Procedure

- a) The prescribed form must be used to make the request for access to a record.
- b) A request may be made to the Information officer or Deputy Information officer.
- c) Sufficient detail of the request made must be provided on the request form to enable the Information Officer or Deputy Information Officer to clearly identify the record as well as the requester’s specific identity and proof of identification must be provided to the Information Officer or Deputy Information Officer.
- d) A requester must indicate which form of access they require.
- e) A requester must indicate if they wish to be informed in any manner and if so, they must state the necessary particulars required to be so informed.
- f) A requester must identify the right that they are seeking to protect or that they wish to exercise, and they must provide an explanation as to why the requested record is required for the protection or exercise of that right.
- g) If a requester is making the request on behalf of another person, they must submit proof, to the satisfaction of the Information Officer, of their authority to make such a request, by means of a legally binding Power of Attorney in their favour. Failure to do so will result in the request being rejected.

### 6. Prescribed Fees

- a) The prescribed fee of R50.00 must be paid before a request will be processed.



- b) Payment of this fee is to be made as directed by the Information Officer or Deputy Information Officer.
- c) There is no payment of a request fee if the request is a request for the requester's personal information.
- d) The Information Officer or Deputy Information Officer will then decide in respect of the request and will notify the requester of his/her decision.
- e) Should the request be refused, the requester may lodge an application at court against the tender or payment of the requested fee.
- f) If a request is granted then the requester will have to pay a further access fee for the search, reproduction, and preparation of the record as well as for any time, which has exceeded the prescribed hours, to search and in order to prepare the record for disclosure to them.

## **7. Grounds for refusing of access to information.**

There are various grounds under which an access to information request may or must be refused by an Information Officer or Deputy Information Officer, these grounds are as follows:

### **7.1 Protection of privacy of the third party**

An Information Officer or Deputy Information Officer must not allow access to personal information of a natural person, including a deceased individual. PAIA states that in order to protect the right to privacy of a third party who is a natural person, the Information Officer or Deputy Information Officer must assess whether releasing the information in question to the requester 'would involve the unreasonable disclosure of personal information'.

The Information Officer or Deputy Information Officer must also consider whether the personal information in question falls into the following categories of personal information which may be disclosed:

- Personal information of an individual who has given consent for this information to be released.
- Personal information which has already been made public.
- Personal information about a child under the age of 18 where the disclosure of such information is in the best interest of the child, and the requester is the child's carer (i.e., parent or guardian)
- Personal information of a deceased person to a requester who is the individual's next of kin, or who has been authorised (written consent) by the next of kin.
- Personal information of a deceased person who has been deceased for a period of more than 20 years.



- Personal information of an individual who is or was an official of a public or private body and where the information relates to their position as an official.

### **7.2 Protection of commercial information of a third party**

The Information Officer or Deputy Information Officer must refuse access to information if releasing such information would cause harm to the commercial or financial interests of the business. The following commercial information cannot be disclosed by an Information Officer:

- Trade secrets.
- Financial, commercial, scientific, research or technical information about a third party which, if released, would cause harm to the third party.
- Information which has been supplied in confidence by the third party.

### **7.3 Protection of confidential information**

An Information Officer or Deputy Information Officer must refuse access to a record if the release of the record will amount to a breach of a duty of confidence owed to a third party in terms of an agreement or contract.

### **7.4 Protection of the safety of individual and property**

An Information Officer or Deputy Information Officer must refuse access to a record if the disclosure of the record could reasonably be expected to compromise the safety of an individual or property.

### **7.5 Protection of information in legal proceedings**

This refers to the protection of information required in legal and law enforcement processes.

### **7.6 Protection of Research Information**

An Information Officer or Deputy Information Officer must refuse access to records which contain information relating to research which is or will be undertaken by the company or a third party. This refusal of access to information is in circumstances where the disclosure of the record will expose the research of the third party or company, the individual or institution carrying out the research, or the subject matter of the research to a serious disadvantage.

### **7.7 Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources**





An Information Officer or Deputy Information Officer may refuse a request for information if he/she is of the opinion that processing requests will be unreasonably time consuming and lead to waste of resources. In addition, an Information Officer or Deputy Information Officer may refuse access to a record if the request is seen to be made by a requester to unnecessarily annoy or provoke.

#### **8. Decision making Process**

The Information officer or Deputy Information Officer will take all the reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information officer or Deputy Information Officer must notify the requester by way of an affidavit or affirmation, that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the requester would have otherwise been granted.

The Information Officer or Deputy Information Officer must within 30 days of receipt of a correctly completed request, notify the requester of the decision as to whether to grant the request. If the request is:

- a) **Granted:** The notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
- b) **Declined:** The notification must include adequate reasons for the decisions, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requester wish to apply to court against the decision.

#### **9. Availability of the PAIA Manual**

The manual is available for inspection at the SAHRC (South African Human Rights Commission) website. A copy of this manual is available on the NNAC website.

#### **10. REQUEST FOR ACCESS TO RECORDS OF NNAC**

Please refer to Form C attached.



**11. FEES IN RESPECT OF PUBLIC COMPANY**

<b>ACTIVITY</b>	<b>FEE</b>
Copy per A4 Page	R1.10
Printing per A4 page	0.75c
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
The Request fee payable by a requester, other than a personal requester is R50	
The access fees payable by a requester referred to in regulation 11(3) are as follows:	
Copy per A4 Page	R1.10
Printing per A4 page	0.75c
Transcription of visual images per A4 page	R40
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation

