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PAIA Manual

PROMOTION OF ACCESS TO
INFORMATION ACT MANUAL

1. Introduction

FMI, a division of Bidvest Life Limited (The Company) is a licensed Life Insurance Company and authorised Financial Services Provider in terms of the Insurance Act No. 18 of 2017 and the Financial Advisory and Intermediary Services Act, No. 37 of 2002 (FAIS). The Company offers a variety of life insurance products to meet a number of customer needs.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such request. This manual also complies with the Protection of Personal Information Act No. 4 of 2013 (POPIA).

Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy
- Commercial confidentiality and
- Effective, efficient and good governance

Section 50 of the Act obliges private bodies to compile a manual, which would assist a person to obtain access to information held by the private body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is therefore to inform a person on how to obtain access to records held by **The Company** and thus giving effect to Section 50 of the Act.

2. Addresses of the Information Regulator and The Company

The Information Regulator is the body that regulates both the Promotion of Access to Information Act and the Protection of Personal Information Act.

Their address is:

33 Hoofd Street
Forum III
3rd Floor Braampark
PO Box 31533
Johannesburg 2017
Tel No: +27(0) 10 023 5207
Email: infoereg@justice.gov.za
Website: www.justice.gov.za/infoereg

Addresses of The Company:

FMI, a Division of Bidvest Life Ltd
Postnet Suite 91
Private Bag X01
Umhlanga Rocks 4320

OR

1st Floor FMI House
2 Heleza Boulevard
Sibaya 4310
Tel: (031) 538 3500
Fax: 086 110 5820
Email: datacomplaints@fmi.co.za
Website: www.fmi.co.za

3. Information Officer

The Chief Executive Officer is the Information Officer of **The Company**.

The Information Officer noted in terms of the Act also refers to the Information Officer as prescribed in the Protection of Personal Information Act 4 of 2013.

The Information Officer may appoint, where it is deemed necessary, a Deputy Information Officer, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render the Company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of the Act must be addressed to the Deputy Information Officer.

The Deputy Information Officer is:

Mr Sacchin Maharaj

datacomplaints@fmi.co.za

4. Records

4.1 Records automatically available includes:

(1) Insurance products we sell

(2) Details of how to lodge claims and submit complaints. This information is available on our website www.fmi.co.za

4.2 Records which have to be applied for:

The Act requires sufficient detail of records held to facilitate a request for disclosure. These are contained in **Annexure A**. Applications for disclosure are required for all these records.

5. Request for information procedure

Application process

Step 1: The request

Where a person wishes to access information held by **The Company**, such a person must make a request for access to the relevant information in the prescribed form. Such form is attached to this manual as **Annexure B**.

A request fee of R50-00, or proof of payment thereof, must accompany the request for information. Payment of the request fee may be made at any commercial bank.

Please contact the Deputy Information Officer for the relevant banking details.

Step 2: Validation and acknowledgement

The Deputy Information Officer receives and validates the request to see whether the required information is available. The request is then accepted, rejected or transferred to the rightful keeper of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the request is accepted, **The Company** will gather and prepare the information and calculate the relevant cost involved.

Step 4: Final notification

The requester will be informed of the completion of the request as well as the outstanding fees payable.

Step 5: Payment and Delivery

Once the payment as stipulated in step 4 is received (following the same payment process as stipulated in step 1), the information is released to the requester.

General information

The prescribed form must be completed with enough information to enable the Deputy 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 email address of the requester

The Company will process the request within 30 days, unless the requester has stated special reasons, which would satisfy the Information Officer, that circumstances dictate that the above periods should not be complied with.

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 Deputy 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. When the request is received by the Deputy Information Officer, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Deputy 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 Deputy Information Officer shall withhold a record until the requester has paid the relevant fees per **Annexure C**.

6. Remedies where requests for access to information are refused

6.1 The main grounds for **The Company** to refuse a request follow:

- (1) The mandatory protection of the privacy of a third party who is a natural person which would involve the unreasonable disclosure of personal information of that natural person
- (2) The mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party
 - Financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party
 - Information disclosed in confidence to **The Company** if the disclosure could put that third party at a disadvantage in negotiations or commercial competition
- (3) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- (4) The mandatory protection of the safety of individuals and the protection of property
- (5) The mandatory protection of records which would be regarded as privileged in legal proceedings
- (6) The operations of **The Company**
- (7) The business activities of **The Company** which may include:
 - Trade secrets of **The Company**
 - Financial, commercial, marketing or technical information which disclosure could cause harm to the financial or business interests of **The Company**
 - Information, which if disclosed could put **The Company** at a disadvantage in negotiations or business competition
 - Intellectual property which is owned by **The Company** and which is protected by law
 - Any research information of **The Company** or a third party, if its disclosure would identify the identity of **The Company**, the researcher or the subject matter of the research at a serious disadvantage

6.2 Appeal

- (1) Where the Information Officer declines any requester access to the record, such decision will be relayed to the requester. There is no internal appeal procedure.
- (2) If you are not satisfied with the outcome you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.
- (3) Where a third party is affected by the request for access and the Information officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

Annexure A

Records which have to be applied for



The following records are not automatically available without a request in terms of the Act or any particular legislation.

All records and/or documents kept in compliance with the requirements of the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993 Companies Act 61 of 1973
- Copyright Act 98 of 1978
- Cybercrimes Act 19 of 2020
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 53 of 1998
- Skills Development Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Financial and administrative records

- Accounting and audit records
- External auditors' reports in respect of audits conducted
- Tax returns
- Other documents and agreements relating to taxation
- Other financial records
- Bank facilities and accounts details
- Bank statements
- Securities and equities
- Guarantees given by, or in respect of, **The Company**
- Treasury related records
- Other financial commitments of **The Company**
- Other banking records of **The Company**
- Product records
- Representative mandates
- Statutory records
- All operational, administrative and other records held by **The Company**

Human resources and employment records

- List of employees
- Contracts of employment with directors and employees of **The Company**
- Expenditure or reimbursement agreements with directors of **The Company**
- Documents relating to any employee benefits
- Compensation or redundancy payments
- Staff records
- Training manuals and leave records
- Employment Equity Plan of **The Company**
- Procedural agreements and policies of **The Company**
- Disciplinary records and documentation pertaining to disciplinary proceedings
- All other information relating to employees of **The Company**

Intellectual property

- Trademarks, patents, copyrights and all designs held by **The Company**
- Licences relating to intellectual property rights
- Other agreements relating to intellectual property rights

Permits

- Licences, material permits, consents, approvals, authorisations and certificates
- Applications for permits, licences etc.
- Registrations and declarations of permits

Insurance records

- Insurance policies taken out for the benefit of **The Company** and its employees

Immovable and movable property

- Title deeds of any property owned by **The Company**
- Agreements for the lease or sale of land and/or other immovable property by **The Company**
- Agreements for the lease or sale of movable property by **The Company**
- Mortgage bonds, liens, notarial bonds or security interests on property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets

Information technology

- Information technology policy
- Licensing and software contracts
- Procurement agreements
- Infrastructure maintenance and support agreements
- Software vendor license, maintenance and support agreements
- Development agreements

Operations

- Compliance reports
- Complaints register
- FICA internal compliance policy
- Client register
- Representative mandates
- All other policies and records relating to operations

Miscellaneous agreements

- Loans from third parties (including banks)
- Suretyship agreements
- Security agreements, guarantees and indemnities, including notarial bond agreements
- Any agreements restricting the trading activities of **The Company**
- All management agreements
- Marketing agreements, including marketing and event management plans, promotional brochures and publications, media releases and brand information
- Agreements in terms of which **The Company** is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity, which **The Company** is a party to
- Supply agreements
- Delegated authority agreements
- Agreements with customers
- Confidentiality and/or non-disclosure agreements
- Other records pertaining to third parties and records belonging to **The Company** in the possession of third parties
- Any other agreements

Correspondence

- Correspondence of **The Company** including internal and external memoranda

Technical records

- Documentation pertaining to any studies conducted by **The Company**
- Technical information in the possession of **The Company**

Other information

- BB-BEE plans of **The Company**
- Quality assurance and control policy documents
- Customer profiles

Annexure B

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)

Email address: _____

Fax number: _____

Mark with an "X"

Request is 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			
Email Address			
Contact Numbers	Tel. (B)	Facsimile	
	Cellular		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			
Street Address			
Email Address			
Contact Numbers	Tel. (B)	Facsimile	
	Cellular		

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 an "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 <i>(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)</i>	
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 <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*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.*

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	

FEES

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- 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	
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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: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

Fees in respect of private bodies

ITEM	COST PER A4-SIZE PAGER PART THEREOF/ITEM
Photocopy	
Printed copy	
Copy in a computer – readable form on:	
a) Flash drive · To be provided by requester	R40.00
b) Compact disc · If provided by requestor · If provided to the requestor	R40.00 R60.00
Transcription of visual images per A4-size page	Service to be outsourced. This will depend on the quotation of the service provider.
Copy of visual images	
Transcription of an audio record	R24.00
Copy of an audio record:	
a) Flash drive · To be provided by requester	R40.00
b) Compact disc · If provided by requestor · If provided to the requestor	R40.00 R60.00
Postage, e-mail or any other electronic transfer	Actual costs

- For purposes of section 54(2) of the Act, the following applies:
 - Six hours as the hours to be exceeded before a deposit is payable; and
 - one third of the access fee is payable as a deposit by the requester.
- The actual postage is payable when a copy of a record must be posted to a requester.

Please also note that if you earn below a prescribed minimum a year or you and your partner's combined income is less than a prescribed minimum a year, you will not have to pay a request fee with your application.

Annexure D
Internal appeal form
(Regulation 9)



Reference Number: _____

PARTICULARS OF PUBLIC BODY

Name of Public Body			
Name and Surname of Information Officer			

PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL

Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
Email Address			
Is the internal appeal lodged on behalf of another person?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: (Proof of the capacity in which appeal is lodged, if applicable, must be attached.)			

PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED
(If lodged by a third party)

Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
Email Address			

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LOGGED
(mark the appropriate box with an "X")

Refusal of request for access

Decision regarding fees prescribed in terms of section 22 of the Act

Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act

Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester

Decision to grant request for access

GROUNDS FOR APPEAL

(If the provided space is inadequate, please continue on a separate page and attach it to this form. All the additional pages must be signed)

State the grounds on which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

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

Signed at _____ this _____ day of _____ 20_____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: (state rank, name and surname of Information Officer)	
Date received:	
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:	<input type="checkbox"/> Yes <input type="checkbox"/> <input type="checkbox"/> No <input type="checkbox"/>

OUTCOME OF APPEAL

Refusal of request for access. Confirmed?	Yes		New decision (if not confirmed)	
	No			
Fees (Sec 22). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Extension (Sec26(1)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Access (Sec 29(3)). Confirmed?	Yes		New decision (if not confirmed)	
	No			
Request for access granted. Confirmed?	Yes		New decision (if not confirmed)	
	No			

Signed at _____ this _____ day of _____ 20_____

Relevant Authority