The Promotion of Access to Information Act, 2 of 2000

Section 51 Manual for Boleng Insurance Limited
# Table of Contents

1. INTRODUCTION ................................................................................................................................. 3
2. CONTACT DETAILS ............................................................................................................................ 3
3. HUMAN RIGHTS COMMISSION GUIDELINE ...................................................................................... 3
4. WHO MAY REQUEST INFORMATION ................................................................................................ 4
5. CATEGORIES OF RECORDS ................................................................................................................ 4
   5.1 Personnel Records ...................................................................................................................... 4
   5.2 Client related Records ................................................................................................................ 4
   5.3 Boleng Records ........................................................................................................................... 5
   5.4 Other Party Records ................................................................................................................... 5
6. ACCESS TO A RECORD ....................................................................................................................... 5
   6.1 Prescribed Access Form .............................................................................................................. 5
   6.2 Prescribed Fee ............................................................................................................................ 6
   6.3 Request Procedure ..................................................................................................................... 6
   6.4 Grounds for refusal of access of records .................................................................................... 7
   6.5 Records that cannot be found or do not exist............................................................................ 8
7. DECISION ON REQUEST AND NOTICE THEREOF ................................................................. 8
8. THIRD PARTY NOTIFICATION AND INTERVENTION ............................................................. 8
9. RIGHTS OF APPEAL .......................................................................................................................... 9
10. AVAILABILITY OF THE MANUAL ................................................................................................... 9
11. RELATED COMPANIES ..................................................................................................................... 9
ANNEXURE A ....................................................................................................................................... 10
ANNEXURE B ....................................................................................................................................... 13
1. INTRODUCTION

This manual on access to information held by Boleng Insurance Ltd (“Boleng”) with registration number: 2007/026289/06, a registered Financial Services Provider, is compiled in terms of section 14 of the Promotion of Access to Information Act (hereafter referred to as “the Act”).

The objects of the Act is to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.

Where a request is made in terms of this Act, the public or private body to whom the request is made needs to make swift, inexpensive and effortless access available or release the information, except where the Act expressly provides that the information must not or need not be released.

2. CONTACT DETAILS

The following contact details can be used to obtain information from Boleng in accordance with the Act and this Manual.

Boleng conducts its business from a centralised office situated in Midrand, Gauteng.

Information Officer/CEO : Mr René Otto
Phone : 0860 64 64 00
Fax : +27 (11) 990 0001
E-mail : info@bolenginsure.com
Website : www.bolenginsure.com
Postal Address : PostNet Suite #382
Private Bag x121
Halfway House
1685
Physical Address : 338 16th Road
Randjespark
Midrand
1682

3. HUMAN RIGHTS COMMISSION GUIDELINE

In terms of section 10 of the Act the South African Human Rights Commission (SAHRC) is responsible for developing a guide containing a description of the aims of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act. The guide is intended to assist users in the interpretation of the Act and is available at the offices of the SAHRC.
Contact details of the SAHRC:

**Postal Address**: Private Bag X2700
Houghton
2041

**Phone**: + 27 (11) 484 8300
**Fax**: + 27 (11) 484 1360
**E-mail**: PAIA@sahrc.org.za
**Website**: www.sahrc.org.za

### 4. WHO MAY REQUEST INFORMATION

Any person may request access to information from Boleng, in terms of section 50(1) of the Act, provided that:

1. The record is required for the exercise or protection of any rights;
2. The requestor complies with the procedural requirements defined in the Act relating to a request for access to that record;
3. Access to the record is not refused in terms of any ground for refusal contemplated in the Act.

### 5. CATEGORIES OF RECORDS

All information held by Boleng is classified and grouped according to records relating to the following subjects and categories:

#### 5.1 Personnel Records

Records which contain information of employees that include:

- Any personal records provided to Boleng by the employee/personnel
- Any records a third party has provided Boleng about its personnel
- Conditions of employment and other employee-related contractual and *quasi*-legal records

#### 5.2 Client related Records

Records which contain information of clients (any natural or juristic entity) that receive a service from Boleng that include:
Any records a client has provided to Boleng or to a third party acting for and on behalf of Boleng
Any records a third party has provided to Boleng
Records generated by or within Boleng pertaining to its clients

5.3 Boleng Records

Records that include, but are not limited to, information relating to:
Annual Financial reports
Operations (sales, client services and claims)
Databases
Product, policy documentation and conditions
Marketing
Newsletters
Information technology
Internal policies and procedures

Each request will be evaluated on its own merits and should a request be made for records that fall under any of the categories of exemption, such a request will be refused.

5.4 Other Party Records

Records pertaining to other parties held by Boleng or vice versa. Other parties include, but are not limited to suppliers, service providers and subsidiary/holding/sister companies.

6. ACCESS TO A RECORD

6.1 Prescribed Access Form

Any person who wishes to request information from Boleng with the aim of protecting or exercising a right may contact the information officer as described under point 3 above. In order for the request to be entertained the request must be received by the information officer on the prescribed form. The prescribed time periods will not commence until all pertinent information has been furnished to Boleng by the requestor. Refer to Annexure A to this manual for the format of the prescribed form.
6.2 Prescribed Fee

In terms of section 54 of the Act, unless it is a personal request, a request fee will be levied as prescribed before any further processing is made. A personal request means a requestor seeking access to a record containing personal information that concerns them.

An access fee is payable by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for the record and preparing it for delivery to the requestor.

Boleng may require a deposit from the requestor, unless it is a personal requestor, in cases where searching for the record exceeds 6 hours. The deposit will represent one third of the access fee that would be payable if the request is granted. If the request is denied/declined the deposit must be repaid to the requestor.

Boleng may withhold a record until the request fee and the deposit (if applicable) have been paid. Refer to Annexure B to this manual for a list of applicable fees.

6.3 Request Procedure

The following is the basic procedure to be followed when requesting a record:

Boleng will only process your application if it is received on the prescribed form. Please refer to point 7.1 above.

The prescribed form must be completed providing as much detail as possible and all attachments/additional folios attached to the form must be signed by the requestor.

When completing the form:

- Provide full personal and contact details.

- If acting on behalf of another person state in what capacity, for example, legal guardian, next of kin etc. Note that proof of capacity must be attached.

- If making the request on behalf of another person, you must provide that person’s full names and identity number.

- Provide a detailed description of the record required providing any reference numbers if possible.

- Mark with an (X) the appropriate record type option as provided on the form i.e., written, visual, audio or data that is require.

- The “right” to be exercised or protected by the requestor must be detailed as well as the reason for exercising or protecting this right.
The form must be dated and signed in the places provided for this purpose.

If the request is for a record other than a record containing personal information about the requestor, then prescribed fees are payable. Refer to point 7.2 above. Should the requestor qualify for exemption full details must be provided.

If the requestor, due to a disability, is unable to read, view or listen to the record requested, details of the disability needs to be provided. The requestor further needs to supply details in what form the record needs to be supplied.

Once the application form is completed it must be posted to, the Information Officer at the address given on the form or, faxed/delivered to the offices of Boleng as provided under point 3 above.

On receipt the application, the Information Officer at Boleng will make a decision based on the information provided.

The requestor will receive a written notification based on the decision made and advising them further.

6.4 Grounds for refusal of access of records

Boleng reserves its right to refuse and or grant access to records in accordance with the sections and subsections of Chapter 4 of the Act.

The grounds upon which Boleng could refuse access to records are:

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;

Mandatory protection of the commercial information of a third party, where the requested record/s contain:
- Trade secrets of that third party;
- Financial, commercial, scientific or technical information, the disclosure of which would cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the institution, if the disclosure of such information 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 the safety of individuals and the protection of property;

Mandatory protection of records which are regarded as privileged in legal proceedings;

The commercial activities of Boleng, which include:
- Trade secrets;
- Financial, commercial, scientific or technical information, the disclosure of which would harm the financial or commercial interests of Boleng;
- Information which, if disclosed, could put Boleng at a disadvantage in negotiations or commercial competition;
- Computer programs and related information technology software owned by Boleng and protected by copyright.

Research information compiled by Boleng or a third party, if its disclosure would place the research at a serious disadvantage.

6.5 Records that cannot be found or do not exist

In terms of section 55 of the Act, Boleng will after all reasonable steps have been taken to find the record requested notify the requester as prescribed by affidavit or affirmation should the record not be found or, does not exist.

7. DECISION ON REQUEST AND NOTICE THEREOF

In terms of section 56 of the Act, Boleng will notify the requestor as soon as possible within 30 days of receipt of a correctly completed request of the decision as to whether or not to grant the request.

The 30 day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office and the information cannot reasonably be obtained within the original 30 day period.

8. THIRD PARTY NOTIFICATION AND INTERVENTION

If the request is for a record pertaining to third parties, the information officer must take all reasonable steps to notify the relevant third party of the request. This must be done within 21 days of receipt of the request. The third party may within 21 days thereafter either makes representation to Boleng as to why the request should be refused; alternatively grant written consent to the disclosure of the record.
9. RIGHTS OF APPEAL

A requestor that is dissatisfied with the information officer’s refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer’s decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

10. AVAILABILITY OF THE MANUAL

Copies of this manual, prescribed forms and fees payable can be obtained from Boleng’s office and website www.Bolenginsure.com.

11. RELATED COMPANIES

Boleng Group Holdings (Pty) Ltd (“Boleng Group”) with registration number 2007/017976/07 holds a 100% ownership interest in both Boleng and MiAdmin (Pty) Ltd (“MiAdmin”) with registration number 2009/003158/07. Both Boleng Group and MiAdmin are exempted, until 31 December 2015, from complying with Section 51(1) of the Act in terms of GG 34914, Notice No. 1091: Promotion of Access to Information Act, 2000 (Act No.2 of 2000): Exemption of Certain Private Bodies from compiling manual, published on 30 December 2011.
ANNEXURE A

REQUEST FOR ACCESS TO A RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2 of 2000)

The Information Officer
Boleng Insurance Ltd
PostNet Suite No 382
Private Bag X121
Halfway House
1685

REQUEST DETAILS

A. Particulars of person requesting access to the record

<table>
<thead>
<tr>
<th>Full names and surname</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity Number</td>
<td></td>
</tr>
<tr>
<td>Postal Address</td>
<td></td>
</tr>
<tr>
<td>Postal code</td>
<td></td>
</tr>
<tr>
<td>Fax Number</td>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
<td></td>
</tr>
<tr>
<td>E-mail Address</td>
<td></td>
</tr>
<tr>
<td>Capacity in which request is made, when made on behalf of another person</td>
<td></td>
</tr>
</tbody>
</table>

(Proof of the capacity in which the request is made, if applicable, must be attached.)
B. Particulars of person on whose behalf request is made

(This section must be completed only if a request for information is made on behalf of another person.)

<table>
<thead>
<tr>
<th>Full names and surname</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity Number</td>
<td></td>
</tr>
</tbody>
</table>
C. Particulars of record

(a) 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.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

<table>
<thead>
<tr>
<th>Description of record or relevant part of the record</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reference Number (if available)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any further particulars of record</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>
**ANNEXURE B**

**TABLE OF FEES IN RESPECT OF PRIVATE BODIES**

<table>
<thead>
<tr>
<th>Ref</th>
<th>Charges</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Electronic PDF copy of the Manual</td>
<td>Free</td>
</tr>
<tr>
<td>2.</td>
<td>Posted Paper Copy of the Manual</td>
<td>R 15.00</td>
</tr>
<tr>
<td>3.</td>
<td>Request Fee (Other than a personal requestor)</td>
<td>R 50.00</td>
</tr>
<tr>
<td>4.</td>
<td>Access Fee: Electronic Record Format: A4 per page</td>
<td>R 00.75</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Electronic Record Format: A4 per page</td>
<td>R 00.75</td>
</tr>
<tr>
<td>5.</td>
<td>Access Fee: Photocopy Record Format: A4 per page</td>
<td>R 1.10</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Photocopy Record Format: A4 per page</td>
<td>R 1.10</td>
</tr>
<tr>
<td>6.</td>
<td>Access Fee: Record on Compact Disc</td>
<td>R 70.00</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Record on Compact Disc</td>
<td>R 70.00</td>
</tr>
<tr>
<td>7.</td>
<td>Access Fee: Transcription of Visual Images: A4 page</td>
<td>R 40.00</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Transcription of Visual Images: A4 page</td>
<td>R 40.00</td>
</tr>
<tr>
<td>8.</td>
<td>Access Fee: Copy of Visual Images</td>
<td>R 60.00</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Copy of Visual Images</td>
<td>R 60.00</td>
</tr>
<tr>
<td>9.</td>
<td>Access Fee: Transcription of Audio record: A4 page</td>
<td>R 20.00</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Transcription of Audio record: A4 page</td>
<td>R 20.00</td>
</tr>
<tr>
<td>10.</td>
<td>Access Fee: Copy of Audio record</td>
<td>R 30.00</td>
</tr>
<tr>
<td></td>
<td>Reproduce: Copy of Audio record</td>
<td>R 30.00</td>
</tr>
</tbody>
</table>