



Part of the **Momentum Group**

## **PAIA MANUAL**

for

**GUARDRISK INTERNATIONAL LIMITED PCC**

Issued in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

Last Update: July 2024

# Table of Contents

|   |           |
|---|-----------|
| <b>1. INTRODUCTION</b> .....  | <b>7</b>  |
| <b>2. LIST OF ACRONYMS, ABBEVIATIONS AND DEFINITIONS</b> .....  | <b>7</b>  |
| <b>3. PURPOSE OF PAIA MANUAL</b> .....  | <b>8</b>  |
| <b>4. CONTACT DETAILS FOR GUARDRISK</b> .....   | <b>9</b>  |
| 4.1 GUARDRISK’S APPOINTED INFORMATION OFFICER.....  | 9         |
| 4.2 GUARDRISK’S APPOINTED DEPUTY INFORMATION OFFICER.....   | 9         |
| 4.3 ACCESS TO INFORMATION GENERAL CONTACTS.....   | 10        |
| 4.4 HEAD OFFICE.....  | 10        |
| <b>5. THE INFORMATION REGULATOR OF SOUTH AFRICA</b> .....   | <b>10</b> |
| <b>6. TYPES AND CATERGORIES OF RECORDS HELD BY GUARDRISK</b> .....  | <b>11</b> |
| <b>7. RECORDS THAT ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS<br/>IN TERMS OF 15(2) OF THE ACT-AUTOMATIC ACCESS</b> .....      | <b>13</b> |
| <b>8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND<br/>CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY GUARDRISK</b> ..... | <b>14</b> |
| <b>9. PROCESSING OF PERSONAL INFORMATION</b> .....  | <b>15</b> |
| 9.1 PURPOSE OF PROCESSING OF PERSONAL INFORMATION.....  | 15        |
| <b>10. DESCRIPTION OF CATEGORIES OF DATA SUBJECTS</b> .....   | <b>16</b> |
| 10.1 DESCRIPTION OF CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION<br>OR CATEGORIES OF INFORMATION RELATING THERETO:.....               | 16        |
| 10.2 THE RECIPIENTS OR CATEGORIES IF RECIPIENTS TO WHOM THE PERSONAL<br>INFORMATION MAY BE SUPPLIED.....                                    | 17        |
| 10.3 TRANSBORDER FLOWS OF PERSONAL INFORMATION.....   | 19        |
| 10.4 PERSONAL INFORMATION SECURITY.....   | 19        |
| <b>11. ACCESS TO RECORDS HELD BY THE INSTITUTION</b> .....  | <b>20</b> |
| <b>12. REQUEST PROCEDURE</b> .....  | <b>20</b> |
| <b>13. FEES</b> .....   | <b>21</b> |
| <b>14. DECISION</b> .....   | <b>22</b> |
| <b>15. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS</b> .....   | <b>23</b> |
| <b>16. AVAILABILITY OF THE MANUAL</b> .....   | <b>24</b> |
| <b>17. UPDATING OF THE MANUAL</b> .....   | <b>24</b> |

**APPENDIX 1 - PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER..... 25**

**APPENDIX 2 - FEES..... 30**

## 1. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides that everyone has the right of access 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. National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2 of 2000 ("the Act") as amended, was enacted on 3 February 2002 to give effect to Section 32 of the Constitution, that is giving 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. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

## 2. LIST OF ACRONYMS, ABBERVIATIONS AND DEFINITIONS

The following definitions apply in relation to the reading of this document:

| Name                      | Definition   |
|---------------------------|--|
| CEO                       | Chief Executive Officer  |
| Data Subject              | A Data subject is a person to whom Personal Information relates.   |
| DIO                       | Deputy Information Officer   |
| Guardrisk                 | Refers to Guardrisk Insurance Company Limited with registration number 1992/001639/06  |
| Information Officer (IO): | means the person that is responsible for discharging the duties and responsibilities assigned to the "head" of the private institution, such as the managing director or any person duly appointed by the managing director. |
| IR                        | Information Regulator  |
| Minister                  | Minister of Justice and Correctional Services  |
| Other Requester           | means any person making a request for access to a record.  |
| PAIA                      | Promotion of Access to Information Act No. 2 of 2000( as Amended)  |

| Name                 | Definition  |
|----------------------|---|
| Personal Information | According to the POPI Act “Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The POPI Act, which has more specific examples, can be found at the following link: <a href="http://www.gov.za/documents/download.php?f=204368">www.gov.za/documents/download.php?f=204368</a> . |
| Personal Requester   | means any person making a request for access to a record containing personal information about the requester.   |
| POPIA                | Protection of Personal Information Act No.4 of 2013   |
| Requester:           | means any person making a request for access to a record.   |
| Third Party          | means any natural or juristic person other than, the requester, a party that acting on behalf of the requester, or alternatively Guardrisk itself.  |

### 3. PURPOSE OF PAIA 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. CONTACT DETAILS FOR GUARDRISK**

### **4.1 GUARDRISK'S APPOINTED INFORMATION OFFICER**

The Chief Executive Officer Guardrisk Insurance has authorised the Momentum Group Chief Privacy Officer as the Information Officer for Guardrisk.

Name: Ms Jeanine Norden

Designation: Momentum Group Chief Privacy Officer and Head of Data Management

Postal Address: PO Box 7400, Centurion, 0046

Physical Address: Guardrisk  
The Marc, Tower 2  
129 Rivonia Road  
Sandton,  
2196

Contact Number: +27 11 669 1000

E-mail: [dataprivacy@mmltd.co.za](mailto:dataprivacy@mmltd.co.za)

Website

### **4.2 GUARDRISK'S APPOINTED DEPUTY INFORMATION OFFICER**

The Chief Executive Officer of Guardrisk Insurance has designated the Chief Operating Officer as the Deputy Information Officer for Guardrisk.

Name: Ms Nalisha Sivanarain

Designation: Head of Risk

Postal Address: PO Box 786015 Sandton, 2146

Physical Address: Guardrisk  
The Marc, Tower 2

129 Rivonia Street,  
Sandton,  
2196  
Contact Number: +27 11 669 1000  
E-mail: [dataprivacy@mmltd.co.za](mailto:dataprivacy@mmltd.co.za)  
Website: [www.guardrisk.co.za](http://www.guardrisk.co.za)

#### **4.3 ACCESS TO INFORMATION GENERAL CONTACTS**

E-mail: [popiarequests@guardrisk.co.za](mailto:popiarequests@guardrisk.co.za)

#### **4.4 HEAD OFFICE**

**Johannesburg Office:**

**Phone:** +27 11 669 1000

**Email Address:**

**Physical Address:** The Marc, Tower 2  
129 Rivonia Road  
Sandton  
2196

Website: [www.guardrisk.co.za](http://www.guardrisk.co.za)

### **5. THE INFORMATION REGULATOR OF SOUTH AFRICA**

The Information Regulator is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

Postal Address: The Information Regulator (South Africa)  
PO Box 31533  
Braamfontein  
2017  
Telephone Number: +27 10 023 5200

Email Addresses:

General enquiries: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

Complaints: [paiacomplaints@inforegulator.org.za](mailto:paiacomplaints@inforegulator.org.za)

## 6. TYPES AND CATEGORIES OF RECORDS HELD BY GUARDRISK

This section provides details of the types of records that may be accessed by request from Guardrisk, it indicates if it is available for download from our website or if an access request form is required to be completed by indication of an 'x' in the indicated column.

### 6.1 Information that may be formally requested in terms of PAIA or downloaded from the website

| Subject                | Legislation  | Category of record   | Request Access | Download from website |
|------------------------|--|--|----------------|-----------------------|
| Human Resources        | Labour Relations Act<br>Basic Conditions of employment Act | HR Policies<br>Advertised posts<br>Employee records (subject to POPIA)<br>Employment equity plan | X              |                       |
| Corporate Governance   | Companies Act  | Memorandum of Incorporation<br>Organisational Structure<br>Board of Directors                    | X              |                       |
| PAIA Manual            | The Act  | Manual   |                | X                     |
| Information Technology | Electronic Communications & Transactions Act               | ICT Policies   | X              |                       |
| Publications           |  | Booklets, Articles<br>research papers<br>newsletters<br>bulletins and e-publications             | X              | X                     |



| Subject        | Legislation  | Category of record  | Request Access | Download from website |
|----------------|--|---|----------------|-----------------------|
|                |  | Presentations   |                |                       |
| Media          |  | Press release, radio and TV interviews, newspaper articles. Official speeches and messages.   | X              | X                     |
| Registrations  | FAIS<br><br>Insurance Act<br>Occupational Health and Safety Act<br>National Credit Act<br>Financial Intelligence Centre Act<br>Companies Act | Financial Services Provider Certificate and representative register<br><br>Insurance licence<br>OSH Reports<br>Credit Provider Certificate<br>Registration with the FIC<br>Companies Registration Documents | X              | X                     |
| Investigations | FAIS<br>Insurance Act  | Enforcement Notices<br>Public hearings and investigation reports  | X              |                       |
| Finances       | SAM<br>IFRS  | Financial Statements  | X              |                       |

| Subject       | Legislation   | Category of record         | Request Access | Download from website |
|---------------|---|----------------------------|----------------|-----------------------|
|               |   | Financial Information      |                |                       |
| Audio -visual | POPIA<br>Electronic Communications & Transactions Act | Recordings and photographs |                | X                     |

## 7. RECORDS THAT ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF 15(2) OF THE ACT-AUTOMATIC ACCESS

This section provides details of the types of records that may be accessed by request from Guardrisk, it indicates if it is available for download from our website or if an access request form is required to be completed by indication of an 'x' in the indicated column.

| Category                | Document Type   | Available on Website | Available on request |
|-------------------------|---|----------------------|----------------------|
| Strategic Documents     | Business Reports  | x                    |                      |
| Policies and Procedures | Claims Management Framework<br>Market Conduct Framework<br>Complaints Management Framework<br>TCF Policy<br>Conflict of Interest Policy<br>Privacy Policy<br>Information Manual | x                    |                      |

| Category     | Document Type                 | Available on Website | Available on request |
|--------------|-------------------------------|----------------------|----------------------|
| Certificates | Credit Rating<br>BBBEE Rating | x                    |                      |

Records kept in accordance with any other legislation

- Arbitration Act, 1965
- Basic Conditions of Employment Act, 1997
- Bills of Exchange Act, 1964
- Broad-Based Black Economic Empowerment Act, 2003
- Companies Act, 2008
- Competition Act, 1998
- Compensation for Occupational Injuries and Diseases Act, 1993 Constitution of the Republic of South Africa, 1996
- Currency and Exchanges Act, 1933
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Income Tax Act, 1962,
- Labour Relations Act,
- Prevention and Combating of Corrupt Activities Act, 2004
- Prevention of Organised Crime Act, 1998
- Promotion of Access to Information Act, 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004
- Protection of Personal Information Act, 2013
- Unemployment Insurance Contributions Act, 2000

## **8. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY GUARDRISK**

This section describes the categories of records that Guardrisk holds and the subjects contained within each category.

| Subjects on which the body holds records    | Categories of records   |
|---|---|
| Strategic Documents,<br>Plans,<br>Proposals | Annual Reports,<br>Strategic Plan,<br>Annual Performance Plan.  |
| Human Resources                             | HR policies and procedures<br>Advertised posts<br>Employees records   |
| Policyholder Information                    | Policy documents<br>Documents provided to a third party acting on behalf of Guardrisk<br>Any document provided to Guardrisk |
| Service Provider Information                | Service level agreements<br>Shareholder agreement<br>Insurance outsource agreements<br>Any document provided to Guardrisk   |

## 9. PROCESSING OF PERSONAL INFORMATION

### 9.1 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

We collect and process Personal Information mainly to provide data subjects with access to products, to help us improve our offerings and for certain other purposes explained below. The type of information we collect will depend on the purpose for which it is collected and used. We will only collect information that we need for that purpose.

We collect information directly from data subjects where they provide us with their personal details, for example on subscribing for our policy of insurance or make enquiries to us or contact us. Where possible, we will advise on what information is required to be provided to us and what information is optional.

Examples of information we collect from are:

- Name
- Address
- Email Address

- Telephone/Cell Number
- User-generated content, Posts and other content submitted to our website

**We also collect information from other sources as explained below.**

With your consent, we may also supplement the information that we receive with information we receive from other companies and service providers in our industry in order to offer you a more consistent and personalised experience to data subjects. We may disclose Personal Information to our business partners who are involved in the delivery of products or services in order to\*:

- Conduct Underwriting
- Perform a Risk Assessment on a Client
- Consider Claims
- Provide Financial Advise
- Process Medical Expenses/Claim on behalf of a Medical Scheme
- Process a Product/Service Application
- Conduct Research

**Information sharing with Third Parties**

We have agreements in place to ensure that they comply with these privacy terms. We may share Personal Information with, and obtain information about data subjects from:

- Third parties for the purposes listed above;
- Other companies in our industry when we believe it will enhance the services and products we can offer, but only where a data subject has not objected to such sharing;
- Other third parties from whom a data subject has elected to receive marketing information from.

**We may also disclose your information:**

- Where we have a duty or a right to disclose in terms of law or industry codes;
- Where we believe it is necessary to protect our rights.

## **10. DESCRIPTION OF CATEGORIES OF DATA SUBJECTS**

Guardrisk holds data of the categories of information listed below of data subjects:

### **10.1 DESCRIPTION OF CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO:**

| Category of data subject  | Personal information that may be processed  |
|---|---|
| Employees of Guardrisk and Board Members                                      | Name, ID number, physical address, health information, disability information, employee benefit information, bank details, tax number, letter of appointment, vehicle registration information, performance records, payslips, training records, CV, records of qualifications, psychometric assessment results, credit check results, criminal record check results, CCTV footage, next of kin information, beneficiary information, sexual health, sexual orientation, trade union membership, religious or philosophical beliefs, biometric information (photos) |
| Clients of Guardrisk  | Name, ID or registration number, address, financial information, credit check results, health information, application form, policy documents, VAT number, tax number, tax certificates, CCTV footage, biometric information (photos), call recordings, vehicle, and driver registration information, payment records, geo-location (SafeDayz), policy information, contact person information in the event that the client is a juristic person.   |
| Business partners that Guardrisk partner with for delivering certain products | Name, registration number, contact details, cashbacks, CCTV footage   |
| Third parties with whom Guardrisk conduct business services with              | Name, registration number, financial information, contract details, CCTV footage  |
| Contractors at Guardrisk  | Name, surname, physical address, registration number, financial information, contract, contractor name, ID number of contractors, CCTV footage, vehicle and driver registration information, biometric information (photos)   |
| Suppliers and Vendors of Guardrisk  | Name, registration number, financial information, contract, tender documents, CCTV footage  |

**10.2 THE RECIPIENTS OR CATEGORIES IF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED.**

In relation to a personal requester, Guardrisk will provide the requested information, or give access to any record with regard to the requester's personal information without the requester having to pay an access fee, but the prescribed fees for reproduction of the information requested will be charged.

In relation to any other requester, they are entitled to request access to information relating to a third party/ parties. However, Guardrisk is not obliged to voluntarily grant access. Such requester must fulfil the prerequisite requirements for access in terms of the Act, including payment of the relevant fees. Subject to the nature of a data requested Guardrisk may supply the information personal information to the following recipients:

| <b>Categories of personal information</b>  | <b>Recipients or categories of recipients to whom the personal information may be supplied</b>   |
|--|--|
| Identity numbers and names   | Companies that conduct criminal checks   |
| Identity number and names.<br>Qualifications and transaction activity                                  | Forensic investigations and other due diligence and monitoring functions   |
| Identity numbers and names<br>Qualifications and transaction activity<br>Policy document<br>Agreements | Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data (such as the Financial Sector Conduct Authority) |
| Policy document<br>Agreements  | Any court, administrative or judicial forum, arbitration, statutory commission or ombud making a request for data held by Guardrisk                  |
| Identity Numbers and names<br>Policy document<br>Claims history  | South African Revenue Service, or another similar authority  |
| Policy document<br>Agreements<br>Identity numbers and names<br>Claims data                             | Third parties with whom Guardrisk has a contractual relationship for the retention of data (for example, a third-party archiving services)           |
| Policy document<br>Agreements  | Auditing and accounting bodies (internal and external)   |
| Policy document<br>Product records<br>BBBEE Records  | A person who makes a successful application for access in terms of PAIA  |

| Categories of personal information                 | Recipients or categories of recipients to whom the personal information may be supplied |
|--|---|
| Contractual records                                |   |
| Credit and payment history, for credit information | Credit bureaus or credit providers  |

### 10.3 TRANSBORDER FLOWS OF PERSONAL INFORMATION

Guardrisk may transfer personal information to a third party who is in a foreign country to administer certain services. Guardrisk may only do so subject to the provisions of POPIA and Guardrisk's Data Privacy policies. Guardrisk shall ensure that the third party to whom the personal information is transmitted has an adequate level of data protection.

### 10.4 PERSONAL INFORMATION SECURITY

We are legally obliged to provide adequate protection for the Personal Information we hold and to stop unauthorised destruction, access and use, loss of or damage to of personal information. We will, on an on-going basis, continue to review our security controls and related processes to ensure that your Personal Information is secure.

Our security policies and procedures covers:

- Identifying all reasonable internal and external risks to personal information
- Acceptable usage of personal information;
- Access to personal information;
- Data encryption
- Data backups
- Agreements concluded with operators to implement security controls
- Defensive measures
- Anti-virus and anti-malware solutions
- Computer and network security;
- Governance and regulatory issues;
- Investigating and reacting to security incidents.
- Monitoring access and usage of personal information;
- Physical security;
- Retention and disposal of information;
- Secure communications;
- Security in contracting out activities or functions;



When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that we remain responsible for, is kept secure.

We will ensure that anyone to whom we pass Personal Information to agrees to treat the information with the same level of protection as we are obliged to.

## **11. ACCESS TO RECORDS HELD BY THE INSTITUTION**

Records held may be accessed by requester only once the prerequisite requirements for access have been met.

### **Who May Request Information?**

Any person that requires information for the exercise or protection of any rights may request information from a private body. The Act provides that a requester must be given access to any record of a private body if:

- that record is required for the exercise or protection of any rights;
- that person complies with the procedural requirements for 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, Part 3 of the Act.

## **12. REQUEST PROCEDURE**

- The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed form enclosed herewith in “Appendix 1” and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in Part I above.

[Requesters please note that all of the information as listed above should be provided, failing which the process will be delayed while the private body requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished on Guardrisk].

- The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
- The record or records requested;
- The identity of the requester (or person acting on behalf of the requester where applicable);

- The telephone number, postal address or fax number of the requester; and
- What form of access is required, if the request is granted.
- The requester must state that he requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- The manner in which the requester wishes to be informed of the decision on the request, if in a manner in addition to written notification.
- The institution will process the request within thirty days, unless the request contains considerations that are of such a nature that an extension of the thirty-day time limit is necessitated.
- Where an extension of the thirty-day time limit is required, the requester shall be notified, together with reasons explaining why such extension is necessitated.
- The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 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 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.
- The requester must pay the prescribed fee, before any further processing can take place.

### **13. FEES**

The Act provides for two types of fees, namely:

- A request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- An access fee, payable when access is granted, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
  - When the request is received, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
  - 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 in “Appendix 2”.
- A requester whose request for access to a record has been granted, must pay an access 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.

If the request pertains to a third party, the Information Officer will take all reasonable steps to inform that third party of the request within 21 days of receipt of the request. The third party may within 21 days thereafter either make representation as to why the request should be refused or grant written consent to disclosure. The third party must be advised of both the decision taken and of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

#### **14. DECISION**

- Guardrisk will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requester by way of 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 request would otherwise have been granted.
- The 30-day period within which Guardrisk 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 for a large number of information, or the request requires a search for information held at another office of Guardrisk and the information cannot reasonably be obtained within the original 30-day period. Should an extension be required, Guardrisk will notify the requester in writing and will also provide the procedure involved should the requester wish to apply to either the Information Regulator or to a court against the extension.

If the request is:

- **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.

- **Declined:** the notification must include adequate reasons for the decision, 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.

The Information Officer's failure to respond to the requester within the thirty-day period constitutes a deemed refusal of the request.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the Information Officer.

## **15. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for Guardrisk to refuse a request for information relates to 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.
- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - Information disclosed in confidence by a third party to Guardrisk, 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 the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings.
- The research information of Guardrisk or a third party, if its disclosure would place the research at a serious disadvantage.
- The commercial activities of Guardrisk, which may include, without limitation:
  - trade secrets of Guardrisk;
  - The disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Guardrisk;
- Information which, if disclosed could put Guardrisk at a disadvantage in negotiations or commercial competition;

- The public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal to access of records
- A computer program which is owned by Guardrisk, and which is protected by copyright.
- Requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.

Notwithstanding the above, disclosure is Mandatory where it would reveal a contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk and the public.

## **16. AVAILABILITY OF THE MANUAL**

The manual of Guardrisk will be available on the website of Guardrisk at (alternatively, a copy of this manual can be obtained upon request from the Information Officer.

16.1 A copy of the manual is available –

16.1.1 . on [www.guardrisk.co.za](http://www.guardrisk.co.za)

16.1.2 Head office of Guardrisk for public inspection during normal business hours;

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

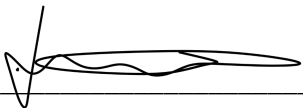
16.1.4 to the Information Regulator upon request.

16.2 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.

## **17. UPDATING OF THE MANUAL**

The head of Guardrisk will on regular basis update this manual.

Issues by:

  
\_\_\_\_\_

Jeanine Norden

Chief Privacy Officer (IO)

**APPENDIX 1 - PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER**

**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

Tel: +27 (0)11 669 1000

Email: [dataprivacy@mmltd.co.za](mailto:dataprivacy@mmltd.co.za)

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:   |           |  |            |
| Physical 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  |           |  |            |

|                   |           |  |            |
|-------------------|-----------|--|------------|
| Physical 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)

- 1. Record is in written or printed form.
- 2. Record comprises virtual images (including photographs, slides, video recordings and computer-generated images, sketches, etc).
- 3. Record consists of recorded words or information which can be reproduced in sound.
- 4. Record is held on a computer or in an electronic format.

**FORM OF ACCESS** (mark the applicable box with an X)

- 1. Printed copies of the information (including copies of virtual images, transcriptions and information held in electronic form).
- 2. Written or printed transcription of virtual images (including photographs, slides, video recordings, computer generated images and sketches).
- 3. Transcription of a soundtrack (written or printed document).
- 4. Copies of information on a flash drive (including virtual images and soundtracks).
- 5. Copies of information on a compact disk (CD) (including virtual images and soundtracks).
- 6. Copy of record stored on a cloud storage server.

**MANNER OF ACCESS** (mark the applicable box with an X)

- 1. Personal inspection of information at the registered address of Momentum Insure (including listening to recorded words, information which can be reproduced in sound or information held on a computer or in electronic format).
- 2. Postal service to postal address.
- 3. Courier service to street address.
- 4. Email of information (*including soundtracks if possible*).
- 5. Cloud share / file transfer.

*\* If you requested a copy or transcription of a record, do you wish the copy or transcription to be couriered to you?*

Yes  No



**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

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

|  |
|--|
| Indicate which right is to be exercised or protected:  |
|  |
| Explain why the record requested is required for the exercise or protection of the said right: |
|  |

**FEES**

- A request for access to a record, other than a record containing personal information about you, will be processed only after a request fee has been paid.
- You will be notified of the amount to be paid as a request fee.
- The fee payable for access to a record depends on the form in which access is required and the time reasonably required to search for and prepare a record.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

**NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

You will be notified in writing whether your request has been approved/denied. If you wish to be advised in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
 Signature of requester / person on whose behalf request is made

**FOR OFFICIAL USE**

|                   |  |
|-------------------|--|
| Reference number: |  |
|-------------------|--|

|   |  |
|---|--|
| <i>Request received by:<br/>(State Rank, Name and Surname<br/>of Information Officer)</i> |  |
| <i>Date received:</i>   |  |
| <i>Access fees:</i>   |  |
| <i>Deposit (if any):</i>  |  |

\_\_\_\_\_  
Signature of Information Officer

## APPENDIX 2 - FEES

### A. REPRODUCTION FEES (i.e. IN TERMS OF SECTION 52(3) OF THE ACT)

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question. Such fees are reflected below:

| DESCRIPTION   | AMOUNT |
|---|--------|
| <ul style="list-style-type: none"> <li>For every photocopy of an A4-size page or part thereof</li> </ul>  | 1.10   |
| <ul style="list-style-type: none"> <li>For every printed copy of an A4-size page or part thereof held on a computer, electronic or machine-readable format</li> </ul> | 0.75   |
| <ul style="list-style-type: none"> <li>For a copy in a computer-readable form on Memory Disc</li> </ul>   | 7.50   |
| <ul style="list-style-type: none"> <li>For a copy in a computer-readable form on Compact Disc</li> </ul>  | 70.00  |
| <ul style="list-style-type: none"> <li>A transcription of visual images, for an A4-size page or part thereof</li> </ul>   | 40.00  |
| <ul style="list-style-type: none"> <li>For a copy of visual images</li> </ul>   | 60.00  |
| <ul style="list-style-type: none"> <li>A transcription of an audio record, for an A4-size page or part thereof</li> </ul>   | 20.00  |
| <ul style="list-style-type: none"> <li>To search for a record that must be disclosed – rate payable per hour or part thereof</li> </ul>                               | 30.00  |

Where a copy of a record needs to be posted the actual postal fees will also payable.

### B. REQUEST FEES

Where a request is made for access to information on a person other than that requester, a request fee in the amount of R50,00 is payable upfront before Guardrisk will further process the request received.

### C. ACCESS FEES (i.e. IN TERMS OF SECTION 54(7) OF THE ACT, UNLESS EXEMPTED IN TERMS OF 54(8))

An access fee is payable in instances where access is granted to a requester (other than in instances where the information has been provided automatically on a voluntary basis), unless payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

| DESCRIPTION  | AMOUNT<br>in Rand |
|--|-------------------|
| <ul style="list-style-type: none"> <li>For every photocopy of an A4-size page or part thereof</li> </ul> | 1.10              |

|   |       |
|---|-------|
| <ul style="list-style-type: none"> <li>For every printed copy of an A4-size page or part thereof held on a computer, electronic or machine-readable format</li> </ul> | 0.75  |
| <ul style="list-style-type: none"> <li>For a copy in a computer-readable form on Stiffy Disc</li> </ul>   | 7.50  |
| <ul style="list-style-type: none"> <li>For a copy in a computer-readable form on Compact Disc</li> </ul>  | 70.00 |
| <ul style="list-style-type: none"> <li>A transcription of visual images, for an A4-size page or part thereof</li> </ul>   | 40.00 |
| <ul style="list-style-type: none"> <li>For a copy of visual images</li> </ul>   | 60.00 |
| <ul style="list-style-type: none"> <li>A transcription of an audio record, for an A4-size page or part thereof</li> </ul>   | 20.00 |
| <ul style="list-style-type: none"> <li>To search for a record that must be disclosed – rate payable per hour or part thereof</li> </ul>                               | 30.00 |

In accordance with Section 54(2) of the Act, upon receipt of a request for access to a record in respect of which the request for access does not apply to a personal requester, the Information Officer may request that an upfront deposit be paid before proceeding with the request. Such deposit will be calculated to be an amount that will not exceed, one third of the access fee and would be dependent on whether the Information Officer is of the opinion that the preparation of the required records will take more than six hours to complete.

**Note: In terms of Regulation 8, Value Added Tax (VAT) Registered entities may add VAT to the prescribed fees.**