



Challenger Brokers and Consultants CC

PAIA MANUAL

Prepared in terms of Section 51 of the
Promotion of Access to Information Act 2
of 2000 (as amended)

1. List of acronyms and abbreviations

1.1. "CC"	Closed Corporation;
1.2. "The Company"	Challenger Insurance Brokers and Consultants;
1.3. "IO"	Information Officer;
1.4. "Minister"	Minister of justice and correctional services;
1.5. "PAIA"	Promotion of Access to Information Act 2 of 2000 (as amended);
1.6. "POPIA"	Protection of Personal Information Act No.4 of 2013;
1.7. "Regulator"	Information regulator; and
1.8. "Republic"	Republic of South Africa

2. Introduction

On 23 November 2001, the Promotion of Access to Information Act No. 2 of 2000 ("the Act") came into effect. According to Section 51 of the Act, we, as a private entity, are required to compile a manual that informs the public about the procedure for requesting information from us, aimed at exercising or protecting the rights of the requesters. This manual should be read alongside our POPIA Policy or institutional statement.

Under the Act, there is an obligation to disclose information upon request, except where expressly prohibited or allowed to be withheld by the Act. The Act outlines the necessary procedures for handling information requests.

Members of the public will have the following rights:

- Review the categories of information that we possess and that are accessible to them.
- Understand the process for requesting information.
- Access the contact details of the Information Officer (and Deputy Information Officer, if applicable).
- Understand the purpose of processing personal information and the description of categories of data subjects if personal information will be processed.

3. THE ACT

The Act grants a requester access to records of a private body if the record is required for the exercise or protection of any rights. If a public body makes a request, it must be acting in the public interest. Requests under the Act must adhere to prescribed procedures and rates.

4. RECORDS OF THE RESPONSIBLE PARTY

This section serves as a reference to the records we maintain to facilitate requests under the Act. It is noted that access to the listed documents below may be subject to grounds for refusal as set out herein and in the Act. The information is categorized and grouped as follows:

5. AUTOMATICALLY AVAILABLE RECORDS

Records automatically available to the public include all records of the Responsible Party lodged in compliance with government requirements with various regulatory and statutory bodies, such as the Registrar of Companies and the Registrar of Deeds. Other records include, but are not limited to:

- Website information
- Brochures
- Pamphlets
- General marketing campaigns

6. NON-AUTOMATICALLY AVAILABLE RECORDS

Internal Company Records

- Operational records
- Product and service records
- Records held by officers of the Responsible Party
- Statutory records
- Taxation records
- Agreements and contracts
- Databases
- Financial records
- Fixed, movable, and intellectual property
- Information technology
- Insurance records
- Internal correspondence
- Internal policies and procedures
- Marketing records

Human Resource Records

This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

- Internal evaluation records and performance appraisals
- Personal records provided by and to personnel
- Records provided by a third party relating to personnel
- Conditions of employment and other personnel-related contractual and legal records
- Correspondence relating to personnel

- Training schedules and materials

8.3 Client Related Records

This refers to any natural or juristic entity that utilises the products and services of the Responsible Party and includes:

- Records and correspondence provided by clients;
- Records provided by a client to a third party or outsourced service provider acting for or on behalf of the Responsible Party;
- Records provided by a third party of a client;
- Any other client related record generated though the lifetime of the relationship or thereafter

9. OTHER PARTY RECORDS

These encompass:

- Internal company records, human resource records, or client records held by another party, distinct from those held by the Responsible Party;
- Records held by the Responsible Party concerning other parties, including but not limited to financial records, correspondence, contractual records, records provided by other parties, and records third parties have provided about contractors/suppliers.
- The Responsible Party may possess records pertaining to other parties, such as contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Conversely, such other parties may possess records that can be considered belonging to the Responsible Party.

It is noted that access to the records and documents listed above may be subject to grounds for refusal as outlined in this manual.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Responsible Party to refuse a request for information are as follows:

- **Mandatory protection of privacy:** Protecting the privacy of a third party who is a natural person, especially when disclosing personal information would be unreasonable.
- **Protection of commercial information:** Protecting the commercial information of a third party, including:
 - Trade secrets of the third party.

- Financial, commercial, scientific, or technical information whose disclosure could likely cause harm to the financial or commercial interests of the third party.
- Information disclosed in confidence by a third party to the Responsible Party, where disclosure could put the third party at a disadvantage in negotiations or commercial competition.
- **Protection of confidential information:** Protecting confidential information of third parties if it is protected by any agreement.
- **Protection of safety and property:** Ensuring the safety of individuals and the protection of property.
- **Privileged information:** Protecting records that would be regarded as privileged in legal proceedings.
- **Protection of the Responsible Party's commercial activities,** which may include:
 - Trade secrets.
 - Financial, commercial, scientific, or technical information whose disclosure could likely cause harm to the financial or commercial interests of the Responsible Party.
 - Information that, if disclosed, could put the Responsible Party at a disadvantage in negotiations or commercial competition.
 - A computer program owned by the Responsible Party, protected by copyright.
- **Protection of research information:** Protecting the research information of the Responsible Party or a third party if its disclosure would reveal the identity of the Responsible Party, the researcher, or the subject matter of the research, placing the research at a serious disadvantage.
- **Frivolous or vexatious requests:** Refusing requests that are clearly frivolous or vexatious or involve an unreasonable diversion of resources.

11. REMEDIES IN CASE OF INFORMATION REQUEST DENIAL

11.1 Internal Remedies The decision made by the Information Officer is final. Requesters will have to exercise the external remedies at their disposal if the request for information is refused and they are not satisfied with the response provided by the Information Officer.

11.2 External Remedies A requester dissatisfied with the Information Officer's refusal to disclose information may, within 30 calendar days of notification of the decision, apply to a Court for relief. Similarly, a third party dissatisfied with the Information Officer's decision to grant a request for information may, within 30 calendar days of notification of the decision, apply to a Court for relief. For the purposes of the Act, the Courts with jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

12. ACCESS TO RECORDS PROCEDURE

The requester must comply with all procedural requirements outlined in the Act when requesting access to any of the above categories of information.

The requester must complete the prescribed form [[insert hyperlink](#)] in accordance with Regulation 7 and submit it, along with payment of a request fee and a deposit (if applicable),

to the Information Officer or the designated Deputy Information Officer, at the postal or physical address, facsimile number, or electronic mail address.

The prescribed form, which is also available on the Information Regulator's website (www.inforegulator.gov.za), must be completed with sufficient detail to enable the Information Officer to identify:

- The record or records requested.
- The identity of the requester.
- The form of access required if the request is granted.
- The postal address or facsimile number of the requester.

The requester must state that the information is required to exercise or protect a right and clearly state the nature of the right to be exercised or protected. Additionally, the requester must specify why the record is necessary to exercise or protect such a right.

The Responsible Party will process the request within 30 calendar days unless the requester provides special reasons justifying a shorter time frame, which satisfies the Information Officer. The requester will be informed in writing whether access has been granted or denied. If the requester requires the reasons for the decision in a specific manner, they must state the required manner and particulars.

If a request is made on behalf of another person, the requester must provide proof of the capacity in which they are making the request to the reasonable satisfaction of the Information Officer.

If a requester is unable to complete the prescribed form due to illiteracy or disability, they may make the request orally.

The requester must pay the prescribed fee as detailed in this policy before any further processing can take place.

13. TYPES OF REQUESTERS

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

A requester is any person making a request for access to a record of the Responsible Party. There are two types of requesters:

13.1 Personal Requester

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- the Responsible Party will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

13.2 Other Requester

- The requester (other than a personal requester) is entitled to request access to information on third parties. However, the Responsible Party is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

14. FEES

The Act provides for two types of fees:

- **Request Fee:** A standard fee.
- **Access Fee:** Calculated based on reproduction costs, search and preparation time and cost, as well as postal costs.

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

If the search for the record and preparation for disclosure, including arrangements to make it available in the requested form, exceeds the prescribed hours outlined in the regulations, the Information Officer shall notify the requester to pay a deposit. This deposit is a portion of the access fee that would be payable if the request is granted.

The Information Officer shall withhold the record or outcome until the requester has paid the fees in accordance with Regulation 8, as detailed in Form 03.

A requester whose request for access to a record has been granted must pay an access fee for reproduction, search, and preparation, as well as for any time reasonably required beyond the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid for a request that is subsequently refused, the Information Officer must repay the deposit to the requester.

15. DECISIONS

The Responsible Party will, within 30 calendar days of receiving the request, decide whether to grant or decline the request and provide notice with reasons (if required) to that effect.

The 30 calendar day period within which the Responsible Party must decide whether to grant or refuse the request may be extended for a further period of not more than 30 calendar days under certain circumstances. These circumstances include requests for a large volume of information or when the request requires a search for information held at another office of the Responsible Party, making it unreasonable to obtain the information within the original 30 calendar day period. The Responsible Party will notify the requester in writing if an extension is required.