

Promotion of Access to Information Act Information Manual

Index

Content	Page
1. Introduction	3
2. Definitions	
3. Contact Details	3
4. South African Human Rights Commission Guide	4
5. Types of Records that may be Requested	5
6. Access to Records held by the Institution	6
7. Request Procedure	7
8. Fees	8
9. Decision	8
10. Grounds for Refusal of Access to Records	9
11. Remedies available when an Institution refuses a request for Information	11
12. Availability of the Manual	11
13. Appendix 1	12
14. Appendix 2	17
15. Appendix 3	18

1. Introduction

The Promotion of Access to information Act No 2 of 2000 was enacted to give effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

This manual is to assist potential requesters as to the procedure to be followed when requesting access to information from Eqstra Financial Services in terms of the Act. A potential requester is any person who requires information for the exercise or protection of any rights.

This manual may be amended from time to time and any new versions of the manual will be made public.

2. Definitions

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

“Eqstra Financial Services (Pty) Ltd”	:	refers collectively to Eqstra Financial Services (Pty) Ltd and its operating subsidiaries.
“Information Officer”	:	means the person that is responsible for discharging the duties and responsibilities assigned to the “head” of the private institution, the such as the managing director or any person duly appointed by the managing director.
“Other Requester”	:	mean any person making a request for access to a record.
“Personal Requester”	:	means any person making a request for access to a record containing personal information about the requester.
“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 is acting on behalf of the requester, or alternatively Eqstra Financial Services (Pty) Ltd

3. Contact Details

General Manager	Tracey Lea Moss
Postal Address	1050, Bedfordview, 2008
Physical Address	12 Corobrik Road, Meadowdale, 1614
Telephone	011 458 7555
E-mail Address	tlmoss@efm.co.za

4. South African Human Rights Commission Guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide. The Guide is intended to assist users in the interpretation of the Act and will contain such information as may reasonably be required by a person who wishes to exercise any rights contemplated in the Act.

The Guide contains the following information:

- 4.1** The object of the Act;
- 4.2** Particulars of the Information Officer of every public body;
- 4.3** Particulars of every private body as are;
- 4.4** Particulars of every private body as are practicable
- 4.5** The manner and form of a request for access to information held by a body;
- 4.6** Assistance available from the Information Officers and Human Rights Commission in terms of the Act.
- 4.7** Legal remedies regarding acts, omissions, rights, duties (including lodging appeals and court application);
- 4.8** Schedules of fees paid in relation to requests for access to information;
- 4.9** Regulation made in terms of the Act.

A copy of the guide is available on the SAHRC website. Any enquiries regarding this guide should be directed to:

Company Name	The South African Human Rights Commission
Physical Address	12 Corobrik Road, Meadowdale, 1614
Telephone	011 484 8300
Fax	011 484 7149
Website	www.sahrc.org.za

5. Types of Records that may be Requested

This section provides details of the types of records that may be accessed by request from Eqstra Financial Services. The accessibility of the documents are listed in “Appendix 3” may be subject to the grounds of refusal in accordance with Chapter 4 of the Act. Some of the types of records in this respect are set out hereinafter.

5.1 Personal Records

- Personal records provided by employee;
- Records provided by a third party relating to employees;
- Conditions of employment and other personnel-related contractual and quasi legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Industrial training records and material;
- Employment equity plan.

5.2 Client Related Records

- Records provided by a client to a third party acting for or on behalf of Eqstra Financial Services;
- Records provided by a third party;
- Records generated by or with Eqstra Financial Services relating to its clients, including transactional records;
- Records provided to Eqstra Financial Services by the client.

5.3 Records Relating to Eqstra Financial Services

- Statutory Company Information;
- Financial Records
- Operational Records
- Database;
- Information Technology;
- Marketing Records;
- Internal Correspondence;
- Product Records;
- Internal Policies and procedures;
- Securitise and Equities; and
- Records held by Officials of Eqstra Financial Services.

These records include, but are not limited to, the records which pertain to Eqstra Financial services' own affairs.

5.4 Other Records

- Eqstra Financial Services may possess records pertaining to other parties, including without limitation, contractors, suppliers, holding/sister companies, joint venture companies, and service providers.

Alternatively, such other parties may possess records that can be said to belong to Eqstra Financial Services;

- Personnel, client and other records relating to Eqstra Financial Services which are held by another party, as opposed to the records held by Eqstra Financial Services itself;
- Records held by Eqstra Financial Services pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

5.5 Records Available in Terms of Legislation and Records that are Freely Available

A requester may request access to information, which is available in terms of other legislation. (refer to “Appendix 3” for a detailed list of those records available in terms of such other legislation.

5.6 Records that are Freely Accessible

The list of records that Eqstra Financial Services holds, and which will be freely available to the public are contained in an appendix to this manual titled “Appendix 3”.

6. Access to Records Held by the Company

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

6.1 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 records 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.

6.2 Two Types of Requesters

- In relation to a personal requester, Eqstra Financial Services will voluntarily 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, Eqstra Financial 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.

7. Request Procedures

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 1 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 Eqstra Financial Services).

- 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;
 - 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 rights 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.
- 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.

8. Fees

8.1 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.

8.2 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.

8.3 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 request form, 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.

8.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated in "Appendix 2".

8.5 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 arrangement to make it available in the request form.

8.6 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.

9. Decision

9.1 Eqstra Financial Services 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.

9.2 The 30 day period within which Eqstra Financial Services 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 Eqstra Financial Services and the information cannot reasonably be obtained within the original 30 day period. Should an extension be required, Eqstra Financial Services 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.

9.3 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.

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

9.5 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.

10. Grounds for Refusal of Access to Records

The main grounds for Eqstra Financial Services to refuse a request for information relates to the:

10.1 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;

- 10.2** 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 interest of that third party;
 - Information disclosed in confidence by a third party to Eqstra Financial Services, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 10.3** Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 10.4** Mandatory protection of the safety of individuals and the protection of property;
- 10.5** Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 10.6** The research information of Eqstra Financial Services or a third party, if its disclosure would place the research at a serious disadvantage.
- 10.7** The commercial activities of Eqstra Financial Services, which may include, without limitation:
- Trade secrets of Eqstra Financial Services;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Eqstra Financial Services;
 - Information which, if disclosed could put Eqstra Financial Services at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by Eqstra Financial Services, and which is protected by copyright.
- 10.8** Request 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.

11. Remedies Available when an Institution Refuses a Request for Information

11.1 Internal Remedies

Eqstra Financial Services does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requesters

will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

11.2 External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

12. Availability of the Manual

The manual of Eqstra Financial Services will be available on the Website of Eqstra Fleet Management at www.efm.co.za (alternatively, a copy of this manual can be obtained upon request from the Information Officer.

Prescribed Form to be Completed by a Requester

Request for Access to Record of Private Body

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)
(Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access to the record

- a) *The particulars of the person who requests access to the records must be recorded below.*
- b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name	
Surname	
Identity Number	
Postal Address	
Telephone Number	
Fax Number	
E-mail Address	

Capacity in which request is made, when made on behalf of another person

C. Particulars of persons on whose behalf request is made

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

Full Name	
Surname	
Identity Number	

D. 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 page and attach this to the form. The requester must sign all the additional pages*

1. Description of the Record or relevant part of the record

2. Reference number, if available

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3. Any further particulars of the record

E. Fees

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount of the request fee.
- c) The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee

F. Form of Access to the Record

If you are prevented by a disability to read, view or listen to the record in the form of access provided

Disability	Form in which record is required

Mark the appropriate box with an "X"

- Notes:**
- a) Your indications as to the required form of access depend on the form in which the Record is available.
 - b) Access in the form required may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
 - c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested

1. If the record is in written or printed form:			
	Copy of record*		Inspection of record*
2. If the record consists of visual images: (This includes photographs, slides, video recording, computer generated images, sketches, etc)			
	View the Images*	Copy of the Images*	Transcription of the images
3. If the record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (audio Cassette)		Transcription of soundtrack* (written or printed document)
4. If the record is held on computer or in an electronic or machine-readable form:			
	Printed copy of Record	Printed copy of information	Copy in computer readable form

*If you requested a copy or transcription of a record (above), do you wish the copy or transcript to be posted to you?	Yes	No

G. 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 requested record is required for the exercising or protection of the aforementioned right:

H. 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 informed thereof 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 the records?

Signed at _____ this _____ day of _____ 20_____

**Signature of Requester/Person
On whose behalf request is made**

“Appendix 2”

FEE

“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:

Descriptio	Amount
▪ For every photocopy of an A4 size page or part thereof	1.10
▪ For every printed copy of an A4 size page or part thereof held on a computer, electronic or machine readable format	0.75
▪ For a copy in a computer readable form on Stiffy Disc	7.50
▪ For a copy in a computer readable form on compact Disc	70.00
▪ A transcription of visual images, for an A4 size page or part thereof	40.00
▪ For a copy of visual images	60.00
▪ A transcription of an audio record, for an A4 size page or part thereof	20.00
▪ To search for a record that must be disclosed – rate payable per hour or part thereof	30.00

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

“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 Eqstra Financial Services will further process the request received.”

“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).

Descriptio	Amount
▪ For every photocopy of an A4 size page or part thereof	1.10
▪ For every printed copy of an A4 size page or part thereof held on a computer, electronic or machine readable format	0.75
▪ For a copy in a computer readable form on Stiffy Disc	7.50
▪ For a copy in a computer readable from on compact Disc	70.00
▪ A transcription of visual images, for an A4 size page or part thereof	40.00
▪ For a copy of visual images	60.00
▪ A transcription of an audio record, for an A4 size page or part thereof	20.00
▪ To search for a record that must be disclosed – rate payable per hour or part thereof	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.

“Appendix 3”

LEGISLATION (List not exhaustive)	PRODUCTS AND SERVICES (List not exhaustive)	COMPANY RECORDS (List not exhaustive)	SUBJECTS ON WHICH RECORDS ARE HELD (List not exhaustive)	RECORDS IN RESPECT OF SUBJECTS (List not exhaustive)
<ul style="list-style-type: none"> ▪ Basic Condition of Employment Act 75 of 1997 ▪ Broad Based Black Economic Employment Act ▪ Close Corporations Act No. 69 of 1984 ▪ Companies Act 71 of 2008 ▪ Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 ▪ Constitution of the Republic of South Africa ▪ Consumer Protection Act ▪ Copyright Act ▪ Electronic Communications & Transactions Act ▪ Financial Advisory & Intermediary Services Act 37 of 2002 ▪ Financial Services Board Act 97 of 1990 ▪ Income Tax Act of 1962 ▪ Inspection of Financial Institutions Act 	<ul style="list-style-type: none"> ▪ Corporate Risk Solutions ▪ Volume and Affinity ▪ UMA and Binder Services ▪ Employment Benefits ▪ Financing of annual and monthly insurance premium ▪ Financing of termed premium ▪ Short Term Claims administrative services ▪ Short Term Policy Administration Services ▪ Short Term Insurance Products ▪ Underwriting Management Services 	<ol style="list-style-type: none"> 1. Client Services 2. Actuarial 3. All records in terms of the Company Laws of South Africa 4. Annual Financial Statements 5. BEE certification and Documentation 6. Brokers 7. Compliance 8. Directors 9. Distribution 10. Employees 11. External Companies 12. FAIS Reps and Complaints Registers 	<ul style="list-style-type: none"> ▪ “A & L” Shareholders Agreement ▪ 3rd Party Suppliers ▪ Administrators (outsource functions) ▪ Auditors ▪ Banking Institutions ▪ Board Members ▪ Cell Financial Records ▪ Claims Bordereaux ▪ Claims Handling Agreement ▪ Clients ▪ Consultants ▪ Correspondences ▪ Directors ▪ Dividend requests and payments ▪ Employees ▪ External Companies and/or Contractors ▪ FAIS Register ▪ Fidelity Guarantee ▪ FSP Licence ▪ Independent Brokers ▪ Insurer ▪ Investment Mandate Agreement ▪ Investors ▪ Joint ventures ▪ KYC Documentation 	<ul style="list-style-type: none"> ▪ Administration ▪ Actuarial records – possible and limited ▪ Broker agreements – possible and limited ▪ Broking and Claims Information ▪ Business information ▪ Commercial information ▪ Confidential information- possible and limited ▪ Contracts and mandates ▪ External company information – possible and limited ▪ Financial information ▪ Company departments - possible and limited ▪ Company Divisions/Business Units/Company Financial – possible and limited ▪ Company incorporation – possible and limited ▪ Company structure ▪ Internal company divisions – possible and limited

LEGISLATION (List not exhaustive)	PRODUCTS AND SERVICES (List not exhaustive)	COMPANY RECORDS (List not exhaustive)	SUBJECTS ON WHICH RECORDS ARE HELD (List not exhaustive)	RECORDS IN RESPECT OF SUBJECTS (List not exhaustive)
			<ul style="list-style-type: none"> ▪ Monthly Statements ▪ Ombudsman Complaints ▪ Personal ▪ Policy Wording ▪ Premium Bordeaux ▪ Premium Invoices ▪ Professional Indemnity ▪ Reinsurance Documents ▪ Re-Insurers ▪ Service Level Agreements ▪ Share Certificates ▪ Suppliers and Service Providers 	<ul style="list-style-type: none"> ▪ Official/Legal/Licenses (amended from Official/Legal – existing point) ▪ Operational manuals ▪ Personal information ▪ Policies ▪ Research documents ▪ Risk Management Reports ▪ Shareholder certificates - possible and limited ▪ Strategy – possible and limited ▪ Trade Information – possible and limited