



Tel: 086 144 4462 • Fax: 086 685 0357
Physical Address: Building 3, Midrand Business Park,
563 Old Pretoria Main Road, Midrand, 1682
Postal Address: PO Box 1115, Bromhof, 2154
Web Address: www.genric.co.za

PAIA MANUAL

Contents

1. INTRODUCTION	2
2. COMPANY OVERVIEW.....	2
3. DEFINITIONS.....	2
4. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT?	4
5. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION.....	4
6. GUIDE BY THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION	5
7. RECORDS OF GENRIC	5
8. GROUNDS FOR REFUSAL OF A REQUEST.....	6
9. EXTERNAL REMEDIES AVAILABLE SHOULD GENRIC REFUSE A REQUEST FOR INFORMATION.....	7
10. APPLICABLE LEGISLATION	7
11. AVAILABILITY OF THE MANUAL.....	8
ANNEXURE A.....	9

1. INTRODUCTION

The Promotion of Access to Information Act, No. 2 of 2000, hereafter referred to as “**the Act**”, gives effect to the Constitutional right of access to any information in records that are held by Private or Public institutes which are required for the protection of any rights. The Act provides the procedures regarding the request for access to information, the requirements which need to be met for such request and the grounds for refusal of such request.

This manual sets out appropriate procedures and requirements which a request for access to information must meet as prescribed by the Act.

2. COMPANY OVERVIEW

GENRIC Insurance Company Limited was established in 2005 and holds a non-life insurance license for certain classes of Short-term Insurance business.

2.1 Postal Address

PO Box 1115
Bromhof
2154

2.2 Physical Address

Building 3, Midrand Business Park
563 Old Pretoria Main Road
Midrand
Gauteng

2.3 **Phone Number:** 0861 44 44 62

2.4 **Fax Number:** 086 685 0357

2.5 **Email Address:** info@genric.co.za

2.6 **Website:** www.genric.co.za

3. DEFINITIONS

3.1. **PAIA** means the Promotion of Access to Information Act 2 of 2000

3.2. **Person** means a natural person or a juristic person

3.3. **Private body** means:

3.3.1. a natural person who carries or has carried on any trade, business or profession, but only in such capacity

3.3.2. a partnership which carries or has carried on any trade, business or profession; or

3.3.2.1. any former or existing juristic person, but excludes a public body

3.4. **Public body** means:

- 3.4.1. any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- 3.4.2. any other functionary or institution when:
- 3.4.2.1. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
- 3.4.2.2. exercising a public power or performing a public function in terms of any legislation.
- 3.5. **Information Officer** means the head of a private body.
- 3.6. **Requester** in relation to a private body, means any person, including, but not limited to public body or an official thereof, making a request for access to a record of the organisation or a person acting on behalf of such person.
- 3.7. **Customer** means any natural or juristic person that receives services from GENRIC.
- 3.8. **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 3.8.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- 3.8.2. information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person, the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 3.8.3. the views or opinions of another individual about the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 3.9. **Request for access** means a request for access to a record of the organisation in terms of section 50 of PAIA
- 3.10. **Record** means any recorded information regardless of the form or medium, in the possession or under the control of the organisation irrespective of whether or not it was created by the organisation.
- 3.11. **Data Subject** means the person to whom personal information relates.
- 3.12. **Third Party** in relation to a request for access to a record held by the organisation, means any person other than the requester.
- 3.13. **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of

transmission, distribution or making available in any other form, or merging, linking, as well as restriction, degradation, erasure or destruction of information.

4. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

4.1. Any person, who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that:

- 4.1.1. That record is required for the exercise or protection of any rights;
- 4.1.2. That person complies with the procedural requirements in this Act relating to a request for access to that record; and
- 4.1.3. Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

5. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

5.1. Prescribed Access Form

A request for access to a record of GENRIC must be addressed to the Information Officer in the prescribed form to GENRIC at the postal or physical address, fax, or e-mail address provided above. See **Annexure A** for the prescribed form.

5.2. Requesters must;

- 5.2.1. provide sufficient particulars to enable the Information Officer to identify the record/s requested and must indicate who the requester is;
- 5.2.2. indicate which form of access is required;
- 5.2.3. specify a postal address or fax number of the requester in RSA;
- 5.2.4. identify the right exercised or to be protected and why the record is required to protect or exercise the right;
- 5.2.5. where they need to be informed of the decision on the request in any other manner, state that manner and particulars to be so informed; and
- 5.2.6. if the request is made on behalf of a person, submit proof of their capacity to do so to the information Officer's satisfaction.

5.3. Thereafter the Information Officer will notify the requester of the prescribed fee (if applicable) which is payable before further processing the request. The Act provides for two types of fees, namely:

- 5.3.1. A request fee, which will be a standard fee; and
- 5.3.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.

6. GUIDE BY THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission (SAHRC) has compiled the guide contemplated in Section 10 of the Act which contains information that may reasonably be required by any person who wishes to exercise any Right contemplated in the Act.

The Guide is available from the SAHRC website: www.sahrc.org.za

7. RECORDS OF GENRIC

This section serves as reference to the Records held by GENRIC.

7.1. Human Resources Records

These include but are not limited to the following:

- 7.1.1. Any personal records provided to GENRIC by their personnel;
- 7.1.2. Any records a third party has provided to GENRIC about any of their personnel;
- 7.1.3. Conditions of employment and other personnel related contractual and quasi legal records;
- 7.1.4. Internal evaluation records and other internal records and correspondence.

7.2. Customer Related Records

These include but are not limited to the following:

- 7.2.1. Records provided by a customer to a third party acting for or on behalf of GENRIC;
- 7.2.2. Records provided by a third party;
- 7.2.3. Records generated by or within GENRIC relating to its customers.

7.2. Private Body Records

- 7.2.1. Financial Records;
- 7.2.2. Operational Records;
- 7.2.3. Databases;
- 7.2.4. Internal policies and procedures;
- 7.2.5. Information Technology;
- 7.2.6. Marketing Records;
- 7.2.7. Internal Correspondence;
- 7.2.8. Product records;
- 7.2.9. Statutory records.

These records include but are not limited to the records which pertain to GENRIC's own affairs

7.3. Other Parties Records

- 7.3.1. GENRIC may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies, service providers. Alternatively, such other parties may possess records which can be said to belong to GENRIC.

- 7.3.2. The following records fall under this category:

7.3.2.1. Personnel, customer or GENRIC records which are held by another party as opposed to being held by GENRIC; and

7.3.2.2. Records held by GENRIC 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.

8. GROUNDS FOR REFUSAL OF A REQUEST

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

- 8.1. Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural person third parties to requestors. This includes the personal information of deceased persons. However, section 63 (2) does provide exceptions to this.
- 8.2. Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
 - 8.2.1. Trade secrets;
 - 8.2.2. Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - 8.2.3. Information, supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- 8.3. Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 8.4. In terms of Section 66, GENRIC must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
 - 8.4.1. Endanger the life or physical safety of an individual;
 - 8.4.2. Prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;
 - 8.4.3. GENRIC may also refuse a request for access to information that would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 8.5. Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 8.6. Section 68 pertains to records containing information about GENRIC itself and unlike the other provisions pertaining to declination of a request, is not mandatory, but rather discretionary. GENRIC may refuse access to a record if the record:

- 8.6.1. Contains trade secrets of GENRIC;
 - 8.6.2. Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of GENRIC;
 - 8.6.3. Contains information which, if disclosed, could reasonably be expected to put GENRIC at a disadvantage in contractual or other negotiations, or prejudice GENRIC in commercial competition; or
 - 8.6.4. Consists of a computer program owned by GENRIC;
- 8.7. Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to GENRIC itself.
- 8.8. Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:
- 8.8.1. Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
 - 8.8.2. If the public interest in the disclosure clearly outweighs the harm.

9. EXTERNAL REMEDIES AVAILABLE SHOULD GENRIC REFUSE A REQUEST FOR INFORMATION

Subject to the provisions of the Act, a requestor that is dissatisfied with an Information Officer's refusal to disclose information, may within 180 days of notification of the decision, apply to Court with appropriate jurisdiction for relief.

10. APPLICABLE LEGISLATION

The requester may also request information which is available in terms of Legislation, these include but are not limited to the following:

- 10.1.1. Basic Conditions of Employment Act;
- 10.1.2. Companies Act;
- 10.1.3. Employment Equity Act;
- 10.1.4. Labour Relations Act;
- 10.1.5. Occupational Health and Safety Act;
- 10.1.6. Skills Development Act;
- 10.1.7. Skills Development Levies Act;
- 10.1.8. National Credit Act;
- 10.1.9. Promotion of Equality and Prevention of Unfair Discrimination Act;
- 10.1.10. Electronic Communications and Transactions Act;
- 10.1.11. Promotion of Personal Information Act;
- 10.1.12. Financial Advisory and Intermediary Services Act;
- 10.1.13. Financial Sector Regulations Act

- 10.1.14. Financial Intelligence Centre Act
- 10.1.15. The Insurance Act
- 10.1.16. The Short-Term Insurance Act

11. AVAILABILITY OF THE MANUAL

This manual is available on the GENRIC website, www.genric.co.za

ANNEXURE A

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 and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____

Fax Number: _____

Email Address: _____

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

C. Particulars of person on whose behalf the request is made:

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

Full Name and 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 folio and attach it to this form. The requester must sign all the additional folios.

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

2. Reference number, if available:

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 for in 1 to 4 here under, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

- 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.

Indicate in the appropriate box with an "X"

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 recordings, 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 derived from the record

Copy in computer readable form (stiffy or compact disc)

If you requested a copy or transcription of a record (above), do you wish the copy or transcript to be posted to you?

A postal fee is payable Yes No

G. Particulars of the right to be exercised or protected

If the provided space is inadequate, please continue of 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 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 record?

Signed at _____ this _____ day of _____ 20____

Signature of Requester/Person
on whose behalf request is made