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PAIA Manual

PROMOTION OF ACCESS TO
INFORMATION ACT MANUAL

1. Introduction

FMI, a division of Bidvest Life Limited (The Company) is a licensed Life Insurance Company and authorised Financial Services Provider in terms of the Insurance Act No. 18 of 2017 and the Financial Advisory and Intermediary Services Act, No. 37 of 2002 (FAIS). The Company offers a variety of life insurance products to meet a number of customer needs.

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act") gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such request. This manual also complies with the Protection of Personal Information Act No. 4 of 2013 (POPIA).

Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy
- Commercial confidentiality and
- Effective, efficient and good governance

Section 50 of the Act obliges private bodies to compile a manual, which would assist a person to obtain access to information held by the private body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is therefore to inform a person on how to obtain access to records held by **The Company** and thus giving effect to Section 50 of the Act.

2. Addresses of the Information Regulator and The Company

The Information Regulator is the body that regulates both the Promotion of Access to Information Act and the Protection of Personal Information Act.

Their address is:

33 Hoofd Street
Forum III
3rd Floor Braampark
PO Box 31533
Johannesburg 2017
Tel No: +27(0) 10 023 5207
Email: infoereg@justice.gov.za
Website: www.justice.gov.za/infoereg

Addresses of The Company:

FMI, a Division of Bidvest Life Ltd
Postnet Suite 91
Private Bag X01
Umhlanga Rocks 4320

OR

1st Floor FMI House
2 Heleza Boulevard
Sibaya 4310
Tel: (031) 538 3500
Fax: 086 110 5820
Email: datacomplaints@fmi.co.za
Website: www.fmi.co.za

3. Information Officer

The Chief Executive Officer is the Information Officer of **The Company**.

The Information Officer noted in terms of the Act also refers to the Information Officer as prescribed in the Protection of Personal Information Act 4 of 2013.

The Information Officer may appoint, where it is deemed necessary, a Deputy Information Officer, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render the Company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of the Act must be addressed to the Deputy Information Officer.

The Deputy Information Officer is:
Mr Sacchin Maharaj

4. Subjects and categories of records held by the company

The Act requires sufficient detail of records held to facilitate a request for disclosure. These are contained in **Annexure A**. Applications for disclosure are required for all these records.

5. Request for information procedure

Application process

Step 1: The request

Where a person wishes to access information held by **The Company**, such a person must make a request for access to the relevant information in the prescribed form. Such form is attached to this manual as **Annexure B**.

A request fee of R50-00, or proof of payment thereof, must accompany the request for information. Payment of the request fee may be made at any commercial bank.

Please contact the Deputy Information Officer for the relevant banking details.

Step 2: Validation and acknowledgement

The Deputy Information Officer receives and validates the request to see whether the required information is available. The request is then accepted, rejected or transferred to the rightful keeper of the required information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the request is accepted, **The Company** will gather and prepare the information and calculate the relevant cost involved.

Step 4: Final notification

The requester will be informed of the completion of the request as well as the outstanding fees payable.

Step 5: Payment and Delivery

Once the payment as stipulated in step 4 is received (following the same payment process as stipulated in step 1), the information is released to the requester.

General information

The prescribed form must be completed with enough information to enable the Deputy Information Officer to identify:

- The record or records requested
- The identity of the requester
- Which form of access is required, if the request is granted
- The postal address or email address of the requester

The Company will process the request within 30 days, unless the requester has stated special reasons, which would satisfy the Information Officer, that circumstances dictate that the above periods should not be complied with.

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

If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Deputy 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 Deputy Information Officer shall withhold a record until the requester has paid the relevant fees per **Annexure C**.

6. Remedies where requests for access to information are refused

6.1 The main grounds for **The Company** to refuse a request follow:

- (1) 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
- (2) The mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party
 - Financial, commercial or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party
 - Information disclosed in confidence to **The Company** if the disclosure could put that third party at a disadvantage in negotiations or commercial competition
- (3) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- (4) The mandatory protection of the safety of individuals and the protection of property
- (5) The mandatory protection of records which would be regarded as privileged in legal proceedings
- (6) The operations of **The Company**
- (7) The business activities of **The Company** which may include:
 - Trade secrets of **The Company**
 - Financial, commercial, marketing or technical information which disclosure could cause harm to the financial or business interests of **The Company**
 - Information, which if disclosed could put **The Company** at a disadvantage in negotiations or business competition
 - Intellectual property which is owned by **The Company** and which is protected by law
 - Any research information of **The Company** or a third party, if its disclosure would identify the identity of **The Company**, the researcher or the subject matter of the research at a serious disadvantage

6.2 Appeal

The Company has no provision for any appeal process and the decision of the Deputy Information Officer will be final.

Annexure A

Records which have to be applied for



The following records are not automatically available without a request in terms of the Act or any particular legislation.

All records and/or documents kept in compliance with the requirements of the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993 Companies Act 61 of 1973
- Copyright Act 98 of 1978
- Cybercrimes Act 19 of 2020
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 53 of 1998
- Skills Development Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Financial and administrative records

- Accounting and audit records
- External auditors' reports in respect of audits conducted
- Tax returns
- Other documents and agreements relating to taxation
- Other financial records
- Bank facilities and accounts details
- Bank statements
- Securities and equities
- Guarantees given by, or in respect of, **The Company**
- Treasury related records
- Other financial commitments of **The Company**
- Other banking records of **The Company**
- Product records
- Representative mandates
- Statutory records
- All operational, administrative and other records held by **The Company**

Human resources and employment records

- List of employees
- Contracts of employment with directors and employees of **The Company**
- Expenditure or reimbursement agreements with directors of **The Company**
- Documents relating to any employee benefits
- Compensation or redundancy payments
- Staff records
- Training manuals and leave records
- Employment Equity Plan of **The Company**
- Procedural agreements and policies of **The Company**
- Disciplinary records and documentation pertaining to disciplinary proceedings
- All other information relating to employees of **The Company**

Intellectual property

- Trademarks, patents, copyrights and all designs held by **The Company**
- Licences relating to intellectual property rights
- Other agreements relating to intellectual property rights

Permits

- Licences, material permits, consents, approvals, authorisations and certificates
- Applications for permits, licences etc.
- Registrations and declarations of permits

Insurance records

- Insurance policies taken out for the benefit of **The Company** and its employees

Immovable and movable property

- Title deeds of any property owned by **The Company**
- Agreements for the lease or sale of land and/or other immovable property by **The Company**
- Agreements for the lease or sale of movable property by **The Company**
- Mortgage bonds, liens, notarial bonds or security interests on property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets

Information technology

- Information technology policy
- Licensing and software contracts
- Procurement agreements
- Infrastructure maintenance and support agreements
- Software vendor license, maintenance and support agreements
- Development agreements

Operations

- Compliance reports
- Complaints register
- FICA internal compliance policy
- Client register
- Representative mandates
- All other policies and records relating to operations

Miscellaneous agreements

- Loans from third parties (including banks)
- Suretyship agreements
- Security agreements, guarantees and indemnities, including notarial bond agreements
- Any agreements restricting the trading activities of **The Company**
- All management agreements
- Marketing agreements, including marketing and event management plans, promotional brochures and publications, media releases and brand information
- Agreements in terms of which **The Company** is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity, which **The Company** is a party to
- Supply agreements
- Delegated authority agreements
- Agreements with customers
- Confidentiality and/or non-disclosure agreements
- Other records pertaining to third parties and records belonging to **The Company** in the possession of third parties
- Any other agreements

Correspondence

- Correspondence of **The Company** including internal and external memoranda

Technical records

- Documentation pertaining to any studies conducted by **The Company**
- Technical information in the possession of **The Company**

Other information

- BB-BEE plans of **The Company**
- Quality assurance and control policy documents
- Customer profiles

Annexure B

Information Request Form



1. Particulars of person requesting access to information

Full names and surname

Identification number

Telephone number

Fax number

Email address

Postal address

Code

2. Particulars of person on whose behalf the request is made

Only complete this section if a request for information is made on behalf of another person.

Full names and surname

Identification number or company number

3. Particulars of requested information

Provide full particulars of the information to which access is requested. If the provided space is inadequate, please continue a separate page and attach it to this form. (Please sign all additional pages)

Full description

4. Format in which information is required

Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available. Access in the requested format may be refused under certain circumstances.

Specify format

5. Right to be exercised or protected

Indicate the right that is to be exercised and/or protected and why the information is required to protected and/or to exercise this right.

Specify right and reason

6. Notification

You will be notified by e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars.

Signed at

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On this

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Day of

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, 20

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Signature of person submitting the request

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Fees in respect of private bodies

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows: Rands
 - (a) For every photocopy of an A4-size page or part thereof 1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form 0-75,00
 - (c) For a copy in a computer-readable form on -
 - (i) compact disc 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
(ii) For a copy of visual images 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
(ii) For a copy of an audio record 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50, 00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows: Rands
 - (1) (a) For every photocopy of an A4-size page or part thereof 1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form 0-75,00
(c) For a copy in a computer-readable form on -
 - (i) compact disc 70,00
 - (d) (i) For a transcription of visual images,
(ii) For an A4-size page or part thereof 40,00
(iii) For a copy of visual images 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
(ii) For a copy of an audio record 30,00
 - (f) To search for and prepare the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search and preparation.
5. For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.

Please also note that if you earn below a prescribed minimum a year or you and your partner's combined income is less than a prescribed minimum a year, you will not have to pay a request fee with your application.