

# PROMOTION OF ACCESS TO INFORMATION MANUAL



**TOTALRISKADMINISTRATORS**

**THIS MANUAL APPLIES TO TOTAL RISK ADMINISTRATORS (PTY) LTD (“TRA”), AN AUTHORISED FINANCIAL SERVICES PROVIDER.**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 for TRA

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**Directors:** Frank Thayer, Geoff du Preez

**Registration Number:** 1999/024507/07

**Vat Registration number:** 4820261669

**FSP No:** 40815

## **Underwriters:**

Centriq Insurance Co Ltd, Reg No 1998/007558/06, FSP No 3417

Centriq Life Insurance Co Ltd, Reg No 1943/016409/06, FSP No 7370

Guardrisk Life Ltd, Reg No 1999/013922/06, FSP No 76

Guardrisk Insurance Co. Ltd, Reg No 1992/001639/06, FSP No 75

## **SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE**

The South African Human Rights Commission (“SAHRC”) is required, in terms of the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC. Enquiries should be directed to:

**The South African Human Rights Commission**

**Telephone Number:** (011) 484 8300

**Fax Number:** (011) 484 7149

**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

## **APPLICABILITY AND AVAILABILITY OF THIS MANUAL**

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the Constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet as well as the grounds for refusing requests. This Manual informs requesters of procedural and other requirements which a request must meet. The Act recognises that the right to access information must be balanced with other rights aimed at the reasonable protection of privacy and commercial confidentiality.

## THE UNLIMITED RECORDS

Access to the documents listed below may be subject to the grounds of refusal set out in this manual:

**Personnel Records:** Personnel refers to any person who works for or provides services to or on behalf of TRA and who receives remuneration and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers.

Personnel records include:

personal records (provided by personnel themselves); records provided by a third party relating to personnel; conditions of employment and other personnel-related contractual documents internal evaluation records and other internal records; correspondence relating to personnel; and training schedules and material.

**Customer Records:** A "customer" refers to any person that receives services from TRA

Customer records include:

records pertaining to products sold and/or serviced by TRA including, without limitation, Insurance products; records provided by a customer to a third party acting for or on behalf of TRA; records provided by a third party within TRA relating to transactional data

**Private Records:** These are records which pertain to TRA's own affairs

Private records include:

financial records; operational records; databases; information technology systems and documents; marketing records; internal correspondence; product records; statutory records; internal policies and procedures.

**Other Party Records:** Records held by TRA pertaining to other parties, including financial records, correspondence, contractual records, and records about TRA contractors / suppliers.

## ACCESS TO RECORDS

A requestor will only be given access to a record(s) held by TRA if:

- the record is required for the exercise or protection of a right;
- the requestor has complied with all procedural requirements relating to a request for access to a particular record including making the request in the prescribed format and access to that record is not refused in terms of any ground for refusal.

## REQUEST PROCEDURE

A person requesting access to information held by TRA must make the request in the prescribed form and submit the request, together with the prescribed fee and deposit, if applicable, to TRA's Information Officer at the postal or physical address above.

The prescribed form must be completed with enough information to enable TRA to identify:

- the record(s) requested;
- the identity of the requester;
- the form of access required, if the request is granted; and
- the postal address or fax number of the requester.

The requester must state why the record is required in order to exercise or protect a right; and provide details of the nature of the right to be exercised or protected.

Subject to TRA rights relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt. Unless the requester has submitted a special request to TRA's reasonable satisfaction in support of a request that the above time periods be dispensed with TRA will give the requestor written notice of its decision, including reasons if the request is declined.

The said 30 day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be sought.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the satisfaction of TRA.

The requester must pay the prescribed fee, and deposit where applicable, before the request will be considered.

## GROUPS FOR REFUSAL OF ACCESS TO RECORDS

TRA may refuse a request for information on the following basis:

- The mandatory protection of the privacy of a third party in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).
- The 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, the disclosure of which would be likely to cause harm to the commercial or financial interests of the third party; or
  - information supplied in confidence by a third party of which the disclosure of could reasonably be expected to put that third party at a disadvantage in contractual or Other negotiations
- if disclosure would constitute an action for breach of confidence
- The mandatory protection of records which would be privileged from production in legal proceedings.
- The protection of Total Risk Administrators commercial activities including, without limitation, records that contain:
  - TRA trade secrets;
  - financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Total Risk Administrators commercial or financial interests;
  - information, the disclosure of which could reasonably be expected to put Total Risk Administrators at a disadvantage in contractual or other negotiations in commercial competition as well as computer programs owned by TRA;
- if disclosure would expose the identity of Total Risk Administrators or the third party, the researcher or the subject matter of the research to serious disadvantage.
- Requests for information that are, in Total Risk Administrators reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

## REMEDIES AVAILABLE WHEN TRA REFUSES A REQUEST FOR INFORMATION

A requester or a third party, who is dissatisfied with the decision of Total Risk Administrators in relation to a request for access to a record (including with regard to fees) may, within 30 (thirty) days apply to the High Court, or any other Court having jurisdiction, for relief.

## FEES

The Act provides for two types of fees, namely:

- a request fee, being a standard fee;
- and an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When a request is received by TRA it will, by written notice, require the requester to pay the prescribed request fee (if any), before further processing the request.

If the search for the record has been made and the preparation of the record for disclosure would require more than the hours prescribed for this purpose, the Information Officer will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

TRA will withhold a record until the requester has paid the prescribed fees (and deposit where appropriate).

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 requested form.

If a deposit has been paid in respect of a request for access, which is refused, then TRA will repay the deposit to the requester.

## SCHEDULE OF FEES IN RESPECT OF RECORDS REQUESTED FROM PRIVATE BODIES

The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R2.00 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11 (1) are as follows:

- For every photocopy of an A4-size page or part thereof R2.00
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R2.00
- For a copy in a computer-readable form on compact disc R70.00
- For a transcription of visual images, for an A4-size page or part thereof R40.00
- For a copy of visual images R60.00
- For a transcription of an audio record, for an A4-size page or part thereof R20.00
- For a copy of an audio record R30.00

The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50.00