



**MANUAL PREPARED IN ACCORDANCE WITH  
SECTION 51 OF THE PROMOTION OF ACCESS  
TO INFORMATION ACT, ACT NO. 2 OF 2000  
(The "Act")**

**For**

**AVBOB MUTUAL ASSURANCE SOCIETY  
AND ITS SUBSIDIARIES**

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## 1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 (“**PAIA**”) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately-held information is required for the exercise and protection of rights.

More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information. PAIA also sets limits on the types of information that can be accessed.

This manual is compiled in accordance with Section 14 of PAIA and provides reference to the records held by AVBOB Mutual Assurance Society (“**AVBOB**”) and the process to request access to such records.

Those who seek a record of a private body must meet the following requirements before a private body may release records to them:

- The record must be required for the exercise or protection of any of the individual’s legal rights.
- All the procedural requirements in requesting the information must be complied with.
- Access may be refused in terms of any grounds referred to in the Act.

The manual may be amended from time to time and as soon as any amendments have been finalised the latest version of the manual will be made public.

### **Who may request access to information?**

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the

AVBOB Information Officer with sufficient particulars to ensure that the information officer is able to assess the right which the requestor is seeking to protect.

## **2. SCOPE OF THE MANUAL**

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

## **3. AVAILABILITY OF THE MANUAL**

A copy of this manual is available to the public for inspection during office hours at the offices of AVBOB as well as on request from the AVBOB Information Officer referred to in this manual. This manual has been made available to the Human Rights Commission as well as the Information Regulator.

## **4. CONTACT DETAILS – SECTION 51(1)(A)**

The responsibility for administration of and compliance with the Act is that of the Chief Executive Officer of AVBOB or the Information Officer as his delegate. Requests pursuant to the provisions of the Act should be directed as follows:

Information Officer	:	Christo Schmidt
Postal address	:	P.O. Box 1661, Pretoria, 0001
Physical address	:	368 Madiba Street, Pretoria
Phone number	:	012 303 1202
Fax number	:	012 303 1276
E-mail address	:	<a href="mailto:informationoffice@avbob.co.za">informationoffice@avbob.co.za</a>

## **5. GUIDE FOR REQUESTERS ON HOW TO USE THE ACT IN TERMS OF SECTION 10 – SECTION 51(1)(B)**

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The guide, as updated by the Information Regulator, will be

available at the offices of the Information Regulator and on its website as prescribed by Section 10 of PAIA and in accordance with the Protection of Personal Information Act, 2013 (“**POPIA**”). Any queries regarding this guide may be directed to:

### **Information Regulator**

The Research and Documentation Department  
Forum 3  
Braampark Office Park  
33 Hoofd Street

P.O. Box 31533  
Braamfontein  
Johannesburg  
2017

Telephone Number : 010 023 5200  
Website : [www.justice.gov.za/inforeq/](http://www.justice.gov.za/inforeq/)  
email (complaints) : [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)  
email (general enquiries) : [inforeq@justice.gov.za](mailto:inforeq@justice.gov.za)

## **6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION – SECTION 51(1)(D)**

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, No 75 of 1997.
- Broad-Based Black Economic Empowerment Act, 2003.
- Companies Act, No 71 of 2008.
- Compensation for Occupational Injuries and Diseases Act, No 130 of 1993.
- Copyright Act, No 98 of 1987.
- Electronic Communication and Transactions Act, No 2 of 2000.
- Employment Equity Act, 1998.
- Financial Advisory and Intermediary Services Act 37 of 2002.
- Financial Intelligence Centre Act, No 38 of 2001.

## 5.

- Income Tax Act, No 58 of 1962.
- Labour Relations Act, No 66 of 1995.
- Long –Term Insurance Act 52 of 1998.
- Occupational Health and Safety Act, No 85 of 1993.
- Protection of Personal Information Act 4 of 2013.
- Skills Development Levy Act, No 9 of 1999.
- Unemployment Insurance Act, No 63 of 2001.
- Value Added Tax Act, No 89 of 1991.

## 7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC – SECTION 51(1)(C)

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act. In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act. Records available without formal requests include:

- The Promotion of Access to Information Manual; and
- Information available on the AVBOB website: [www.avbob.co.za](http://www.avbob.co.za)

## 8. RECORDS THAT SHOULD BE FORMALLY REQUESTED

This section of the Manual sets out the subject and categories of records held by AVBOB. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records. The following information should be formally requested as set out in 9 below.

- Employment Contracts
- Domain Name Registrations

- Trademark Registrations
- Trade Name Registrations
- Company Documentation
- Agreements With Suppliers
- Corporate Sales Agreements
- Customer Agreements
- Data Bases of Customers
- Client Services Records
- Corporate Governance
- Marketing & Communication
- Finance and Administration
- Information relating to the processing of personal information in terms of POPIA

## **9. ACCESS REQUEST PROCEDURE – SECTION 51(1)(E)**

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within part 3, Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

- The requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of the body concerned.
- Request for access to records of private body – Form C has been appended to the manual.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should

also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of AVBOB.
- A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

## **10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for refusal of a request for information are:

- 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.
- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that party;
  - Information disclosed in confidence by a third party to AVBOB if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.



- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of AVBOB which may include:
  - Trade secrets of AVBOB.
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of AVBOB.

## **11. PRESCRIBED FEES – SECTION 51(1)(E)**

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.
- The Information Officer of the AVBOB must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The prescribed fees are available from the Information Officer and from the Information Regulator. The requester may lodge an application to the court against the tender or payment of the request fee.
- After AVBOB's Information Officer has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
**(SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT**  
**(REGULATION 10)**

**A. PARTICULARS OF PRIVATE BODY**

The Head: \_\_\_\_\_

**B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

- |  |
|--|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached:</p> |
|--|

Full names and surname: \_\_\_\_\_

\_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_

**C. PARTICULARS OF PERSON 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 names 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 record or relevant part of the record: \_\_\_\_\_

\_\_\_\_\_

2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of 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 required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form *in which* 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 for exemption.

Reason for exemption from payment of fees: \_\_\_\_\_  
 \_\_\_\_\_

**F. FORM OF ACCESS TO 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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <ul style="list-style-type: none"> <li>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</li> <li>(b) Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.</li> <li>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</li> </ul>	

<b>1. If the record is in written or printed form:</b>					
	Copy of record*			Inspection of record	
<b>2. If record consists of visual images:</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	View the images		Copy of the images*	Transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	Listen to the soundtrack Audio cassette			Transcription of soundtrack* Written or printed document	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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 transcription to be posted to you? Postage is payable.				YES	NO

**G. PARTICULARS OF RIGHTS TO BE EXERCISED OR PROTECTED**

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.

- Indicate which right is to be exercised or protected: \_\_\_\_\_  
\_\_\_\_\_
- Explain why the record requested is required for the exercise 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 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 to the record?

\_\_\_\_\_

Signed at ..... this ..... day of ..... 20

\_\_\_\_\_  
**SIGNATURE OF REQUESTER / PERSON  
ON WHO'S BEHALF REQUEST IS MADE**

**FOR AVBOB'S INTERNAL USE ONLY**

Reference number: .....

Compliance Officer: .....

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: .....

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**SIGNATURE OF INFORMATION OFFICER**  
**(or duly authorised representative)**