



## PAIA MANUAL

### 1. ACKNOWLEDGEMENT OF OWNERSHIP OF THIS DOCUMENT

This Policy is owned by Frontline Underwriting Managers (Pty) Ltd, FSP Number 40752, a duly authorised Financial Services Provider (hereunder referred to as the FSP).

As Key Individual of the aforementioned FSP, I, JAMES CHRISTOPHER BONNER, hereby confirm the adoption of this document as part of the FSP's internal policies.

\_\_\_\_\_  
Key Individual Signature

19 October 2023

\_\_\_\_\_  
Date

### 2. REVIEWING OF POLICY DOCUMENT

The PAIA Manual is a working document that must be reviewed periodically.

It is advisable to review the document on an annual basis. Any amendments must be indicated on the document review roster and relevant staff members must be informed of any updates.

### 3. DOCUMENT REVIEW ROSTER

<b>Review Date</b>	September 2015
<b>Comments / Amendments</b>	Finalisation of Manual
<b>Next Review Date</b>	September 2016
<b>Responsible Person Signature</b>	James Bonner

<b>Review Date</b>	May 2019
<b>Comments / Amendments</b>	Address change
<b>Next Review Date</b>	June 2020
<b>Responsible Person Signature</b>	James Bonner

<b>Review Date</b>	May 2021
<b>Comments / Amendments</b>	Streamlining of POPI and PAIA Policy. Addition of Information Officer and Deputy Information Officer responsibilities.
<b>Next Review Date</b>	June 2021
<b>Responsible Person Signature</b>	James Bonner

<b>Review Date</b>	October 2021
<b>Comments / Amendments</b>	Addition – Availability of Manual
<b>Next Review Date</b>	June 2022
<b>Responsible Person Signature</b>	James Bonner

<b>Review Date</b>	November 2021
<b>Comments / Amendments</b>	Annexure F: Prescribed Fees
<b>Next Review Date</b>	June 2022
<b>Responsible Person Signature</b>	James Bonner

<b>Review Date</b>	17 October 2023
<b>Comments / Amendments</b>	Forms A,B,C repealed and replaced as per Compliance Notice in Terms of Section 83(3)(d) of The Promotion of Access to Information Act 2 of 2000 dated 6 Oct 2023 Fax Numbers removed; Postal Address updated Annexure E: Request Procedure amended to include updated Form 2 and Form 3 and outdated Request Form removed from Manual
<b>Next Review Date</b>	October 2024
<b>Responsible Person Signature</b>	James Bonner

<b>Review Date</b>	
<b>Comments / Amendments</b>	
<b>Next Review Date</b>	
<b>Responsible Person Signature</b>	

<b>Review Date</b>	
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<b>Review Date</b>	
<b>Comments / Amendments</b>	
<b>Next Review Date</b>	
<b>Responsible Person Signature</b>	

#### 4. PERSONNEL ACKNOWLEDGEMENT OF POLICY

All relevant personnel must acknowledge that they have read and understand the contents of this document by signing the personnel acknowledgement sheet.

The Personnel acknowledgement sheet will need to be re-signed by relevant staff upon each review of the PAIA manual.

#### 5. DEFINITIONS

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

**POPI** means the Protection of Personal Information Act 4 of 2013.

**Information Regulator** means the Regulator established in terms of Section 39 of POPI.

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

**Private Body** means:

- a natural person who carries or has carried on any trade, business or profession, but only in such capacity
- a partnership which carries or has carried on any trade, business or profession; or
- any former or existing juristic person, but excludes a public body

**Public Body** means:

- any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- any other functionary or institution; when:
  - exercising a power or performing a duty in terms of the constitution or a provincial institution; or
  - exercising a public power or performing a public function in terms of any legislation.

**Head**, in relation to, a private body means:

- in the case of a natural person, that natural person or any person duly authorised by that natural person;
- in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- in the case of a juristic person;
  - the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
  - the person who is acting as such or any person duly authorised by such acting person

**Information Officer** means the head of a private body.

**Deputy Information Officer** means the person to whom any power or duty conferred or imposed on an Information Officer by POPI has been delegated.

**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.

**Personal Requester** means a requester seeking access to a record containing personal information about the Requester.

**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: 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; 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; 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.

**Request for access** means a request for access to a record of the organisation in terms of Section 50 of PAIA.

**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.

**Data Subject** means the person to whom personal information relates.

**Third Party** in relation to a request for access to a record held by the organisation, means a person other than the requester.

**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, or linking, as well as restriction, degradation, erasure or destruction of information.

## PURPOSE OF A PAIA MANUAL

The Promotion of Access to Information Act, 2000, gives effect to Section 32 of the Constitution, which provides that everyone has the right to access information held by the State or any other person (or private body), when that information is required for the exercise or protection of any rights.

The purpose of PAIA is to:

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to;
- actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

The organisation recognises everyone's right to access information and is committed to providing access to the organisation's records where the proper procedural requirements as set out by PAIA and POPI have been met.

The organisation's PAIA manual is compiled in accordance with Section 51 of the Act and contains the following provisions:

<b>Annexure A: Contact Details &amp; Business Type</b>
This section provides the organisation's postal and street address, phone number and, if available, the e-mail address of the head of the organisation.
<b>Annexure B: Section 10 PAIA Guide</b>
This section provides a description of the guide referred to in Section 10 of PAIA and how you may obtain access to it.
<b>Annexure C: Statutory Records</b>
This section provides a description of various statutes in terms of which the organisation is required to maintain records.
<b>Annexure D: Availability of Records</b>
This section provides a list of records held by the organisation along with an indication of whether the record is freely available or only accessible by way of a formal request in terms of the provisions of PAIA. The section also provides a description of the category of data subject(s) to whom the respective records relates along with an indication of the purpose for which the record is being kept. Records that are indicated as "Freely Available" can be accessed by contacting the Deputy Information Officer (see Annexure A), without having to follow any formal procedures. Records that are indicated as a "PAIA Request", requires the requester to lodge a formal request as provided for in Annexure E.
<b>Annexure E: Request Procedure</b>
This section sets out the procedure required to obtain access to a record indicated as a "PAIA Request" in Annexure D.

#### **Annexure F: Prescribed Fees**

This section sets out the fees that are payable to the organisation prior to processing a request to obtain access to a record held by the organisation.

#### **Annexure G: Deputy Information Officer Appointment**

This section provides for the formal appointment of a Deputy Information Officer where so required.

### **DUTIES OF THE INFORMATION OFFICER**

The Information Officer and/or the Deputy Information Officer of the organisation are responsible for:

- Publishing and proper communication of the manual i.e. creating policy awareness.
- The facilitation of any request of access.
- Providing adequate notice and feedback to the requester.
- Determining whether to grant a request for access to a complete/full record or only part of a record.
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format.
- Reviewing the policy for accuracy and communicating any amendments.

### **Right of Access**

The Information Officer and/or Deputy Information Officer may only provide access to any record held by the organisation to a requester if:

- The record is required for the exercise or protection of any right; and
- The requester complies with the procedural requirements relating to a request for access to that record; and
- Access to that record is not refused in terms of any of the grounds for refusal listed below.

### **Grounds for Refusal**

The Information Officer and/or Deputy Information Officer must assess whether there are any grounds for refusing a request for access.

Where any grounds for refusal are found, a request for access will not be granted.

However, despite finding any grounds for refusal, access to record(s) will be provided where:

- the disclosure of the record will clearly outweigh the harm contemplated in the provision in question.
- the public interest in disclosing record, will clearly outweigh the harm contemplated in the provision in question.

Where there are no grounds for refusal, request for access will be granted.

If a request for access is made with regards to a record containing information that would justify a ground for refusal, every part of the record which

- does not contain, and
- can reasonably be severed from any part that contains, any such information must, despite any other provision of PAIA, also be disclosed.

The ground for refusal, or absence thereof, are set out below:

<b>A: Mandatory Protection of privacy of a Third Party who is a Natural Person</b>
<b>Grounds for Refusal:</b>
<ul style="list-style-type: none"><li>• The disclosure would involve the unreasonable disclosure of personal information about a third party that is a natural person (including a deceased individual)</li></ul>
<b>No Grounds for Refusal:</b>
<ul style="list-style-type: none"><li>• The record consists of information that concerns an individual who has already consented in writing to its disclosure to the requester concerned</li><li>• The record consists of information that is already publicly available</li><li>• The record consists of information that was given to the organisation by the individual to whom it relates and the individual was informed by or on behalf of the organisation, before it is given, that the information belongs to a class of information that would or might be made available to the public</li><li>• The record consists of information about an individual's physical or mental health, or well-being, who is under the care of the requester and who is under the age of 18; or incapable of understanding the nature of the request, and if giving access would be in the individual's best interest</li><li>• The record consists of information about an individual who is deceased and the requester is the individual's next of kin or making the with the written consent of the individual's next of kin</li><li>• The record consists of information about an individual who is or was an official of the organisation and which relates to the position or functions of the individual, including, but not limited to the title, work address, work phone number, the classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual and the name of the individual on a record prepare by the individual in the course of employment</li></ul>
<b>B: Mandatory Protection of Commercial Information of a Third Party</b>
<b>Grounds for Refusal</b>
<ul style="list-style-type: none"><li>• The record consists of information that contains trade secrets of a third party</li><li>• The record consists of information that contains financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party</li><li>• The record consists of information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition</li></ul>

**No Grounds for Refusal**

- The record consists of information about a third party who has consented who has already consented in writing to its disclosure to the requester concerned
- The record consists of information about the results of any product or environmental testing or other investigation supplied by a third party or the results of any such testing or investigation carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk (the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation)

**C: Mandatory Protection of certain Confidential Information of a Third Party****Grounds for Refusal**

- The record consists of information the disclosure of which would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement

**D: Mandatory Protection of Safety of Individuals and Protection of Property****Grounds for Refusal**

- The record consists of information that if disclosed could reasonably be expected to endanger the life or physical safety of an individual
- The record consists of information that if disclosed would likely prejudice or impair the security of a building, a structure or system, a computer or communication system, a means of transport, any other property
- The record consists of information that if disclosed would likely prejudice or impair the security of methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public, or any part of the public, or the security of property

**E: Mandatory Protection of Records privileged from Production in Legal Proceedings****Grounds for Refusal**

- The record consists of information privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege

**F: Commercial Information of the Organisation****Grounds for Refusal**

- The record consists of information that contains trade secrets of the organisation
- The record consists of information that contains financial, commercial, scientific or technical information, other than trade secrets, of the organisation, the disclosure of which would likely cause harm to the commercial or financial interests of the organisation
- The record consists of information, the disclosure of which, could reasonably be expected to put the organisation at a disadvantage in contractual or other negotiations or prejudice the organisation in commercial competition
- The record is a computer program as defined in section 1(1) of the Copyright Act (Act 98 of 1978), owned by the organisation, except insofar as it is required to give access to a record to which access is granted in terms of PAIA



### No Grounds for Refusal

- The record consists of information about the results of any product or environmental testing or other investigation supplied by the organisation or the results of any such testing or investigation carried out by or on behalf of the organisation and its disclosure would reveal a serious public safety or environmental risk (the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation)

### **G: Mandatory Protection of Research Information of a Third Party and the Organisation**

#### Grounds for Refusal

- The record consists of information that contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, a person that is or will be carrying out the research on behalf of the third party, or the subject matter of the research to serious disadvantage
- The record consists of information that contains information about research being or to be carried out by or on behalf of the organisation, the disclosure of which would be likely to expose the organisation, a person that is or will be carrying out the research on behalf of the organisation, or the subject matter of the research to serious disadvantage

### Notice

Where a request for access has been received, the Information Officer and/or Deputy Information Officer will notify the requester of receipt and the prescribed fee (if any) that is payable prior to processing the request. Please refer to Annexure F for a full breakdown of fees payable. Personal requesters will not be charged a request fee.

The notice must state:

- The amount of deposit payable (if any)
- That the requester may lodge a complaint with the Information Regulator or an application with a court against the tender or payment of the request fee, or the tender or payment of a deposit, as the case may be.
- The procedure (including the period) the lodging the complaint with the Information Regulator or the application

Except to the extent that the provisions regarding third party notification may apply, the Information Officer and/or Deputy Information Officer to whom the request is made, must as soon as reasonably possible, but in any event within 30 days, after the request has been received in the prescribed format:

- Decide in accordance with PAIA whether to grant the request, and
- Notify the requester of the decision and, if the requester stated that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner, if it is reasonably possible.

If the request for access is granted, the notice must state:

- The access fee (if any) to be paid upon access
- The form in which access will be given, and
- That the requester may lodge a complaint with the Information Regulator or an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging a complaint with the Information Regulator or the application.

If the request for access is refused, the notice must:

- State adequate reasons for the refusal, including the relevant provision of PAIA that was relied on.
- Exclude, from any such reasons, any reference to the content of the records and
- State that the requester may lodge a complaint with the Information Regulator or an application with a court against the refusal of the request, and the procedure (including the period) for lodging a complaint with the Information Regulator or the application.

Should all reasonable steps have been taken to find a record requested, and there are reasonable grounds for believing that the record:

- Is the organisation's possession, but cannot be found, or
- Simply does not exist,

the head of the organisation, must by way of affidavit or affirmation, notify the requester that it is not possible to provide access to that record. The affidavit or affirmation must provide full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communication with every person who conducted the search on behalf of the head.

#### **AVAILABILITY OF MANUAL**

A copy of the Manual is available-

- on ( specify the website), if any;
- head office of the ( name of the body) for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in Annexure F of the Regulations, shall be payable per each A4-size photocopy made.

## ANNEXURE A: CONTACT DETAILS & BUSINESS TYPE

<b>A. Organisation Contact Details</b>	
Postal Address:	Postnet Suite #30, Private Bag X40106, Walmer, 6065
Street Address:	BCX Building, 3 <sup>rd</sup> Floor Office 2, 106 Park Drive, St. Georges, 6001
Phone Number:	+27 (0)41 373 0445

  

<b>B. Head of Organisation</b>	
Name & Surname:	James Bonner
Email Address:	james_b@frontlineum.co.za

  

<b>C. Deputy Information Officer</b>	
Name & Surname:	Paul Myers
Email Address:	paul_m@frontlineum.co.za
Phone Number:	+27 (0)41 373 0445

  

<b>D. Business Type</b>	
The organisation conducts its main type of business in the following sector(s):	
FINANCE & BUSINESS SERVICES	

## ANNEXURE B: SECTION 10 PAIA GUIDE

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights where a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures at the rates provided.

Requesters are referred to the guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission. The guide contains information for the purposes of exercising Constitutional rights.

The guide is available in all South African languages, free of charge, and any person may request a copy of the guide.

A copy of the guide may be obtained by contacting the South African Rights Commission at:

**Postal Address:** The South African Human Rights Commission, PAIA Unit,  
Private Bag 2700, Houghton, 2041

**Telephone Number:** +27 (0)11 877 3600

**Fax Number:** +27 (0)11 403 0625

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

## ANNEXURE C: STATUTORY RECORDS

The organisation maintains statutory records and information in terms of the following legislation:

Administration of Estates Act	<input type="checkbox"/>
Arbitration Act	<input type="checkbox"/>
Auditing Professions Act	<input type="checkbox"/>
Basic Conditions of Employment Act	<input checked="" type="checkbox"/>
Closed Corporations Act	<input type="checkbox"/>
Collective Investment Schemes Control Act	<input type="checkbox"/>
Companies Act	<input checked="" type="checkbox"/>
Compensation of Occupational Injuries & Diseases Act	<input checked="" type="checkbox"/>
Consumer Protection Act	<input checked="" type="checkbox"/>
Copyright Act	<input type="checkbox"/>
Customs and Excise Act	<input type="checkbox"/>
Electronic Communications and Transactions Act	<input checked="" type="checkbox"/>
Employment Equity Act	<input checked="" type="checkbox"/>
Financial Advisory & Intermediary Services Act	<input checked="" type="checkbox"/>
Financial Institutions (Protection of Funds) Act	<input checked="" type="checkbox"/>
Financial Intelligence Centre Act	<input checked="" type="checkbox"/>
Friendly Societies Act	<input type="checkbox"/>
Income Tax Act	<input checked="" type="checkbox"/>
Insolvency Act	<input checked="" type="checkbox"/>
Labour Relations Act	<input checked="" type="checkbox"/>
Long-term Insurance Act	<input type="checkbox"/>
Medical Schemes Act	<input type="checkbox"/>
National Credit Act	<input type="checkbox"/>
Occupational Health and Safety Act	<input checked="" type="checkbox"/>
Patents Act	<input type="checkbox"/>
Pension Funds Act	<input type="checkbox"/>
Prevention of Organised Crime Act	<input checked="" type="checkbox"/>
Prevention and Combatting of Corrupt Activities Act	<input checked="" type="checkbox"/>
Promotion of Equality and Prevention of Unfair Discrimination Act	<input checked="" type="checkbox"/>
Protection of Constitutional Democracy against Terrorist and related Activities Act	<input checked="" type="checkbox"/>
Short-term Insurance Act	<input checked="" type="checkbox"/>
Skills Development Act	<input checked="" type="checkbox"/>
Trademarks Act	<input type="checkbox"/>
Unemployment Insurance Act	<input checked="" type="checkbox"/>
Value Added Tax Act	<input checked="" type="checkbox"/>

## ANNEXURE D: AVAILABILITY OF RECORDS

The organisation maintains the following categories of records and related subject matter. The status of the record's availability, the purpose for its processing and the relevant data subject category to who the record relates are set out below:

Category:	Record:	Availability:	Purpose:	Data Subject:
<b>Public Affairs</b>	Public Product Information	Freely Available	Convey Public Information	Organisation
	Public Corporate Records	Freely Available	Convey Public Information	Organisation
	Media Releases	Freely Available	Convey Public Information	Organisation
	Published Newsletters	Freely Available	Convey Public Information	Organisation
	Magazine Articles	Freely Available	Convey Public Information	Organisation
<b>Regulatory &amp; Administrative</b>	Permits, Licenses or Authorities	Freely Available	Statutory Requirement	Organisation
	Conflict of Interest Management Policy	Freely Available	Statutory Requirement	Organisation
	Complaints Policy	Freely Available	Statutory Requirement	Organisation
	FICA Internal Rules	PAIA Request	Statutory Requirement	Organisation
	Health & Safety Plan	PAIA Request	Statutory Requirement	Organisation
	Memorandum of Incorporation	PAIA Request	Statutory Requirement	Organisation
	Minutes of Board or Directors Meetings	PAIA Request	Statutory Requirement	Organisation
	Register of Members	PAIA Request	Statutory Requirement	Organisation
	Register of Board of Directors	PAIA Request	Statutory Requirement	Organisation
	Internal correspondence (e-mails/memos)	PAIA Request	Internal Communications	Employees
	Insurance Policies held by Organisation	PAIA Request	Risk Management	Organisation
<b>Human Resources</b>	Employment Applications	PAIA Request	Internal Referencing	Employees
	Employment Contracts	PAIA Request	Contractual Agreement	Employees
	Personal Information of Employees	PAIA Request	Internal Referencing	Employees
	Employment Equity Plan	PAIA Request	Statutory Requirement	Organisation
	Medical Aid Records	PAIA Request	Internal Referencing	Employees
	Pension Fund Records	PAIA Request	Internal Referencing	Employees
	Disciplinary Records	PAIA Request	Statutory Requirement	Employees
	Performance Management Records	PAIA Request	Internal Referencing	Employees
	Salary Records	PAIA Request	Internal Referencing	Employees
	Employee Benefit Records	PAIA Request	Internal Referencing	Employees
	PAYE Records	PAIA Request	Statutory Requirement	Employees
	Seta Records	PAIA Request	Statutory Requirement	Employees
	Disciplinary Code	PAIA Request	Statutory Requirement	Organisation
	Leave Records	PAIA Request	Internal Referencing	Employees
	Training Records	PAIA Request	Internal Referencing	Employees
Training Manual	PAIA Request	Internal Referencing	Organisation	

<b>Financial</b>	Financial Statements	PAIA Request	Internal Referencing	Organisation
	Financial and Tax Records	PAIA Request	Statutory Requirement	Organisation
	Asset Register	PAIA Request	Internal Referencing	Organisation
	Management Accounts and Reports	PAIA Request	Internal Referencing	Organisation
	Vouchers, Cash Books and Ledgers	PAIA Request	Internal Referencing	Organisation
	Banking Records and Statements	PAIA Request	Internal Referencing	Organisation
	Electronic Banking Records	PAIA Request	Internal Referencing	Organisation
<b>Marketing</b>	Market Information	PAIA Request	Internal Referencing	Organisation
	Product Brochures	PAIA Request	Internal Referencing	Organisation
	Advertisements	PAIA Request	Internal Referencing	Organisation
	Field Records	PAIA Request	Internal Referencing	Organisation
	Performance Records	PAIA Request	Internal Referencing	Organisation
	Product / Service Sales Records	PAIA Request	Internal Referencing	Organisation
	Marketing Strategies	PAIA Request	Internal Referencing	Organisation
<b>Client Customer</b>	Customer / Client Database	PAIA Request	Internal Referencing	Customers
	Customer / Client agreements	PAIA Request	Internal Referencing	Customers
	Customer / Client Files	PAIA Request	Internal Referencing	Customers
	Customer / Client Instructions	PAIA Request	Internal Communications	Customers
	Customer / Client Correspondence	PAIA Request	External Communications	Customers
<b>Third Party</b>	Rental agreements	PAIA Request	Contractual Agreement	Third Party
	Franchise agreements	PAIA Request	Contractual Agreement	Third Party
	Non-disclosure agreements	PAIA Request	Risk Management	Third Party
	Letters of Intent	PAIA Request	Contractual Agreement	Third Party
	Supplier Contracts	PAIA Request	Contractual Agreement	Third Party

## ANNEXURE E: REQUEST PROCEDURE

To facilitate the processing of your request, kindly complete and submit the form below to the e-mail address of the Deputy Information Officer indicated in Annexure A.

The Deputy Information Officer will notify the requester that a request for access has been received and that the prescribed fee (if any) is payable prior to processing the request. Please refer to Annexure F for a full breakdown of fees payable. Personal requesters will not be charged a request fee.

Once the request has been processed, the Deputy Information Officer will inform you of the outcome of your request and any additional fees that may fall due.

Please be advised that PAIA provides a number of grounds on which a request for access to information must be refused. These grounds mainly comprise of instances where:

- the privacy and interests of other individuals are protected.
- where such records are already otherwise publicly available,
- instances where public interest are not served.
- the mandatory protection of commercial information of a third party.
- the mandatory protection of certain confidential information of a third party.

When completing the form below please:

- indicate the identity of the person seeking access to the information.
- provide sufficient particulars to enable the Deputy Information Officer to identify the information requested.
- specify the format in which the information is required.
- indicate the contact details of the person requiring the information.
- indicate the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right.
- where the person requesting the information wishes to be informed of the decision of the request in a particular manner, state the manner and particulars to be so informed.
- if the request for information is made on behalf of another person, submit proof that the person submitting the request, has obtained the necessary authorisation to do so.

In accordance with section 83(3)(d) of PAIA, the following prescribed forms are to be used for private bodies-

- Form 02: Request for Access to Record [Regulation 7] - Public & Private Bodies.
- Form 03: Outcome of request and of fees payable [Regulation 8] - Public & Private Bodies.

In order to ensure that the provision of reasonable access to the records of public and private bodies swiftly, inexpensively and effortlessly, the above prescribed PAIA Forms are uploaded to the Company website.

## ANNEXURE F: PRESCRIBED FEES

The following applies to requests (other than personal requests):

- A requester is required to pay a preliminary request fee before a request will be processed.
- If the preparation of the record requested requires more than the prescribed hours (six), an additional deposit shall be paid (if not more than one third of the access fee which would be payable if the request was granted).
- A requestor may lodge an application with a court against the render / payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid.
- The fee structure is also available on the South African Human Rights Commission’s website at [www.sahrc.org.za](http://www.sahrc.org.za)

No.	Description	Fee
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00
3.	Printed copy of an A4 size page	R2.00
4.	For a copy in a computer-readable form on:	
	i. Flash drive (to be provided by requester)	R40.00
	ii. Compact disc:	
	- If Provided by requestor	R40.00
	- If provided to the requester	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced Will depend on quotation.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00



8.	Copy of an audio record on:	
	i. Flash drive (to be provided by requester)	R40.00
	ii. Compact disc:	
	If provided by requestor	R40.00
	If provided by the requestor	R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed a total cost of	R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request ito items 2-8
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

## ANNEXURE G: INFORMATION OFFICER DUTIES

### **Section 55(1) of POPIA sets out the duties and responsibilities of an Information Officer which include the following:**

1. Information Officer and Deputy Information Officer(s) to keep abreast of the latest developments in POPIA and PAIA.
2. The Information officer has an in depth understanding of the business operations and procedures of the body.
3. The encouragement of compliance by the Body with the conditions for the lawful processing of personal information.

***For example:***

6.1.1.1 an Information Officer may develop a policy on how employees should implement the eight (8) conditions for the lawful processing of personal information or consider issuing a circular in the case of provincial and national departments.

- 1.1.2 dealing with requests made to the Body pursuant to POPIA.

***For example-***

1.1.2.1 an Information Officer of a Body will be expected to render such reasonable assistance, free of charge, as is necessary to enable the requester or data subject to comply with the prescribed process for submitting a request in terms of section 18 of PAIA 5 and section 24 of POPIA.

If a requester or data subject has made any request that does not comply with the requirements of PAIA or POPIA, the Information Officer concerned may not refuse the request because of that non-compliance, unless the Information Officer has:

- a) *notified the data subject or requester of his/her intention to refuse the request and stated in the notice, the reasons for the contemplated refusal, as well as his/her availability to assist that requester or data subject to remove the grounds for refusal;*
- b) *given the requester or data subject a reasonable opportunity to seek such assistance;*
- c) *as far as reasonably possible, furnished the requester or data subject with any information that would assist the making of the request in the prescribed form; and*
- d) *given the requester a reasonable opportunity to confirm the request or alter it to comply with section 18 of PAIA or 24 of POPIA.*

1.3 working with the Regulator in relation to investigations conducted pursuant to Chapter 6 of POPIA in relation to the body.

**For example-**

1.1.3.1 the responsible party must obtain prior authorisation from the Regulator pertaining to the following-

- a) *processing of any unique identifiers of data subjects-*
  - i. *for a purpose other than the one for which the identifier was specifically intended at collection; and*
  - ii. *with the aim of linking the information together with information processed by other responsible parties;*
- b) *processing of information on criminal behaviour or on unlawful or objectionable conduct on behalf of third parties;*
- c) *processing of information for the purposes of credit reporting;*  
*and*
- d) *transfer of special personal information or the personal information of children to a third party in a foreign country that does not provide an adequate level of protection for the processing of personal information as referred to in section 727.*

1.1.3.2 pending the authorisation or completion of investigation by the Regulator, or until such time the responsible party receives a notice that a more detailed investigation will not be conducted, the responsible party is prohibited from carrying out information processing. This means that processing that falls under paragraph 6.1.3.1 above is suspended pending the authorisation from the Regulator.

1.1.3.3 failure to notify the Regulator of the processing listed above is an offence and upon conviction, the responsible party will be liable to a fine or imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment

The additional duties and responsibilities of the Information Officers, in terms of regulation 4 of POPIA, are to ensure that-

- 1.2.1 a compliance framework is developed, implemented, monitored and maintained;
  - 1.2.2 a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;
  - 1.2.3 a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 51 of PAIA, as amended;
  - 1.2.4 internal measures are developed together with adequate systems to process requests for information or access thereto;
  - 1.2.5 internal awareness sessions are conducted regarding the provisions of POPIA, regulations made in terms of POPIA, codes of conduct, or information obtained from the Regulator; and
  - 1.2.6 upon request by any person, copies of the manual are provided to that person upon the payment of a fee to be determined by the Regulator from time to time.
- 1.3 The Information Officer of each public Body must annually, and in terms of section 32 of PAIA, submit to the Regulator a report regarding-
- 1.3.1. the number of requests for access received;
  - 1.3.2. the number of requests for access granted in full;
  - 1.3.3. the number of requests for access granted in terms of section 46 of PAIA;
  - 1.3.4. the number of requests for access refused in full and refused partially and the number of times each provision of PAIA was relied on to refuse access in full or partially;
  - 1.3.5 the number of cases in which the periods stipulated in section 25(1) of PAIA were extended in terms of section 26(1) of PAIA;
  - 1.3.6 the number of internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was given to a record;
  - 1.3.7 the number of internal appeals which were lodged on the grounds that a request for access was regarded as having been refused in terms of section 27 of PAIA;
  - 1.3.8 the number of application to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of section 77 (7) of PAIA.

## ANNEXURE H: DEPUTY INFORMATION OFFICER APPOINTMENT

In terms of the Protection of Personal Information Act the head of a private body is the designated Information Officer for that private body. The Information Officer may delegate any power or duty conferred or imposed in terms of POPI to the Deputy Information Officer.

### Designation of a Deputy Information Officer

- Section 17 of PAIA provides for the designation of a Deputy Information Officer of a public body, and section 56 of POPIA extends the designation of a Deputy Information Officer for a private body.
- A person designated as a Deputy Information Officer will have sufficient time, adequate resources and the financial means to devote to matters concerning POPIA and PAIA; the Deputy Information Officer is the highest management office within a Body.
- A Deputy Information Officer is accessible to everyone, particularly to a data subject in respect of POPIA or a requester, in terms of PAIA;
- A Deputy Information Officer is committed to have a reasonable understanding of POPIA and PAIA in order to execute his or her duties.
- A Deputy Information Officer is committed to have a reasonable understanding of the business operations and processes of a body.

### Delegation of authority by an Information Officer to a Deputy Information Officer

- An Information Officer(s) of both a public or private body may<sup>17</sup>, subject to legislation and policies governing the employment of personnel of the
- body concerned, delegate any power or duty conferred or imposed on him or her to a Deputy Information Officer of that body.
- Only an employee of a body can be delegated as a Deputy Information Officer.
- The delegation referred to above must be in writing, using the template substantially similar to the attached Delegation of Authority, template “C”.
- The delegation of any powers or duties and responsibilities to a Deputy Information Officer does not prohibit an Information Officer from exercising the powers or performing the duty that he or she has delegated to a Deputy Information Officer ;
- Any power, duties and responsibilities delegated to a Deputy Information Officer should be exercised or performed subject to such conditions as an Information Officer may consider necessary. Any conditions of delegation, as conferred on the Deputy Information Officer, should ensure that the body is as accessible as reasonably possible for data subjects or requesters.
- An Information Officer of a body must ensure that he or she reserves his or her rights in the aforesaid delegation to –
  - exercise the powers or to perform the duties and responsibilities concerned himself or herself; and
  - withdraw or amend the aforesaid delegation at any time.
- An Information Officer must be aware that any right or privilege acquired or any obligation or liability incurred as a result of a delegation of any powers, duties and responsibilities is not affected by any subsequent withdrawal or amendment of the decision to delegate.

- Depending of the circumstances of the case, the obligation or liability incurred as a result of any delegation of any powers, duties and responsibilities may be imposed on either the Information Officer or responsible party in so far as POPIA is concerned.
- To ensure a level of accountability by a delegated Deputy Information Officer, bodies are encouraged to ensure that such duties and responsibilities or any power delegated to a Deputy Information Officer is part of his or her job description.
- Despite the above-mentioned delegation of a Deputy Information Officer, an Information Officer retains the accountability and responsibility for the functions delegated to the Deputy Information Officer.

Frontline has appointed a Deputy Information Officer to facilitate any requests to access records held by the organisation. This delegation does not prohibit the person who made the delegation from exercising power concerned or performing the duty concerned himself or herself. The delegation may at any time be withdrawn or amended in writing by the person who made the delegation.

The Deputy Information Officer need not have any specific qualifications but must have a thorough knowledge of the organisation's functional departments and business processes.

The Deputy Information Officer has the authority to approach all staff members of the organisation and to request all records held by the organisation. Where a manager is of the opinion that access to a record should not be granted to the Deputy Information Officer, reasons for this decision shall be given to the Information Officer who will make a final decision on the matter.

Together with the Information Officer, the Deputy Information Officer is responsible for:

- Publishing and proper communication of the manual i.e. creating policy awareness.
- The facilitation of any request for access.
- Providing adequate notice and feedback to the requester.
- Determining whether to grant a request for access to a complete/full record or only part of a record.
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format.
- Reviewing the policy for accuracy and communicating any amendments.

**The detailed duties of the Information officer is noted in Annexure G**

**The detailed duties of the Deputy Information officer is noted in Annexure H**

As Head of the organisation, I, JAMES BONNER, hereby appoint PAUL MYERS as the Organisation's Deputy Information Officer



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**James Bonner**  
**Head Signature**

10 May 2019

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**Date**



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**Paul Myers**  
**Deputy Information Officer Signature**

10 May 2019

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**Date**