

This manual applies to Munich Reinsurance Company of Africa Limited

Registration Number: 1968/006040/06

("MRoA")

Registered office address:-

47 Empire Road, Parktown, Johannesburg, 2193

PAIA and POPI Manual

This manual was prepared in terms of Section 51 of the Promotion of Access to Information Act, 2000 and the Protection of Personal Information Act, 2013

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1. Objective

The purpose of this Manual is to assist any South African individual or entity wishing to access Munich Reinsurance Company of Africa Limited (“MRoA”) information in terms of the Promotion of Access to Information Act, 2000 (“PAIA”). In addition, the Protection of Personal Information Act, 4 of 2013 (the “POPI Act”) requires MRoA to inform their South African clients about the manner in which their personal information is stored and processed, if such information is requested.

2. Nature of MRoA Business

MRoA is a registered reinsurer who is licensed to conduct both non-life and life reinsurance business.

Reinsurance is a practice whereby insurers transfer portions of their risk portfolio to other parties by a form of agreement to reduce paying a large obligation resulting from an insurance claim.

3. MRoA Contact Details

| | |
|----------------------------|---|
| Name of body | Munich Reinsurance Company of Africa Limited |
| Head of private body | Nico Conradie |
| Information Officer | Yolanda Skei |
| Deputy Information Officer | Vanisree Gounden |
| Physical Address | 47 Empire Road Parktown Johannesburg 2193 |
| Postal Address | PO Box 6636 Johannesburg 2000 |
| Telephone | +27 (11) 242-2000 |
| Email Address | Legal.Compliance_MRoA@munichre.com (pool email) |

4. Subjects and Categories of Information held by MRoA

Below is a description of information held by MRoA:-

| Type of Information | Description of Information |
|--|---|
| Company information | Company registrations, List of Directors, Document of Incorporation. |
| Compliance Information | Statutory compliance information regarding MRoA. |
| Financial Records | Annual Financial Statements, Banking Records, Bank Statements, Asset Registers, Invoices, Accounting Records, Tax Returns, Electronic Banking Records and Tax Records such as :- PAYE Records, Documents issued to employees for Income Tax purposes, Records of payments made to SARS on behalf of employees, All other statutory compliance documents:- VAT, Skills Development Levies, UIF, Workmen's Compensation. |
| Human Resources | Disciplinary actions, Job profiles, Training and skills development, Leave records, Disciplinary code, employments contracts. |
| Operational Documents and Information | Records relating to operational documents and information administered by MRoA. |
| Personal Information | <p>Not limited to:-</p> <ul style="list-style-type: none"> • 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; • 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; |

This information above is not automatically available to the public and each request in terms of section 7 below, will be assessed on individual merit and a decision will be made on each request.

5 The purpose of PAIA

PAIA prescribes that private bodies must have an information manual for people to gain access to information held by the private bodies. The MRoA manual serves as a guide on how to request information from MRoA.

5.1 Application Legislation (What records can be requested)

The records that are available in terms of other legislation are the following:-

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act, No. 75 of 1993
- Companies Act, No. 71 of 2008
- Broad Based Black Economic Empowerment Act, No. 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Constitution of the Republic of South Africa Act, No. 108 of 1996
- Copyright Act, No. 98 of 1978
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Financial Intelligence Centre Act, No. 38 of 2001
- Income Tax Act, No. 58 of 1962
- Occupational Health and Safety Act, No. 85 of 1993
- Preferential Procurement Policy Framework Act, No. 5 of 2000
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality & Prevention of Unfair Discrimination Amendment Act, No. 52 of 2002
- Protected Disclosures Act, No. 26 of 2000
- Protection of Personal Information Act, No. 4 of 2013
- Regulation of Interception of Communications and Provision of Communication- Related Information Act, No. 70 of 2002
- Short term Insurance Act, No. 53 of 1998
- Long terms Insurance Act, No. 52 of 1998
- Insurance Act, No. 18 of 2017
- Skills Development Act, No. 97 of 1998
- Skills Development Levy Act, No. 9 of 1999

5.2 Guide of the South African Human Rights Commission

Section 10 of PAIA contains a guide to the Act which is available on the South African Human Rights Commission website, the information contained in the guide is for persons who wish to exercise any right contemplated in the Act. Any enquiries regarding the guide, should be directed to:-

| | |
|----------------|---|
| Name of body | The South African Human Rights Commission: PAIA Unit (the Research Documentation Department). |
| Postal address | Private Bag 2700 Houghton 2041 |
| Telephone | +27-11-877 3600 +27-11-403 0625 |
| Website | www.sahrc.org.za |
| E-mail | PAIA@sahrc.org.za |

6 The Purpose of POPI

The POPI Act prescribes that a responsible party must have processes in place to assist the data subject to request their information for correction or deletion of personal information or destruction or deletion of record of personal information.

6.1 Duty of MRoA

MRoA has a duty to render reasonable assistance to the data subject and to maintain and monitor the data subjects personal information as required by the regulations. This manual is provided by the Information Officer upon request by any person at a fee determined by the Regulator.

6.2 Update of Personal records in terms of POPI

A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of record of personal information must complete and submit the prescribed form as set out in Annexure B.

6.3 Complaint Submission in terms of POPI

Any person who wishes to submit a complaint regarding their personal information must submit a complaint to the Regulator on Part I of the form in Annexure C. A data subject who wishes to submit a complaint must submit such a complaint to the Regulator on Part II of the form in Annexure C.

7 Request Procedure, Fees and Access in terms of PAIA and POPI

7.1 Definitions:-

Personal Requester in terms of PAIA

A requester who seeks access to a record containing personal information pertaining to him-/herself (this includes a data subject) is exempted from paying the requester's fee.

Whilst there is no fee in assisting the personal requester, MRoA will charge an administration free (for photocopies etc).

Data Subject in terms of POPI

The person to whom personal information relates.

Requester in terms of PAIA

Anyone who requests information on behalf of the personal requester will pay R50.00 as prescribed by the PAIA Act.

Working days in terms of PAIA

Means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act 36 of 1994).

7.2 Form of Request in terms of PAIA

Records held by MRoA may be accessed on request by the requester only once the requirements for access have been met in the prescribed form enclosed herewith in Annexure A and provided that records requested are not subject to the refusal grounds provided for under the regulatory requirements.

The form must be hand-delivered, posted, or sent via email to the MRoA contact details are described in section 2 above.

When the request is made to MRoA, the requesters must state the right that is implicated (in terms of law) and explain why the record is required for the exercise or protection of that specific right.

Where the request is made in the capacity of authorised persons (on behalf of someone), proof of the capacity in which the person making the request must be provided (known as the authorised person).

The requester must provide information that makes it reasonably easy for the Information Officer to identify:-

- The record/s requested;
- The identity of the requester;
- What form of access is required; and
- The postal address or email address of the requester.

7.3 Response to request in terms of PAIA

Upon receipt of the request, MRoA will investigate and make a decision on whether to grant or decline a request. MRoA has a period of 30 working days from receipt to make a decision and communicate the outcome to the requester.

The Information Officer may request an extension to the 30-day period from the requester, where there is:-

- A large volume of documents,
- Consultation with other entities is required, or
- Where the requester has agreed to the extension request in writing.

7.4 Decision in terms of PAIA

A written decision will be communicated to the requester in writing in terms of PAIA and POPI, the decision could be:-

a. Granted

When the request is granted the Information Officer will notify the requester of the form in which access will be given and the amount of the access fee once access is provided to the requester.

b. Denied

Where the request is denied, the Information Officer will provide a written correspondence to the requester and will state the reasons for refusal.

7.5 Remedies available to the requester upon refusal of a request for access in terms of PAIA

Internal Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may exercise remedies at their disposal.

External Appeal

In terms of PAIA, if a requester is aggrieved by the access fee or refusal of the Information Officer to grant a request for a record, the requester may within 30 days of notification apply to the court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief.

7.6 Grounds for refusal of access to information in terms of POPI

a. Protection of the privacy of a third party

In order to protect the right to privacy of a third party who is a natural person, the Information Officer will assess whether releasing the information requested by the requester would involve the unreasonable disclosure of personal information.

b. Protection of commercial information of a third party

The Information Officer can refuse access to information if releasing that information would cause harm to the commercial or financial interests of the business. The following commercial information cannot be disclosed by an Information Officer (includes but not limited to):-

- Trade Secrets;
- Financial, commercial, scientific, research or technical information about a third party which, if released, would cause harm to the third party; and
- Information which had been supplied in confidence to the third party.

c. Protection of confidential information

An information officer must refuse access to a record if the release of the record will amount to a breach of a duty of confidentiality owed to a third party in terms of an agreement or contract.

Annexure A

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 41]

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 record must be recorded below.
- b. Furnish an address and/or email address 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 names surname: _____

Identity number : _____

Postal address: _____

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 surname: _____

Identity number : _____

D. Particulars of record

- a. Provide full particulars of the record to which access reference number 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 my fee, please state the reason therefor.

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:_____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Notes:

- a. Your indication as to the required form of access depends on the form in which the record is available.
- b. Access in the form requested 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 required.

Annexure B

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x"

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party. Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

| A | DETAILS OF THE DATA SUBJECT |
|--|------------------------------|
| Name(s) and surname / registered name of data subject: | |
| Unique Identifier/Identity Number: | |
| Residential, postal or business address: | |
| | |
| | Code () |
| Contact number(s): | |
| E-mail address : | |
| B | DETAILS OF RESPONSIBLE PARTY |
| Name(s) and surname/ Registered name of responsible party: | |
| Residential, postal or business address: | |
| | |
| | |

| | |
|--------------------|---|
| | |
| | Code () |
| Contact number(s): | |
| E-mail address: | |
| C | INFORMATION TO BE CORRECTED/ DELETED/ DESTROYED/ DESTROYED |
| | |
| | |
| | |
| | |
| | |
| D | REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request) |
| | |
| | |
| | |
| | |

Signed at _____ this _____ day of _____ 20__

Signature of data subject/ designated person

Annexure C

**COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 7]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "X".

Complaint regarding:

Alleged interference with the protection of personal information

Determination of an adjudicator.

| PART I | ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013) |
|--|---|
| A | PARTICULARS OF COMPLAINANT |
| Name(s) and surname / registered name of data subject: | |
| Unique Identifier/Identity Number: | |
| Residential, postal or business address: | |
| | |
| | |
| | Code () |
| Contact number(s): | |
| E-mail address: | |

| B | PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION |
|--|---|
| Name(s) and surname/ Registered name of responsible party: | |
| Residential, postal or business address: | |
| | |
| | |
| | Code () |
| Contact number(s): | |
| E-mail address: | |
| C | REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the complaint)</i> |
| | |
| | |
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| | |
| PART II | COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) |
| A | PARTICULARS OF COMPLAINANT |
| Name(s) and surname/ registered name of data subject: | |
| Unique Identifier/ Identity Number: | |
| Residential, postal or business address: | |
| | |
| | |
| | Code () |
| Contact number(s): | |
| E-mail address: | |
| B | PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY |
| Name(s) and surname of adjudicator: | |
| Name(s) and surname of responsible party /registered name: | |
| | |

| | |
|--|---|
| Residential, postal or business address: | |
| | |
| | Code () |
| Contact number(s): | |
| E-mail address: | |
| C | REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the grievance)</i> |
| | |
| | |
| | |
| | |
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| | |
| | |
| | |

Signed at _____ this _____ day of _____ 20__

Signature of data subject/ designated person