



MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED) FOR SHIELD LIFE[®] LIMITED

INTRODUCTION

BACKGROUND

The Promotion of Access to Information Act, no. 2 of 2000 ("the Act") was enacted on 3 February 2000 and gives effect to the constitutional right of access to information held by another person and that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may not be released or where the requester has no such right to access the information. The Act sets out the requisite procedural issues attached to such request.

PURPOSE

We are a Licensed Life Insurance Company and have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and, to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

This manual sets out to provide a manual to Shield Life[®] Ltd to deal with the requests in a conforming manner, which will enable the requesters to obtain the records which they are entitled to, in a quick, easy, and accessible manner. Requests in terms of the Act must be made according to the prescribed procedures at the provided costs as per Annexure B.

This Manual is also useful for the public to-

- check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the recipients or categories of recipients to whom the personal information may be supplied;
- know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

In terms of Section 9 of the Act, justifiable grounds must exist for an entity to refuse or limit access to information.

Grounds for refusal includes, but are not limited to:

- Limitations aimed at the reasonable protection of privacy,
- Personal information relating to individuals,
- Certain types of commercial information,
- Information that is deemed confidential, and
- Information that is deemed privileged.



KEY DEFINITIONS

Data subject	means the person to whom personal information relates.
Operator	means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
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: <ul style="list-style-type: none">a) 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;b) Information relating to the education or the medical, financial, criminal or employment history of the person;c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;d) The biometric information of the person;e) The personal opinions, views or preferences of the person;f) 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;g) The views or opinions of another individual about the person; andh) 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.
Processing	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including: <ul style="list-style-type: none">a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;b) Dissemination by means of transmission, distribution or making available in any other form; orc) Merging, linking, as well as restriction, degradation, erasure or destruction of information.
Responsible party	means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
Unique identifier	means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.
Confidential Information	means any information disclosed, whether in writing, orally or by any other means by or on behalf of the Disclosing Party to the Receiving Party including, without limitation, any information relating to the Disclosing Party's products, inventions, operations, methodologies, systems, processes, plans or intentions, know-how, design rights, pricing and or any financial information, trade secrets, market opportunities, or business or financial affairs, and any data, regardless of shape or form, pertaining to business relationships, architecture, informational, techniques, demonstration and machinery, any plans, designs, drawings, functional and technical requirements and specifications; all other information designated as "confidential", "proprietary" or any other words connoting a similar meaning or information which by its nature would be reasonably considered as being confidential to the Disclosing party. Confidential Information will also by specific reference include any Personal Information of employees of the party and or any third party



SECTION 1 - OUR CONTACT DETAILS

GENERAL INFORMATION

Name of Private Body:	Shield Life [®] Ltd
Physical Address:	Maxi Building 1293 South Street Centurion 0157
Postal address:	PO Box 7309 Centurion 0046
Telephone number:	0861 777 353
Fax Number:	086 299 4689
Chief Executive Officer:	Mr. Johan Delport
Email Address:	privacy@shieldlife.co.za

INFORMATION OFFICER

Name & Surname:	Hennie Vermaak
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DEPUTY INFORMATION OFFICER

Name & Surname:	Anke Botha
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SECTION 2 - THE OFFICIAL GUIDE OF THE INFORMATION REGULATOR SOUTH AFRICA

A guide on how to use the Act and any enquiries regarding section 10 of the Act should be directed to:

The Information Regulator (South Africa)

Postal Address: P.O. Box 31533
Braamfontein
Johannesburg
2017

Website: <https://www.justice.gov.za/inforeg/docs1-gn.html#gn-paia>

E-mail address: inforeg@justice.gov.za

SECTION 3 - RECORDS AVAILABLE

This section serves as a reference to the records that Shield Life[®] Ltd holds, to facilitate a request in terms of the Act. It is recorded that the accessibility of the documents listed below, may be subject the conclusion of a confidentiality agreement or may be subject to the grounds of refusal set out in this document. Shield Life[®] Ltd refers to Shield Life[®] Ltd and all its related parties.

Shield Life[®] does not plan to transfer or process personal information intentionally outside the Republic of South Africa. Shield Life[®] has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

FINANCIAL RECORDS

- Annual financial statements
- Books of account including journals and ledgers



- Delivery notes, orders, invoices, statements, receipts, vouchers, and bills of exchange
- Copies of all income tax returns and other tax returns and documents
- Tax clearance certificates
- Asset register

OPERATIONAL RECORDS

- Lease Agreement
- Building plans
- Material agreements concerning provision of services or materials
- Agreements with shareholders, officers, or directors
- Agreements with contractors and suppliers
- Agreements with clients
- Intermediary or agency agreements
- Agreements with governmental agencies
- Material licences, permits and authorisations

STATUTORY RECORDS:

- Registration Certificate (CoR 14.3)
- Memorandum of Incorporation
- Minute book, as well as resolutions passed at general meetings
- Proxy forms
- A register of allotments
- Register of members
- Register of directors and certain officers
- Director's attendance register
- Register of directors and certain officers
- Director's attendance register
- Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation
- Settlement agreements
- Material licences, permits and authorisations

EMPLOYEE RECORDS:

- Employees' names and occupations
- Proof of Address or Address Details
- ID copy
- Time worked by each employee
- Remuneration paid to each employee
- Date of birth of each employee
- Attendance register
- Employment equity plan
- Salary and wages register
- Training records and material
- Staff records (after date of employment ceases)
- Expense accounts
- Tax returns of employees
- Employee contracts and conditions of employment
- Internal Evaluation records
- Incentive schemes
- Staff loan schemes
- Study assistance schemes
- Maternity leave policy



SHIELD LIFE[®]

LIMITED

YOUR SHIELD FOR LIFE

- Disability scheme
- Funeral insurance scheme
- Group personal accident
- Group life
- Code of conduct
- Credit Record
- Criminal Record

An “employee” refers to any person who works for, or provides services to or on behalf of Shield Life[®] Ltd and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Shield Life[®] Ltd. Without limitation this includes, directors (executive and non-executive), all permanent and temporary employees, as well as contract workers.

CLIENT RELATED RECORDS:

- Full names
- Identification number and/or employee number
- Address
- Identity Documents
- Next of kin and spouse
- Contact information
- Language
- Gender
- Marital status
- Age
- Financial information (income / bank information)
- Current employment history

A “client” refers to any natural or juristic entity that receives products or services from Shield Life[®] Ltd.

MARKETING RECORDS:

- Products
- Markets
- Customers
- Brochures
- Newsletters
- Advertising materials
- Sales

PRODUCT RECORDS:

- Insurance policies
- Claim records
- Details of insurance coverage’s, limits, and insurers

INTERNAL POLICIES & PROCEDURES

THIRD PARTY RECORDS:

Shield Life[®] Ltd may obtain and store records pertaining to third parties, including without limitation, financial records, correspondence, contractual records, or any other records provided by the third party in the process of establishing and maintaining a business relationship.

These records include, but are not limited to, the records which pertain to Shield Life[®] Ltd’ own affairs.



CATEGORIES OF RECORDS OF SHIELD LIFE® WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

These following categories of records held by Shield Life are available without a person having to request access by completing Form 2:

Category of records	Available on Website	Available upon request
Privacy Notice	X	X
Terms of Use	X	X
Complaints Policy	X	X
Annual Disclosures	X	X
PAIA Manual	X	X

THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

NB: Specify the person or category of persons to whom the body may disseminate personal information. Below is an example of the category of personal information which may be disseminated and the recipient or category of recipients of the personal information.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Identity number and names, for sanction checks	

SECTION 4 – GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Shield Life® Ltd may refuse a request that relates to information on the following main grounds:

- Mandatory protection of the privacy of a third party who is a natural person, that 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 third party
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party.
 - Information disclosed in confidence by a third party to Shield Life® Ltd, if the disclosure could put that third party at 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 would be regarded as privileged in legal proceedings.
- The commercial activities of Shield Life® Ltd, which may include:
 - Trade secrets of Shield Life® Ltd
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Shield Life® Ltd.



- Information, which if disclosed, could put Shield Life[®] Ltd at a disadvantage in negotiations or commercial competition.
- A computer program or source codes which is owned by Shield Life[®] Ltd, and which is protected by copyright.
- The research information of Shield Life[®] Ltd or a third party, if its disclosure would disclose the identity of Shield Life[®] Ltd, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

SECTION 5 – REMEDIES AVAILABLE WHEN SHIELD LIFE[®] LTD REFUSES A REQUEST FOR INFORMATION

INTERNAL REMEDIES

If the Information Officer refuses access to the requested information, the Chief Risk Officer or any other member of the Executive Committee can be consulted and must unanimously agree before such decision becomes final. Any other decision made by the Information Officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

EXTERNAL REMEDIES

A requester or third party that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

For the purpose of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

SECTION 6 - PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

- Form 2The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed request form (Form 2) enclosed herewith in Annexure A and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer or the Deputy Information Officer at the postal or physical address or electronic email address as stated in Section 1 above. The prescribed form must be filled with enough particularity to at least enable the Information Officer or the Deputy Information Officer to identify:
 - The record or records requested
 - The identity of the requester
 - Which form of access is required, if the request is granted,
 - The postal address or email address of the requester.
- The requester must state that he requires the information to exercise or protect a right and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- The Information Officer or the Deputy Information Officer will process the request within 30 days, unless the requester has staged special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- The requester will be notified in the manner indicated on the request form whether the request has been approved or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- The requester must pay the prescribed fee before any further process can take place.



SECTION 7 – ACCESS TO RECORDS HELD BY SHIELD LIFE[®] LTD

Records held by Shield Life[®] Ltd may be accessed by requests only once the prerequisite requirements for access have been met. There are two types of requesters:

PERSONAL REQUESTER

This is a requester who is seeking access to a record containing personal information about the requester.

Shield Life[®] Ltd will voluntarily provide the requested information or give access to any record about the requester's personal information. The prescribed fee for reproduction of the information requested will be charged. In the case of an existing client, this information can be accessed by the requester by logging onto our client portal.

OTHER REQUESTER

This requester is entitled to request access to information on Shield Life[®] Ltd or on third parties. However, Shield Life[®] Ltd is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

SECTION 8 – FEES

- The Act provides for two types of fees, namely:
 - A request fee, which will be 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 the request is received by the Information Officer or Deputy Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.
- If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer or the Deputy Information Officer shall notify the requester to pay, as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- Information Officer or the Deputy Information Officer shall withhold a record until the requester has paid the fees as indicated in Annexure B.
- 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 request form.
- If a deposit has been paid in respect of a request for access, which is denied, then the Information Officer or the Deputy Information Officer concerned must repay the deposit to the requester.

SECTION 9 – DECISION

Shield Life[®] Ltd will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30-day period within which Shield Life[®] Ltd has to decide whether to grant or deny the request, may be extended for a further period not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of Orbis Holdings (i.e. in storage) and the information cannot reasonably be obtained within the original 30 day period. The Information Officer or the Deputy Information Officer will notify the requester in writing should an extension be sought.

SECTION 10 – PROCEDURE FOR RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If all reasonable steps have been taken to find a record requested and cannot be found or does not exist, the Information Officer or the Deputy Information Officer need to do the following:

- Write an Affidavit or Affirmation notifying the requester that it is not possible to give access to that record.



- The Affidavit or Affirmation must give full account of all the steps taken to find the record in question, or
- To determine whether the record actually exist.
- It should include all the communication with every person who conducted the search on behalf of the Information Officer or the Deputy Information Officer.

SECTION 11 – LIST OF APPLICABLE LEGISLATION

- Basic Conditions of Employment Act 75 of 1997, as amended
- Broad-based Black Economic Empowerment Act 53 of 2003, as amended
- Companies Act 71 of 2008, as amended
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act No 108 of 1996
- Consumer Protection Act 68 of 2008
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998, as amended
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001, as amended
- Financial Sector Regulation Act 9 of 2017
- Income Tax Act 58 of 1962
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995, as amended
- Long-Term Insurance Act 52 of 1998 (including amendments in terms of Section 72(1) of Long-Term Insurance Regulations and Section 62 of the LT Insurance Act, Policy Holder Protection Rules.
- National Credit Act 34 of 2005
- National Payment System Act 78 of 1998
- Occupational Health & Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001, as amended
- Value-added Tax Act 89 of 1991

SECTION 12 - AVAILABILITY OF THE MANUAL

This manual is currently available:

- On our website;
- At our offices;
- At the offices of the South African Human Rights Commission.



ANNEXURE A

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER – FORM 2

This form can be completed electronically through the following link [Form 2](#).

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

ANNEXURE B

PRESCRIBED FEES IN RESPECT OF PRIVATE BODIES

A fee is payable in all instances where a request for access to information is granted, except in those instances where payment of a fee is specifically excluded in terms of the Act, or an exclusion is determined by the Minister in terms of Section 54(8).

The applicable fees which will be payable are:

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size pages	R2.00 per page or part thereof.
3.	Printed copy of A4-size page.	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: i. Flash Drive (to be provided by requester)	R40.00
	ii. Compact disc	
	a. If provided by requestor	R40.00
	b. If provided to the requestor	R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: iii. Flash Drive (to be provided by requester)	R40.00
	iv. Compact disc	
	a. If provided by requestor	R40.00
	b. If provided to 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. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

DEPOSITS:

Where Shield Life[®] Ltd receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee in terms of items 2 to 8 in the table above.

NOTE: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.