

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

FOR
HOSPITALITY INDUSTRIAL AND COMMERCIAL UNDERWRITING MANAGERS (PTY) LTD
("HIC")
Registration Number: 1998/03265/07

(Based on the format suggested by The South African Human Rights Commission)

This Act was passed in order to give effect to the constitutional right of access to information held by a public or private body for the exercise or protection of any right.

A requester must be given access to any record of HIC if the following requirements are met:

- The record is required for the exercise or protection of any right;
- The requester meets the procedural requirements of the Act relating to a request for access to a record;
- The request falls outside any of the grounds of refusal contemplated in the Act.

1. Introduction to HIC:

HIC (PTY) LTD is a specialty insurance underwriting management agency that covers risks on behalf of GUARDRISK Insurance Company Limited. Lireas Holdings (Pty) Ltd is a shareholder of HIC and is part The Hannover Reinsurance Group Africa which is part of the worldwide Hannover Rückversicherungs-Aktiengesellschaft Group, based in Hannover Germany, which is the fourth largest reinsurance group in the world.

HIC specialises in providing Commercial insurance products and a specialised policy administration service to short-term insurance brokers. We do not market our own products, nor do we seek business directly from consumers or market our own brands.

2. Contact details:

Managing Director:	Rory Gainsford
Contact Person:	Denleigh Wilensky
Physical Address:	Makana House 11B Riley Road Eastwood office park Bedfordview 2008
Postal Address:	PO Box 2253 Bedfordview 2008
Telephone:	011 455 5271
Telefax:	011 455 4779
Email:	info@hicsa.co.za
Website:	www.hicsa.co.za

Vat Registration number: 4380178113

3. The section 10 Guide on how to use the Act:

The Guide is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 887 3600/ +27 11 887 3627
Fax: +27 11 403 0668/ +27 11 403 0684
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

4. Information is available in terms of the following legislation, if and where applicable:

- 1) The company records required by the Registrar of Companies in terms of the Companies Act, 61 of 1973.
- 2) The insurance records required by the Registrar of Short-term Insurance in terms of the Short-Term Insurance Act 53, of 1998, as amended
- 3) The insurance records required by the Registrar of Long-term Insurance in terms of the Long-Term Insurance Act, 52 of 1998, as amended
- 4) The insurance and related records required by the Financial Services Board as regulated by:
 - the Financial Services Board Act, 97 of 1990; and
 - the Inspection of Financial Institutions Act, 80 of 1998.
- 5) The tax records filed in accordance with;
 - the Income Tax Act 58 of 1962, and
 - the Value-Added Tax Act, 89 of 1991.
- 6) The human resources and related records required in terms of;
 - the Unemployed Insurance Act, 30 of 1966;
 - the Occupational Health and Safety Act, 85 of 1993;
 - the Labour Relations Act, 66 of 1995;
 - the Basic Conditions of Employment Act, 75 of 1997;
 - the Employment Equity Act, 55 of 1998;
 - the Skills Development Levies Act, 9 of 1999

5. The categories of records which are available without a person having to request access in terms of this Act:

- The Group's Annual Reports, including the audited annual financial statements.
- The Group's WebPage, which is accessible to anyone who has access to the internet, and which contains the following categories:
 - Home
 - Our Company
 - Contact Us
 - Documentation
 - Extras
- A request for access to a record containing personal information about the requester or the person on whose behalf the request is made.

6. HIC holds the following records and information which is categorised under the following business classes:

- Operational Information
This is the information relating to the business activities of the company, and includes information such as contracts between the insurer and the company, the records of claims and premiums, the relevant slips, cover notes, and other contractual documents relating to the insurance arrangements with our risk carrier, accounting and financial activities.
- Administration Information
This is the information relating to the day-to-day running of the company, and is generally of little or no use to persons outside the organisation. This information includes items such as the internal telephone lists, address lists, company policies, company contracts, employee records and general "house keeping" information.
- Communications
This includes correspondence to and from persons within the company.

7. The request procedures:

Form of request

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

8. Ground for refusal of access to records

The main ground for the Private Body to refuse a request for information relates to the:

- 8.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of the natural person.
- 8.2 Mandatory protection of the commercial information of a third party, if the record contains:
 - 8.2.1 Trade secrets of that third party
 - 8.2.2 Financial, commercial, scientific or technical information of which disclosure could likely cause harm to the financial or commercial interests of that third party,
 - 8.2.3 Information disclosed in confidence by a third party to the private body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
 - 8.2.4 Mandatory protection of the confidential information of third parties if it is protected in terms of an agreement.
 - 8.2.5 Mandatory protection of the safety of individuals and the protection of property
 - 8.2.6 Mandatory protection of records, which would be regarded as privileged in legal proceedings.
 - 8.2.7 The commercial activities of the private body, which may include:
 - 8.2.7.1 Trade secrets of the private body
 - 8.2.7.2 Financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the private body.
 - 8.2.7.3 Information which, if disclosed could put the private body at a disadvantage in negotiations or commercial competition.
 - 8.2.7.4 A computer program which is owned by the private body, and which is protected by copyright.
 - 8.2.8 The research information of the private body of a third party, if its disclosure would disclose the identity of the private body, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
 - 8.2.9 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9. Remedies available when a private body refuses a request for information

9.1 Internal remedies

The private body does not have an internal appeal procedure. As such, the 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.

9.2 External Remedies

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to the relevant court for relief.

Likewise, a third party dissatisfied with an 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. For purposes of the Act, the courts that have jurisdiction over these applications are the constitutional court, the high court or another court of similar status.

10. Decision

The private body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reason (if required) to that effect.

The 30 day period with which the private body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information or the request requires a search for information held at other offices of the private body and the information cannot reasonably be obtained within the original 30 day period. The private body will notify the requester in writing should an extension be sought.

11. Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

1) The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.

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

	R
a) For every photocopy of an A4-size page or part thereof	1,10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
c) For a copy in a computer-readable form on -	
(i) stiffer disc	7,50
(ii) compact disc	70,00
d) For a transcription of visual images,	
(i) for an A4-size page or part thereof	40,00
(ii) for a copy of visual images	60,00
e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

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

4) The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10

- | | | |
|-----|---|-------|
| (b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,75 |
| (c) | For a copy in a computer-readable form on – | |
| | (i) stiffy disc | 7,50 |
| | (ii) compact disc | 70,00 |
| (d) | (i) For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| | (ii) For a copy of visual images | 60,00 |
| (e) | (i) For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| | (ii) For a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

Prescribed forms:

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2 of 2000)
[Regulation 10]

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 given below.*
(b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
(c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:
Identity number:
Postal address:
Fax number:
Telephone number:
E-mail address:
Capacity in which request is made, when made on behalf of another person:
.....

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:
Identity number:

D. Particulars of record

(a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
(b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form.*
The requester must sign all the additional folios.

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of record.

.....

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption</p> |
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Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			

	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:
.....
.....
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:
.....
.....
.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day of 20__

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