



PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (“the Constitution”) provides that:

- *Everyone has the right of access to –*
 - (a) any information held by the state; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.

- *National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.*

The Promotion of Access to Information Act, No.2 of 2000 (“the Act”), gives effect to section 32 of the constitution, that enshrines the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, a private or public body (as contemplated in the Act) to whom the request is made is obliged to provide access to the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request. This manual therefore applies to requests for access to records held by MiWay Insurance Limited (MiWay), as the private body contemplated under the Act.

This PAIA Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 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;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 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;

- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 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
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

Any person who requires information for the exercise or protection of any rights, may request information from MiWay. Section 50 of the Act states that:

- 1. A requester must be given access to any record of a private body if –
 - a) that record is required for the exercise or protection of any rights;
 - b) that person complies with the procedural requirements in this Act relating to a request for access to
 - c) that record; and
 - d) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

4. KEY CONTACT DETAILS

Below noted are key contact details for access to information of MiWay.

4.1. Information Officer

Name: Joseph Makgopa
Tel: 011 990 1000
Email: Informationofficer@miway.co.za
Fax number: 011 990 1000

4.2. Deputy Information Officer

Name: Janes Du Toit

Tel: 011 990 1000
Email: Informationofficer@miway.co.za
Fax Number: 011 990 1000

4.3. Access to information general contacts

Email: Informationofficer@miway.co.za

4.4. National or Head Office

Postal Address: PostNet Suite #382
Private Bag x121,
Halfway House
1685

Physical Address: 48 Sterling Road,
Samrand Business Park,
Kosmosdal,
0157

Telephone: 011 990 1000
Email: info@miway.co.za
Website: www.miway.co.za and www.miwayblink.co.za

5. PRESCRIBED ACCESS FORM

In terms of section 53, a request for access to a record held by MiWay must be made in the prescribed form to MiWay at the address, or electronic mail address given above. The form requires you, as the requester to provide the following information:

- sufficient information to enable the identification of the requester;
- sufficient information to enable the identification of the record(s) requested;
- the form of access required;
- the requester's postal address or fax number;
- identification of the right sought to be exercised or protected;
- an explanation as to why the record is required to exercise or protect that right;
- the manner in which the requester wishes to be informed of the decision on the request, if in a manner

- in addition to written notification; and
- if the request is made on behalf of a person, the submission of proof of the capacity in which the requester makes the request, to the satisfaction of the MiWay Information Office.

Refer to [FORM 2](#) of this manual for the format of the prescribed form. Requesters should note that all of the information as listed above should be provided, failing which the process will be delayed while MiWay requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished to MiWay by the requester.

6. PRESCRIBED FEES

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

- Request fee: This is a non-refundable administration fee paid by all requesters. It is paid before the request is considered.
- Access fee: This is paid by all requesters only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requester.

MiWay may withhold a record until the request fee and the deposit (if applicable) have been paid. Refer to [FORM 3](#) below for a list of applicable fees.

Requester:

Written notice must be given to a requester of the request fee and amount to be paid before the request may be further processed.

If the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the requester may be required to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requester.

The notice given to the requester must advise the requester that s/he has a right to apply to court against the payment of the request fee or deposit and should also advise of the procedure of the application.

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 7.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 7.2. The Guide is available in each of the official languages.
- 7.3. The aforesaid Guide contains the description of-
 - 7.3.1. the objects of PAIA and POPIA;
 - 7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 7.3.2.1. the Information Officer of every public body, and
 - 7.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 7.3.3. the manner and form of a request for-
 - 7.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 7.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 7.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 7.3.6.1. an internal appeal;
 - 7.3.6.2. a complaint to the Regulator; and
 - 7.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 7.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 7.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92¹¹.
- 7.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 7.5. The Guide can also be obtained-
 - 7.5.1. upon request to the Information Officer;
 - 7.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoREG/>).
- 8.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
 - 8.6.1. English and Afrikaans

8. RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Below table specifies the categories of records held by MiWay which are available without a person having to request access by completing **Form C**.

Category of records	Types of the Record	Available on Website	Available upon request
Policy Documents	Product Information and Brochures	X	
Policies	Conflict of Interest Policy Complaints Management Policy PAIA Manual Information Request Forms	X	
Company Profile	Company Profile Summary and Management Information	X	
License	FSP License	X	

9. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Memorandum of incorporation and Company information	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Insurance License & company information	Insurance Act (Act No. 18 of 2017) Short-term Insurance Act (Act No. 53 of 1998)
FSP License & company information	Financial Advisory and Intermediary Services Act 37 of 2002
VAT Registration	Value-added Tax (VAT) Act 89 of 1991
Personnel Records	Basic Conditions of Employment Act, 75 of 1997
Personnel Records	Labour Relations Act 66 of 1995

Letter of Good Standing	Compensation for Occupational Injuries & Diseases Act (No. 130 of 1993)
Company Information	Employment Equity Act (Act No. 55 of 1998)

The requester may also request information that is available in terms of legislation, such as noted below.

In terms of the below legislation, information relating to personnel may be requested.

- Occupational Health and Safety Act (Act No. 85 of 1993)
- Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000)
- Skills Development Act (Act No. 97 of 1998)
- Skills Development Levies Act (Act No. 9 of 1999)

Records relating to company reporting and company related records as far as is allowed in terms of these Acts may be requested.

- Companies Act (Act No. 61 of 1973)
- Income Tax Act (Act No. 58 of 1962 as amended)
- VAT act (89 of 1991)

The MiWay Information Office will assess the request and decide whether or not grant access to any information requested in accordance with one of the prescribed grounds in terms of the Act.

10. DESCRIPTION OF THE SUBJECTS HELD

MiWay holds records and categories on the below noted.

a. Human Resources

Records found in this division contain information of employees that include the following:

- any personal records provided to MiWay by the employee/personnel;
- any records a third party has provided to MiWay about its personnel;
- conditions of employment and other personnel-related contractual and quasi-legal records; and
- internal evaluation records

b. Other internal records and correspondence related to the particular employee.

c. Client-related records

Clients include both juristic and natural entities that receive a service from MiWay. This information includes:

- any records a client has provided to MiWay or a third party acting for and on behalf of

MiWay;

- any records a third party has provided to MiWay; and
- records generated by or within MiWay pertaining to the client, including transactional records.

d. MiWay records

This category of records relates, but is not limited to, the following information:

- Financial records
- Operational records
- Databases
- Information technology
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures
- Records held by officials of MiWay

e. Other parties

MiWay may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers.

Alternatively, such other parties may possess records that can be said to belong to MiWay.

The following records fall under this category:

- Personnel, client or MiWay records which are held by another party as opposed to being held by MiWay; and
- Records held by MiWay pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

Each request will be evaluated on its own merits. If any record falls within any of the categories of exemptions, then such a request will be refused.

11. DECISION MAKING PROCESS

The MiWay Information Office will request MiWay to take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the MiWay Information Office will cause notification to the requester be submitted by way of affidavit or affirmation, that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the request would otherwise have been granted.

The Information Office will within 30 days of receipt of a correctly completed request, notify the requester of the decision as to whether or not to grant the request.

Granted: the notification must state the applicable access fee (if any) required to be paid upon access, and that the requester has the right to lodge a complaint with the Information Regulator or lodge an application to court against the fee and provide the procedure to be followed should the requester wish to apply to court or lodge a complaint with the Information Regulator against the decision. The form of access in must also be disclosed in the notice. The notice should also state that the requester will be given access to the record after the expiry of the 30-day period unless a complaint to the Information Regulator or an application with a court is lodged within that period.

Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and that the requester has the right to lodge a complaint with the Information Regulator or lodge an application to court against the refusal and provide the procedure to be followed should the requester wish to apply to court or lodge a complaint with the Information Regulator against the decision

The Information Office may extend the period of 30 days by a further period not exceeding 30 days if:

- the request is for a large number of records or requires a search through a large number of records;
- the request requires a search for records located in a different office of MiWay not situated in the same city;
- consultation between divisions of MiWay Limited, or with another private body is required; or
- the requester consents to the extension.

The requester must be notified within the initial 30-day period in writing of the extension, together with reasons therefor, and that the requester may lodge a complaint with the Information Regulator or lodge an application to Court against the extension and the procedure to be followed.

The MiWay Information Office's failure to respond to the requester within the 30-day period constitutes a deemed refusal of the request.

The MiWay Information Office may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably require by the requester, or if the requester has not identified a preference, in a form reasonably determined by the MiWay Information Office.

12. THIRD PARTIES

If the request is for a record pertaining to a third party, the MiWay Information Office must cause all reasonable steps to be taken to inform that third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be in the fastest means reasonably possible, but if orally, it must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representation to MiWay as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken.

On whether to grant or decline the request and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

13. GROUNDS FOR REFUSAL OF A REQUEST

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

The Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requesters. This includes the personal information of deceased persons. However, Section 63(2) of the Act does provide exceptions to this.

A request must be refused if it relates to records containing third party information pertaining to:

- trade secrets;
- financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
- information, supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

A request for access to a record held MiWay must be refused if disclosure could reasonably be expected to:

- endanger the life or physical safety of an individual;
- prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property.

MiWay may also refuse a request for access to information that would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

A refusal of a request is mandatory if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

Access to records containing information about MiWay itself is not mandatory, but rather discretionary. MiWay may refuse access to a record if the record:

- contains trade secrets of MiWay;
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of MiWay;
- contains information which, if disclosed, could reasonably be expected to put MiWay at a disadvantage in contractual or other negotiations, or prejudice MiWay in commercial competition; or consists of a computer program owned by MiWay.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

The disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage is prohibited. Disclosure is discretionary if such research pertains MiWay itself.

Notwithstanding any of the above-mentioned provisions, a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- if the public interest in the disclosure clearly outweighs the harm.

14. RIGHTS TO APPEAL

A requester that is dissatisfied with the refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the decision;
- requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or an order as to costs.

15. PROCESSING OF PERSONAL INFORMATION

15.1. Purpose of Processing Personal Information

MiWay must collect and use information, including personal information as defined in the Protection of Personal Information Act, to the extent that it is necessary to properly perform the functions, obligations and duties and its obligations towards data subjects and as a financial firm.

15.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

MiWay processes personal information of the following data subject categories:

- Employees and job applicants
- Third party suppliers
- Regulatory bodies
- Business partners with whom MiWay has a business arrangement
- Policyholders

The following categories of personal information are processed to fulfil the functions:

1. First name	GENERAL IDENTIFICATION INFORMATION
2. Middle name	
3. Last name	
4. Initials	
5. If disclosure of the name itself would reveal information about the person.	

6. E-mail address	GENERAL CONTACT DETAILS
7. Physical address	
8. Telephone number	
9. Location information	
10. Online identifier	
11. Any identifying number	ID/PASSPORT NUMBER/POLICY NUMBER/ SHAREHOLDER NUMBER/DATE OF BIRTH/PAY CODE
12. Identifying symbol	
13. Other particular assignment to a person	
14. The name of the person if it appears with other personal information relating to the person	
15. Birth of the person	
16. Age	
17. Personal opinions	VIEWS, ASSESSMENTS, OPINIONS, RECOMMENDATIONS
18. Personal views	
19. Personal preferences	
20. Views/opinions of/another individual about a person	
21. Beliefs/philosophical beliefs	
22. Conscience	
23. Political persuasion	
24. Marital status	MARITAL STATUS
25. Financial history	FINANCIAL HISTORY
26. Employment history	EMPLOYMENT HISTORY
27. Correspondence sent of a private or confidential nature	CORRESPONDENCE SENT OF A PRIVATE OR CONFIDENTIAL NATURE
28. Medical history	MEDICAL INFORMATION
29. Physical health	
30. Mental health	
31. Well-being	
32. Disability	
33. Blood type	
34. Pregnancy	
35. Race/Colour	GENDER/ETHNICITY/NATIONALITY
36. Gender	
37. Nationality	
38. Ethnic origin	
39. Social origin	

40. Criminal history	CRIMINAL HISTORY
41. Culture	LANGUAGE/EDUCATION/CULTURE/ RELIGION
42. Language	
43. Education	
44. Religion	
45. Sex life	SEX ORIENTATION/LIFE
46. Sexual orientation	
47. Trade union membership	TRADE UNION MEMBERSHIP
48. Biometric information	BIOMETRIC INFORMATION

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, marital status, employment status and bank details
Service Providers	Name, registration number, vat numbers, address, and bank details
Employees	Identity numbers, address, qualifications, gender and race
Visitors	Phone number, vehicle information, name and surname

15.3. The recipients or categories of recipients to whom the personal information may be supplied

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
Identity number, names, contact details, qualifications, for qualification verifications	Verification Authority
Identity number, names, contact details, qualifications, for	Educational Institutions
Credit and payment history, for credit information	Credit Bureaus

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks, credit checks, qualification checks, address, contact details	Authorities
Identity number, names, address, contact details, bank details	South African Revenue Services

16. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

Further processing and storage may require that MiWay send personal information to service providers outside of the Republic of South Africa. MiWay will not send your information to a country that does not have information protection legislation similar to that of the RSA, unless we have ensured that the recipient agrees to effectively adhere to the principles for processing of information in accordance with the Protection of Personal Information Act No 4 of 2013. Where appropriate, we request the third parties with whom we share information, to take adequate measures and comply with applicable data protection laws and protect the information we are disclosing to them. We do this through contractual arrangements with these third parties. We also take internal measures to ensure that the third parties we appoint have appropriate measures to protect the information we provide to them.

17. INFORMATION SECURITY MEASURES

General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

MiWay employs security controls, electronic and physical that are designed to maintain confidentiality, prevent loss of unauthorized access and damage to information by unauthorised parties. MiWay’s cyber security strategy is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation

18. REMEDIES FOR DATA SUBJECTS

Data subjects have the following remedies where there’s interference with the protection of their personal information by MiWay:

- Lodge a complaint with MiWay at complaints@miway.co.za, or lodge the complaint with the Information Office at Informationofficer@miway.co.za and where unsatisfied, lodge the complaint with the Information Regulator in the prescribed manner and form.
- Institute civil action for damages in a court having jurisdiction.

19. AVAILABILITY OF THE MANUAL

8.1 A copy of the Manual is available-

8.1.1 on the MiWay website www.miway.co.za

8.1.2 at the MiWay head office for public inspection during normal business hours;

8.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

8.1.4 to the Information Regulator upon request.

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

20. UPDATING OF THE MANUAL

The MiWay Information Office will review this manual on a regular basis.

21. FORM 2 | REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

Address: _____

Email Address: _____

Fax number: _____

Mark with an “X”

- Request is made in my own name Request is made on behalf of another person.

PERSONAL INFORMATION			
Full names			
Identity number			
Capacity in which request is made (when made on behalf of another person)			
Postal address			
Street address			
E-mail address			
Contact numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable)			
Identity number			
Postal address			
Street address			
E-mail address			
Contact numbers	Tel. (B):		Facsimile
	Cellular		

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED
 If the provided space is inadequate, please continue on a separate page and attach it to this form.
 The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	
FEES	
a) A request fee must be paid before the request will be considered.	
b) You will be notified of the amount of the access fee to be paid.	
c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.	
d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester/person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by:	
(State rank, name and surname of Information Officer):	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

22. FORM 3 | OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

NOTE:

1. If your request is granted the
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.
 Reference number: _____
 To: _____
 Your request dated: _____ refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Your request has been approved/ denied for the following reasons:

1. Fees payable with regards to your request

Item	Cost per A4-size page or part thereof/item	Number of pages/ items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive			
– To be provided by requestor	R40.00		
(ii) Compact disc			
– If provided by requestor	R40.00		
– If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced.		
Copy of visual images	Will depend on the quotation of the service provider		
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive			
– To be provided by requestor	R40.00		
(ii) Compact disc			
– If provided by requestor	R40.00		
– If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

2. Deposit payable (if search exceeds six hours)

Yes No

Hours of search	Amount of deposit (calculated on one third of total amount per request)
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The amount must be paid into the following Bank account:

Name of bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch code: _____

Reference number: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____