



The Promotion of Access to Information Act, 2 of 2000
Section 51 Manual for MiWay Insurance Ltd

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1. INTRODUCTION

This manual on access to information held by MiWay Insurance Ltd (“MiWay”) with registration number: 2007/026289/06, a registered Financial Services Provider, is compiled in terms of section 14 of the Promotion of Access to Information Act (hereafter referred to as “the Act”).

The objects of the Act is to give effect to 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; and to provide for matters connected therewith.

Where a request is made in terms of this Act, the public or private body to whom the request is made needs to make swift, inexpensive and effortless access available or release the information, except where the Act expressly provides that the information must not or need not be released.

2. CONTACT DETAILS

The following contact details can be used to obtain information from MiWay in accordance with the Act and this Manual.

MiWay conducts its business from a centralised office situated in Midrand, Gauteng.

Information Officer/CEO : Mr René Otto
Phone : 0860 64 64 00
Fax : + 27 (11) 990 0001
E-mail : info@miway.co.za
Website : www.miway.co.za
Postal Address : PostNet Suite #382
Private Bag x121
Halfway House
1685
Physical Address : 338 16th Road
Randjiespark
Midrand
1682

3. HUMAN RIGHTS COMMISSION GUIDELINE

In terms of section 10 of the Act the South African Human Rights Commission (SAHRC) is responsible for developing a guide containing a description of the aims of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act. The guide is intended to assist users in the interpretation of the Act and is available at the offices of the SAHRC.

Contact details of the SAHRC:

Postal Address : Private Bag X2700
Houghton
2041

Phone : + 27 (11) 484 8300

Fax : + 27 (11) 484 1360

E-mail : PAIA@sahrc.org.za

Website : www.sahrc.org.za

4. WHO MAY REQUEST INFORMATION

Any person may request access to information from MiWay, in terms of section 50(1) of the Act, provided that:

- The record is required for the exercise or protection of any rights;
- The requestor complies with the procedural requirements defined in the Act relating to a request for access to that record;
- Access to the record is not refused in terms of any ground for refusal contemplated in the Act.

5. CATEGORIES OF RECORDS

All information held by MiWay is classified and grouped according to records relating to the following subjects and categories:

5.1 Personnel Records

Records which contain information of employees that include:

- Any personal records provided to MiWay by the employee/personnel
- Any records a third party has provided MiWay about its personnel
- Conditions of employment and other employee-related contractual and *quasi-legal* records

5.2 Client related Records

Records which contain information of clients (any natural or juristic entity) that receive a service from MiWay that include:

- Any records a client has provided to MiWay or to a third party acting for and on behalf of MiWay
- Any records a third party has provided to MiWay
- Records generated by or within MiWay pertaining to its clients

5.3 MiWay Records

Records that include, but are not limited to, information relating to:

- Annual Financial reports
- Operations (sales, client services and claims)
- Databases
- Product, policy documentation and conditions
- Marketing
- Newsletters
- Information technology
- Internal policies and procedures

Each request will be evaluated on its own merits and should a request be made for records that fall under any of the categories of exemption, such a request will be refused.

5.4 Other Party Records

Records pertaining to other parties held by MiWay or vice versa. Other parties include, but are not limited to suppliers, service providers and subsidiary/holding/sister companies.

6. ACCESS TO A RECORD

6.1 Prescribed Access Form

Any person who wishes to request information from MiWay with the aim of protecting or exercising a right may contact the information officer as described under **point 3** above. In order for the request to be entertained the request must be received by the information officer on the prescribed form. The prescribed time periods will not commence until all pertinent information has been furnished to MiWay by the requestor. Refer to [Annexure A](#) to this manual for the format of the prescribed form.

6.2 Prescribed Fee

In terms of section 54 of the Act, unless it is a personal request, a **request fee** will be levied as prescribed before any further processing is made. A personal request means a requestor seeking access to a record containing personal information that concerns them.

An **access fee** is payable by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for the record and preparing it for delivery to the requestor.

MiWay may require a **deposit** from the requestor, unless it is a personal requestor, in cases where searching for the record exceeds 6 hours. The deposit will represent one third of the access fee that would be payable if the request is granted. If the request is denied/ declined the deposit must be repaid to the requestor.

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

6.3 Request Procedure

The following is the basic procedure to be followed when requesting a record:

- MiWay will only process your application if it is received on the prescribed form. Please refer to point 7.1 above.
- The prescribed form must be completed providing as much detail as possible and all attachments/additional folios attached to the form must be signed by the requestor.
- When completing the form:
 - Provide full personal and contact details.
 - If acting on behalf of another person state in what capacity, for example, legal guardian, next of kin etc. Note that proof of capacity must be attached.
 - If making the request on behalf of another person, you must provide that persons full names and identity number.
 - Provide a detailed description of the record required providing any reference numbers if possible.
 - Mark with an (X) the appropriate record type option as provided on the form i.e., written, visual, audio or data that is require.
 - The “right” to be exercised or protected by the requestor must be detailed as well as the reason for exercising or protecting this right.
 - The form must be dated and signed in the places provided for this purpose.
- If the request is for a record other than a record containing personal information about the requestor, then prescribed fees are payable. Refer to point 7.2 above. Should the requestor qualify for exemption full details must be provided.
- If the requestor, due to a disability, is unable to read, view or listen to the record requested, details of the disability needs to be provided. The requestor further needs to supply details in what form the record needs to be supplied.
- Once the application form is completed it must be posted to, the Information Officer at the address given on the form or, faxed/delivered to the offices of MiWay as provided under point 3 above.
- On receipt the application, the Information Officer at MiWay will make a decision based on the information provided.
- The requestor will receive a written notification based on the decision made and advising them further.

6.4 Grounds for refusal of access of records

MiWay reserves its right to refuse and or grant access to records in accordance with the sections and subsections of Chapter 4 of the Act.

The grounds upon which MiWay could refuse access to records are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, where the requested record/s contain:
 - Trade secrets of that third party;
 - Financial, commercial, scientific or technical information, the disclosure of which would cause harm to the financial or commercial interests of that third party;
 - Information disclosed in confidence by a third party to the institution, if the disclosure of such information 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 are regarded as privileged in legal proceedings;
- The commercial activities of MiWay, which include:
 - Trade secrets;
 - Financial, commercial, scientific or technical information, the disclosure of which would harm the financial or commercial interests of MiWay;
 - Information which, if disclosed, could put MiWay at a disadvantage in negotiations or commercial competition;
 - Computer programs and related information technology software owned by MiWay and protected by copyright.
- Research information compiled by MiWay or a third party, if its disclosure would place the research at a serious disadvantage.

6.5 Records that cannot be found or do not exist

In terms of section 55 of the Act, MiWay will after all reasonable steps have been taken to find the record requested notify the requester as prescribed by affidavit or affirmation should the record not be found or, does not exist.

7. DECISION ON REQUEST AND NOTICE THEREOF

In terms of section 56 of the Act, MiWay will notify the requestor as soon as possible within 30 days of receipt of a correctly completed request of the decision as to whether or not to grant the request.

The 30 day period within which the Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is made for a large amount of information, or the request requires a search for information held at another office and the information cannot reasonably be obtained within the original 30 day period.

8. THIRD PARTY NOTIFICATION AND INTERVENTION

If the request is for a record pertaining to third parties, the information officer must take all reasonable steps to notify the relevant third party of the request. This must be done within 21 days of receipt of the request. The third party may within 21 days thereafter either makes representation to MiWay as to why the request should be refused; alternatively grant written consent to the disclosure of the record.

9. RIGHTS OF APPEAL

A requestor that is dissatisfied with the information officer's 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 information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

10. AVAILABILITY OF THE MANUAL

Copies of this manual, prescribed forms and fees payable can be obtained from MiWay's office and website www.miway.co.za.

11. RELATED COMPANIES

MiWay Group Holdings (Pty) Ltd ("MiWay Group") with registration number 2007/017976/07 holds a 100% ownership interest in both MiWay and MiAdmin (Pty) Ltd ("MiAdmin") with registration number 2009/003158/07. Both MiWay Group and MiAdmin are exempted, until 31 December 2015, from complying with Section 51(1) of the Act in terms of GG 34914, Notice No. 1091: Promotion of Access to Information Act, 2000 (Act No.2 of 2000): Exemption of Certain Private Bodies from compiling manual, published on 30 December 2011.

ANNEXURE A

REQUEST FOR ACCESS TO A RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2 of 2000)

The Information Officer

MiWay Insurance Ltd
PostNet Suite No 382
Private Bag X121
Halfway House
1685

REQUEST DETAILS

A. Particulars of person requesting access to the record

Full names and surname		
Identity Number		
Postal Address		
	Postal code	
Fax Number		
Telephone Number		
E-mail Address		
Capacity in which request is made, when made on behalf of another person		
<i>(Proof of the capacity in which the request is made, if applicable, must be attached.)</i>		

B. 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	

C. 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 additional folios.*

Description of record or relevant part of the record	
Reference Number (if available)	
Any further particulars of record	

D. Fees

- a) *A request for access to a record, other than a record containing personal information about you, will be processed only after a request fee has been paid.*
- b) *You will be notified of the amount to be paid as a request fee.*
- c) *The fee payable for access to a record depends on the form in which access is required and the time reasonably 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 for exemption from payment of fees (if applicable)

E. 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) *Compliance with your request in the specified form may depend 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 requested.*

(Mark the appropriate box with an X)

If the record is in written or printed form			
Copy of record*	<input type="checkbox"/>	Inspection of record	<input type="checkbox"/>
If the record consists of visual images			
View the images	<input type="checkbox"/>	Copy of images*	<input type="checkbox"/>
If the record consists of recorded words or information which can be reproduced in sound			
Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written/printed document)	<input type="checkbox"/>
If the record is held on computer or in an electronic or machine-readable form			
Printed copy of record*	<input type="checkbox"/>	Printed copy of information from the record*	<input type="checkbox"/>
		Copy in computer readable form* (compact disc)	<input type="checkbox"/>

*If you requested a copy or transcription of a record, do you wish the copy or transcription to be posted to you? If yes, postage is payable.	<input type="checkbox"/> Y	<input type="checkbox"/> N
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F. Particulars of right to be exercised or protected

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

Indicate which right is to be exercised or protected
Explain why the record requested is required for the exercise or protection of the said right

G. 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 advised 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 _____ on this _____ day of _____ 20____

.....
SIGNATURE OF REQUESTER / PERSON ON BEHALF OF REQUESTER

ANNEXURE B

TABLE OF FEES IN RESPECT OF PRIVATE BODIES

Ref	Charges	Cost
1.	Electronic PDF copy of the Manual	Free
2.	Posted Paper Copy of the Manual	R 15.00
3.	Request Fee (Other than a personal requestor)	R 50.00
4.	Access Fee: Electronic Record Format: A4 per page	R 00.75
	Reproduce: Electronic Record Format: A4 per page	R 00.75
5.	Access Fee: Photocopy Record Format: A4 per page	R 1.10
	Reproduce: Photocopy Record Format: A4 per page	R 1.10
6.	Access Fee:	R 70.00
	Record on Compact Disc	R 70.00
7.	Access Fee: Transcription of Visual Images: A4 page	R 40.00
	Reproduce: Transcription of Visual Images: A4 page	R 40.00
8.	Access Fee: Copy of Visual Images	R 60.00
	Reproduce: Copy of Visual Images	R 60.00
9.	Access Fee: Transcription of Audio record: A4 page	R 20.00
	Reproduce: Transcription of Audio record: A4 page	R 20.00
10.	Access Fee: Copy of Audio record	R 30.00
	Reproduce: Copy of Audio record	R 30.00