



**THE PROMOTION OF ACCESS TO INFORMATION ACT
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 licensed non-life insurer and Financial Services Provider, is compiled in terms of section 51 of the Promotion of Access to Information Act (hereafter referred to as “the Act”).

The object 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 the 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 its offices situated in Kosmosdal and Braampark, Gauteng.

Information Officer: Joseph Makgopa **Deputy Information Officer:** Janes Du Toit

Phone	0860 64 64 64	E-mail	Informationofficer@miway.co.za
Fax	+ 27 (11) 990 0001	Website	www.miway.co.za
Postal Address	PostNet Suite # 382 Private Bag x121 Halfway House 1685	Physical Address	48 Sterling Road Samrand Business Park Kosmosdal Ext 12 0197

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 the Act 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:

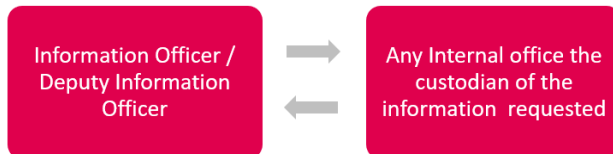
Phone	+ 27 (11) 877 3600	E-mail	PAIA@sahrc.org.za
Fax	+ 27 (11) 403 0668	Website	www.sahrc.org.za
Postal Address	Private Bag X2700 Houghton 2041	Physical Address	Braampark Forum 3 33 Hoofd Street Braamfontein Johannesburg 2017

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; and
- Access to the record is not refused in terms of any ground for refusal contemplated in the Act.

Requests will go through the following internal review process:



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
- Internal evaluation records
- Other internal records and correspondence related to the particular employee

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 including transactional records

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

This relates to 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. 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.

5.5 Records available in terms of other legislation

The requester may also request information relating to personnel in terms of the following legislation:

- Basic Conditions of Employment Act (Act No. 75 of 1997)
- Compensation for Occupational Injuries & Diseases Act (Act No. 130 of 1993)
- Employment Equity Act (Act No. 55 of 1998)
- Labour Relations Act (Act No. 66 of 1995)
- 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)
- South African Qualifications Authority act (58 of 1995)

Records relating to company reporting and Company related records, as far as is allowed, may be requested in terms of the following legislation:

- Companies Act (Act No. 61 of 1973)
- Insurance Act(Act No.18 of 2017)
- Financial Markets Control Act (55 of 1989)
- Financial Sector Regulations (9 of 2017)

Records relating to tax, employees and the company may be requested in terms of the

legislation below:

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

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 or Deputy Information Officer as described under **para 2** above. In order for the request to be processed, same must be received by the Information Officer/deputy 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 and applicable requirements. It is imperative for the requestor to ensure to furnish the information required as stated on 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.

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.

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. MiWay may withhold a record until the request fee has 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 Paragraph 6.1 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

- person's 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 required.
- 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 Paragraph 6.2 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 or emailed to, the Information Officer at the address given on the form or, faxed/delivered to the offices of MiWay as provided under point 2 above.
- On receipt of 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 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. This includes personal information of deceased persons.
- 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 of which such disclosure will constitute a breach.
- Mandatory protection of the safety of individuals and the protection of 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;
- Mandatory protection of records which are regarded as privileged in legal proceedings, unless the person entitled to the privilege has waived the privilege;

- 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 reasonably 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.

- Should the request be granted by the information officer: 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, submitted together with the completed form of access, 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 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.
- Should the request be 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 the court or lodge a complaint with the Information Regulator against the decision.

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 make representation to MiWay as to why the request should be refused, alternatively furnish a written consent granting the disclosure of the record. The third party must be advised of the decision taken regarding the request and must be advised of his/her right to appeal against the decision by way of an application to court within 30 days after the notice thereof.

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.

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.

10. AVAILABILITY OF THE MANUAL

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

11. RELATED COMPANIES

MiWay Group Holdings (Pty) Ltd ("MiWay Group") with registration number 2007/017976/07 holds a 100% ownership interest in MiWay, MiAdmin (Pty) Ltd with registration number 2009/003158/07 and X'S Sure (Pty) Ltd with registration number 2005/018707/07.

12. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013

12.1 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.

12.2 MiWay processes Personal Information of the following data subject categories:

12.2.1 Employees and job applications

12.2.2 Third Party Suppliers

12.2.3 Regulatory bodies

12.2.4 Business Partners with whom MiWay has business agreement

12.2.5 Policyholders

12.2.6 Guests and Visitors to its premises.

12.3 The following categories of personal information are processed to fulfil the functions (as may be applicable subject to each data subject categories).

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 (for persal premium payment purposes if applicable)
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	Marital status
19. Risk Information	
24. 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 (subject to applicable services)
28. Medical history (for non-insurance services)	Medical Information <u>(for non-insurance services)</u>
29. Physical health (for non-insurance services)	
30. Mental health <u>(for non-insurance services)</u>	
31. Well-being <u>(for non-insurance services)</u>	
32. Disability <u>(for non-insurance services)</u>	
33. Blood type <u>(for non-insurance services)</u>	
34. Pregnancy <u>(for non-insurance services)</u>	
35. Race / Colour <u>(for non-insurance services)</u>	Gender / Ethnicity / Nationality
36. Gender	
37. Nationality	Criminal history
40. Criminal history <u>(for non-insurance services)</u>	
41. Culture <u>(for non-insurance services)</u>	
42. Language preference	
43. Education <u>(for non-insurance services)</u>	

48. Biometric information (for non-insurance services)

Biometric information (for non-insurance services)

- 12.4 Where appropriate, we request the third parties with whom MiWay share information with, to take adequate measures and comply with applicable data protection laws and protect the information MiWay is disclosing to them. MiWay do this through contractual arrangements with these third parties. MiWay also take internal measures to ensure that the third parties it appoint have appropriate measures to protect the information MiWay provide to them.
- 12.5 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. The cyber security strategy of MiWay is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation.

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 # 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 made to pay a fee for reproduction.*

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:

- Compliance with your request in the specified form may depend on the form in which the record is available.*
- 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.*
- 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*		Inspection of record		
If the record consists of visual images				
View the images		Copy of images*		Transcription of images*
If the record consists of recorded words or information which can be reproduced in sound				
Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written/printed document)		
If the record is held on computer or in an electronic or machine-readable form				
Printed copy of record*		Printed copy of information from the record*		Copy in computer readable form* (compact disc)

*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.

Y

N

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 0.75
	Reproduce: Electronic Record Format: A4 per page	R 0.75
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