



COMMRISK

Insurance Brokers

**PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)
MANUAL
FOR COMMRISK INSURANCE BROKERS (PTY) LTD,
ITS SUBSIDIARIES AND ASSOCIATED GROUP COMPANIES**

[VERSION 2021_11]

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000 (AS AMENDED)

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1. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

This Manual is compiled in terms of the Promotion of Access to Information Act, No 2 of 2000 (PAIA). It gives effect to the Constitutional right of everyone to access information held by public and private bodies when this information is required to exercise a right or to protect a right. Any person who wishes to request any information from Commrisk Insurance Brokers in order to protect or exercise a right may contact the **Information Officer** using the following contact details:

Information Officer	Peter Gerard van Niekerk
Telephone number	011 840 7000
Email address	info@commrisk.co.za
Website	www.commrisk.co.za
Physical address	Block A – Fourways View Office Park Corner 1210 Sunset Boulevard & Sunrise Avenue Lonehill Ext 44, Johannesburg 2191
Postal address	P O Box 254 Pinegowrie 2123

Prescribed Access Form

A request for access to a record of Commrisk Insurance Brokers must be made on the prescribed form to Commrisk Insurance Brokers at the address, fax or email address provided above. See *Annexure A* for the prescribed form.

Requesters must:

- 1.1 provide sufficient particulars to enable the Information Officer to identify the record/s requested and must indicate who the requester is;
- 1.2 indicate which form of access is required;
- 1.3 specify a postal address or fax number of the requester in the Republic of South Africa;
- 1.4 identify the right exercised or to be protected and why the record is required to protect or exercise the right;
- 1.5 in instances where they need to be informed of the decision on the request in any other manner, state the manner and particulars to be so informed; and
- 1.6 if the request is made on behalf of a person, submit proof of their capacity to do so to the Information Officer's satisfaction.

2. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

The Guide was compiled by the **South African Human Rights Commission** whose responsibilities were taken over by the **Information Regulator** to assist people to access records and exercise their right to information.

The Guide is available in all South African official languages, free of charge, and any person may request a copy of the Guide from the Information Regulator using the contact details below.

Information Regulator	Mmamoreke Mphelo
Email address 1 (general enquiries)	enquiries@infoeregulator.org.za
Email address 2 (PAIA complaints)	PAIAComplaints@infoeregulator.org.za
Email address 3 (POPIA complaints)	POPIAComplaints@infoeregulator.org.za
Website	https://www.justice.gov.za/infoereg/index.html
Physical address	JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Postal address	P O Box 31533 Braamfontein Johannesburg 2017

3. TYPES OF RECORDS HELD BY COMMRIK INSURANCE BROKERS

Requests for access to documents held by Commrisk Insurance Brokers will be in accordance with the Act. The following records are available to the requester from Commrisk Insurance Brokers:

3.1 Human Resources records

These include, but are not limited to the following:

- 3.1.1 any personal records provided to Commrisk Insurance Brokers by their personnel;
- 3.1.2 any records a third-party has provided to Commrisk Insurance Brokers about any of their personnel;
- 3.1.3 conditions of employment and other personnel-related contractual and quasi-legal records;
- 3.1.4 internal evaluation records; and
- 3.1.5 other internal records and correspondence.

3.2 Customer-related records

A customer includes any natural or juristic entity who receives services from Commrisk Insurance Brokers.

Customer-related information includes, but is not limited to the following:

- 3.2.1 any records a customer has provided to a third-party acting for and on behalf of Commrisk Insurance Brokers;
- 3.2.2 any records a third-party has provided to Commrisk Insurance Brokers; and
- 3.2.3 records generated by or within Commrisk Insurance Brokers pertaining to the customer, including transactional records.

3.3 Financial, IT and Operational records

These include, but are not limited to the following:

- 3.3.1 financial records;
- 3.3.2 operational records;
- 3.3.3 information technology;
- 3.3.4 marketing records;
- 3.3.5 internal correspondence;
- 3.3.6 product records;
- 3.3.7 statutory records;
- 3.3.8 internal policies and procedures;
- 3.3.9 treasury-related records;
- 3.3.10 securities and equities; and
- 3.3.11 records held by officials of Commrisk Insurance Brokers.

3.4 Other parties

Commrisk Insurance Brokers may possess records pertaining to other parties including but not limited to contractors, suppliers, subsidiary/holding companies, joint venture companies and service providers.

Alternatively, such other parties may possess records that can be said to belong to Commrisk Insurance Brokers. The following records fall into this category:

- 3.4.1 personnel, customer or Commrisk Insurance Brokers' records that are held by another party as opposed to being held by Commrisk Insurance Brokers; and
- 3.4.2 records held by Commrisk Insurance Brokers pertaining to other parties, including but not limited to financial records, correspondence, contractual records, records provided by other parties, and records third parties have provided about contractors/suppliers.

For information regarding the Commrisk records retention periods, please see *Annexure C* at the end of this manual.

4. INFORMATION REQUEST PROCEDURE

- 4.1 A request for access to a record must be made in writing on the prescribed *Annexure A* which is attached to this manual.
- 4.2 The request must be addressed to the Information Officer whose contact details appear above.
- 4.3 The request must contain the full name and contact details of the requester and sufficient details to enable Commrisk Insurance Brokers to identify the record requested. The requester must also indicate the format in which access to the record is requested.
- 4.4 Where the request is made on behalf of another person, the requester must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requester is making the request, to the satisfaction of the Information Officer.

5. PAYMENT OF FEES

- 5.1 The requester must complete the prescribed form to request access to a record and send it to the email address or postal or physical address provided in section 1, marked for the attention of the Information Officer.
- 5.2 The Information Officer will notify the requester of the prescribed fee payable (if any), before further processing the request. A list of the prescribed fees is attached on Annexure B.
- 5.3 Once a completed form and the prescribed request fee have been received, the Information Officer will then coordinate various processes within Commrisk Insurance Brokers to obtain the record/s.

Such processes will include, but are not limited to:

- 5.3.1 liaising with the requester for more details, if necessary;
- 5.3.2 deciding whether or not to grant access to the record under PAIA;
- 5.3.3 communicating with the requester about the outcome of the request;
- 5.3.4 providing copies of the record/s where the request has been granted and finalised

6. RIGHT OF ACCESS

The Information Officer may only provide access to a record held by Commrisk Insurance Brokers if:

- 6.1 the record is required for the exercise or protection of any rights; and
- 6.2 the requester has complied with the procedural requirements to request access to that record; and
- 6.3 access to that record is not refused in terms of any grounds for refusal.

7. GROUNDS FOR REFUSAL

The Information Officer may refuse to grant access to a record on the following grounds:

- 7.1 Protection of the privacy of a third-party who is a natural person.
- 7.2 Protection of commercial information of a private body or third-party.
- 7.3 Protection of certain confidential information of a third-party
- 7.4 Protection of the safety of individuals and property.
- 7.5 Protection of information in legal proceedings.
- 7.6 Protection of research information.

Where a request for access has been denied, Commrisk Insurance Brokers will advise the requester of the reason for refusal of access.

8. RECORDS THAT DO NOT EXIST OR CANNOT BE FOUND

In the event that the requested record does not exist or cannot be found (after all reasonable steps have been taken to find it), the requester will be notified by affirmation by the Information Officer.

9. AVAILABILITY OF THE MANUAL

The manual is available for inspection at the office of Commrisk Insurance Brokers and on the company website.

Annexure A (Form C)

Request For Access to A Record/s of a Private Body

Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
[Regulation 10]

A. PARTICULARS OF PRIVATE BODY

Information Officer	Peter Gerard van Niekerk
Telephone number	011 840 7000
Email address	info@commrisk.co.za
Website	www.commrisk.co.za
Physical address	Block A – Fourways View Office Park Corner 1210 Sunset Boulevard & Sunrise Avenue Lonehill Ext 44, Johannesburg 2191
Postal address	P O Box 254 Pinegowrie 2123

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- i. The particulars of the person who requests access to the record must be given below.
- ii. The postal address/fax number (in the Republic of South Africa) or email address to which the information is to be sent must be given.
- iii. Proof of the capacity in which the request is made, if applicable, must be attached.

Full name/s and surname	
ID/Passport number	
Postal address	
Telephone/Cellphone number	
Fax number	
Email 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 of behalf of another person.

Full name/s and surname	
ID/Passport number	

D. PARTICULARS OF RECORD

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

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

E. FEES

- i. A request for access for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- ii. You will be notified of the amount required to be paid as the request fee.
- iii. 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.
- iv. If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for hereunder, state your disability and indicate in which form the record is required.

Disability	Form in which access is required

Mark the appropriate box with an "X":

- i. Your indication as to the required form of access depends on the form in which the record is available.
- ii. Access in the form requested may be refused in certain circumstances. In such a case you will be informed whether access will be granted in another form.
- iii. The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
2. If the consists of visual images (photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	View the image/s	<input type="checkbox"/>	Copy of the image/s*
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the image/s
3. If record consists of recorded words or information that can be reproduced in sound:			
<input type="checkbox"/>	Listen to soundtrack (audio)	<input type="checkbox"/>	Transcription of soundtrack* (written doc)
4. If record is held on computer			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable format*

**If the requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?*

Postage will be payable	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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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.

Indicate which right is to be exercised or protected:
Explain why the requested record is required for the exercising 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 or denied. If you wish to be informed thereof 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 WHOSE BEHALF REQUEST IS MADE:

Annexure B

Prescribed Fees for Requesting and Accessing Records

1. Request Fees

Where a requester submits a request for access to information held by Commrisk Insurance Brokers and/or its subsidiaries and associated group companies on a person other than the requester himself/herself, a request fee amounting to R50.00 is payable up-front before the request can be processed further.

2. Access Fees

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

The applicable access fees which will be payable are:

Description	Amount
For every photocopy of an A4 size page or part thereof	R1.10
For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on: <ul style="list-style-type: none">• Stiffy disc• Compact disc	R7.50 R70.00
For a transcription of visual images, for an A4 size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4 size page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for and prepare the record for a disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

3. Deposits

In instances where Commrisk Insurance Brokers receives a request for access to information other than personal information and the Information Officer is of the opinion that the preparation of the required record/s for disclosure will take more than six (6) hours, a deposit will be payable by the requester.

The deposit will be equal to one-third of the amount of the applicable access fee. Should the request be refused, the deposit will be refunded to the requester.

4. Application to waive request fee and deposit

The requester may lodge an application with a court against payment of the request fee and deposit if they believe that the request fee and/or deposit is not required.

5. Postage

The actual postage fee is payable when a copy of a record must be posted to a requester.

Annexure C

Selected “Retention of Records” Time Periods

Commrisk Insurance Brokers retains different documents for different time periods as prescribed by various pieces of legislation. This annexure is therefore not exhaustive but refers to general legislation with an impact on documents which Commrisk Insurance Brokers is obliged to retain.

In instances where the same information is subject to more than one piece of legislation with different retention periods, Commrisk Insurance Brokers will adhere to the longer period.

1. Basic Conditions of Employment Act, No. 75 of 1997

Document	Retention period
Written particulars of employee must be kept after termination of employment	3 years after the termination of employment.
Employee's name and occupation	3 years from the date of the last entry in the record.
Time worked by each employee	
Remuneration paid to each employee	
Date of birth of any employee under 18 years of age	
Any other prescribed information	

2. Companies Act, No. 71 of 2008

Document	Retention period
General rule for company records: Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act and other public regulation	7 years or longer (as specified in other public regulation)
Notice of Incorporation (Registration certificate)	Indefinite
Memorandum of Incorporation and alterations or amendments	Indefinite
Rules	Indefinite
Register of company secretary and auditors	Indefinite
Notice and minutes of all shareholders meeting including: <ul style="list-style-type: none">Resolutions adoptedDocument made available to holders of securities	7 years
Copies of reports presented at the annual general meeting of the company	7 years
Copies of annual financial statements required by the Act	7 years
Copies of accounting records as required by the Act	7 years
Record of directors and past directors, after the director has retired from the company	7 years
Written communication to holders of securities	7 years
Minutes and resolutions of directors' meetings, audit committee and directors' committees	7 years
Securities register and uncertificated securities register	Indefinite

3. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

Document	Retention period
A register or other record of the earnings and other prescribed particulars of all the employees	4 years after the date of the last entry in that register or record

4. Consumer Protection Act, No. 68 of 2008

Document	Retention period
Information provided to a consumer by an intermediary: <ul style="list-style-type: none">▪ Full names, addresses and contact details▪ ID/registration number▪ Public Officer contact details in the case of a juristic person▪ Services rendered▪ Intermediary fees▪ Cost to be recovered from the consumer▪ Frequency of accounting to the consumer▪ Amounts, sums, values, charges fees or other remuneration	3 years
Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided	3 years
Record of advice furnished to the consumer reflecting the basis on which the advice was given	3 years
Written instruction sent by intermediary to the consumer	3 years

5. Electronic Communication and Transaction Act, No. 4 of 2013

Document	Retention period
Personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information	As long as information is used, and at least 1 year thereafter
A record of any third party to whom the information was disclosed must be kept for as long as the information is used	As long as information is used, and at least 1 year thereafter
All personal data which has become obsolete	Destroy

6. Financial Advisory and Intermediary Services Act, No. 37 of 2002

Document	Retention period
An authorised financial services provider must maintain the following records regarding: <ul style="list-style-type: none">▪ known premature cancellations of transactions or financial products by clients of the provider;▪ complaints received together with an indication whether or not any such complaint has been resolved;▪ the continued compliance with the requirements referred to in section 8;▪ cases of non-compliance with this Act, and the reasons for such non-compliance; and▪ the continued compliance by representatives with the requirements referred to in section 13(1) and (2).	5 years (except to the extent exempted by the registrar)

<p>Specific duties of provider</p> <p>A provider must have appropriate procedures and systems in place to:</p> <ul style="list-style-type: none"> ▪ record such verbal and written communications relating to a financial service rendered to a client as are contemplated in the Act, this Code or any other Code drafted in terms of section 15 of the Act; ▪ store and retrieve such records and any other material documentation relating to the client or financial service rendered to the client; and ▪ keep such client records and documentation safe from destruction. <p>All such records must be kept for a period after termination, to the knowledge of the provider, of the product concerned or, in any other case, after the rendering of the financial service concerned.</p> <p>Providers are not required to keep the records themselves but must ensure that they are available for inspection within seven days of the registrar's request.</p> <p>Records may be kept in an appropriate electronic or recorded format, which are accessible and readily reducible to written or printed form.</p>	5 years
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7. Income Tax Act. No. 58 of 1962

Document	Retention period
<p>In addition to the records required in section 29 of the TAA, in respect of each employee the employer shall keep a record showing:</p> <ul style="list-style-type: none"> ▪ amount of remuneration paid or due by him to the employee; ▪ the amount of employees' tax deducted or withheld from the remuneration paid or due; ▪ the income tax reference number of that employee; ▪ (d) any further prescribed information 	5 years from the date of submission of the return evidencing payment

8. Labour Relations Act, No. 66 of 1995

Document	Retention period
<p>Every employer must keep the records in their original form or a reproduced form that an employer is required to keep in compliance with any applicable:</p> <ul style="list-style-type: none"> ▪ collective agreement; ▪ arbitration award; ▪ determination made in terms of the Wage Act 	3 years from the date of the event or end of the period to which they relate
Employer must keep prescribed details of any strike, lock-out or protest action involving its employees	Indefinite
Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions	Indefinite

9. Occupational Health and Safety Act, No. 85 of 1993

Document	Retention period
A health and safety committee shall keep record of each recommendation made to an employer in terms of issues affecting the health of employees and of any report made to an inspector as contemplated in section 20(2) of the Act	3 years
Records of incidents reported at work (Annexure 1 of the General Administration Regulations, 2003)	3 years

10. Protection of Personal Information Act, No. 4 of 2013

The Act states that personal information must not be retained for any longer than is necessary to achieve the purpose for its collection. If there is no legal requirement to keep the information, it should be deleted. There is an obligation on the collector of the information to delete or remove it at a certain time.

11. Unemployment Insurance Act, No. 63 of 2002

Document	Retention period
Employers must maintain personal records of each of their current employees in terms of: <ul style="list-style-type: none">names;identification numbers;monthly remuneration; andaddress where the employee is employed	5 years from the date of submission of the return evidencing payment

12. Value Added Tax Act, No. 89 of 1991

Document	Retention period
Vendors are obliged to keep the following records: <ul style="list-style-type: none">record of all goods and services supplied by and to the vendor;the rate of tax applicable to the supply;tax invoices;credit notes;debit notes;bank statements;deposit slips;stock lists;paid cheques	5 years from the date of submission of the return evidencing payment