

**PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000  
SECTION 51 MANUAL FOR**

**Finrite Administrators (Pty) Ltd**  
2014/270128/07

**CONTENTS**

1. Contact Details .....	1
2. The section 10 Guide on how to use the Act.....	2
3. Categories of Records held by Finrite Administrators (Pty) Ltd.....	2
4. Records available in terms of other legislation .....	3
5. Request Procedure.....	3
6. Other information as may be prescribed [Section 51(1)(f)];.....	4
7. Availability of the manual [Section 51(3)] .....	4
Annexure A. Fees In Respect Of Private Bodies .....	5
Annexure B. Prescribed Form.....	6
D. Grounds for Refusal of Access to Records .....	9

**Introduction**

The Promotion of Access to Information Act, No.2 of 2000 (“the Act”), was enacted to give effect to the constitutional right of access to information [whether held by the State or by any other person] provided that the information is required for the exercise or protection of any right/s.

Finrite Administrators (Pty) Ltd is an Authorised Financial Services Provider (FSP46042) and provides intermediary services in Short Term, Long Term Insurance and Administration.

This manual for Finrite Administrators (Pty) Ltd is made available in terms of the Promotion of Access to Information Act.

**1. Contact Details**

Any person who wishes to request access to records with the intention of protecting or exercising a right in terms of the Act may contact the Information Officer, Karin Matthews, at;

<b>Postal Address :</b>	Po Box 22524 Helderkruijn 1733
<b>Physical Address :</b>	389C Ontdekkers Road Florida 1733
<b>Tel Number :</b>	011 375 1800
<b>Fax No :</b>	011 475 7682
<b>E-mail :</b>	karin@finrite.co.za

## 2. The section 10 Guide on how to use the Act

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

### **The South African Human Rights Commission:**

#### **PAIA Unit The Research and Documentation Department**

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 877 3600  
Fax: +27 11 4030625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## 3. Categories of Records held by Finrite Administrators (Pty) Ltd

### **a) Records relating to operational aspects of the business;**

- Financial records
- Operational records
- Regulatory Correspondence
- Statutory records
- Product records
- Internal correspondence
- Registrations and statutory authorisations
- Internal policies and procedures
- Records of contractual agreements between Finrite Administrators (Pty) Ltd and third parties
- Assets

### **b) Human Resources;**

- Personal records provided by employees to Finrite Administrators (Pty) Ltd
- Employment contracts and related contractual information
- Remuneration records
- Internal records and correspondence
- Training Records

### **c) Client Related Records;**

- Client records and correspondence provided to Finrite Administrators (Pty) Ltd by clients
- Records and correspondence generated by Finrite Administrators (Pty) Ltd relating to the administration of the policy including transactional records to clients
- Records and correspondence generated by Finrite Administrators (Pty) Ltd relating to the administration of the policy including transactional records to Product suppliers
- Records and correspondence provided by third parties to Finrite Administrators (Pty) Ltd
- Client correspondence

#### **4. Records available in terms of other legislation**

The requestor may also request information that is available in terms of legislation, such as the following;

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No 130 of 1993
- Consumer Protection Act No 68 of 2008
- Electronic Transactions and Communications Act 25 of 2002
- Employment Equity Act No 55 of 1998
- Financial Services Board Act No 97 of 1990
- Financial Advisory and Intermediary Services Act No 37 of 2002
- Financial Institutions (Protection of Funds) Act No 28 of 2001
- Financial Services Ombud Schemes Act No 37 of 2004
- Financial Intelligence Centre Act No 38 of 2001
- Income Tax Act No 95 of 1967
- Insurance Laws Amendment Act No 27 of 2008
- Labour Relations Act No. 66 of 1995
- Long Term Insurance Act No 52 of 1998
- Occupational Health & Safety Act No 85 of 1993
- Prevention of Organised Crime Act No 121 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act No 33 of 2004
- Protection of Personal Information Act No 4 of 2013
- Short Term Insurance Act No 53 of 1998
- Skills Development Levies Act No 9 of 1998
- Skills Development Act No 97 of 1999
- South African Qualifications Authority Act 58 of 1995
- Unemployment Contributions Act No 4 of 2002
- Unemployment Insurance Act No 63 of 2001
- Value Added Tax Act No 89 of 1991

#### **5. Request Procedure**

##### **Form of request:**

- The requestor must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)]. See annexure A
- The requestor must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].

- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

**Fees;**

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

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

**6. Other information as may be prescribed [Section 51(1)(f)];**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

**7. Availability of the manual [Section 51(3)]**

A copy of this manual is available free of charge at the offices of Finrite Administrators (Pty) Ltd and copies are available with the SAHRC at the addresses supplied above.

.....  
**Karin Matthews: Director**

**Attachments;**

1. Schedule of Fees
2. Requestor Form
3. Ground for Refusal

## **Annexure A. Fees In Respect Of Private Bodies**

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

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

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

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

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

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stifty disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

(2) For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

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

**Annexure B. Prescribed Form**

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF 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**

The Head: .....

**B. Particulars of person requesting access to the record**

- a) *The particulars of the person who requests access to the record must be given below.*  
b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*  
c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: .....

Identity number: .....

Postal address:.....

Fax number: .....

Telephone number:.....

E-mail address:.....

Capacity in which request is made, when made on behalf of another person:.....

**C. Particulars of person on whose behalf request is made**

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

Full names and surname: .....

Identity number: .....

**D. Particulars of record**

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

**1. Description of record or relevant part of the record:**

**2. Reference number, if available:**

**3. Any further particulars of record**

**E. Fees**

- a) *A request 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.*  
b) *You will be notified of the amount required to be paid as the request fee.*  
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 for exemption from payment of fees:

**F. Form of access to record**

<i>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.</i>	
Disability:	Form in which record is required:
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
<b>2. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of the soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
<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 form* (stiffy or compact disc)		
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

**G. Particulars of right to be exercised or protected**

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

**H. Notice of decision regarding request for access**

<i>You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.</i>
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How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... this..... day of .....20.....

SIGNATURE OF REQUESTER / PERSON  
ON WHOSE BEHALF REQUEST IS MADE



#### **D. Grounds for Refusal of Access to Records**

*Note : refer to the Act for the conditions relating to these grounds for refusal*

A request for information may be refused for one of the following reasons;

1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
2. Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that third party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
  - Information disclosed in confidence by a third party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation
4. Mandatory protection of the safety of individuals and the protection of property
5. Mandatory protection of records which would be regarded as privileged in legal proceedings
6. Commercial activities, which may include;
  - a. Trade secrets;
  - b. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the business;
  - c. Information which, if disclosed, could put the business at a disadvantage in negotiations or commercial competition;
  - d. Computer programs owned by the business and which are protected by copyright.
7. Research information of the business or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.