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PROMOTION OF ACCESS TO INFORMATION ACT

(ACT 2 OF 2000)

SECTION 51 MANUAL (AS AMENDED)

SRM SPECIALISED RISK MANAGEMENT SA (PTY) LTD (FSP 50816)

Introduction

This entity – SRM Specialised Risk Management SA (Pty) Ltd – is an authorised financial services provider that provides financial advice and renders intermediary services to clients on financial products under a licence issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002.

1. Definitions

- 1.1 “FSP NAME” means **ENTITY NAME** with registration number **2015/444130/07**
- 1.2 “Data Subject” means the person to whom personal information relates;
- 1.3 “Manual” means this manual together with all its annexure;
- 1.4 “POPI” means the Protection of Personal Information Act, 4 of 2013;
- 1.5 “PAIA” means Promotion of Access to Information Act, 2 of 2002;

INSURANCE BROKERS

SRM Specialised Risk Management SA (Pty) Ltd
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Director: K Moodley
An Authorised Financial Services Provider: 50816



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1.6 “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction or information.

1.7 “Record” means any recorded information-

- a) regardless of form or medium, including writing on any material, information produced, recorded or stored by means of any tape-recorded, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information produced, recorded or stored. Any label, marking or other writing that identified or described any thing of which it forms part, or to which it is attached by any means, book, map, graph or drawing. Any photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- b) in the possession or control of a responsible party;
- c) whether or not it was created by the responsible party; and
- d) regardless of how it came into existence.

1.8 “Requester” has the meaning ascribed to it in section 1 of PAIA.

2. Purpose

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) gives 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.

PAIA sets out the requisite procedures associated with any such requests for information. In terms of PAIA, where a request for information is made to a body, there is an obligation to provide the information, except where PAIA, expressly provides that the information may not be released.

PAIA balances the interests of Requester of information, as well as those of private entities needing to protect trade secrets and confidential information.

The purpose of this Manual is to:

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- a) detail the procedure that a Requester for information is required to follow and the manner in which a Request for Access shall be facilitated by SRM Specialised Risk Management SA (Pty) Ltd; and
- b) to detail the purpose for which personal information may be processed, a description of categories of Data Subjects for whom SRM Specialised Risk Management SA (Pty) Ltd processes personal information, as well as the categories of personal information relating to such Data Subjects, and the recipients to whom personal information may be supplied.

3. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Contact details

Name of business	SRM Specialised Risk Management SA (Pty) Ltd
Designated contact person	Key Individual - Sean Raath sean.raath@specialisedriskmanagement.com
Information officer	Kerusha Moodley – kerusha.moodley@specialisedriskmanagement.com
Physical address	Design Quarter Leslie Road Fourways 2191
Postal address	Design Quarter Leslie Road Fourways 2191
Telephone number	+27 11 513 3008
E-mail address	info@specialisedriskmanagement.com

4. The section 10 Guide on how to use the Act

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- 4.1. 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.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA ;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11 ; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50 ;
 - 4.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
 - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 4.3.6. 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-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. 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.

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- 4.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92.
- 4.4. 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.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6 A copy of the Guide is also available in the English on our website – www.specialisedriskmanagement.com

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5. Records available in terms of any other legislation

Records available in terms of any other legislation

Basic Conditions of Employment Act 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
Employment Equity Act No.55 of 1998
Financial Advisory and Intermediary Services Act No. 37 of 2002
Financial Intelligence Centre Act No. 38 of 2001
Financial Institutions (Protection of Funds) Act No. 28 of 2001
Financial Services Board Act No. 97 of 1990
Financial Services Ombud Schemes Act No. 37 of 2004
Friendly Societies Act No. 25 of 1956
Income Tax Act No. 58 of 1962
Insurance Laws Amendment Act No. 27 of 2008
Labour Relations Act No. 66 of 1995
Occupational Health and Safety Act No. 85 of 1993
Prevention of Organised Crime Act No. 121 of 1998
Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
Security Services Act No. 36 of 2004
Short Term Insurance Act No. 53 of 1998
Skills Development Act No.97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

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6. Access to the records held by the private body

- The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of section 52 (2) of this Act, and at no cost:

Brochures; Pamphlets; Documents related to business activities
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- Records which may be requested in terms of this Act:

<p>Administration:</p> <ul style="list-style-type: none">○ Licence of product categories○ Minutes of management meetings○ Minutes of staff meetings○ Correspondence
<p>Human resources:</p> <ul style="list-style-type: none">○ Employment contracts○ Mandates○ Policies and procedures○ Training○ Remuneration and benefits policies, and records thereof
<p>Operations:</p> <ul style="list-style-type: none">○ Production records○ Compliance manual – FAIS○ Compliance reports○ Complaint's procedures○ Contractual agreements with suppliers○ Procedure's manual - FICA○ Records of advice○ Register of key individuals○ Register of representatives○ Register of non-compliance○ Record of continued compliance by representatives○ Register of premature cancellation of products○ Clients register
<p>Finances:</p> <ul style="list-style-type: none">○ Accounting and audit records

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<ul style="list-style-type: none"> ○ Financial statements ○ Assets inventory
Legal Records: <ul style="list-style-type: none"> ○ Documentation pertaining to litigation and arbitration ○ General agreements ○ Licenses, permits and authorizations ○ Insurance Records including records in respect of insurance coverage, limits and insurers ○ Claims Records
Tax Records: <ul style="list-style-type: none"> ○ Income tax returns and other documentation ○ PAYE Records ○ Skills Development Levies Records ○ Value Added Tax Record.
Employee Records: <ul style="list-style-type: none"> ○ Attendance register ○ Company tax submissions in respect of employee ○ Employment Agreements ○ Confidentiality agreements ○ Restraint of Trade Agreements ○ Disciplinary Records ○ Employee personal details ○ Employment conditions and policies ○ Employment equity plan ○ Medical aid Records ○ Remuneration and benefits records ○ Retirement fund records ○ Training manuals and material ○ Dividend payment list
Information technology: <ul style="list-style-type: none"> ○ Business and data information ○ Domain name registrations ○ IT technology capabilities ○ Asset Registers
Customer Records: <ul style="list-style-type: none"> ○ Agreements and Forms ○ Payment details

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- Sales Records
- Policy documents and wordings
- Transaction records
- Disclosures

- The request procedures:

Form of request: (Form 02)

Form of request – Form 02:

1. The requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
2. The requester must provide sufficient detail on the request form to enable the Information Officer 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.
3. 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.
4. 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.
5. **The Information Officers will, within 30 days of receipt of the Request, decide whether to grant or decline the Request and notice with reasons (if required) will be provided.** In the event that a large volume of information is requested, or the Information Offices is required to search through a large volume of Records, the 30 day period in terms of which the Information Officer must decide whether to grant or refuse the Request may be extended for a further period, not exceeding 30 days. The Requester will be notified by the Information Officer of any extension sought.

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- 6. Should the Information Officer be unable to locate a Record, or the Record does not exist, the Information Officer will, by means of an affidavit or attestation, notify the Requester which will include information in respect of the steps taken to locate the Record.**
7. In the event that the **Request for Access to a Record is unsuccessful**, the Requester will be notified by the Information Officer, which notification will include:
 8. Adequate reasons for the refusal.
 9. The Requester's right to lodge to apply to a court for relief within 180 days of notification of the decision for appropriate relief in accordance with sections 56(3) (c) and 78 of PAIA.
- 10. The Information Officer may refuse access to a Record in the following instances:**
 - protecting personal information about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
 - protecting commercial information that is held about a third party or a particular company or entity (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization or the third party);
 - if disclosure of the Record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
 - if disclosure of the Record would endanger the life or physical safety of an individual;
 - if disclosure of the Records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
 - if disclosure of the Record would prejudice or impair the protection of the safety of the public;
 - the Record is privileged from production in legal proceedings, unless the legal privilege has been waived;
 - disclosure of the Record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of SRM Specialised Risk Management SA (Pty) Ltd;
 - the Record is a computer programme; and
 - the Record contains information about research being carried out or about to be carried out on behalf of a third party or SRM Specialised Risk Management SA (Pty) Ltd.

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11. Remedies Available when an FSP Refuses a Request

Internal Remedies

The FSP does not have internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the Requestor is not satisfied with the answer supplied by the Information Officer.

External Remedies

A Requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief. A third party dissatisfied with the Information Officer's decision not to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

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Fees payable for request – Annexure A:

- 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 Information Officer 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.
- **The fee that the requester must pay to a private body is R140.00 (excl. VAT). The requester may lodge an application to the court against the tender or payment of the request fee.**
- After the Information Officer 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.

7. Other information as may be prescribed

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

8. Availability of the PAIA manual

8.1 A copy of the Manual is available-

- 8.1.1 on www.specialisedriskmanagement.com, if any;
- 8.1.2 head office of the SRM Specialised Risk Management SA (Pty) Ltd 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.

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9. Protection of Personal Information Act

9.1. POPI regulates and controls the Processing, collection, use, and transfer of personal information relating to identifiable, living, natural persons and juristic persons.

9.2 In terms of POPI, the definition of personal information includes, but is not limited to:

- 9.2.1. Name
- 9.2.2. Address
- 9.2.3. Contact Details
- 9.2.4. Date of birth
- 9.2.5. Place of birth
- 9.2.6. Identity Number
- 9.2.7. Passport Number
- 9.2.8. Bank details
- 9.2.9. Tax Number
- 9.2.10. Financial Information
- 9.2.11. Marital Status

9.3. In terms of POPI, SRM Specialised Risk Management SA (Pty) Ltd has a legal duty to collect, use, transfer and destroy another's (Data Subject) personal information in a lawful, legitimate and responsible manner.

9.4. SRM Specialised Risk Management SA (Pty) Ltd processes personal information in respect of, but not limited to, the following Data Subjects:

- 9.4.1. Employees, Contractors, Consultants, Job applicants, Directors, Learnership Candidates, Representatives (as defined in the Financial Advisory and Intermediary Services Act, 2002.
- 9.4.2. Clients
- 9.4.3. Suppliers and Service Providers
- 9.4.4. Regulators of Public Bodies
- 9.4.5. Persons who physically interact with the Company at the Company's offices or through e-mail, fax, WhatsApp, websites and other means of electronic communication

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9.4.6. Third parties involved in insurance claims

9.4.7. Potential business partners

9.5. SRM Specialised Risk Management SA (Pty) Ltd processes personal information (without limitation):

9.5.1. in accordance with its business objectives and strategies;

9.5.2. to comply with its legal and contractual obligations;

9.5.3. in order to make contact with, or attend to a Data subjects queries or instructions;

9.5.4. to identify Data Subjects;

9.5.5. to pursue the legitimate interest of SRM Specialised Risk Management SA (Pty) Ltd or the Data Subject;

9.5.6. to provide the data subject with information, which includes information about marketing. in respect of SRM Specialised Risk Management SA (Pty) Ltd;

9.5.7. to provide, maintain and improve its services;

9.5.8. to perform operational, human resource and legal requirements; and

9.5.9. to prevent fraud and abuse of SRM Specialised Risk Management SA (Pty) Ltd processes, systems and operations.

9.6. SRM Specialised Risk Management SA (Pty) Ltd will ensure that all Personal information is treated with caution and will implement reasonable security measures to protect your Personal information.

9.7. Once the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end or expired, such Personal Information will be safely and securely archived for the required periods, as prescribed by law. SRM Specialised Risk Management SA (Pty) Ltd will thereafter ensure that such Personal Information is permanently destroyed.

9.8. In the event that a Data Subject requires details of the Personal Information SRM Specialised Risk Management SA (Pty) Ltd holds, the Data Subject must submit a request in accordance with 7 of this Manual.

9.9. Actual or Planned Transborder Flows of Personal Information: Personal Information may be transmitted transborder to the FSP's suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. The FSP will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure the said data and Personal Information.

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10. **Complaints**

Should your PAIA request be denied or there is no response from a public or private bodies for access to records you may lodge a complaint at the following email address:

PAIAComplaints@inforegulator.org.za

Updating of this Manual

The Head of the FSP will on a regular basis update this Manual.

Issued By

(Insert the Name of the information Officer)
(Title of the Head of the FSP. e.g. Chief Executive Officer)

Date of Approval

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Annexure A – Fees in respect of private bodies

Items	Description	Amounts excl. VAT
1.	Photocopy or printed black and white (A4 page)	R2.00 per page or part of the page
2.	Printed copy A4 size page	R2.00 per page or part of the page
3.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> • A USB (provided by the requester) • A compact disc (CD) if the requested provides the CD • A CD that is provided to the requester 	R40.00 R40.00 R40.00
4.	A transcription of visual images, for an A4 size page or part of the page	The service will be outsourced. This fee will depend on the quotation from the service provider.
5.	A copy of visual images	The service will be outsourced. This fee will depend on the quotation from the service provider
6.	A transcription of an audio record, per A4 size page	R40.00
7.	<ul style="list-style-type: none"> • For a copy of an audio record on a USB (provided by the requester) • For a copy of an audio record on a CD if the requester provides the CD • For a copy of an audio record on CD if the CD is provided to the requester 	R40.00 R40.00 R60.00
8.	For each hour or part of an hour (excl. the first hour) reasonably required to search for, and prepare the record for disclosure.	R145.00

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	The search and preparation fee cannot exceed	R435.00
9.	Deposit: if the search exceeds 6hrs	One third of the amount per request. It is calculated in terms of items 1 to 7 above.
10.	Postage, email or any other electronic transfer	Actual expense, if any.

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