

**Manual for The Ombudsman for Short -Term Insurance**  
**(2000/030638/08) -NPC (hereinafter referred to as the "OSTI")**  
**Prepared in terms of the requirements of the PROMOTION OF**  
**ACCESS TO INFORMATION ACT No. 2 of 2000**  
**(hereinafter referred to as the "Act")**

**1. Introduction**

The Promotion of Access to Information Act gives effect to the constitutional right of access to any information held by the state and any information that is held by another person or entity and that is required for the exercise or protection of any rights.

Specifically, section 51(1) of the Act provides that within six months after the commencement of this section (now the 31st December 2015) or within six months after coming into existence of the private body concerned, the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g., any company, close corporation or business trust).

The OSTI falls within the definition of a "private body" and this manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognizes that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held by the OSTI and the process that needs to be adopted to access such records.

**All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this manual.**

## 2. Business and Contact Details

<b>Name of Business:</b>	The Ombudsman for Short-Term Insurance
<b>Head of Business:</b>	Edite -Teixeira Mckinon
<b>Position:</b>	Chief Executive Officer
<b>Postal Address:</b>	PO Box 32334 Braamfontein, 2017
<b>Physical Address:</b>	1 Sturdee Avenue, 1st Floor, Block A, Rosebank, Johannesburg,
<b>Phone Number:</b>	011 726 8900 / 0860 726 890
<b>Fax Number:</b>	011 726 5501
<b>Email Address:</b>	<a href="mailto:info@osti.co.za">info@osti.co.za</a>
<b>Website:</b>	<a href="http://www.osti.co.za">www.osti.co.za</a>

## 3. PAIA Guide

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights.

Where a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the rates provided.

Requesters are referred to the guide in terms of section 10 of the Act which has been compiled by the South African Human Rights Commission. The guide contains information for the purposes of exercising Constitutional rights.

The guide is available in all South African official languages free of charge and any person may request a copy of the guide.

A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

- Postal Address: **The South African Human Rights Commission, PAIA Unit, Private Bag 2700, Houghton, 2041**
- Telephone Number: **(011) 484 8300**
- Fax Number: **(011) 484 0582**
- Email: **PAIA@sahrc.org.za**
- Website: [www.sahrc.org.za](http://www.sahrc.org.za)

The Guide is also available on the website of the Information Regulator  
<https://www.justice.gov.za/inforeg/index.html>

## 4. Records Available in Terms of Section 52(2) of the Act

Not applicable.

## 5. Records that are Held at The Offices of The Business

The following is a list of records that are held at the business's office:

### Administration

- Attendance registers
- Founding Documents
- Member Agreements
- Licences (categories)
- Minutes of Management Meetings – we do not keep the minutes on record
- Minutes of Board Meetings and meetings of its sub-committees
- List of Members

- Statutory Returns

#### **Human Resources**

- Conditions of Service
- Employee Records
- Employment Contracts
- Board of Directors Records
- Pension and Provident Fund Records
- Medical Aid Records
- Human Resources Policies and Procedures
- Skills Requirements

#### **Operations**

- Brochures on Company Information
- Client and Customer Registry
- Information relating to Work-In-Progress
- Production Records
- Complaint records, including insurer and policyholder/insured information, pertaining to open matters (work-in-progress) and finalised matters.
- Casework Statistical Information

#### **Finances**

- Annual Financial Statements
- Asset Register
- Banking Records
- Consultants and Service Provider Information
- Budgets
- Management Accounts
- Financial Records
- Tax Records (company and employee)

#### **Information Technology**

- User Manuals

#### **Statutory Records:**

At present these include records (if any) held in terms of:

- Basic Conditions of Employment 75 of 1997
- Consumer Protection Act 68 of 2008
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Financial Services Ombud Schemes Act 37 of 2004
- Short Term Insurance Act 52 of 1998
- National Credit Act 34 of 2005
- Promotion of Access to Information Act 2 of 2000
- Unemployment Insurance Act 63 of 2001
- Protection of Personal Information Act 4 of 2013

- Insurance Act 18 of 2017
- Financial Sector Regulation Act 19 of 2017
- Broad-Based Black Economic Empowerment Act 53 of 2003 including the Financial Sector Code
- Companies Act 71 of 2008
- Compensation for Occupational Injuries & Diseases Act 130 of 1993
- Constitution of the Republic of South Africa Act 108 of 1996
- Nonprofit Organisations Act 71 of 1997
- Occupational Health & Safety Act 85 of 1993
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Public Holidays Act 36 of 1994
- Skills Development Act 97 of 1998 Value Added Tax Act 89 of 1991
- Environmental Conservation Act 73 of 1989
- National Environmental Management Act 107 of 1998
- Disaster Management Act 57 of 2002

## 6. Information Request Procedure

- The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices or at [www.osti.co.za](http://www.osti.co.za)
- The request must be made to the CEO in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.
- The requester must provide sufficient detail on the request form to enable the CEO 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 should be used to inform the requester. If this is the case, the requester should furnish the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the CEO.
- The prescribed request fee must be attached. (See 8 below)

We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.

Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

## 7. Denial of access

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put the OSTI at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of the OSTI;
- Disclosures of any record containing information about research and development being carried out or about to be carried out by the OSTI.

If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

## 8. Fees

The applicable fees are prescribed in terms of the regulations promulgated under the Act.

There are two basic types of fees payable in terms of the Act:

### **Request Fee**

The non-refundable request fee of R50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

### **Access Fee**

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

## **9. Manual Availability**

This manual is available at [www.osti.co.za](http://www.osti.co.za).

Copies may also be obtained from the CEO of the OSTI. In the case of hard copies, any transmission costs or postage will be for the account of the requester.