

**THE OMBUDSMAN FOR SHORT-TERM INSURANCE NPC
("OSTI")**

PAIA MANUAL

Prepared in terms of section 51 of the Promotion of
Access to Information Act 2 of 2000 (as
amended)("PAIA")

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1. Introduction

The Promotion of Access to Information Act, 2000 (“the 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 head of a private body concerned 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 recognises 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.

2. Key Contact Details for Access to Information of OSTI

2.1 Information Officer: Edite -Teixeira Mckinon

Position: Chief Executive Officer
Phone Number: 011 726 8900
Email Address: edite@osti.co.za / info@osti.co.za
Fax Number: 011 726 5501
Postal Address: PO Box 32334 Braamfontein, 2017
Physical Address: 1 Sturdee Avenue, 1st Floor, Block A, Rosebank, Johannesburg,
Website: www.osti.co.za

2.2 Deputy Information Officer: Thasnim Dawood

Phone Number: 011 726 8900 / 0860 726 890
Email address: thasnim@osti.co.za / info@osti.co.za
Fax number: 011 7265501

Postal Address: PO Box 32334 Braamfontein, 2017
Physical Address: 1 Sturdee Avenue, 1st Floor, Block A, Rosebank, Johannesburg,
Website: www.osti.co.za

2.3 Access to information general contacts

Email: info@osti.co.za
Website: www.osti.co.za

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 which contains information for the purposes of exercising Constitutional rights.

The PAIA Guide is available:

- a) On the website of the Information Regulator: https://www.justice.gov.za/inforeg/docs/misc/PAIA-Guide-English_20210905.pdf
- b) On request to the Information Officer/Deputy Information Officer

A copy of the PAIA Guide is also available in English for public inspection during normal office hours.

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 Sector Regulation Act of 2017
- 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. Processing of Personal Information

6.1 Purpose of Processing Personal Information

Please refer paragraph 3.1 of OSTI's Privacy Notice, which can be found at <https://www.osti.co.za/popia-paia/privacy-notice/>.

6.2 Categories of Data Subjects and the Personal Information that may be processed

- Complainants: names, addresses, identity numbers, policy numbers, employment details, bank details,

gender and race.

- Insurers: names, and addresses.
- Service Providers: names, registration numbers, vat numbers, addresses, trade secrets and bank details.
- Employees: names, addresses, identity numbers, qualifications, gender, race, and bank details, medical information

6.3 The Categories of Recipients to whom the Personal Information may be supplied

- Parties to a complaint: the insurer and complainant.
- Service Providers.

6.4 Transborder Flows of Personal Information

OSTI stores most of the personal information in the cloud but there are no planned transborder/transborder flows of personal information. The information does not leave the Republic of South Africa and is stored locally.

6.5 Information Security Measures Implemented by OSTI to Ensure the Confidentiality, Integrity, and Availability of the Information.

This includes but is not limited to data encryption, antivirus and anti-malware solutions. Please refer paragraph 6 of OSTI's Privacy Notice, which can be found at <https://www.osti.co.za/popia-paia/privacy-notice/>.

7. 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
- 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.

8. 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 jeopardise 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 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 OSTI.

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

9. 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:

The request fee:

- a) A 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 and if it is information which is automatically available.

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

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

10. Manual Availability

This manual is available at www.osti.co.za and a copy of the manual is also available in English at the office of OSTI for public inspection during normal office hours. A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, is payable for each A4-size photocopy made.

11. Updating of the manual

The Information Officer/Deputy Information Officer will on a regular basis update this manual.

Issued by:

EDITE TEIXEIRA – MCKINON

INFORMATION OFFICER AND CHIEF EXECUTIVE OFFICER

THASNIM DAWOOD

DEPUTY INFORMATION OFFICER AND SENIOR ASSISTANT OMBUDSMAN