

Bidvest Life PAIA Manual

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

Date of Revision: June 2024

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1. Introduction

Bidvest Life Limited (The Company) is a licensed Life Insurance Company and authorised Financial Services Provider in terms of the Insurance Act No. 18 of 2017 and the Financial Advisory and Intermediary Services Act, No. 37 of 2002 (FAIS). The Company offers a variety of life insurance products to meet a number of customer needs.

The Promotion of Access to Information Act No.2 of 2000 (PAIA) gives effect to the constitutional right of access to any information held by any public or private body that is required for the exercise or protection of any rights. The Act sets out the procedures attached to such request. This manual also complies with the Protection of Personal Information Act No. 4 of 2013 (POPIA).

Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:

- The reasonable protection of privacy
- Commercial confidentiality and
- Effective, efficient and good governance

Section 51 of the Act obliges private bodies to compile a manual, which would assist a person to obtain access to information held by the private body and stipulates the minimum requirements a manual has to comply with.

The purpose of this manual is therefore to inform a person on how to obtain access to records held by **The Company** and thus giving effect to Section 51 of the Act.

2. Key contact details for access to information

2.1. Chief Information Officer

Name: Peter Ireland
Tel: 031 5383500
Email: PeterI@bidvestlife.co.za

2.2. Deputy Information Officer's

Name: Roy Stephen
Tel: 031 5383500
Email: RoyS@bidvestlife.co.za

2.3. Access to information - General Contact

Email: datacomplaints@bidvestlife.co.za
Website: www.bidvestlife.co.za

2.4. Head Office

Physical Address:
The Information Officer
Bidvest Life Limited
1st floor, Bidvest Life House, 2 Heleza Boulevard, Sibaya, 4320

Tel: (031) 538 3500
Email: datacomplaints@bidvestlife.co.za
Website: www.bidvestlife.co.za

3. Guide on how to use PAIA and how to obtain access to the Guide

- a. The Regulator has updated and made available the revised Guide on how to use PAIA, 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.
- b. The Guide is available in each of the official languages and in braille and can be obtained from the website of the Regulator www.inforegulator.org.za
- c. If you have any queries, or need a copy of the Guide, please contact the Information Regulator directly at:
The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za
General enquiries telephone number: 010 023 5200
General enquiries email: enquiries@inforegulator.org.za

4. Categories of records of the company which are available without a person having to request access

All information which is housed in the public area of our website, is automatically available which can be accessed by you, subject to our website disclaimer, without having to go through the formal PAIA request process.

This information is available on our website www.bidvestlife.co.za.

Category of records	Types of the record	Available on website	Available upon request
Insurance Products	General overview of products available	Can be viewed only	Submit a request to be contacted

5. Description of the company records which are available in accordance with legislation

The Company is subject to many laws and regulations, some of which require us to keep certain records.

This information is available on our website www.bidvestlife.co.za.

Category of records	Applicable Legislation
Disclosure Notice	Financial Advisory and Intermediary Services Act 37 of 2002
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Conflict of Interest Management Policy	Financial Advisory and Intermediary Services Act 37 of 2002
Complaints Guideline	Long-term Insurance Act 52 of 1998
Complaints Resolution Policy	Long-term Insurance Act 52 of 1998
Protection of Personal Information Privacy Notice	Protection of Personal Information Act No.4 of 2013

6. Description of the subjects on which the company holds records and categories of records held on each subject

The following information and records listed below, are not automatically available and a person has to request access to these records by completing a request for information in the prescribed manner as described under this manual.

Subjects on which the company holds records	Categories of records
Companies Act and Related Records	<ul style="list-style-type: none"> • Documents of Incorporation • Memorandum of Incorporation • Trust Deeds • Minutes of Board of Directors meetings and General Meetings • Written Resolutions • Records relating to the appointment of directors / auditors / company secretary / public officer and other officers • Share Register and other Statutory Registers; and other Statutory Records
Financial Records	<ul style="list-style-type: none"> • Annual Financial Statements • Tax Returns • Accounting Records • Banking Records • Bank Statements • Electronic Banking Records • Asset Register • Rental Agreements • Invoices

Subjects on which the company holds records	Categories of records
Income Tax Records	<ul style="list-style-type: none"> • PAYE Records • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees • All other statutory compliances • VAT • Skills Development Levies • UIF and • Workmen's Compensation
Human Resources Documents and Records	<ul style="list-style-type: none"> • Employment contracts • Employment policies and procedures • Employment Equity Plan • Medical Aid records • Pension Fund records • Internal evaluations and disciplinary records • Salary records • Disciplinary codes • Leave records • Training records and manuals • Operating manuals • Personal records provided by personnel • Other statutory records and related correspondence
Other	<ul style="list-style-type: none"> • Administration • Information Technology • Insurance • Intellectual Property • Movable and Immovable Property • Operations • Third Parties • Medical and Health information

7. Processing of personal information

7.1. Purpose of Processing Personal Information

We are permitted by POPIA to process health related information for assessing the risk to be covered and where you have not objected to such processing and in other circumstances such as the enforcement of contractual rights and obligations and where it is necessary for the performance of an insurance agreement. We disclose when processing your personal information, and special personal information including health related information, we are required by the Protection of Personal Information Act (POPIA) to take appropriate, reasonable, technical and organizational measures to ensure its integrity and confidentiality and to process it in a lawful manner. We disclose health related information to organisations such as medical professionals, service providers and reinsurers in order for us to comply with our obligations relating to policy and claims processing and such disclosures are made subject to a written agreement obliging the recipient to comply with all the requirements of POPIA.

7.2. Description of the categories of Data Subjects and of the personal information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Policyholders and contracting parties	Names, address, contact details, registration numbers or identity numbers, employment status, bank details, health information and confidential correspondence.
Intermediary / Advisor	Names of contact persons, name of legal entity, physical and postal address and contact details, financial information, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners.
Contracted Service Providers	Names of contact persons, registration, vat, address, and bank details. Founding documents, authorised signatories and tax related information.
Employees, Directors, Potential Employees, Shareholders, Employees' Family Members and Temporary Staff:	Gender, pregnancy, marital status, race, age, language, education information, financial information, employment history, ID number, next of kin, children's name, gender, age, physical and postal address, contact details, opinions, criminal behaviour and/or criminal records, well-being, trade union membership, external commercial interests and medical information.

Categories of Data Subjects	Personal Information that may be processed
Website end-users and Application end-users	Names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data.

7.3. The recipients to whom the personal information may be supplied

Category of personal information	Recipient
Identity number and names, for criminal checks	South African Police Services
Names and Surname checks for money laundering and counter terrorist financing	UN Sanctions screening
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Processing of health-related information, where is it necessary for the performance of an insurance agreement	Medical professionals, Service Providers, Reinsurers
Personal Information	Management, Employees, Temporary Staff, Sub-contracted Operators, Stakeholders and shareholders, and other recipients within the Company.

7.4. Planned transborder flows of personal information

We may disclose personal information we process to any of our overseas third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions. Personal information may also be disclosed where we have a legal duty or a legal right to do so. We will in this regard, endeavour to enter into written agreements to ensure that other parties comply with the POPIA and our confidentiality and privacy requirements.

7.5. Information Security Measures implemented by the Company to ensure the confidentiality, integrity and availability of the information

When processing personal information and special personal information including health related information, we are required by the POPI Act to take appropriate, reasonable, technical and organisational measures to ensure its integrity and confidentiality and to process it in a lawful manner.

These measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up our information technology infrastructure
- Outsourced service providers who are contracted to implement security controls

We retain personal information for no longer than is necessary for achieving the purpose for which it was collected. Thereafter it is destroyed or irrevocably de-identified.

8. Availability of this manual

8.1. A copy of the Manual is available on request:

8.1.1. Email datacomplaints@bidvestlife.co.za

8.1.2. At the head office for public inspection during normal business hours

8.1.3. To any person upon request and upon the payment of a reasonable prescribed fee

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.

9. Updating of the manual

The Head of Risk will on a regular basis update this manual.

10. Request procedure

- 10.1. Any request for access to a record or to personal information in terms of PAIA or POPIA must be made on the form attached hereto marked **Annexure "A" - called Form 2** or on a form which substantially corresponds with this form.
- 10.2. A request for access to information which is not housed under this Form C, or which does not comply with POPIA or PAIA will be rejected and returned to you.
- 10.3. Section 54 of PAIA entitles the Company to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in the Regulations promulgated under PAIA and POPIA. Where a decision to grant a request has been taken by the Company, the record will not be disclosed until the necessary fees have been paid in full, where applicable. The Fee payable will depend on the type of information requested. These fees are described under **Annexure "B" - Fees** in respect of private bodies.

11. Access to health records or other records in terms of Section 61 of the Act

- 11.1. For the purposes of this section, the term "relevant person" shall refer to the requester and/or the authorized person making a request on the persons behalf.
- 11.2. Requesters must stipulate in their request for information and/or what health information is required, understanding that information held by a medical practitioner must be obtained directly from him or her. No hospital can release information held by another party, or information that is protected by a medical practitioner /patient relationship.
- 11.3. The Information Officer, in terms of Section 50 of the Act, may only grant a request for access to information and/or a record provided by a medical practitioner in his or her capacity as such, about the physical or mental health of the requester him /herself, or to authorised person making such a request on behalf of the person concerned.
- 11.4. The Information Officer may in terms of Section 61 (1) of the Act, refuse access to information and/or records, if he or she is of the opinion that such disclosure would cause serious harm to the requester's physical and/ or mental health.
- 11.5. Before the Information Officer allows, grants or facilitates access to information and/or records, he or she may consult with the treating medical practitioner who, subject to Section 61(2) had been nominated by the relevant person.
- 11.6. If the relevant person is:
 - 11.6.1. under the age of 16 years, a person having parental responsibilities for the relevant person, must make the nomination referred to in Section 61(2)(a) of the Act; and/or
 - 11.6.2. incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.
- 11.7. If after the Information Officer has given access to the medical practitioner, and the medical practitioner is of the opinion that the disclosure of the information and/or record to the relevant person, would likely cause serious harm to his or her physical and/or mental health, or well-being, the Information Officer may only grant access to that information and/or record if he or she has been given sufficient guarantees by the requester, that adequate provision has been made for such counselling or arrangement as are reasonably practicable before, during or after the disclosure of the information and/or record limit, alleviate or avoid such harm to the relevant person.
- 11.8. Before access to the information and/or record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the information and/or record.
- 11.9. The Information Officer may also refuse access to the Information and/or records in terms of any other law.

12. Prescribed fees

- 12.1. Once a request is made, the Information Officer will send a received notice to the requester to pay the prescribed fee.
- 12.2. This prescribed fee must be paid before the request will be processed.
- 12.3. Payment of this fee is to be made as directed by the Company.

- 12.4. If the requester is seeking access to a record containing personal information about that requester, the prescribed fee of R50.00 may not be required.
- 12.5. The Information Officer and Deputy Information Officer will then decide in respect of the request and the requester will be notified of the decision on the required form.
- 12.6. Should the request be refused, the requester may lodge an application at court against the tender or payment of the requested fee.
- 12.7. If the request is granted then a further access fee is payable for the search, reproduction and preparation of the record in a particular format as well as for any time, that has exceeded the prescribed hours, to search and in order to prepare the record for disclosure.
- 12.8. The fees schedule is described under **Annexure "B" - Fees** in respect of private bodies or can be downloaded from the Information Regulator website at www.inforegulator.org.za.

13. Proof of identity

When requesting records or information under PAIA or POPIA, you will be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

14. Timelines for consideration of a request for access

- 14.1. Requests will be processed within 30 (thirty) days, from date of receipt thereof, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.
- 14.2. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary, which in most cases will be a period of 30 (thirty) days.

15. Grounds for refusal of access and protection of information

- 15.1. There are various grounds upon which a request for access to a record may be refused. These grounds include:
- the protection of personal information of a third person from unreasonable disclosure
 - the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party)
 - if disclosure would result in the breach of a duty of confidence owed to a third party
 - if disclosure would jeopardize the safety of an individual or prejudice or impair certain property rights of a third person
 - if the record was produced during legal proceedings, unless that legal privilege has been waived
 - if the record contains trade secrets, financial or sensitive information or any information that would put the Company at a disadvantage in negotiations or prejudice it in commercial competition, and/or
 - if the record contains information about research being carried out or about to be carried out on behalf of a third party or by the Company.
- 15.2. Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.
- 15.3. If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record.

16. Remedies available to a requester on refusal of access

- 16.1. If the Information Officer decides to grant a requester access to the record, such access must be granted within 30 (thirty) days of being informed of the decision.
- 16.2. Where the Information Officer declines any requester access to the record, such decision will be relayed to the requester. **There is no internal appeal procedure.**
- 16.3. If you are not satisfied with the outcome you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.
- 16.4. Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

Issued by

Peter Ireland
Chief Financial Officer

► Annexure A (Form 2)

Request for Access to Record

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

► Annexure B

Fees Payable in Respect of Private Bodies



Fees in respect of private bodies

Item	Description	Amount
1.	The request requester fee payable by every requester	R140.00
2.	Photocopy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: a) Flash drive (to be provided by requestor) b) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: a) Flash drive (to be provided by requestor) b) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total of:	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
11.	Postage, e-mail or any other electronic transfer	Actual expenses, if any