



ACCESS TO INFORMATION MANUAL

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000.

This Manual applies to O'Neill's Insurance Brokers cc, O'Neill's Risk and Finance Management (Gauteng) (Pty) Limited and its Juristic Representatives (hereafter referred to as "O'Neill's").

Purpose of the manual

This guide to accessing records held by O'Neill's is intended to provide guidelines to members of the public who wish to exercise their constitutional right to access to information.

Below you will find information on how to lodge your request; a description of the types of records that will be made available; grounds for refusal; what procedure will be followed in considering your request; the applicable fee structure; and information on the appeals procedure should you not be satisfied with the outcome of your request.

Introduction

The Promotion of Access to Information Act, No. 2 of 2000 ("**the Act**") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the requisite procedural issues attached to a request for access to information, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act.

The Act recognises that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Contact Details and Information

All requests for access to records in terms of the Act must be in writing and must be addressed to O'Neill's Information Officer at the below contact details:

Eamonn O'Neill (Chief Executive Officer / Managing Director / Managing Member)

Physical Address: Block D, 1st Floor, Rentworks Place, Turnberry Office Park, 48 Grosvenor Road, Bryanston, Gauteng.

Tel: +27 10 594 9000

E-mail: Eamonn.oneill@oneills.co.za

Website: www.oneills.co.za

Guide of South Africa Human Rights Commission

The South African Human Rights Commission has compiled the guide contemplated in Section 10 of the Act which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide is available from their website (www.sahrc.org.za).

Records of O'Neill's

This clause serves as a reference to the records that O'Neill's holds.

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The information is classified and grouped according to records relating to the following subjects and categories:

Personnel Records

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Training schedules and material;

"Personnel" refers to any person who works for, or provides services to or on behalf of O'Neill's, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of O'Neill's. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Customer Related Records

- Records provided by a customer to a third party acting for or on behalf of O'Neill's;
- Records provided by a third party;
- Records generated by or within O'Neill's relating to its customers, including transactional records;

A *"customer"* refers to any natural or juristic entity that receives services from O'Neill's.

Private Body Records

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Product records;
- Statutory records;
- Internal Policies and Procedures;
- Treasury-related records;

- Marketing records;
- Internal correspondence;
- Securities and Equities; and
- Records held by officials of O'Neill's.

These records include, but are not limited to, the records which pertain to O'Neill's own affairs.

Other Party Records

- Personnel, customer or private body records which are held by another party, as opposed to the records held by O'Neill's itself;
- Records held by O'Neill's pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

O'Neill's may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to O'Neill's.

Grounds for Refusal of Access to Records

The main grounds for O'Neill's to refuse a request for information relates to the: -

- 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;
- 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;
 - information disclosed in confidence by a third party to O'Neill's, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of records which would be regarded as privileged in legal proceedings;
- the commercial activities of O'Neill's, which may include –
 - trade secrets of O'Neill's;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of O'Neill's;
 - information which, if disclosed could put O'Neill's at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by O'Neill's, and which is protected by copyright.

- the research information of O'Neill's or a third party, if its disclosure would disclose the identity of O'Neill's, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Remedies Available when O'Neill's Refuses a Request for Information

Internal Remedies

O'Neill's does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors 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

Subject to the provisions of the Act, a requestor that is dissatisfied with an Information Officer's refusal to disclose information, may within 180 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, apply to a Court with appropriate jurisdiction for relief.

Request Procedure

- The following procedural requirements serve as guidelines for requestors.
- The requester must also comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed form enclosed herewith in Appendix 1 and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in paragraph 2 above.
- The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify: -
 - The record or records requested;
 - The identity of the requester,
 - Which form of access is required, if the request is granted;
 - The postal address or fax number of the requester.
- The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be "necessary" for the exercise or protection of the right so stated.
- Subject to the provisions in the Act in respect of extensions, O'Neill's will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

- The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- The requester must pay the prescribed fee, before any further processing can take place.

Access to Records held by O'Neill's

- Records held by O'Neill's may be accessed by requests only once the prerequisite requirements for access have been met.
- A requester is any person making a request for access to a record of O'Neill's. There are two types of requesters:

Personal Requester

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- Subject to the provisions of the Act and applicable law, O'Neill's will provide the requested information, or give access to any record about the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

Other Requester

- This requester (other than a personal requester) is entitled to request access to information on third parties. However, O'Neill's is not obliged to grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

Fees

- The Act provides for two types of fees, namely:
 - A request fee, which will be a standard fee; and
 - An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.

- The Information Officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

Decision

- O'Neill's will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- The 30 day period within which O'Neill's has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of O'Neill's and the information cannot reasonably be obtained within the original 30 day period. O'Neill's will notify the requester in writing should an extension be sought.

List of Applicable Legislation:

A table of legislation setting out a description of the records of O'Neill's which are available in accordance with other legislation: -

No	Ref	Act
1	No 71 of 2008	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 68 of 2008	Consumer Protection Act
14	No 38 of 2001	Financial Intelligence Centre Act
15	No 78 of 1998	National Payment System Act
16	No 85 of 1993	Occupational Health and Safety Act
17	No 12 of 2004	Prevention and Combating of Corrupt Activities Act
18	No 26 of 2000	Protected Disclosures Act
19	No 4 of 2000	Promotion of Equality and Prevention of Unfair Discrimination Act
20	No 4 of 2013	Protection of Personal Information Act
21	No 9 of 1999	Skills Development Levies Act
22	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
23	No 53 of 2003	Broad Based Black Economic Empowerment Act

Availability of the Manual

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

The manual of O'Neill's will also be available on the website of O'Neill's (www.oneills.co.za).

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REGULATIONS – FORM C OF ANNEXURE B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information 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 records must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number: _____

Fax Number: _____

E-mail address: _____

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

C. Particulars of person of 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 the Record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the 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 of the request fee.

*(c) The **fee payable for access** to a record depends on the form in which the 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, therefore.

Reason for exemption of payment of the fee:

F. Form of Access to the Record:

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.			
Disability: _____ _____ _____		Form in which record is required: _____ _____ _____	
Mark the appropriate box with an "X" NOTES: (a) Your indication as to the required form of access depends on the form in which the record is available. (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. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record *	<input type="checkbox"/>	Inspection of record
2. If the record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images * *
<input type="checkbox"/>	Transcription of the images*		
3. If the record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack * (written or printed document)
4. If the record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	Printed copy of record	<input type="checkbox"/>	Printed copy of information derived from the record *
<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?			<input type="checkbox"/> YES
			<input type="checkbox"/> NO
A postal fee is payable.			

G. Particulars of right to be exercised or protected:

If the provided space is inadequate, please continue of a separate folio and attach it to this form
The requester must sign all the additional folios

1. Indicate which right is to be exercised or protected:

2. Explain why the requested record is required for the exercising or protection of the aforementioned right:

H. Notice of decision regarding request for access:

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

REPRODUCTION FEES

Where O'Neill's has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
▪ For every photocopy of an A4-size page or part thereof	1,10
▪ 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
▪ For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
▪ A transcription of visual images, for an A4-size page or part thereof	40,00
▪ A copy of visual images	60,00
▪ A transcription of an audio record, for an A4-size page or part thereof	20,00
▪ For a copy of an audio record	30,00

Request fees:

Where a requester submits a request for access to information held by O'Neill's on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before O'Neill's will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
▪ For every photocopy of an A4-size page or part thereof	1,10
▪ 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

- For a copy in a computer-readable form on
 - Stiffy disc 7,50
 - Compact disc 70,00

- A transcription of visual images, for an A4-size page or part thereof 40,00
- A copy of visual images 60,00
- A transcription of an audio record, for an A4-size page or part thereof 20,00
- For a copy of an audio record 30,00
 (- per hour or part of an hour reasonably required for such search.)
- Where a copy of a record needs to be posted the actual postal fee is payable.

Deposits:

Where O'Neill's receives a request for access to information held on a person other than the requester himself / herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.