

PAIA Information Manual



Prepared in accordance with Section 51 of the Promotion of
Access to Information Act

(Act 2 of 2000)

For

Chubb Insurance South Africa Limited

1. 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 exercises or protection of any rights. The act sets out the requisite procedural issues attached to such request, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request.

The Act recognizes that the right to access of information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to Limitations aimed at reasonable protection of privacy and Commercial confidentiality.

This Manual is available for inspection, free of charge, at the offices of Chubb (see details below).

2. Contact details & general information

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

Information Officer	:	Mr. Arnold Schoombee (Company Secretary)
Tel	:	(011) 722-5751
Fax	:	086 799 2237
Email	:	Arnold.schoombee@chubb.com
Website	:	www.chubb.co.za
Postal Address	:	PO Box 1192 Saxonworld 2132
Physical Address	:	Ground Floor, The Bridles 38 Wierda Road West Wierda Valley Sandton

3. South African Human Rights Guide

The South African Human Rights Commission (‘SAHRC’) plays a key role in the implementation of The Promotion of Access to Information Act 2 of 2000 (“PAIA”). All pertinent information about PAIA, including access to PAIA itself and regulations made under it, is available on the SAHRC’s website on www.sahrc.org.za or contact the commission by telephone: (011) 877 3600 or via E- mail: PAIA@sahrc.org.za

4. Record types that may be requested

Access to the documents listed below may be subject to the grounds of refusal set out in this Manual:

4.1. Personnel Records

“Personnel” refers to any person who works for or provides services to or on behalf of and who receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting Chubb’s business and includes, without limitation, directors (executive and non- executive), all permanent, temporary and part-time staff as well as contract workers. Personnel records include:

- 4.1.1 personal records (provided by personnel themselves);
- 4.1.2 records provided by a third party relating to personnel;
- 4.1.3 conditions of employment and other personnel-related contractual and quasi-legal records;
- 4.1.4 internal evaluation records and other internal records;
- 4.1.5 correspondence relating to personnel; and
- 4.1.6 training schedules and material.

4.2. Customer records

A “customer” refers to any natural or juristic entity that receives services from Chubb. Customer records include:

- 4.2.1 records pertaining to products sold and/or serviced by Chubb including, without limitation, Banking, Insurance and Rewards products;
- 4.2.2 records provided by a customer to a third party acting for or on behalf of Chubb;
- 4.2.3 records provided by a third party;
- 4.2.4 records generated by or within Chubb relating to its customers, including transactional data.

4.3. Private body records

These are records which include, but are not limited to, records which pertain to Chubb’s own affairs including:

- 4.3.1 financial records;
- 4.3.2 operational records;
- 4.3.3 databases;
- 4.3.4 information technology systems and documents;
- 4.3.5 marketing records;
- 4.3.6 internal correspondence;
- 4.3.7 product records;
- 4.3.8 statutory records;
- 4.3.9 internal policies and procedures.

4.4. Other party records

- 4.4.1 Personnel, customer or private body records which are held by another party on Chubb’s behalf, as opposed to the records held by Chubb itself.
- 4.4.2 Records held by Chubb pertaining to other parties, including without limitation, financial records, correspondence, contractual records, and records about Chubb’s contractors / suppliers / service providers.

5. Grounds for refusal of access of records

Chubb may refuse a request for information on, inter alia, the following basis:

- 5.1 The mandatory protection of the privacy of a third party who is a natural person, in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).
- 5.2 The mandatory protection of the commercial information of a third party, if the record contains:
 - 5.2.1 trade secrets of that third party;
 - 5.2.2 financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - 5.2.3 information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
 - a. to put that third party at a disadvantage in contractual or other negotiations;
 - b. to prejudice that third party in commercial competition.
- 5.3 The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement.
- 5.4 The mandatory protection of the safety of individuals and the protection of property.
- 5.5 The mandatory protection of records which would be privileged from production in legal proceedings.
- 5.6 The protection of Chubb’s commercial activities including, without limitation, records that contain:
 - 5.6.1 Chubb’s trade secrets;
 - 5.6.2 financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Chubb’s commercial or financial interests;
 - 5.6.3 information, the disclosure of which could reasonably be expected:
 - a. to put Chubb at a disadvantage in contractual or other negotiations; or b. to prejudice Chubb in commercial competition.
 - 5.6.4 computer programs owned by Chubb.
 - 5.6.5 The mandatory protection of research information of Chubb or a third party, if disclosure would expose the identity of Chubb or the third party, the researcher or the subject matter of the research to serious disadvantage.

- 5.6.6 Requests for information that are, in the opinion of Chubb, frivolous or vexatious or which involve an unreasonable diversion of resources.

6. Records that can not be found or do not exist

In terms of chapter 3 of section 55 of the Act, Chubb will after all reasonable steps have been taken to find the record requested, notify the requester that the records does not exist.

7. Request procedure

A requester requiring access to information held by Chubb must make the request in the prescribed form and submit the request, together with the prescribed fee and deposit, if applicable, to the Information Officer at the postal or physical address above.

- The application form must be completed in full in accordance with the instructions thereon and must be accompanied by payment or proof of payment of the prescribed fees payable.
- All requests for access to records in terms of the Act must be in writing.
- The requester will be informed within 30 (thirty) days of receipt of the request whether the request has been granted or not.
- If a requester is dissatisfied with the outcome of not being granted a request, the requester can, within 60 days of being informed that the request was not granted, lodge an internal appeal. An appeal must be lodged in writing on a prescribed form obtainable from the Information Officer, who will ensure that it is dealt with in terms of PAIA, and inform the applicant of the outcome thereof.
- For a specimen of the request form refer to **Annexure A** of the manual

8. Fees

- 8.1 The Act provides for two types of fees, namely;
- **Request fee:** This is a non- refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered;
 - **Access fee:** This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.
- 8.2 Chubb may withhold a record until the request fee and the deposit (if applicable) has been paid. A schedule of the prescribed fees is attached as **Annexure B** to the manual.

9. Right of appeal

A requestor that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

ANNEXURE A

APPLICATION FORM - PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER REQUEST FOR ACCESS TO RECORDS OF A PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000)

(Regulation 4)

The Information

A. Particulars of private body

The Head:

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B. Particulars of person requesting access to the record

- The particulars of the person who requests access to the records must be recorded below.
- Furnish an address and/or fax number in the Republic to which information must be sent.
- 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:

(Proof of the capacity in which request is made, when made on behalf of another person, must be attached)

C. Particulars of person on whose behalf request is made:

This section must be completed ONLY if a request for information is made on behalf of another person.

Full name 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 record or relevant part of the record:

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Reference number, if available:

2. Any further particulars of record

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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 required to be paid as the **request fee**.
- c. 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.
- d. If you qualify for exemption of the payment of any fee, please state the reason therefore.

Reason for exemption from payment of fees

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F. Form of access to 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.

1. Disability:

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2. 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:

- Copy of record
- Inspection of record

2. If record consists of visual images:

- View the images
- Copy of the images
- Transcription of the images

3. If record consists of recorded words or information which can be reproduced in sound:

- Listen to the soundtrack (audio cassette)
- Transcription of soundtrack (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

- Printed copy of record
- Printed copy of information derived from the record
- 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? Yes_____No_____ If yes, a postal fee is payable.

G. Particulars of right to be exercised or protected:

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. Indicate which right is to be exercised or protected:

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

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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.

1. How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER/ PERSON ON BEHALF OF REQUESTER

ANNEXURE B

TABLE OF FEES

Reproduction Fees:

Where Chubb 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.

1.	For every photocopy of an A4-size page or part thereof	R1.10
2.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
3.	For a copy in a computer-readable form on	
	a. stiffy disc	R7.50
	b. compact disc	R70.00
4.		
	a. For a transcription of visual images, for an A4-size page or part thereof	R40.00
	b. For a copy of visual images	R60.00
5.		
	a. For a transcription of an audio record, for an A6-size page or part thereof	R20.00
	b. For a copy of an audio record	R30.00

2. Request Fees:

The request fee payable by a requester, other than a personal requester, referred to in regulation 7(2) is R50.00.

3. Access Fees:

The access fees payable by a requester referred to in regulation 7(3) are as follows:

1.	For every photocopy of an A4-size page or part thereof	R1.10
2.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
3.	For a copy in a computer-readable form on	
	a. stiffy disc	R7.50
	b. compact disc	R70.00
4.	For a transcription of visual images	
	a. for an A4-size page or part thereof	R40.00
	b. for a copy of visual images	R60.00
5.	For a transcription of an audio record	
	a. for an A4-size page or part thereof	R20.00
	b. for a copy of an audio record	R30.00

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.

The actual postage is payable when a copy of a record must be posted to a requester.