



## PAIA INFORMATION MANUAL

### In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (as amended)

THE FOLLOWING COMPANIES WITHIN THE GROUP ARE REGISTERED WITH THE FSCA

COMPANY NAME	REG NO	FSP NO
DIGICALL SOUTH AFRICA (PTY) LTD	1994/005987/07	46358
DIGICALL SOLUTIONS (PTY) LTD	2000/003801/07	26898
DIGICALL CLAIMS ADMINISTRATION SOLUTIONS (PTY) LTD	2005/023531/07	46323
AFRICA AND WORLDWIDE MEDICAL ASSISTANCE SERVICES (PTY) LTD	1997/013679/07	44376

AN AUTHORISED FINANCIAL SERVICES PROVIDER

## Contents

1.	Applicability and purpose of the PAIA Manual .....	3
2.	List of Acronyms and Abbreviations.....	3
3.	Guide on how to use PAIA and how to Obtain Access to the Guide .....	4
4.	Business and Contact Details .....	5
5.	Records Available in Terms of Other Legislation.....	5
6.	Purpose of Processing of Personal Information.....	7
7.	Records that are held by the offices of the business .....	8
8.	General Description of Information Security Measures.....	9
9.	Information Request Procedure .....	10
10.	Denial of Access to Information .....	11
11.	Prescribed Fees (Section 51(1)(f)).....	13
12.	Decision	15
13.	Remedies for Refusal of a Request.....	15
14.	Availability and Updating of our Manual.....	15
15.	Applicable Forms .....	15

# 1. Applicability and purpose of the PAIA Manual

This PAIA Manual is applicable to Digicall Holdings (Pty) Ltd and its subsidiary and affiliated companies, collectively referred to as ("Digicall").

The Promotion of Access to Information Act 2 of 2000 ("PAIA" or "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 and that is required for the exercise or protection of any rights. The Protection of Personal Information Act 2013 has amended the PAIA and also requires from private bodies to disclose certain information through the relevant organisation's PAIA Manual.

Specifically, section 51(1) of the Act, read with the Protection of Personal Information Act of 2013, requires a private body to compile a manual that must contain information as specified and required by both PAIA and POPI. In addition, the PAIA manual must set out the formal procedure that a person must follow in order to request to view, update or delete personal information held by the private body.

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).

This organisation 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. In general, the limitations relate 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 and the process that needs to be adopted to access such records.

# 2. List of Acronyms and Abbreviations

"Minister"	Minister of Justice and Correctional Services;
"PAIA"	Promotion of Access to Information Act No.2 2000 (as Amended)
"POPIA"	Protection of Personal Information Act No.4 of 2013;
"Regulator"	Information Regulator; and
"The Act"	Promotion of Access to Information Act No.2 2000 (as Amended)
"Company"	The companies registered as Financial Services Providers within the Digicall Group

### 3. Guide on how to use PAIA and how to Obtain Access to the Guide

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulations 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.

The Guide can also be obtained-

- upon request to the Information Officer;
- from the website of the Regulator (<https://info regulator.org.za/>).

**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 4 of this Manual.**

### 4. Business and Contact Details

#### 4.1. The business contact details are:

<b>Chief Information Officer:</b>	Conrad Erasmus
<b>Position:</b>	Group Chief Executive Officer
<b>Postal Address:</b>	Postnet Suite 118, Private Bag X75, Bryanston, 2021
<b>Physical Address:</b>	110 Conrad Drive, Craighall Office Park, Craighall Park, Johannesburg, 2198
<b>Phone Number:</b>	010 211 5000
<b>Email Address:</b>	<a href="mailto:info@digicallgroup.co.za">info@digicallgroup.co.za</a>

<b>Deputy Information Officer:</b>	Johan Kriel
<b>Position:</b>	Group Chief Information Officer
<b>Postal Address:</b>	Postnet Suite 118, Private Bag X75, Bryanston, 2021
<b>Physical Address:</b>	110 Conrad Drive, Craighall Office Park, Craighall, Park, Johannesburg, 2198
<b>Phone Number:</b>	010 211 5000
<b>Email Address:</b>	<a href="mailto:info@digicallgroup.co.za">info@digicallgroup.co.za</a>
<b>Website:</b>	<a href="http://www.digicallgroup.co.za">www.digicallgroup.co.za</a>

## 4.2. The contact details of the Regulator are:

<b>Postal Address:</b>	P.O Box 31533, Braamfontein, Johannesburg, 2017
<b>Physical Address:</b>	Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191
<b>General Enquiries:</b>	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>
<b>Should your PAIA request be denied or there is no response from a public or private bodies for access to records you may use this email address to lodge a complaint:</b>	<a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a>
<b>Should you feel that your personal information has been violated, you may use this e-mail address to lodge a complaint:</b>	<a href="mailto:POPIAComplaints@inforegulator.org.za">POPIAComplaints@inforegulator.org.za</a>
<b>Website:</b>	<a href="https://inforegulator.org.za/">https://inforegulator.org.za/</a>

## 5. Records Available in Terms of Other Legislation

**NOTE:** There may not be specific records that mention us by name in the records of all or any of the institutions that administer the Acts mentioned below, but the following legislation is applicable to us:

Digicall retains records and documents in terms of the legislation listed below.

Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement, or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below-mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information.

A request to access must be done in accordance with the prescriptions of the relevant Act.

- Basic Conditions of Employment Act, No 75 of 1997;
- Broad-Based Black Economic Empowerment Act, No 75 of 1997;
- Companies Act, No 71 of 2008;
- Compensation for Occupational Injuries and Health Diseases Act, No 10 of 1993;
- Consumer Protection Act, No 68 of 2008
- Competition Act, No.71 of 2008;
- Copyright Act, No 98 of 1978;
- Debt Collectors Act, No 114 of 1998
- Electronic Communications Act, No 36 of 2005;
- Electronic Communications and Transactions Act, No 25 of 2002;
- Employment Equity Act, No 55 of 1998;
- Financial Advisory and Intermediary Services Act, No 37 of 2002
- Financial Intelligence Centre Act, No 38 of 2001;
- Health Professions Act, No 56 OF 1974 as amended;
- Income Tax Act, No 58 of 1962;
- Intellectual Property Laws Amendment Act, No 38 of 1997;
- Labour Relations Act, No 66 of 1995;
- National Health Act, 2003 Act No 61 OF 2003;
- Occupational Health & Safety Act, No 85 of 1993;

- Prevention of Organised Crime Act, No 121 of 1998;
- Promotion of Access to Information Act, No 2 of 2000;
- Protection of Constitutional Democracy against Terrorist and Related Activities Act, No 33 of 2004
- Protection of Personal Information Act, No. 4 of 2013;
- Unemployment Insurance Act, No 30 of 1996
- Skills Development Levies Act, No 9 of 1999
- Skills Development Act, No 97 of 19998
- Unemployment Contributions Act, No 4 of 2002
- Unemployment Insurance Act, No 63 of 2001
- Value Added Tax Act, No 89 of 1991

Whilst care was taken to provide a comprehensive list of applicable legislation, this list may be incomplete. To this end, this list shall be updated accordingly as and when Digicall receives new information to this effect.

If a Requester believes that a right of access to a record exists in terms of other legislation not listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity to consider the request in light thereof.

The accessibility of documents and records requested as a result of other legislation, may be subject to the grounds of refusal, set out in this Manual.

## 6. Purpose of Processing of Personal Information

### 6.1. Processing

- Fulfilling statutory obligations in terms of applicable legislation
- Historical record keeping, research and recording statistics necessary for fulfilling service offered to our clients and to fulfill our business objectives
- Keeping of accounts and records
- Obtaining information necessary to provide contractually agreed services to a customers and clients
- Resolving and tracking complaints
- Staff administration
- Verifying information provided to us

### 6.2. Categories of Data Subjects

- Clients and client’s employees, representatives, agents, contractors and service providers
- Existing and former employees (including contractors, agents, temporary and casual employees)
- Our stakeholders

## 7. Records that are held by the offices of the business

Subject	Categories of Records
Operations	Brochures and Company Information Client and Customer Registry Contracts

	General Correspondence Information relating to Work-In-Progress Marketing material and Future Strategies Policies and Procedures
Financial Records	Accounting Records Annual Financial Statements Asset Register Banking Records Contracts Financial Transactions General Correspondence Insurance Information Management Accounts Tax Records (Company and Employee)
Information Technology	IT policies and Procedures
Special information processed	Offences / alleged offences Criminal proceedings, outcomes & sentences
Possible Recipients of Personal Information	Banks and other financial institutions. Ombudsman and regulatory authorities Regulatory, statutory and government bodies Third party verification agencies and credit bureau

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Natural Persons	Names Physical and postal addresses

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Natural Persons	Names Physical and postal addresses
Clients/customers/financial planners Representatives/Agents Contractors	Date of birth ID number Tax related information Nationality Gender Confidential correspondence Email address Telephone number
Service Providers	Names Registration number VAT numbers Address and Bank details
Employees Existing and former employees Contractors, agents, temporary and casual employees	Name Address Qualifications Registration numbers or identity numbers Bank details Tax related information

	Nationality Confidential correspondence Email address Contact telephone numbers
Juristic Persons	Names of contact persons Name of Legal Entity Registration Number Physical and Postal address and contact details Founding documents Tax related information Authorised signatories, beneficiaries, ultimate beneficial owners

## 8. General Description of Information Security Measures

Up to date technology is employed to ensure the confidentiality, integrity and availability of the Personal Information under our care.

### Measures include:

- Acceptable usage of personal information
- Access control to personal information
- Computer and network security including Firewalls, Virus protection software and update protocols
- Governance and regulatory compliance
- Internal process to report security breach or anticipated security breach
- Investigating and reacting to security incidents.
- Logical and physical access control
- Monitoring access and usage of private information
- Physical security
- Retention and disposal of information
- Secure communications
- Security in the outsourcing of any activities or functions through appropriate contracts
- Training of staff members

We continuously establish and maintain appropriate, reasonable technical and organisational measures to ensure that the integrity of the Personal Information which may be in our possession or under our control, is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures applicable.

## 9. Information Request Procedure

A requester is any person requesting access to information. There are two types of requester:

### a. Personal Requester

A personal requester is a requester who is seeking access to information containing personal information about the requester.

Digicall will voluntarily provide the requested information or give access to any record concerning the requester's personal information. The prescribed fee for the reproduction of the information requested will be charged (if applicable).

**b. Other Requester**

This requester is entitled to request access to information on third parties.

In considering such a request, the Information Officer will take all reasonable steps to inform the third party to whom the requested record relates of the request.

The Information officer will inform the third party that he/she may make a written or oral representation stating why the request should be refused or, where required, give written consent for the disclosure of the Information.

The requester must fulfil the prerequisite requirements, including the payment of a request and access fee.

- 9.1 The requester must use the prescribed form to make the request for access to a record. The prescribed form is available from the Chief Information Officer named in Section 3 above. The form is also available from the website of the Information Regulator at <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>
- 9.2 The request must be made to the Chief Information Officer named in Section 3 above.
- 9.3 This request must be made to the address or electronic mail address of the business.
- 9.4 Records held by Digicall may be accessed by request only once the prerequisite requirements for access have been met.
- 9.5 The requester must provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester.
- 9.6 The requester should also indicate which form of access is required.
- 9.7 The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- 9.8 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.
- 9.9 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 Head of Business aforesaid.
- 9.10 The prescribed request fee must be attached.

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.

## **10. Denial of Access to Information**

- 10.1 Digicall is entitled to refuse a request for information in terms of the Act.
- 10.2 Access to information may be subject to the grounds of refusal.
- 10.3 Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.
- 10.4 The main grounds for Digicall to refuse a request for information are:
  - 10.4.1. mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
  - 10.4.2 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
  - 10.4.3 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
  - 10.4.4 mandatory protection of the commercial information of a third party (section 64) if the record contains:
    - i. trade secrets of the third party;
    - ii. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
    - iii. information disclosed in confidence by a third party to Digicall if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
  - 10.4.5 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
  - 10.4.6 mandatory protection of the safety of individuals and the protection of property (section 66);
  - 10.4.7 mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).
- 10.5. Requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 10.6. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 10.7. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.
- 10.8. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act.
- 10.9. If the record should later be found, the requester shall be given access to the record in the

manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

10.10 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 Digicall 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 Digicall;
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Digicall.

10.11 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.

## 11. Prescribed Fees (Section 51(1)(f))

11.1. The Act provides for two types of fees, namely:

- a. **A request fee**, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- b. **An access fee**, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

11.2. When a request is received by the Information Officer, he/she shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before processing of the request.

11.3. If the search for the information has been made and the preparation of the record for disclosure, including an 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.

- 11.4. If the preparation of the record requested requires more than the prescribed hours 6 (six), a deposit of a third of the payable access fee shall be paid.
- 11.5. The Information Officer shall withhold a record until the requester has paid the requested fees.
- 11.6. A requester whose request for access to information has been granted must pay an access fee that is calculated to include, where applicable, the request fee, processing fee for reproduction, search, and preparation, and for any time reasonably required over the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 11.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.
- 11.8. Where Digicall 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 the reproduction of the record in question.
- 11.9. Where a requester submits a request for access to information about a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.
- 11.10. An access fee is payable 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 exclusion is determined by the Minister in terms of section 54(8).

A requester may query the payment of the requested fee and/or deposit with the Information Officer. Should the requester find the decision unsatisfactory, he/she may lodge an application with a court.

- 11.11. The Fee Schedule is as per the fees set out by the regulator on the following link:

<https://infoeregulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>

## **12. Decision**

- 12.1. Digicall will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give written notice with reasons to that effect.
- 12.2. The 30 (thirty) day period within which Digicall must decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large amount of information, or the request requires a search for information held at another location and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 12.3. Digicall will notify the requester in writing should an extension be sought.

## **13. Remedies for Refusal of a Request**

### 13.1. Internal Remedies

- a. Digicall does not have internal appeal procedures as the decision made by the Information Officer is final.
- b. A requester will need to exercise external remedies should the request for information be refused, and they are not satisfied with the decision by the Information Officer.

### 13.2. External Remedies

a. A requestor and/or third party that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of receipt of notification of the decision apply to the High Court with jurisdiction, for relief.

13.3. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, and a Magistrate's Court designated by the Minister of Justice and Constitutional Development.

## 14. Availability and Updating of our Manual

This Manual can be viewed on our website or may be obtained from the Chief Information Officer referred to in Section 4 above for inspection free of charge at our below physical address.

Any transmission costs or postage required in respect of hard copies of the Manual, will be for the account of the requester.

The Information officer of Digicall will update this Manual at such intervals as may be deemed necessary.

## 15. Applicable Forms

See the Information Regulator website for the applicable PAIA forms included.

1. PAIA Form 2 – Form 2 Request for Access to Record  
<https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>
2. PAIA Form 3 – Form 3 Outcome of Request and Fees Payable  
<https://inforegulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>