BROKERSURE

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PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000) SECTION 51 MANUAL

MONEYLINE 1626 (PTY) LTD TRADING AS BROKERSURE REGISTRATION NUMBER 2015/296601/07 LICENSE NO. 13126

Introduction

This entity – **MONEYLINE 1626 (PTY) LTD TRADING AS BROKERSURE REGISTRATION NUMBER 2015/296601/07** – is an authorised financial services provider that provides financial advice and renders intermediary services to clients on financial products under a licence issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002.

1. Definitions

1.1 **MONEYLINE 1626 (PTY) LTD** means **BROKERSURE** with registration number **REGISTRATION NUMBER 2015/296601/07 FSP NUMBER 13126.** The entities subsidiaries and associated companies consists of:

1.1.1.
1.1.2.
1.1.3.
1.1.4.
1.1.5.
1.1.6.

1.2 “Data Subject” means the person to whom personal information relates;

1.3 “Manual” means this manual together with all its annexure;

1.4 “POPI” means the Protection of Personal Information Act, 4 of 2013;

1.5 “PAIA” means Promotion of Access to Information Act, 2 of 2002;

1.6 “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
b) dissemination by means of transmission, distribution or making available in any other form; or
c) merging, linking, as well as restriction, degradation, erasure or destruction or information.

1.7 “Record” means any recorded information-

a) regardless of form or medium, including writing on any material, information produced, recorded or stored by means of any tape-recorded, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information produced, recorded or stored. Any label, marking or other writing that identified or described any thing of which it forms part, or to which it is attached by any means, book, map, graph or drawing. Any photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
b) in the possession or control of a responsible party;
c) whether or not it was created by the responsible party; and
d) regardless of how it came into existence.

1.8 “Requester” has the meaning ascribed to it in section 1 of PAIA.

2. Purpose

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) 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.

PAIA sets out the requisite procedures associated with any such requests for information. In terms of PAIA, where a request for information is made to a body, there is an obligation to provide the information, except where PAIA, expressly provides that the information may not be released.

PAIA balances the interests of Requester of information, as well as those of private entities needing to protect trade secrets and confidential information.

The purpose of this Manual is to:

a) detail the procedure that a Requester for information is required to follow and the manner in which a Request for Access shall be facilitated by **BROKERSURE 13126**; and
b) to detail the purpose for which personal information may be processed, a description of categories of Data Subjects for whom **BROKERSURE 13126** processes personal information,

as well as the categories of personal information relating to such Data Subjects, and the recipients to whom personal information may be supplied.

3. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Contact details

Name of business	Brokersure Insurance Group
Designated contact person	- Terry Stark - person appointed to be head of business
Information officer	- Terry Stark
Physical address	5 Montrose Park Boulevard Victoria Country Club Estate Montrose Pietermaritzburg 3201
Postal address	PO Box 11566 Dorpspruit 3206
Telephone number	033 347 8800
Fax number	Not applicable
E-mail address	reception@brokersure.co.za

4. The section 10 Guide on how to use the Act

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), 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.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA ;

4.3.3. the manner and form of a request for-

4.3.3.1. access to a record of a public body contemplated in section 11 ; and

4.3.3.2. access to a record of a private body contemplated in section 50 ;

4.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

4.3.6.1. an internal appeal;

4.3.6.2. a complaint to the Regulator; and

4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body.

4.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

4.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and

4.3.10. the regulations made in terms of section 92.

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (https://www.justice.gov.za/inforeg/).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 (ENGLISH & AFRIKAANS)

5. Records available in terms of any other legislation

Records available in terms of any other legislation

Basic Conditions of Employment Act No. 75 of 1997
Collective Investments Schemes Control Act No. 45 of 2002
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Consumer Protection Act No. 68 of 2008
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
Financial Institutions (Protection of Funds) Act No. 28 of 2001
Financial Services Board Act No. 97 of 1990
Financial Services Ombud Schemes Act No. 37 of 2004
Friendly Societies Act No. 25 of 1956
Income Tax Act No. 58 of 1962
Insurance Laws Amendment Act No. 27 of 2008
Labour Relations Act No. 66 of 1995
Long-term Insurance Act No. 52 of 1998
Medical Schemes Act No. 131 of 1998

Occupational Health and Safety Act No. 85 of 1993
Pension Funds Act No. 24 of 1956
Prevention of Organised Crime Act No. 121 of 1998
Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
Security Services Act No. 36 of 2004
Short Term Insurance Act No. 53 of 1998
Skills Development Act No.97 of 1998
Skills Development Act No.97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

6. Access to the records held by the private body

- The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of section 52 (2) of this Act, and at no cost:

Brochures; Pamphlets; Documents related to business activities

- Records which may be requested in terms of this Act:

Administration: o Licence of product categories o Minutes of management meetings o Minutes of staff meetings o Correspondence
Human resources: o Employment contracts o Mandates o Policies and procedures o Training o Remuneration and benefits policies, and records thereof
Operations: o Production records o Compliance manual – FAIS o Compliance reports o Complaint's procedures o Contractual agreements with suppliers o Procedure's manual - FICA

o Records of advice o Register of key individuals o Register of representatives o Register of non-compliance o Record of continued compliance by representatives o Register of premature cancellation of products o Clients register
Finances: o Accounting and audit records o Financial statements o Assets inventory
Legal Records: o Documentation pertaining to litigation and arbitration o General agreements o Licenses, permits and authorizations o Insurance Records including records in respect of insurance coverage, limits and insurers o Claims Records
Tax Records: o Income tax returns and other documentation o PAYE Records o Skills Development Levies Records o Value Added Tax Record.
Employee Records: o Attendance register o Company tax submissions in respect of employee o Employment Agreements o Confidentiality agreements o Restraint of Trade Agreements o Disciplinary Records o Employee personal details o Employment conditions and policies o Employment equity plan o Medical aid Records o Remuneration and benefits records o Retirement fund records o Training manuals and material o Dividend payment list
Information technology: o Business and data information o Domain name registrations o IT technology capabilities o Asset Registers
Customer Records:

- Agreements and Forms
- Payment details
- Sales Records
- Policy documents and wordings
- Transaction records
- Disclosures

- The request procedures:

Form of request: (ANNEXURE A)

Form of request – Annexure A:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the Information Officer of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The Information Officers will, within 30 days of receipt of the Request, decide whether to grant or decline the Request and notice with reasons (if required) will be provided. In the event that a large volume of information is requested, or the Information Offices is required to search through a large volume of Records, the 30 day period in terms of which the Information Officer must decide whether to grant or refuse the Request may be extended for a further period, not exceeding 30 days. The Requester will be notified by the Information Officer of any extension sought.
- Should the Information Officer be unable to locate a Record, or the Record does not exist, the Information Officer will, by means of an affidavit or attestation, notify the Requester which will include information in respect of the steps taken to locate the Record.
- In the event that the Request for Access to a Record is unsuccessful, the Requester will be notified by the Information Officer, which notification will include:

1. Adequate reasons for the refusal.
2. The Requester's right to lodge to apply to a court for relief within 180 days of notification of the decision for appropriate relief in accordance with sections 56(3) (c) and 78 of PAIA.

- The Information Officer may refuse access to a Record in the following instances:
  1. protecting personal information about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
  2. protecting commercial information that is held about a third party or a particular company or entity (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization or the third party);
  3. if disclosure of the Record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
  4. if disclosure of the Record would endanger the life or physical safety of an individual;
  5. if disclosure of the Records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
  6. if disclosure of the Record would prejudice or impair the protection of the safety of the public;
  7. the Record is privileged from production in legal proceedings, unless the legal privilege has been waived;
  8. disclosure of the Record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of **Brokersure 13126**
  9. the Record is a computer programme; and
  10. the Record contains information about research being carried out or about to be carried out on behalf of a third party or **Brokersure 13126**

Fees payable for request – Annexure B:

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The Information Officer of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the Information Officer of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

7. Other information as may be prescribed

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

8. Availability of the PAIA manual

8.1 A copy of the Manual is available-

8.1.1 on (www.brokersure.co.za), if any;

8.1.2 head office of the (Licence no.13126) for public inspection during normal business hours;

8.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

8.1.4 to the Information Regulator upon request.

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. Protection of Personal Information Act

9.1. POPI regulates and controls the Processing, collection, use, and transfer of personal information relating to identifiable, living, naturals persons and juristic persons.

9.2 In terms of POPI, the definition of personal information includes, but is no limited to:

9.2.1. Name
9.2.2. Address
9.2.3. Contact Details
9.2.4. Date of birth
9.2.5. Place of birth
9.2.6. Identity Number
9.2.7. Passport Number
9.2.8. Bank details
9.2.9. Tax Number
9.2.10. Financial Information
9.2.11. Marital Status

9.3. In terms of POPI, **Brokersure 13126** has a legal duty to collect, use, transfer and destroy another's (Data Subject) personal information in a lawful, legitimate and responsible manner.

9.4. **Brokersure 13126** processes personal information in respect of, but not limited to, the following Data Subjects:

9.4.1. Employees, Contractors, Consultants, Job applicants, Directors, Learnership Candidates, Representatives (as defined in the Financial Advisory and Intermediary Services Act, 2002.
9.4.2. Clients
9.4.3. Suppliers and Service Providers
9.4.4. Regulators of Public Bodies
9.4.5. Persons who physically interact with the Company at the Company's offices or through e-mail, fax, WhatsApp, websites and other means of electronic communication
9.4.6. Third parties involved in insurance claims
9.4.7. Potential business partners

9.5. **Brokersure 13126** processes personal information (without limitation):
9.5.1. in accordance with its business objectives and strategies;
9.5.2. to comply with its legal and contractual obligations;
9.5.3. in order to make contact with, or attend to a Data subjects queries or instructions;

9.5.4. to identify Data Subjects;

9.5.5. to pursue the legitimate interest of **Brokersure 13126** or the Data Subject;

9.5.6. to provide the data subject with information, which includes information about marketing, in respect of **Brokersure 13126**

9.5.7. to provide, maintain and improve its services;

9.5.8. to perform operational, human resource and legal requirements; and

9.5.9. to prevent fraud and abuse of **Brokersure 13126** processes, systems and operations.

9.6. **Brokersure 13126** will ensure that all Personal information is treated with caution and will implement reasonable security measures to protect your Personal information.

9.7. Once the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end or expired, such Personal Information will be safely and securely archived for the required periods, as prescribed by law. **Brokersure 13126** will thereafter ensure that such Personal Information is permanently destroyed.

9.8. In the event that a Data Subject requires details of the Personal Information **Brokersure 13126**, the Data Subject must submit a request in accordance with 7 of this Manual.

10. Complaints

Should your PAIA request be denied or there is no response from a public or private bodies for access to records you may lodge a complaint at the following email address:

PAIAComplaints@inforegulator.org.za

Annexure A - Request For Access to Record of Licence no. 13126

Particulars of private body

MONEYLINE 1626 (PTY) LTD TRADING AS BROKERSURE REGISTRATION NUMBER 2015/296601/07 | AUTHORISED FINANCIAL SERVICES PROVIDER LICENSE NO. 13126

Particulars of person requesting access to the record

Instructions: • The particulars of the person who requests access to the record must be given below. • The address and/or fax number in the Republic to which the information is to be sent must be given. • Proof of the capacity in which the request is made, if applicable, must be attached.	
Full name and surname	Terry Stark
Identity number	
Postal address	PO Box 11566, Dorpspruit, 3206
Telephone number	033 347 8800
Fax number	Not applicable
E-mail address	reception@brokersure.co.za
Capacity in which request is made, when made on behalf of another person	

Particulars of person on whose behalf request is made

Instructions: • This section must be completed ONLY if a request for information is made on behalf of another person.	
Full name and surname	
Identity number	

Particulars of record

Instructions: • 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 folio and attach it to this form. **The requester must sign all the additional folios.**

Description of record or relevant part of the record	
Reference number, if available	
Any further particulars of record	

Fees

Instructions:	
• A request for access to a record, other than records containing personal information about you, will be processed only after a **request fee** has been paid. • You will be notified of the amount required to be paid as the request fee. • 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. • If you qualify for exemption of the payment of any fee, please state the reason for exemption.	
Reason for exemption from payment of fees	

Form of access to record

Instructions: • 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	

Instructions:
- Mark the appropriate box with an **X**
- Compliance with your request in the specified form may depend on the form in which the record is available.
- 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.
- 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 (this includes photographs, slides, video recordings, computer-generated images, sketches etc):
   ☐ View images ☐ Copy of images
   ☐ Transcription of images
3. If record consists of recorded words or information which can be reproduced in sound:
   ☐ Listen to 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
   ☐ Printed copy of information derived from 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

Postage fees are applicable.

Particulars of right to be exercised or protected

Instructions: • 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.	
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	

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 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 _____ on this _____ day of _____ 20_____

_____

Full Name of Requester
Person on whose behalf the request is made

_____

Signature of Requester
Person on whose behalf the request is made

Annexure B – Fees in respect of private bodies

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1.10 for every photocopy of an A4-size page or part thereof.	
2. The fees for reproduction referred to in regulation 11(1) are as follows:	R0.00
a. For every photocopy of an A4-size page or part thereof	1.10
b. 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
c. For a copy in a computer-readable form on:	
i. Stiffy disc	7.50
ii. Compact disc	70.00
d. For a transcription of visual images:	
i. A4 size page or part thereof	40.00
ii. A copy of visual images	60.00
e. For a transcription of an audio record:	
i. A4 size page or part thereof	20.00
ii. A copy of an audio record	30.00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.	
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:	R0.00
a. For every photocopy of an A4-size page or part thereof	1.10
b. 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
c. For a copy in a computer-readable form on:	
i. Stiffy disc	7.50
ii. Compact disc	70.00
d. For a transcription of visual images:	
i. A4 size page or part thereof	40.00
ii. A copy of visual images	60.00
e. For a transcription of an audio record:	
i. A4 size page or part thereof	20.00
ii. A copy of an audio record	30.00
For purposes of section 54(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) One third of the access fee is payable as a deposit by the requester.	
The actual postage is payable when a copy of a record must be posted to a requester.	