



INFORMATION MANUAL
Section 51 of the Promotion of Access to Information Act 2 of 2000
Coface South Africa Group of Companies

1. INTRODUCTION

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving 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.

Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

2. CONTACT DETAILS AND GENERAL INFORMATION

Coface South Africa Group: Coface South Africa Insurance Company Limited
(“Coface”) (Registration Number: 2005/013754/06)

Physical Address: Building D, DRA Minerals Park
Inyanga Close
Sunninghill
2157

Postal Address: PO Box 1657
Sunninghill
2157

Telephone Number: +27 11 208 2500

Facsimile: +27 11 208 2600

Website: www.cofaceza.com

E-mail: info@cofaceza.com

Contact Person: Internal Compliance Officer
Mrs. J Ragavan

Head: Mr. GP de Klerk (Chief Executive Officer)

Inspection of the Manual: The manual may be inspected at our offices or copies may be obtained from our website.



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3. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

3.1 In terms of section 10 of the Act, a guide has made available by the Human Rights Commission. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the aims of the Act as well as the following information:

- How to access a record of a private body and the assistance that is available from the Human Rights Commission;
- How to lodge a court application against a decision of a head of a private body;
- What fees are payable for accessing documentation; and
- Information that has been voluntarily disclosed by the private body.

3.2 Any enquiries regarding this guide should be directed to:

Postal Address: **The South African Human Rights Commission**
PAIA Unit
The Research and Documentation Department
Private Bag X 2700
Houghton
2041

Telephone Number: +27 11 484 8300

Facsimile: +27 11 484 0582

E-mail: paia@sahrc.org.za

Website: www.sahrc.org.za

4. SUBJECTS AND CATEGORIES ON WHICH RECORDS ARE HELD

The accessibility of 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 Coface and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Coface and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- 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;
- Correspondence relating to personnel; and



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- Training schedules and material.

4.2 Client Related Records

A "*client*" refers to any natural or juristic entity that receives services from Coface.

- Records provided by a client to an intermediary;
- Records provided by a third party;
- Records generated by or within Coface relating to clients, including transactional records.

4.3 Private Body Records

Finance:

- Financial records.

Actuarial:

- Statutory records.

Client care:

- Policy documents;
- Applications;
- Amendments;
- Financial transactions;
- Alterations;
- General information.

Alternate:

- Company secretarial records;
- Product records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Treasury-related records;
- Internal policies and procedures;
- Securities and equities; and
- Records held by officials of Coface.

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



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4.4 Other Records

Further records are held pertaining to:

- Shareholders;
- Directors;
- Employees;
- Officials;
- Consultants;
- Intermediaries; and
- Service Providers.

5. RECORDS THAT ARE AVAILABLE IN TERMS OF OTHER LEGISLATION

Where applicable and insofar as the requester complies with the requirements set out in the relevant act, the requester may also request information which is available in terms of other legislation such as –

- The Short Term Insurance Act (No. 53 of 1998);
- The Basic Conditions of Employment Act (No. 75 of 1997);
- The Companies Act (No. 71 of 2008);
- Compensation for Occupational Injuries and Diseases Act (No. 130 of 1993);
- Employment Equity Act (No. 55 of 1998);
- Financial Markets Control Act (No. 55 of 1989);
- The Financial Services Board Act (No. 97 of 1990);
- The Income Tax Act (No. 58 of 1962);
- Labour Relations Act (No. 66 of 1995);
- Occupational Health and Safety Act (No. 85 of 1993);
- Promotion of Equality and Prevention of unfair Discrimination Act (No. 4 of 2000);
- Regional Services Councils Act (No. 109 of 1985);
- Skills Development Act (No. 97 of 1998);
- Skills Development Levies Act (No. 9 of 1999);
- Value Added Tax Act (No. 89 of 1991).

6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Coface may refuse a request for information on the following basis:

- 6.1 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;
- 6.2 Mandatory protection of the commercial information of a third party, if the record contains:
- Trade secrets of that third party;



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- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - Information disclosed in confidence by a third party to Coface, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 6.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- 6.4 Mandatory protection of the safety of individuals and the protection of property;
- 6.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 6.6 The commercial activities of Coface, which may include:
- Trade secrets of Coface;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Coface;
 - Information which, if disclosed, could put Coface at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by Coface and which is protected by copyright.
- 6.7 The research information of Coface or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 6.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

7. REQUEST PROCEDURE

- 7.1 A requester requiring access to information held by Coface must complete the prescribed Form C published on Coface's website. This form is also available at our offices.
- 7.2 Submit the completed form to the internal Compliance Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 2 of this manual and pay a request fee and a deposit, if applicable.
- 7.3 The prescribed form must be completed with enough particularity to at least enable the internal Compliance Officer to identify:
- The record or records requested;
 - The identity number of the requester;
 - The form of access required, if the request is granted;
 - The e-mail, postal address, or fax number of the requester.



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- 7.4 The requester must state that he requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 7.5 Coface will process the request within 30 days, unless the requester has stated special reasons which would satisfy the internal Compliance Officer that circumstances dictate that the above time periods could not be complied with.
- 7.6 The requester will 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.
- 7.7 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 internal Compliance Officer.
- 7.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9 The requester must pay the prescribed fee if applicable, before any further processing can take place.

8. ACCESS TO RECORDS HELD BY COFACE

Records held by Coface 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 or held by Coface.

There are two types of requesters:

8.1 Personal requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Coface will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

8.2 Other requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Coface is not obliged to voluntarily grant access. The requester must



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fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

9. DECISION

9.1 Coface 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.

9.2 The 30 day period within which Coface 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 Coface and the information cannot reasonably be obtained within the original 30 day period. The internal Compliance Officer will notify the requester in writing should an extension be sought.

10. REMEDIES AVAILABLE WHEN COFACE REFUSES A REQUEST FOR INFORMATION

10.1 Internal Remedies

Coface does not have internal appeal procedures. Therefore, the decision made by the internal Compliance Officer and/or Head is final. Requesters who are dissatisfied with a decision will have to exercise external remedies at their disposal.

10.2 External Remedies

A requester or a third party, who is dissatisfied with Coface's refusal to disclose information or the disclosed information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

11. FEES

11.1 All requesters other than a personal requester (which is a requester who wants access to a record containing personal information about the requester), must pay the required fee.

11.2 Once the head or appointed information officer has received the request, the requester will be notified to pay the required fee. The request will not be processed before such fee has been paid.

11.3 If the request is granted, an access fee based on the schedule of fees will then be charged to the requester for the reproduction, search and time expended on preparation of the information.



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- 11.4 The head or appointed information officer of the body may also require a deposit to be paid if it is the head's or appointed information officer's opinion that the time expended on the preparation of the information would exceed that prescribed. The deposit shall be one third of the access fee.
- 11.5 A schedule of the prescribed fees is available in Annexure A below. Please note that the Head or internal Compliance Officer of Coface may withhold a record until the requester has paid the applicable fees.



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ANNEXURE A – SCHEDULE OF FEES

Reproduction of the manual	
The applicable fees for a copy as referred to above are: (VAT exclusive)	R
For every photocopy of an A4-size page or part thereof	1,10
Reproduction Fees	
Where Coface 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: (VAT exclusive)	
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 machine readable form	0,75
For a copy in a computer-readable form on: <ul style="list-style-type: none"> • Stiffy disc • Compact disc 	7,50 70,00
A transcription of visual images for an A4-size page or part thereof	40,00
For 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 on an audio record	30,00
Request Fees	
Where a requester submits a request for access to information held by Coface on a person other than the requester himself/herself, the request fee is payable upfront before Coface will further process the request received.	50,00
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 fees which will be payable are: (VAT exclusive)	
For every photocopy of an A4-size page or part thereof	1,10
For every printed copy of an A4-size or part thereof held on a computer on in electronic or machine readable form	0,75
For a copy in a computer-readable form on: <ul style="list-style-type: none"> • Stiffy disc • Compact disc 	7,50 70,00
A transcription of visual images for an A4-size page or part thereof	40,00
For 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
To search for a record that must be disclosed (per hour or part thereof reasonably required for such search)	30,00
Where a copy of a record needs to be posted, the actual postage fee is payable	Actual
Deposits	
Where Coface receives a request for access to information held on a person other than the requester himself/herself and the internal Compliance Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable by the requester. The amount of the deposit is equal to 1/3 of the amount of the applicable access fee.	