

PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

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1. INTRODUCTION

This Promotion of Access to Information Act manual (“PAIA Manual”) provides an outline of the types of records held by Elevate Life (Pty) Ltd (“Elevate Life”) and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (the “PAIA Act”).

The PAIA Act gives effect to everyone’s constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requester’s rights.

A Guide to the PAIA Act is available from the South African Human Rights Commission (“SAHRC”) website: www.sahrc.org.za. It describes, in each official language:

- The objectives of the PAIA Act;
- The details of each private body (where possible);
- The process that needs to be followed in order to make a request;
- How to get copies of the Guide at no charge;
- How to get access to the manual of a private body; and
- All the remedies available in law to you.

Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission:

PAIA Unit, The Research and Documentation Department

Postal address:

Private Bag 2700
Houghton
2041

Tel: +27 11 887 3803

Fax: +27 11 403 0625

Website: www.sahrc.org.za

Email: paia@sahrc.org.za



2. COMPANY OVERVIEW

Elevate Life is an insurance product administrator and distributor established in accordance with the laws of South Africa with registration number 2016/002863/07.

This PAIA Manual of Elevate Life is available to view at its premises:

Address:

2nd Floor, Gateway West,
22 Magwa Crescent, Waterfall City,
Midrand, 2066

Contact Details of the Chief Executive Officer:

Name: Matan Abraham

Email address: matan.abraham@elevate.co.za

Contact Details of the Public Officer:

Name: Charmaine Roux

Email address: charmaine@insight.co.za

3. INFORMATION OFFICER

The PAIA Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, *inter alia*, assess requests for access to information. Elevate Life has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the PAIA Act.

The Information Officer appointed in terms of the PAIA Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both PAIA Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

All requests for information in terms of the PAIA Act must be addressed to the Information Officer.

Contact Details of the Information Officer:

Name: Faheem Suban

Email address: Faheem.suban@insight.co.za



4. WHO MAY REQUEST INFORMATION IN TERMS OF THE PAIA ACT?

Any person, who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the PAIA Act states:

- That record is required for the exercise or protection of any rights;
- That person complies with the procedural requirements in the PAIA Act relating to a request for access to that record; and
- Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

The subjects on which Elevate Life holds records and the categories of records are listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the PAIA Act.

5. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE PAIA ACT

5.1 Records held by Elevate Life

This section serves as a reference to the categories of information that Elevate Life holds. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Elevate Life will consider access.

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



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

5.1.2. Customer Related Records

- Records provided by a customer to a third party acting for or on behalf of Elevate Life.
- Records provided by a third party.
- Records generated by or within Elevate Life relating to its customers, including transactional

“Customer” refers to any natural or juristic entity that receives services from Elevate Life.

5.1.3. Private Body Records

- Financial records
- Operational records
- Databases
- Information Technology
- Marketing records

5.1.4. Internal Correspondence

- Product records
- tatutory records
- Internal Policies and Procedures
- Records held by officials of the institution

These records include, but are not limited to, the records which pertain to Elevate Life’s own affairs.



5.1.5. Other Party Records

Personnel, customer or private body records which are held by another party, as opposed to the records held by Elevate Life itself.

Records held by Elevate Life 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.

Elevate Life 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 Elevate Life.

6. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE PAIA ACT

Records of a public nature, typically those disclosed on the Elevate Life website may be accessed without the need to submit a formal application.

Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Where applicable to its operations, Elevate Life also 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 PAIA 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 made in accordance with the prescriptions of the PAIA Act.



- Attorneys Act No. 53 of 1979;
- Auditing Professions Act No. 26 of 2005;
- Basic Conditions of Employment Act No. 75 of 1997;
- Broad-Based Black Economic Empowerment Act, 2003;
- Business Act No. 71 of 1991;
- Companies Act No. 71 of 2008;
- Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- Competition Act. No. 71 of 2008;
- Constitution of the Republic of South Africa 2008;
- Copyright Act No. 98 of 1978;
- Customs and Exercise Act No. 91 of 1964;
- Debt Collectors' Act No. 114 of 1998;
- Designs Act No. 195 of 1993;
- Electronic Communications Act No. 36 of 2005;
- Electronic Communications and Transaction Act No. 25 of 2002;
- Employment Equity Act No. 55 of 1998;
- Trademarks Act No. 194 of 1993;
- Transfer Duty Act No 40 of 1949;
- Uncertificated Securities Tax Act No. 31 of 1998;
- Unemployment Contributions Act 63 of 2001;
- Unemployment Insurance Act No. 30 of 1966; and
- Value Added Tax Act 89 of 1991.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

8. REQUEST PROCEDURE

8.1 Process

In terms of Section 55, the Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requester by way of affidavit or affirmation, that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the requester would otherwise have been granted.



Section 56 provides that the Information Officer must, within 30 (thirty) days of receipt of a correctly completed request, notify the requester of the decision as to whether or not to grant the request. If the request is:

- **Granted:** the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
- **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the PAIA Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.

The Information Officer may extend the period of 30 (thirty) days by a further period not exceeding a further 30 (thirty) days if:

- The requester is for a large number of records or requires a search through a large number of records;
- Consultation between divisions of Elevate Life, or with another private body is required; or
- The request consents to the extension.

The requester must be notified within the initial 30 (thirty) day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.

The Information Officer's failure to respond to the requester within the 30 (thirty) day period constitutes a deemed refusal of the request.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the Information Officer.

8.2 Third Parties

If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 21 (twenty-one) days of receipt of the request. The manner in which this is done must in the fastest means reasonably possible, but if orally, the Information Officer must thereafter give the third party a written confirmation of the notification.



The third party may within 21 (twenty-one) days thereafter either make representations to Elevate Life as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request, and must also be advised of his/her/their/its right to appeal against the decision by way of application to court within 30 (thirty) days after the notice.

9. GROUNDS FOR REFUSAL OF A REQUEST

Notwithstanding compliance with Section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the PAIA Act, namely:

- Section 63 of the PAIA Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However Section 63 (2) does provide exceptions to this.
- Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
 - Trade secrets;
 - Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - Information, supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of products or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.



- In terms of Section 66, Elevate Life must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
 - Endanger the life or physical safety of an individual;
 - Prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;
 - Elevate Life may also refuse a request for access to information that would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public. Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- Section 68 pertains to records containing information about Elevate Life itself and unlike the other provisions pertaining to declination of a request, is not mandatory, but rather discretionary. Elevate Life may refuse access to a record if the record:
 - Contains trade secrets of Elevate Life;
 - Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of Elevate Life;
 - Contains information which, if disclosed, could reasonably be expected to put Elevate Life at a disadvantage in contractual or other negotiations, or prejudice Elevate Life in commercial competition; or
 - Consists of a computer program owned by Elevate Life.
 - Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to Elevate Life itself.
- Notwithstanding any of the above-mentioned provisions, Section 70 provides that a record must be disclosed if its disclosure would:
 - Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
 - If the public interest in the disclosure clearly outweighs the harm.



10. RIGHT TO APPEAL

A requestor that is dissatisfied with the Information Officer's refusal to grant access to any information may, within 30 (thirty) 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 (thirty) days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in the PAIA Act, the court may examine the record(s) in question. No record may be withheld from the court in any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- Confirming, amending or setting aside the Information Officer's decision;
- Requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- Granting an interdict, interim or special relief, declaratory order or compensation, or an order as to costs.