



**MANUAL ON ACCESS TO INFORMATION
HELD BY
MAKSURE FINANCIAL HOLDINGS (PTY) LTD
COMPILED IN TERMS OF SECTION 14 OF THE PROMOTION OF
ACCESS TO
INFORMATION ACT, NO 2 OF 2000 (AS AMENDED)**

1. Purpose

1. Purpose

- 1.1. Section 32 of the Constitution of the Republic of South Africa, 108 of 1996 ("the Constitution") provides that everyone has the right of access 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.
- 1.2. This manual is compiled in terms of the Promotion of Access to Information Act, No 2 of 2000 ("the Act") and the Protection of Personal Information Act No 4 of 2013 (POPIA).
- 1.3. These Act's give effect to Section 32.
- 1.4. In terms of the Act, public bodies are required to compile a manual as a guide to requesters of information.
- 1.5. This manual further serves to indicate the kind of records held by Maksure Financial Holding (Pty) Ltd, trading as Maksure Risk Solutions ("Maksure") and the availability of such records from Maksure, as a public body.

2. Information Officer

- 2.1. The Managing Director, Mr. Simbarashe Makwebere, is the designated Information Officer of Maksure Risk Solutions. His contact details are as follows:

Physical Address	Maksure Place, Block 3, Waterfall Point, Cnr Waterfall Drive & Woodmead Drive, Waterfall City, 2090
Tel	+ 27(11) 805 0086 / +27(87) 803 5475
Fax	086 762 7356
E-mail	simba@Maksure.co.za

3. POPIA: Processing Of Personal Information POPIA

- 3.1. Maksure collects and uses information, including personal information as defined in the Act, to the extent necessary to properly perform its core functions, obligations and duties.
- 3.2. Maksure processes the personal information of the following data subject categories:
 - a. Maksure's clients, the clients' dependants and prospective clients;
 - b. Maksure's employees and job applicants;
 - c. Third party suppliers and insurers; and
 - d. Other relevant person's.
- 3.3. The following categories of personal information are processed to fulfil the functions outlined in paragraph 3.1:
 - a. Names and surname;
 - b. Identification number (employee number; company registration numbers, ID number);
 - c. Email-addresses;
 - d. Physical and/or postal address;
 - e. telephone and/or cellular phone number;
 - f. marital status, nationality, age, physical health status, mental health status, well-being, disability status, language, birthplace, date of birth. (Some of the information may be more prevalent in our employment processes than in the core business divisions.);
 - g. Biometric information such as fingerprinting, particularly in our employment processes;
 - h. Information on your race, ethnic or social origin;
 - i. criminal recordings/proceedings; and
 - j. Education, medical, financial, and employment information.

- 3.4. We request the third parties with whom we share information with, to take adequate measures and comply with applicable data protection laws and protect the information we are disclosing to them.
- 3.5. We do this through contractual arrangements with these third parties.
- 3.6. We also take internal measures to ensure that the third parties we appoint have appropriate measures in place, to protect the information we provide to them.

4. RECORDS THAT MAY BE REQUESTED

- 4.1. This section provides details of the types of records that may be accessed, by request, from Maksure.
- 4.2. The accessibility of the documents may be subject to the grounds of refusal in accordance with Chapter 4 of the Act.
- 4.3. Some of the types of records in this respect are set out hereinafter:

4.3.1. Personnel Records

- a. Personal records provided by an employee;
- b. Records provided by a third party, relating to employees;
- c. Conditions of employment and other personnel-related contractual and quasi legal records;
- d. Internal evaluation records and other internal records;
- e. Correspondence relating to personnel;
- f. Industrial training records and material; and
- g. Employment equity plan.

4.3.2. Client Related Records

- a. Records provided by a client, to a third party, acting for or on behalf of Maksure;
- b. Records provided by a third-party;
- c. Records generated by or within Maksure, relating to its clients, including transactional records;
- d. Records provided to Maksure by the client.

4.3.3. Records Relating to Maksure

- a. Statutory Company Information;
- b. Financial records;
- c. Operational records;
- d. Databases;
- e. Information Technology;
- f. Marketing records;
- g. Internal correspondence;
- h. Product records;
- i. Internal Policies and Procedures;
- j. Securities and Equities; and
- k. Records held by officials of Maksure.

- 4.4. These records include, but are not limited to, the records which pertain to Maksure's own affairs.
- 4.5. Records held, may be accessed by a requester, only once the prerequisite requirements for access have been met.

5. Who May Request Information

- 5.1. Any person may make a request for access to a record, from Maksure.
- 5.2. Any person that requires information for the exercise or protection of any rights, may request information from a private body. The Act provides that a requester must be given access to any record of a private body if:
 - a. that record is required for the exercise or protection of any rights;
 - b. that person complies with the procedural requirements for a request for access to that record; and
 - c. access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4, Part 3 of the Act.
- 5.3. There are two types of Requester, namely:
 - 5.2.1. In relation to a personal requester, Maksure will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information, without the requester having to pay an access fee, but the prescribed fees for reproduction of the information requested will be charged.
 - 5.2.2. In relation to any other requester, they are entitled to request access to information relating to a third party/ parties. However, Maksure is not obliged to voluntarily grant access. Such requester must fulfil the prerequisite requirements for access in terms of the Act, including payment of the relevant fees.

6. Procedure for PAIA Requests

- 6.1. A request must be made in writing, on the prescribed Form A, which is attached to this manual as Annexure A.
- 6.2. The request form must be addressed to the Information Officer using the contact details set out in paragraph 2.1, above.
- 6.3. The prescribed form must be completed with enough particularity, to at least enable the Information Officer to identify:
 - a. The record or records requested;
 - b. The identity of the requester (or person acting on behalf of the requester where applicable);
 - c. The telephone number, postal address or fax number of the requester;
 - d. What form of access is required;
 - e. where the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, in the form of an affidavit or letter of consent, to the satisfaction of the Information Officers;
 - f. The requester must state whether they require the information in order to exercise or protect a right, and clearly state what the nature of the right, to be exercised or protected, is;
 - g. the requester must clearly specify why the record is necessary to exercise or protect such a right; and
 - h. The manner in which the requester wishes to be informed of the decision of the Information Officer, if in a manner in addition to written notification.
- 6.4. If an individual is unable to complete the prescribed form owing to illiteracy or disability, such person may make the request orally.
- 6.5. The requester shall be informed in writing, whether access has been granted or denied.
- 6.6. Should, the requester, additionally require reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 6.7. The requester must pay the prescribed request fee, before any further processing can take place, and an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

6. Considering the Request

- 7.1. Requests for records for the purpose of criminal or civil proceedings are dealt with in terms of section 7 of the Act, which provides that:

“the Act does not apply to a record of a public body or a private body if -

- a. that record is requested for the purpose of criminal or civil proceedings;*
- b. so requested after the commencement of such criminal or civil proceedings, as the case may be;*
- c. the production of or access to that record for the purpose referred to in paragraph (a) is provided in law.”*

7.2. If section 7(1) applies to a request, then the requester must use the rules and procedures for discovery of information related to the particular legal proceedings.

7.3. Masure may refuse access where requests are clearly frivolous and/or vexatious.

7. Grounds For Refusal Of Access To Records

7.1. The main grounds for Masure’s refusal of a request for information, are –

7.1.1. the 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;

7.1.2. the mandatory protection of the commercial information of a third party, if the record contains –

- a. trade secrets of that third party;
- b. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or
- c. information disclosed in confidence by a third party to Masure, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

7.1.3. the mandatory protection of confidential information of third parties, if it is protected in terms of any agreement;

7.1.4. the mandatory protection of the safety of individuals and the protection of property;

7.1.5. the mandatory protection of records which would be regarded as privileged in legal proceedings;

7.1.6. the commercial activities of Masure, which may include –

- a. trade secrets;
- b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests;
- c. information which, if disclosed could put Masure at a disadvantage in negotiations or commercial competition;
- d. a computer program which is owned by Masure, and which is protected by copyright;
- e. research information, if its disclosure would disclose the identity of Masure, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- f. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

8. Requesters Remedies for Refusal of Request

8.1. Masure is not a public body as referred to in the definition of “public body” in section 1 of the Act. Therefore, no internal appeal is available, against the decision of the Information Officer.

8.2. If a requester does not agree with the decision, the requester may apply, within 180 days of receipt of the Information Officer’s decision, to the High Court, for an appropriate order.

- 8.3. A requester may also seek relief from any court with appropriate jurisdiction, in respect of the following decisions of the Information Officer:
- a. The amount of fees required to be paid; and/or
 - b. The extension of the period within which the information will be provided.

9. Decision

- 9.1. As prescribed in section 25 of the Act, the Information Officer shall decide whether to grant or deny the requested access to information and inform the requester accordingly.
- 9.2. The requester shall be notified of the decision in the most expedient manner possible.
- 9.3. If the request for access to information is refused, the requester shall be provided with written reasons for such refusal.

10. Availability

- 10.1. This manual has been drafted to show Maksure's commitment to compliance with, our Constitution, laws and regulations of the Republic of South Africa.
- 10.2. The manual will be available on the website at www.maksure.co.za.
- 10.3. Alternatively, a copy of this manual can be obtained upon request from the Information Officer.

Annexure A

Prescribed Form to be completed by a Requester

Request for Access to Record of Private Body

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)
(Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access to the record

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

Email address:

Capacity in which request is made, when made on behalf of another person:

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 the Record or relevant part of the record:

2. Reference number, if available _____

3. Any further particulars of the record:

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 of the request fee.
c) The fee payable for access to a record depends on the form in which the 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 of payment of the fee:

F. Form of Access to the 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 require.

Disability:	Form in which record is required:

Mark the appropriate box with an "X"

Notes:

a) Your indications as to the required form of access depend on the form in which the Record is available.

b) Access in the form required 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:				
<input type="checkbox"/> Copy of record *	<input type="checkbox"/> Inspection of record			
2. If the record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)				
<input type="checkbox"/> View the Images *	<input type="checkbox"/> Copy of the Images *	<input type="checkbox"/> Transcription of the Images *		
3. If the record consists of recorded words or information which can be reproduced in sound:				
<input type="checkbox"/> Listen to the soundtrack (Audio cassette)	<input type="checkbox"/> Transcription of soundtrack * (written or printed document)			
4. If the record is held on computer or in an electronic or machine-readable form:				
<input type="checkbox"/> Printed copy of Record	<input type="checkbox"/> Printed copy of information derived from the record	<input type="checkbox"/> 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 transcript to be posted to you?			<input type="checkbox"/> YES	<input type="checkbox"/> NO
A postal fee is payable				

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue of 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:

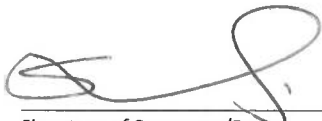
Explain why the requested record is required for the exercising or protection of the aforementioned right:

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.

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

Signed at WATERFALL this 20TH day of DECEMBER 2021



Signature of Requester/Person
on whose behalf request is made

FEES

“REPRODUCTION” FEES (i.e. IN TERMS OF SECTION 52(3) OF THE ACT)

Where a private body 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. Such fees are reflected below:

Description	Amount (R)
· 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, electronic or machine readable format	0.75
· For a copy in a computer-readable form on Stiffy Disc	7.50
· For a copy in a computer-readable form on Compact Disc	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
· To search for a record that must be disclosed – rate payable per hour or part thereof	30.00

Where a copy of a record needs to be posted the actual postal fees will also payable.

“REQUEST” FEES

Where a request is made for access to information on a person other than that requester, a request fee in the amount of R50,00 is payable upfront before Guardrisk will further process the request received.

“ACCESS” FEES (i.e. IN TERMS OF SECTION 54(7) OF THE ACT, UNLESS EXEMPTED IN TERMS OF 54(8))

An access fee is payable in instances where access is granted to a requester (*other than in instances where the information has been provided automatically on a voluntary basis*), unless 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).

Description	Amount (R)
· 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, electronic or machine readable format	0.75
· For a copy in a computer-readable form on Stiffy Disc	7.50
· For a copy in a computer-readable form on Compact Disc	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
· To search for a record that must be disclosed – rate payable per hour or part thereof	30.00

In accordance with Section 54(2) of the Act, upon receipt of a request for access to a record in respect of which the request for access does not apply to a personal requester, the Information Officer may request that an upfront deposit be paid before proceeding with the request. Such deposit will be calculated to be an amount that will not exceed, one third of the access fee and would be dependent on whether the Information Officer is of the opinion that the preparation of the required records will take more than six hours to complete.

Note: In terms of Regulation 8, Value Added Tax (VAT) Registered entities may add VAT to the prescribed fees.