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Prepared by
NMG Benefits

NMG Consultants and Actuaries (Pty)Ltd
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Manual in Terms of Section 51 of the Promotion of
Access to Information Act, 2000

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1. Introduction

- 1.1 The Promotion to Access to information Act, 2000 No. 2 of 2000 (“the Act”) was enacted in order to promote a culture of transparency, accountability and good governance by 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 whom 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.
- 1.2 The Act establishes voluntary and mandatory procedures which enable the public to obtain records of bodies as swiftly, effortlessly and inexpensively as possible to exercise and protect all rights as enshrined in the constitution.
- 1.3 NMG Consultants and Actuaries (Pty) Ltd (‘NMG C & A’) is a leading employee benefits and financial services consultancy company in South Africa. Our focus is to provide a broad range of clients with all-encompassing range of services designed to meet their current and future needs. NMG C & A is part of NMG a multi-national financial consultancy, intermediary and research organisation.
- 1.4 NMG C & A is an authorised financial services provider and has been registered as such with the Financial Services Board in terms of section 8 of the Financial Services and Intermediary Services Act No. 37 of 2002 under license number: 12968
- 1.5 This manual may be amended from time to time and as soon as any amendments have been finalised, the latest version will be made public.
- 1.6 This manual sets out to provide a generic manual to the financial services industry to deal with the requests in a conforming manner, which will enable the requestors to obtain the records which they are entitled to in a quick, easy and accessible manner. This manual may be adapted by the individual role players in the financial services industry to specifically meet their needs.
- 1.7 Wherever reference is made to “institution” in this manual, it will refer to the private bodies within the financial services industry, for whom this manual is drafted.
- 1.8 This manual has been compiled in compliance with the provisions of the Act, and lists the records in possession of NMG C & A.

2. Contact details

The Chief Executive Officer has appointed the Head of Legal and Risk as the Information Officer for NMG C & A.

Contact details are as follows:

Name:	Neil Van Vuuren
Registered Address:	411 Main Avenue, Ferndale, Randburg, 2125
Postal Address:	PO Box 3075, Randburg 2125
Telephone Number:	+27 11 509 3034
Email Address:	nvanvuuren@nmg.co.za

3. South African Human Rights Commission Guide

3.1 Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide. The Guide is intended to assist users in the interpretation of the Act and will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

3.2 The Guide contains the following information:

- The object of the Act;
- Particulars of the information officer of every public body;
- Particulars of every private body as are practicable;
- The manner and form of a request for access to information held by a body;
- Assistance available from the information officers and the Human Rights Commission in terms of the Act;
- Legal remedies regarding acts, omissions, rights, duties (including lodging appeals & court application);
- Schedules of fees paid in relation to requests for access to information;
- Regulation made in terms of the Act.

3.3 A copy of the guide is available on the SAHRC website. Any enquiries regarding this guide should be directed to:

Address:	The South African Human Rights Commission PAIA Unit 33 Hoofd Street Forum III – Braampark Braamfontein, 2041
Telephone:	+27 11 877 3600 – Head Office +27 11 877 3750 – Gauteng Provincial Office
Facsimile:	+27 11 403 0625
Website:	http://www.sahrc.org.za
Email:	PAIA@sahrc.org.za or info@sahrc.org.za

4. Types of Records that may be accessed

4.1 Records that may be accessed

The following type of records may be accessed by following procedure outlined in Section 4. This clause serves as reference to the records that NMG Benefits holds.

4.1.1 Personnel¹ 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;
- Employment equity plan.

4.1.2 Client Related Records:

- Records provided by a client to a third party acting for or on behalf of NMG C & A ;
- Records provided by a third party;
- Records generated by NMG C & A or within relating to its clients, including transactional records;
- Records provided to NMG C & A by the client.

4.1.3 Private Body Records:

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Internal Policies and Procedures;
- Treasury related records;
- Securities and Equities;
- Statutory Records; and
- Records held by officials of Guardrisk

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

¹ "Personnel" refers to any person who works for, or provides services to or on behalf of NMG Benefits, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of NMG Benefits. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers

4.1.4 Other Records:

- NMG C & A may possess records pertaining to other parties, including without limitation, contractors, suppliers, holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to NMG;
- Personnel, client and other records relating to NMG C & A which are held by another party, as opposed to the records held by NMG C & A itself;
- Records held by NMG C&A 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.

4.2 Records that are available in terms of legislation:

- Administration of Estates Act No. 66 of 1965
- 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
- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- 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
- 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
- Financial Services Laws General Amendment Act 45 of 2013
- Friendly Societies Act No. 25 of 1956
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Inspection of Financial Institutions Act 80 of 1998
- 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
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- Prevention of Organised Crime Act No. 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
- Protection of Personal Information Act, No. 4 of 2013
- Security Services Act No. 36 of 2004
- Short Term Insurance Act No. 53 of 1998
- Skills Development Act No.97 of 1998
- Skills Development Levies Act No. 9 of 1999

- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

4.3 Refusal of access and protection of information

4.3.1 Section 9 of the Act which recognises that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

4.3.2 Furthermore, chapter 4 of the Act, which pertains to the “Grounds for Refusal of Access to Records”, provides mandatory protection for the following information, save in the special circumstances provided for in the Act:

- Information for the protection of the privacy of individuals (s63)
- Information for the protection of commercial information and confidential information of third parties (s64 and 65)
- Information for the protection of the safety of individuals and the protection of property (s66)
- Information privileged from production in legal proceedings (s67).

4.3.3 Furthermore, the right of access to the following commercial activities of NMG C & A may be restricted

- Trade secrets of NMG C & A ;
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of NMG C & A ;
- Information which, if disclosed, could put NMG C & A at a disadvantage in negotiations or commercial competition;
- Research information of NMG C & A 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;
- Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

5. The request procedure

- 5.1 Any request for access to records must be made to the appointed Information Officer as reflected in Section 2. A request for records in terms of the Act must be completed on the prescribed form which is attached hereto and marked “**Annexure A**”. A copy of the prescribed form is also available from the South African Human Rights Commission website being: www.sahrc.org.za. The duly completed form may be submitted by post, fax or email.
- 5.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify:
- The record/s of the requester;
 - The identity of the requester;
 - The form of access required, if the request is granted;
 - The e-mail, postal address, or fax number of the requester.
- 5.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested records are required for the exercise or protection of that right. If a request is made on behalf of a person, the requester must then submit the proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- 5.4 If the request is for personal information, no request fee or deposit is payable. If the request is not of a personal nature, the requester must be notified to pay a request fee as well as an access fee and deposit, the details of which are contained in “**Annexure B**” which is attached hereto. The request need not be processed any further before receipt of payment of the access fee in respect of a personal request or the request fee and deposit (if applicable) in respect of other requests.
- 5.5 The Information Officer will then make a decision whether to grant the request or not and notify the requester in the required form. If the request is granted, then a further access fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 5.6 NMG C & A will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods could not be complied with.
- 5.7 If the request is refused the requester must be advised of the full reasons for the refusal as well as the remedies he/she may follow in objecting to the refusal.
- 5.8 If the search for a preparation of the record will take longer than the allowed 30 days, a further 30 days may be used, provided the requester is furnished with a notice in this regard.
- 5.9 If a request for access to information pertaining to a third party is received, the third party must first be informed of the request by way of notice.
- 5.10 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

6. Availability of the Manual

- 6.1 In terms of section 9 (1) of the Act, immediately after the manual has been compiled, the Information Officer must:
- Make a copy of the manual available to the Human Rights Commission
 - Make a copy of the manual available to the controlling body of which the private body is a member
 - Arrange for publication in the Government Gazette
 - Publish the manual on the website, if any, of the private body.
- 6.2 The Information Officer is required to make a copy of the manual available for public inspection during office hours. A fee may not be charged for public inspection.
- 6.3 The manual will be available in English only.
- 6.4 In terms of Section 52 of the Act the Minister of Justice is entitled to publish a list of records submitted by NMG C & A to which the public may have access without the necessity of formally applying for access to such records.
- 6.5 The Minister may then publish such information by way of a notice in the Government Gazette.
- 6.6 At the time of drafting this manual, has given no such information to the Minister and no information has therefore been published. However, no formal application need be submitted in terms of the following information:
- General information pertaining to the companies
 - Services information and brochures.

Annexure A

Request for Access to Record of Private Body Section (Act No. 2 of 2000) [Regulation 10]

A. Particulars of Private Body

The Information Officer: NMG Consultants and Actuaries (Pty) Ltd

B. Particulars of Person requesting access to the record

- a. The particulars of the person who requests access to the record must be given below:
 b. The address and/or fax number in the Republic to which the information is to be sent must be given.
 c. Proof of the capacity in which the request is made, if applicable must be attached.

Full names and surname:

Identify Number:

Postal Address:

Fax Number:

Telephone Number:

E-mail 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 names and surname:

Identify Number:

D. Particulars of person on whose behalf request is made

- 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 record or relevant part of the record:

.....

2. Reference number, if available:

.....

3. Any further particulars of 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 required to be paid as the request fee.
- c. 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.
- d. If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reasons for exemption from payment of fees:

.....

.....

F. Form of access to 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 required

Disability	Form in which record is required
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- Mark the appropriate box with an **X**.
- Notes:
- a. Compliance with your request in the specified form may depend on the form in which the record is available.
 - b. 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
 - 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:				
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 read-able form:				
Printed copy*	Printed copy of information derived from record*	Copy in computer-readable form* (stiffy or compact disc)		
*If your requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center; padding: 2px;">Yes</td> <td style="width: 50%; text-align: center; padding: 2px;">No</td> </tr> </table>	Yes	No
Yes	No			
G. Particulars of right to be exercised or protected				
<i>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.</i>				
1. Indicate which right is to be exercised or protected:				
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:				
H. Notice of decision regarding request for access				
<i>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.</i>				
How would you prefer to be informed of the decision regarding your request for access to the record?				
Signed atthis.....day of20.....				

Annexure B

Schedule of Fees	
1.	The fee for a copy of the manual as contemplated in regulation 5 c) is R0,60 for every photocopy of an A4-size page or part thereof.
Reproduction Fees: Regulation 7 (1)	
For every photocopy of an A4-size page or part thereof	R0.60
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.40
For a copy in a computer readable form on:	R5.00
(i) Stiff disc	
(ii) Company disc	R40.00
For a transcription of visual images:	
(i) For A4-size page or part thereof	R22.00
(ii) Copy of visual images	R60.00
(iii) Transcription of an audio record, A4 size page or part thereof	R12.00
(iv) copy of an audio record	R17.00
Request fee payable by a requester, other than a personal requester	R35.00
Search Fees – to search and prepare a record for disclosure. The fee is charged per hour rate (or part of the hour); however the first hour is free	R15.00-
For purposes of section 22(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.	