



**HOLISTIC RISK SERVICES (PTY) LTD**  
**(“the FSP”)**

**PAIA MANUAL**

**Prepared in terms of section 51 of the  
Promotion of Access to Information Act 2 of  
2000 (as amended)**

## TABLE OF CONTENTS

<b>1. DEFINITIONS.....</b>	<b>3</b>
<b>2. CONTACT DETAILS AND INFORMATION .....</b>	<b>4</b>
<b>3. GENERAL INFORMATION .....</b>	<b>4</b>
3.1. PURPOSE OF PAIA MANUAL.....	4
3.2. AVAILABILITY OF THE MANUAL.....	4
3.3. HOW TO OBTAIN ACCESS TO THE GUIDES TO PAIA AND POPIA.....	5
<b>4. RECORDS OF THE FSP.....</b>	<b>5</b>
4.1. SUBJECT CATEGORIES OF RECORDS HELD .....	5
4.1.1. HUMAN RESOURCES .....	5
4.1.2. MARKETING .....	6
4.1.3. FINANCE .....	6
4.1.4. CLIENT-RELATED .....	6
4.2. CATEGORIES OF DATA SUBJECTS .....	7
4.3. RECORDS HELD IN TERMS OF SOUTH AFRICAN LEGISLATION .....	8
<b>5. REQUESTS TO ACCESS RECORDS .....</b>	<b>8</b>
5.1. TYPES OF REQUESTERS.....	8
5.1.1. PERSONAL REQUESTER.....	9
5.1.2. OTHER REQUESTER.....	9
5.2. REQUEST PROCEDURE .....	9
5.2.1. SUBMITTING A REQUEST TO ACCESS A RECORD.....	9
5.2.2. PAYMENT OF PRESCRIBED FEES (IF APPLICABLE) .....	10
5.3. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST .....	10
5.4. DECISION REGARDING REQUEST TO ACCESS .....	10
5.4.1. DECISION TO GRANT ACCESS .....	10
5.4.2. DECISION TO REFUSE ACCESS.....	11
5.5. REMEDIES AVAILABLE TO REQUESTER.....	11

## 1. DEFINITIONS

Client	A natural or juristic person who is an existing FSP client or a person who provided their personal/special personal information to the FSP in the context of acquiring goods or services.
Data subject	The person to whom personal information relates.
Representative	Any person, including a person employed or mandated by such first-mentioned person, who renders a financial service to a client for or on behalf of a financial services provider (FSP), in terms of conditions of employment or any other mandate, but excludes a person rendering clerical, technical, administrative, legal, accounting or other service in a subsidiary or subordinate capacity, which service—  (a) does not require judgment on the part of the latter person; or  (b) does not lead a client to any specific transaction in respect of a financial product in response to general enquiries;
Key Individual	In relation to an authorised FSP, or a representative, carrying on business as—  (a) a corporate or unincorporated body, a trust or a partnership, means any natural person responsible for managing or overseeing, either alone or together with other so responsible persons, the activities of the body, trust or partnership relating to the rendering of any financial service; or  (b) a corporate body or trust consisting of only one natural person as member, director, shareholder or trustee, means any such natural person;
Personal Information	Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.
Special Personal Information	personal information concerning—  (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or  (b) the criminal behaviour of a data subject to the extent that such information relates to—  (i) the alleged commission by a data subject of any offence; or  (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
Child	A natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning himself/herself.
Product Supplier	Any person who issues a financial product.

## 2. CONTACT DETAILS AND INFORMATION

<b>HOLISTIC RISK SERVICES (PTY) LTD</b>	
<b>FSP No.</b>	28582
<b>Registration No.</b>	2004/026273/07
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<b>Website</b>	<a href="http://www.hrsinsurance.co.za">www.hrsinsurance.co.za</a>
<b>CHIEF INFORMATION OFFICER</b>	
<b>Contact Name</b>	Andrew Penney
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## 3. GENERAL INFORMATION

### 3.1. PURPOSE OF PAIA MANUAL

The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. This PAIA manual provides an outline of the types of records and the personal information (PI) held by the FSP and sets out the procedure to request access to these records and personal information, the requirements which such request must meet, as well as the grounds for refusal or partial refusal of such request.

This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This manual informs requesters of procedural and other requirements that a request must meet as prescribed by PAIA and POPIA. A requester has the right to submit a request, after providing adequate proof of identity and after payment of any fee required by law (if applicable) under Annexure B of the PAIA Regulations.

### 3.2. AVAILABILITY OF THE MANUAL

This manual will be available on the FSP's website and may be amended from time to time. Alternatively, this manual can be obtained upon request to the Information Officer.

### 3.3. HOW TO OBTAIN ACCESS TO THE GUIDES TO PAIA AND POPIA

The South African Human Rights Commission (SAHRC) has compiled the guide contemplated in Section 10 of PAIA, which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. Copies of PAIA and POPIA, the relevant regulations and guides to these acts, can be obtained from the SAHRC or the information regulator and queries should be directed to:

SAHRC	Information regulator
South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department  Private Bag 2700  Houghton  Johannesburg  2041	The Information Regulator (South Africa)
Braampark, Forum 3  33 Hoofd Street  Braamfontein  Johannesburg  2001	Braampark, Forum 3  33 Hoofd Street  Braamfontein  Johannesburg  2001
Telephone number: (011) 877 3600  Fax number: (011) 484 7146/7  Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a>  Email: <a href="mailto:info@sahrc.org.za">info@sahrc.org.za</a>	Mr Marks Thibela  Chief Executive Officer  Cell No. +27 (0) 82 746 4173  Email: <a href="mailto:MThibela@justice.gov.za">MThibela@justice.gov.za</a> <a href="mailto:info@justice.gov.za">info@justice.gov.za</a>  <a href="https://www.justice.gov.za/infoereg/contact.html">https://www.justice.gov.za/infoereg/contact.html</a>

## 4. RECORDS OF THE FSP

### 4.1. SUBJECT CATEGORIES OF RECORDS HELD

This paragraph serves as a reference to the records that the FSP holds. It is recorded that the accessibility of the records listed below, may be subject to the grounds of refusal set out hereinafter. The information is classified and grouped according to records relating to the subjects and categories outlined below.

#### 4.1.1. HUMAN RESOURCES

- personal records provided by employees;

- records provided by a third party relating to employees;
- conditions of employment and other employee-related contractual and quasi-legal records;
- internal evaluation records and other internal records;
- correspondence relating to employees;
- training schedules and material; and
- records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Employment Equity Act 55 of 1998;
- Amount of remuneration paid or due to the employee;
- The amount of employee's tax deducted or withheld from the remuneration paid or due;
- The income tax reference number of that employee;

#### **4.1.2. MARKETING**

- any promotional material for public viewing;
- product information;

#### **4.1.3. FINANCE**

- Accounting records;
- Financial statements;
- Amounts received during a year of assessment;
- Dividends declared during a year of assessment;

#### **4.1.4. CLIENT-RELATED**

- Full names, physical address, postal address and contact details;
- ID number and/or registration number;
- Contact details of public officer in case of a juristic person;
- Service(s) rendered;
- Record of advice furnished to the consumer reflecting the basis on which the advice was given;
- The nature of the business relationship or transaction;

- In the case of a transaction, the amount and parties involved;
- All accounts that are involved in the transactions concluded;
- The name of the person transacting on behalf of the accountable institution;
- Any document (or copy) obtained by the accountable institution;
- Known premature cancellations of transactions or financial products.

#### 4.2. CATEGORIES OF DATA SUBJECTS

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION PROCESSED
Shareholders	Shareholder personal information
Directors	Directors personal information
Clients (includes potential and previous clients)	Client personal information
	Client bank details
	Client vehicle registration
	Surveillance records
	Client location information
	Client biometric information
	Client third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).
Product suppliers	Product supplier personal information
	Product supplier contracts
	Product supplier bank details
	Personal information of representatives of product supplier
Job applicants	Personal information of job applicants
	Criminal checks
	Background information
Natural representatives	Personal information on representatives
	Background information
	Criminal checks
	Bank details of representatives
Juristic representatives	Bank details

	Personal information (company registration number, contact information)
Key individuals	Background checks
	Criminal checks
	Personal information (e.g. name, ID, etc.)
	Employment history
	Training records
Employees (includes current and former)	Employee personal information (e.g. name, ID, etc.)
	Employee education and psychometrics records
	Employee bank details
	Health and safety records
	Employee beneficiary information
	Employee pension and provident fund information
Outsourced service providers	Bank details
	Personal information (company registration number, contact number)

#### 4.3. RECORDS HELD IN TERMS OF SOUTH AFRICAN LEGISLATION

Applicable Legislation
Companies Act, 2008 (Act 71 of 2008)
Promotion of Access to Information Act, 2000 (Act 2 of 2000)
Protection of Personal Information Act (POPIA), (Act 4 of 2013)
Short-term Insurance Act, 1998 (Act 53 of 1998)

### 5. REQUESTS TO ACCESS RECORDS

#### 5.1. TYPES OF REQUESTERS

A requester is any person making a request for access to a record held by the FSP. There are two types of requesters:

- (1) Personal requester; and
- (2) Other requester.



### **5.1.1. PERSONAL REQUESTER**

A personal requester is a requester who is seeking access to a record that relates to their personal information (as defined in PAIA and POPIA).

Subject to the provisions of this manual, PAIA, POPIA and other applicable laws, the FSP will provide the requested information or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested will be charged as indicated in Annexure B of the PAIA Regulations.

### **5.1.2. OTHER REQUESTER**

This requester (other than a personal requester) is entitled to request access to information on third parties. The requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

If a public body lodges a request, the public body must be acting in the public interest and provide details of the public interest that it is seeking to protect/rely on.

## **5.2. REQUEST PROCEDURE**

### **5.2.1. SUBMITTING A REQUEST TO ACCESS A RECORD**

The following procedural requirements serve as guidelines for requestors. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.

The requester must submit:

- (1) the prescribed form (Annexure A – Form 2 of the PAIA Regulations);
- (2) proof of identity;
- (3) proof of capacity in which the requester is making the request and proof of authorisation to make that request (if applicable); and
- (4) payment of request fee and deposit (if applicable).

The prescribed form must be completed with sufficient detail to at least enable the information officer to identify –

- the record requested and the requester;
- which form of access is required;
- a postal address of the requester in the Republic;

- the right the requester is seeking to exercise or protect and the reason why the requested record is required for the exercise or protection of that right; and
- the manner in which the requester wishes to be notified of the request.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated. This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This right of access only applies to records in existence at the time of request.

### **5.2.2. PAYMENT OF PRESCRIBED FEES (IF APPLICABLE)**

There are two types of fees in terms of PAIA:

- (1) a request fee, which will be a standard fee; and
- (2) an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

### **5.3. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST**

If all reasonable steps have been taken to find a record and such record cannot be found or the record does not exist, then the FSP shall notify the requester that it is not possible to give access to the requested record.

The FSP shall provide a full account of all the steps taken to find the record or determine its existence, including details of all communications by the FSP with every person who conducted the search.

Notification that the record cannot be found or the record does not exist shall be regarded as a decision to refuse a request for access to the record concerned for purposes of PAIA.

### **5.4. DECISION REGARDING REQUEST TO ACCESS**

#### **5.4.1. DECISION TO GRANT ACCESS**

If the request for access is granted the notice of decision to grant access must state –

- the access fee (if any); and
- the form in which access will be given.

#### **5.4.2. DECISION TO REFUSE ACCESS**

If the request for access is refused the notice of decision to refuse access must –

- state adequate reasons for the refusal, including the provisions of any Act relied on.

The main grounds for the FSP to refuse a request for records relates to the mandatory protection –

- of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of PI of that natural person;
- of the commercial information of a third party, if the record contains –
  - trade secrets of that third party;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or
  - information disclosed in confidence by a third party to the FSP, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- of confidential information of third parties if disclosing such would or could constitute a breach of the duty of confidence owed to a third party in terms of any agreement;
- of the safety of individuals and the protection of property;
- of records which would be regarded as privileged in legal proceedings; or
- of the commercial activities of the group, which may include –
  - trade secrets of the FSP;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the FSP; or
  - information which, if disclosed, could put the FSP at a disadvantage in negotiations or commercial competition.

#### **5.5. REMEDIES AVAILABLE TO REQUESTER**

The FSP does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if a requester is not satisfied by a decision made by the information officer.



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**ANDREW PENNEY**  
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