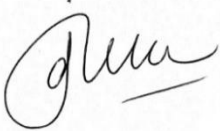




## **ACCESS TO INFORMATION MANUAL (POPIA & PAIA)**

This manual is owned by MUA Insurance Acceptances (Pty) Ltd (“MUA”), a duly authorised Financial Services Provider.

As Chief Executive Officer and Information Officer of MUA, I, **Dawie Loots** hereby confirm the adoption of this manual.



1 December 2021

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Signature

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Date

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## 1. INTRODUCTION

This manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as “PAIA”) and section 23 of the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as “POPIA”).

The Promotion of Access to Information Act (“PAIA”) was enacted to give effect to the Constitution. The Constitution of the Republic of South Africa, 108 of 1996 provides in section 32:

(1) Everyone has the right of access to:

- (a) Any information held by the state; and
- (b) Any information that is held by another person and that is required for the exercise or protection of any rights.

In November 2013, the Protection of Personal Information Act (“POPIA”), 4 of 2013 was enacted and came into effect of 1 July 2020, to give effect to the constitutional right to privacy and to promote the protection of personal information processed by public and private bodies.

The Information Regulator is responsible for the access and protection of information in terms of both PAIA and POPIA.

## 2. COMPANY CONTACT DETAILS

MUA Insurance Acceptances (Pty) Ltd (“MUA”), Registration No. 2008/011925/07, is an underwriting manager for and on behalf of Auto & General Insurance Company Limited. Any person who wishes to request information from MUA with the intention to protect or exercise a right may contact the information officer (“IO”):

Name of body:	MUA Insurance Acceptances (Pty) Ltd	
Request to IO:	Mr Dawie Loots (Chief Executive Officer and Information Officer)	
Email address:	<a href="mailto:dloots@mua.co.za">dloots@mua.co.za</a>	
Deputy IO:	Marike Van Niekerk (Manager – Legal & Compliance)	<a href="mailto:mvanniekerk@mua.co.za">mvanniekerk@mua.co.za</a>
	Michelle Kirstein (Manager - Business Process)	<a href="mailto:mkirstein@mua.co.za">mkirstein@mua.co.za</a>
	Xiane Francis (IT Administrator)	<a href="mailto:xfrancis@mua.co.za">xfrancis@mua.co.za</a>
Physical address:	Regus Business Centre, 1st floor Willowbridge Centre, Carl Cronje Drive, Tygervalley, 7530	
Postal address:	PO Box 5777, Tygervalley, 7536	
Telephone:	+27 21 525 6200	
Website:	<a href="https://www.mua.co.za">https://www.mua.co.za</a>	

## 3. CONTACT DETAILS OF THE REGULATOR

Any enquiries regarding this manual and its contents should be directed to:

### The Information Regulator (South Africa)

Physical Address:	Postal Address:
JD House, 27 Stiemens Street	P.O. Box 31533



- South African Qualifications Authority Act 58 of 1995
- The Constitution of the Republic of South Africa 108 of 1996
- The Unemployment Insurance Act 63 of 2001
- The Value Added Tax Act 89 of 1991
- Trademarks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001

#### 5. CATEGORIES OF RECORDS HELD BY MUA

MUA maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

SUBJECT	CATEGORIES
Company documentation	Constitutive documents including Memorandum and Articles, registers and books including share registers, minute books, internal resolutions, shareholders agreement, company forms, powers of attorney.
Taxation	Income tax returns and supporting documents, invoices and returns relating to value added tax, returns and supporting documents in respect of company tax and capital gains tax.
Intellectual property	Documents relating to trademarks, copyrights or designs held by the company together with any licences and licensing agreements.
Insurance	Policies of insurance, applications for insurance, documents relating to payment of premium, claim documents, renewal documents, quotations for insurance, amendments to policies.
Immovable property	Title deeds to properties owned, lease agreements for any lease property, mortgage bonds, liens, servitudes, accounts relating to rates and services, contracts and accounts relating to maintenance and repairs, building and rebuilding and security in respect of such properties.
Movable property	Contracts for the purchase of movable property and all accounting documents in that connection, documents proving ownership of such property including the registers of

	property owned, liens, notarial bonds, pledges, cessions and other security documents.
Banking details	All contracts between the company and its bankers, account details, bank statements, cheque books, paid cheques, applications for facilities and all documents relating to cession, pledge or securitisation of debts.
Other agreements	Security agreements, suretyships, sale agreements, agreements relating to any trading activities, agreements for the purchase of any item, agency agreements, management agreements, distribution agreements, standard conditions of business, joint venture agreements, administration agreements, consortium or partnership agreements, agreements relating to the sale of shares and members' interests, agreements with suppliers and customers and any other agreements.
Permits etc	All permits, licences, consents, approval, authorisations, applications and registrations required by the company to carry on its business.
Employment	All documents relating to the employment of employees including employment contracts, personal records, disciplinary proceeding records, arrangements with directors or employees, salary and wage records, records relating to any benefits, redundancy payment records, share incentive scheme, share options, bonus records and profit sharing arrangements.
Pensions and provident funds	The rules of any pensions or provident funds, documents relating to the inter-action with such funds, payments made to such funds, benefits payable under such funds, communications in regard to the rules and any rule amendments or claims.
Financial information	All books, accounts and records of the company including books of account, invoices, receipts, credit notes, banking records (see above), vouchers, applications for payment, payment authorisation.

Technical information	All technical specifications, records, information, brochures, plans, diagrams, calculations and other documents relating to any machinery and equipment and or technical stock of the company and any research being carried out by the company.
Information relating to legal proceedings	All summonses, pleadings and other documents in the possession of the company or its attorneys relating to any pending, current or past legal proceedings by or against the company.
Environmental issues	Environmental impact studies, environmental research, documents relating to use and disposal of water, documents relating to production processes and emissions, documents regarding waste management.



## **6. THE PROTECTION OF PERSONAL INFORMATION ACT**

### **6.1 Why does MUA process personal information?**

As a financial service provider, MUA uses personal information for the purpose of providing short-term insurance solutions. This processing also applies to personal information which is processed prior to contractual arrangements being concluded (e.g. new business, quotations and general customer service activities.)

Personal information is also used in employment processing (recruitment, employee contracts, employment equity, corporate benefits, remuneration, disciplinary action, performance management, training etc.) and our procurement processes (risk management, onboarding of intermediaries, etc.)

Personal information is also used in standard business operations, including audits, market research, statistical analysis, product development, and other legitimate business purposes.

In order to comply with our legal obligations under statutory and regulatory requirements, or for purposes of law enforcement, investigations, court proceedings, financial crimes, market conduct, or other matters in the public interest, MUA also process personal information.

### **6.2 What personal information does MUA process?**

MUA processes personal information which may include:

- Your contact details such as name, physical addresses, phone numbers
- Your marital status, employment status, proof of residency
- Government identifiers such as driving licence number
- Claims history
- Location information
- Machine identifiers including IP address
- Information about how you interact with MUA, the website and MUA products and services
- Your payment and banking details in order to complete your purchase of products and services
- Information about others who will be or are included on your policy (which you should have the consent to share)
- Information on your vehicle or property, some of which will be collected from external databases. Example includes geological and flood data from your area

### **6.3 Who are the recipients of personal information?**

- Personal information may be shared by various MUA entities, including the insurer entities, for purposes of providing products and services to clients, their members and MUA employees.
- Some personal information is provided to third parties to fulfil our contractual obligations, or for any other legal obligations.
- Brokers, advisors, consultants, intermediaries and other administrators.
- Retirement funds and their trustees and Principal Officers.
- Medical aid companies.
- Insurers.
- Recruitment organisations may collect personal information on our behalf.
- Regulators and law enforcement agencies
- The South African Revenue Service (SARS)

#### **6.4 International transfer of Personal Information**

Personal information is transferred across borders via cloud-computing to mitigate the personal information breach risks. MUA has taken reasonably practicable steps to ensure that the cloud-based service provider complies with the POPIA and MUA has an agreement with the services provider, aimed at ensuring that appropriate security for the protection of personal information is established and maintained.

#### **6.5 Information Security**

On any MUA online platform and/or website portal (“non-public online services”) your personal information is protected by providing you with a User ID and password in order to obtain information. We also use industry standard security to encrypt sensitive data in transit to our servers.

The User ID and password helps us to protect your personal information. You must keep this password safe and must not disclose it to anyone. Some suspicious emails contain attachments or links to websites that try to install malicious software on your computer. If you have entered your password on what you think might be a malicious website, please contact MUA immediately and ask us to change your password.

When you ask for a quotation from MUA, we will process the data on a secure server. Your browser will confirm that you are in a secure area by displaying an unbroken key or lock in the bottom right-hand corner of your browser window.

Many organisations use security features such as firewalls to protect their computer systems. These firewalls may prevent you from connecting to our secure server to get a quotation. If you are at work and cannot connect to the MUA website, please speak to your IT administrator.

Please be aware that communications over the internet, such as emails, are not secure unless they have been encrypted. Your communications may route through several countries before being delivered - this is the nature of the Internet. We cannot accept responsibility for any unauthorised access or loss of personal information that is beyond our control.

MUA cannot guarantee the security of information that is transmitted to MUA electronically as such transmissions are susceptible to unlawful access or monitoring. Any electronic transmissions made by you to MUA are at your own risk.

Additionally, you can protect your system by installing anti-virus and running scans. You should also run any security updates or patches you receive for your system from the supplier.

Never respond to unsolicited emails from unfamiliar sources. Such emails may be fraudulent and attempt to get you to provide your personal details or payment information.

Only authorised employees, agents and representatives of MUA will have access to your personal information and all of MUA’s employees, service providers and marketing partners are bound by confidentiality agreements and obliged to comply with strict standards of privacy and confidentiality.

MUA shall take appropriate and reasonable technical and organisational measures to prevent the loss of or damage to or unauthorised destruction of data and the unlawful access to or processing of personal information. MUA will also ensure that all its systems and operations which it uses to provide the products and services, including all systems on which personal information is processed as part of providing the products and services, shall always be of a minimum standard required by all applicable laws and be of a standard no less than the standards which follow the best industry practice for the protection, control and use of data.

**7. THE FOLLOWING INFORMATION IS NOT AVAILABLE SAVE IN THE SPECIAL CIRCUMSTANCES PROVIDED FOR IN POPIA:**

7.1 Personal information which means:

- 7.1.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- 7.1.2 information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- 7.1.3 any identifying number, symbol or other particular assigned to the individual;
- 7.1.4 the address, fingerprints or blood type of the individual;
- 7.1.5 the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- 7.1.6 correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 7.1.8 the views or opinions of another individual about the individual;
- 7.1.9 the views of opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
- 7.1.10 the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

7.2 Trade secrets of a third party

7.3 Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party

7.4 Information supplied in confidence by a third party, the disclosure of which could reasonably be expected

- 7.4.1 to put that third party at a disadvantage in contractual or other negotiations;
- 7.4.2 to prejudice the third party in commercial competition.

7.5 Information the disclosure of which would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

7.6 Information if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

7.7 Information the disclosure of which would be likely to prejudice or impair:

- 7.7.1 the security of a building, structure or system, including but not limited to, a computer or communication system; a means of transport; or any other property;
- 7.7.2 methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public or part of the public; or the security of the property contemplated in 6.7.1 above.

- 7.8 The record of a body if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.
- 7.9 A record which:
- 7.9.1 contains trade secrets of the company;
  - 7.9.2 contains financial, commercial, scientific or technical information of the company the disclosure of which would be likely to cause harm to the commercial or financial interests of the company;
  - 7.9.3 contains information the disclosure of which could reasonably be expected to put the company at a disadvantage in contractual or other negotiations; or to prejudice the company in commercial competition;
  - 7.9.4 is a computer programme defined in the Copyright Act 1978 owned by the private body except insofar as it is required to give access to the record to which access is granted in terms of this Act;
  - 7.9.5 information the disclosure of which is likely to expose a third party for whom research is being or is to be carried out or the company itself or the person carrying out the research or the subject of the search, to serious disadvantage.

## **8. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT**

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

- 1) *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 in this Act relating to 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 of this Part.*

- 8.2 A requester is any person making a request for access to a record of TIH. There are two types of requesters -

### **8.2.1 Personal Requester**

Personal requester is a requester who is seeking access to a record containing personal information about the requester. TIH 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.

### **8.2.2 Other Requester**

This requester (other than a personal requester) is entitled to request access to information on third parties. However, TIH is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **9. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)**

- 9.1 Prescribed Access Form

A request for access to information must be in writing by completing Form C and submitted together with a request fee, to the Information Officer or a Deputy Information Officer of MUA. It is recommended that you read this manual first, before submitting any requests.

The form must:

- i) provide sufficient particulars of the record/s requested

- ii) the name and contact details of the requester (and if on behalf of another, proof of the capacity and mandate to act on behalf thereof)
- iii) indicate which form of access is required
- iv) specify a postal address or fax number of the requester in the Republic
- v) identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right
- vi) if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner

On receipt of the Information Request and accompanying prescribed fees, MUA will consider the request and provide a response within 21 working days. If the request is denied, reasons for refusal of access will be provided in terms of section 63 – 69 of PAIA. Requestors please note that all the information as listed above should be provided, failing which the process will be delayed while the private body requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requestor.

Records held by MUA may be accessed by requests only once the prerequisite requirements for access have been met.

## 9.2 Prescribed Fee

9.2.1 Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees-

### 9.2.1.1 Request Fee

This is a non-refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered.

### 9.2.1.2 Access Fee

This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.

9.2.2 The information officer must give written notice to a requestor other than a personal requestor of the request fee and amount to be paid before the request may be further processed.

9.2.3 If in the information officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the information officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

9.2.4 The notice given by the information officer must advise the requestor that s/he has a right to apply to court against the payment of the request fee or deposit and advise of the procedure of the application.

9.2.5 The Information Officer shall withhold a record until the requestor has paid the fees as indicated in Annexure 2, attached hereto.

9.2.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requestor.

## **10. REMEDIES AVAILABLE WHEN MUA REFUSES A REQUEST FOR INFORMATION**

### **10.1 *Internal Remedies***

MUA 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 the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

### **10.2 *External Remedies***

A requestor that is dissatisfied with the information officer's refusal to grant access to any information may, within 180 days of notification of the last decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 180 days of notification of the last decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question. No record may be withheld from the court on 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 costs.

## **11. AVAILABILITY OF THE MANUAL**

This manual is available on [www.mua.co.za](http://www.mua.co.za) or by requesting a copy by e-mail from the contact details as provided in paragraph 2 above.

This manual does not include the fee structures in respect of private body. The prescribed fee structure can be obtained from SAHRC website as follows, <https://www.sahrc.org.za/>.

**Annexure 1**

**REQUEST FOR A COPY OF THE GUIDE**

**[Regulation 3]**

This annexure must accompany the cover letter addressed to the Information Officer or and of the Deputy Information Officers

**A. Particulars of MUA**

Regus Business Centre, 1st floor Willowbridge Centre, Carl Cronje Drive, Tygervalley, 7530

Telephone: 0861 682 467

Email: info@mua.co.za

Web site: <https://www.mua.co.za/>

Full names and surname:				
Capacity in which request is made (when made on behalf of another person):				
Name of legal entity ( <i>of applicable</i> ):				
Postal Address:				
Physical address:				
E-mail address:				
Fax number:				
Telephone numbers	Business:		Cellular:	

Hereby request the following copy(ies) of the guide:

Language	No of copies
Afrikaans	
English	

Manner of collection:

Personal Collection	Postal address	Fax	E-mail (please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of requester

**Annexure 2**

**REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

This annexure must accompany the cover letter addressed to the Information Officer or and of the Deputy Information Officers

**A. Particulars of MUA**

Regus Business Centre, 1st floor Willowbridge Centre, Carl Cronje Drive, Tygervalley, 7530

Telephone: 0861 682 467  
 Email: info@mua.co.za  
 Web site: <https://www.mua.co.za/>

**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.
- (d) Proof of identity must be attached by the requester.

Full names and surname:	
Identity Number:	
Postal address:	
Physical address:	
Fax number:	
Telephone numbers:	
E-mail address:	
Capacity in which request is made (when made on behalf of another person):	
Full names of person on whose behalf request is made (if applicable):	
Identity number:	
Postal address:	
Physical address:	
E-mail address:	
Telephone numbers:	
<b>PARTICULARS OF RECORD REQUESTED</b>	
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.	
Description of record or relevant part of the record:	



Reference number, if available:	
Any further particulars of record:	
<b>TYPE OF RECORD</b>	
Record in written or printed form	
Record comprises virtual images	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
<b>FORM OF ACCESS</b>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to Postal address	
Postal services to physical address	
Courier service to physical address	
Fax of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share / file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
Indicate which right is to be exercised or protected:	
Explain why the record requested is required for exercise or protection of the right aforementioned right:	

<b>FEES</b>	
a) a request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid. 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.	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Fax	E-mail (please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature if requester / person on whose behalf request is made

**Annexure 2**

**FEES IN RESPECT OF PRIVATE BODIES**

The prescribed forms and fees for requests to private bodies are available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za) and the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za).