



Lionel Isaacs Insurance Brokers (Pty) Ltd (the “private body”)


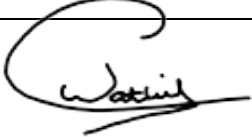
Financial Services Provider # 13343

**MANUAL**

In terms of The Promotion of Access to Information Act 2000 and

The Protection of Personal Information Act, 2013 (POPIA)

(the "ACT")

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Craig Watkins (Deputy Information Officer)	

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## 1. Introduction

Lionel Isaacs Insurance Brokers (Pty) Ltd (FSP# 13343) is authorized to carry on business in respect of Financial advisory services as Financial Services Provider in respect of the following products:

- Long-term Insurance: Category A, C, Short-term Insurance: Category Personal Lines, Commercial Lines.
- Financial intermediary services as Financial Services Provider in respect of the following products:
- Long-term Insurance: Category A, C, Short-term Insurance: Category Personal Lines, Commercial Lines.

## 2. Introduction to the Promotion of Access to Information Act

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, Lionel Isaacs Insurance Brokers (Pty) Ltd is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

Information Regulator's PAIA Manual must prepared in terms of Section 14 of the Promotion of Access to Information Act 2 of 2000, as amended June 2021 to facilitate the public's access to information held by the Regulator. This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act. It is important to note that the Act recognises certain limitations to the right of access to information, 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.

**3. Particulars in terms of the s16 of PAIA and s17 and s55(2) and 56 of PAIA and POPIA**

Contact details for Lionel Isaacs Insurance Brokers (Pty) Ltd:

Group CEO and Information Officer:

- Lance Williams: [Lance.williams@icapital.co.za](mailto:Lance.williams@icapital.co.za)

Deputy Information Officer(s):

- Craig Watkins: [cwatkins@liib.co.za](mailto:cwatkins@liib.co.za)

- Alicia Hoffman: [alicia.hoffman@icapital.co.za](mailto:alicia.hoffman@icapital.co.za)

Company Directors:

- Lance Williams: [Lance.williams@icapital.co.za](mailto:Lance.williams@icapital.co.za)

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Office telephone number: 011 483 1802

Fax number: 011 728 4350

Email: [insurance@liib.co.za](mailto:insurance@liib.co.za)

**4. Decision making process of the information officer**

The Information Officers at Lionel Isaacs Insurance Brokers (Pty) Ltd are responsible for making decisions regarding the processing of requests for access to information and personal data. This includes evaluating requests,

determining whether access will be granted, and ensuring compliance with PAIA and POPIA.

#### **5. The Act - Who may request Information**

- In terms of Section 50 of PAIA, any person may request access to records held by Lionel Isaacs Insurance Brokers (Pty) Ltd, provided that such information is required for the exercise or protection of any rights. The requester must provide sufficient proof of their right to access the requested records.
- The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulation 7 & 8 of s 92 of PAIA.

#### **6. Request for Information about a third party**

In terms of Section 71 of POPIA, a request for information regarding a third party must be made in accordance with the provisions of both PAIA and POPIA. Lionel Isaacs Insurance Brokers (Pty) Ltd will process such requests after considering whether the disclosure would contravene the privacy rights of the third party, and will require the requester to submit valid proof of consent from third party

#### **7. Request for Collection or Deletion of Personal Information**

A data subject may request the correction or deletion of their personal information in terms of section 24(1) of POPIA. The request must be submitted in the prescribed format (Form 2 of POPIA Regulations). Lionel Isaacs Insurance Brokers (Pty) Ltd will take necessary steps to assess the request and make the requested corrections or deletions, where appropriate.

#### **8. Objections to Processing of Personal Information**

In terms of Section 11(3)(a) of POPIA, a data subject may object to the processing of their personal information. The objection must be submitted in the prescribed format (Form 1 of POPIA Regulations). Once an objection is received, Lionel Isaacs Insurance Brokers (Pty) Ltd will take the necessary steps to evaluate and respond to the objection.

## 9. Guide in terms of regulation 7 and The Information Regulators details

Requesters are referred to the Guide in terms of regulation 7 which has been compiled by the Information Regulator, which will contain information for the purpose of exercising Constitution Rights. The guide is available from the Information Regulator. Contact details are:

- Website: <https://infoeregulator.org.za/>
- Tel: 012 406 4818
- Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

The Regulator may, in terms of section 77H(1) of PAIA, and on its own initiative, or at the request by or on behalf of information officer conduct an assessment whether private body generally complies with the provisions of PAIA, insofar as its policies and implementation procedures are concerned.

## 10. The Companies' purpose of collecting personal information

Lionel Isaacs Insurance Brokers is a short-term insurance brokerage and will collect personal information in the following instances / purposes:

- To share with and provide relevant products or services to clients / sub-agents, to carry out the transaction with the client / sub-agent requested, and to maintain our relationship with those individuals / entities;
- To respond to client and/or insurer queries and process their requests or instructions;
- To confirm and verify a client's identity or to verify that they are authorised user for security purposes;
- For insurance underwriting purposes;
- To administer, assess and process payment of a clients claim;
- For collection of premium (where the FSP have the authority to do so);
- To conduct credit reference searches or verification, only if the client authorises this;
- For operational purposes required to assist clients / sub-brokers with the solutions they require;
- As part of regular business operations which might include, but are not limited to, engaging with employees, subcontractors; agents, insurers and sub-brokers;
- For audit and record-keeping purposes;

- In connection with possible requirements by the Information Regulator or other South African government agencies allowed by law, legal proceedings, or court rulings.
- To detect and prevent fraud;
- To offer other products and services to a client that fit their needs;
- To protect and defend our rights and property, including our intellectual property.

Lionel Isaacs Insurance Brokers will not have to collect personal information of children. In instances where this is required, the required authorization will be obtained from the regulator.

### **11. The Companies' purpose of sharing information**

The following are the instances when we will be entitled to disclose the Personal Information obtained from a client:

- When any regulatory authority for the various financial sectors requests same
- To comply with any regulation passed under relevant legislation, or any legal process
- To enforce and protect our rights and property (including intellectual property)
- When a client / employee / agent has expressly authorized us to do so
- When required by law to do so to satisfy an order and/or a subpoena issued by a court of competent jurisdiction
- When entitled to do so by law.

We will never sell personal information or share it with other parties for their own marketing use, unless you have given us direct permission.

As far as the company is aware, all personal information is stored and backed up in South Africa. The company is not sure if email correspondence or document storage administered through Microsoft 365 is stored across borders as the entity does not maintain control over Microsoft's operations.

### **12. Information Security Measures implemented by the company to ensure the confidentiality, integrity, and availability of information**

- The following operational controls exist:
  - Allocation of information security responsibilities (Refer to Identity and User Access Management policy).

- Incident reporting and management (Refer to the Business Continuity and Disaster Recovery Plan).
- User ID addition or removal (Refer to Identity and User Access Management policy).
- Information security training and education (Refer to the Confidentiality policy).
- Data backup (Refer to the Business Continuity and Disaster Recovery Plan).
- POPIA Disclosures as part of template management in all operational processes when dealing with clients, insurers, staff and/or mandated persons.

### **13. Applicable legislation that the company need to comply with and where Personal information might be collected**

- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Companies Act 71 of 2008
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Promotion of Information Act No 2 of 2000
- Basic Conditions of Employment Act 75 of 1997
- Unemployment Insurance Act 63 of 2001
- Employment Equity Act 55 of 1998
- Skills Development Act 9 of 1999
- Protection of Personal Information Act of 2013

### **14. Schedule of records (Examples)**

- i. Records that require a request / Not automatically available in terms of Section 51(1)(b)(iv) of the PAIA Act.
  - a. Company records:
    - Documents of incorporation
    - Memorandum and articles of association
    - Minutes of meetings of shareholders
    - Records relating to the appointment of directors, auditors, secretary, public office and other officer



- Share register and other statutory registers, records and/or documents
- b. Income tax act records
  - Pay-as-you-earn (PAYE) records
  - Value added tax
  - All documents relating to levies
  - Payments to the South African Revenue Services (SARS) on behalf of employees/staff
- c. Other
  - Computer software and licenses
  - Annual financial statements
  - Client files including the mandates
  - Research conducted
  - Correspondence with clients and suppliers
  - Records relating to suppliers, partners, insurance etc
  - Personnel document and records

## 15. Form of request

To facilitate the processing of your request, kindly following the below process.

PAIA requires that if you want to make such a request, you have to submit the request on the required form (these forms are prescribed by Regulations). There are two forms that can be used in pursuing the right to access to information:

### Form 2: (See diagram per Annexure A)

- This form can only be used if you want to request access to the records of a public or private body.
- In order to complete the PAIA form, a person needs to provide sufficient detail to allow the Information Officer or Deputy Information Officer to identify the records the requester seeks.

**Form 4:** This form can only be used if you want to submit an internal appeal against the decisions of the Information Officers or that of the Deputy Information Officers of a National, Provincial or Local Sphere of Government to which an internal appeal is applicable.

- These forms can be obtained on the Regulator's website at <https://www.justice.gov.za/inforeg/>
- A private body performs a private function. Such a body (which can be a person) carries on a trade, business or profession.
- It is very important to note that when submitting a PAIA request to a private body a person must state which right he is protecting or exercising by asking for this information.
- When explaining which right one is hoping to exercise when making a request to a private body, one cannot refer to the right of access to information. One has to explain how the record one is asking for is reasonably required for one to protect, or exercise, another right. This could include rights that are not just constitutional rights.
- Any person, whether South African or non-South African, is allowed to make a request under PAIA. The requester can be a natural person or juristic person.
- In terms of section 50(1) of POPIA, any person can request access to a record, of a private body, containing personal information about the requester or the person on whose behalf the request is made.

Submit prescribed filled out form to the head of Lionel Isaacs Insurance Brokers (Pty) Ltd via electronic email, address and must include:

- Fees need to be paid both for making a request, but also to cover the cost of providing access to records in terms of a request per the prescribed fees relating to the respective categories.
- NB: The fee structure in respect of fees payable to the Public and Private Bodies can be accessed on the Regulator's website. Particulars of the requester. If the request is made on behalf of another person, proof of the capacity in which the requester is making the request
- The postal address or fax number of the requester
- If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof
- A description of the information required
- An indication of what form of access is required
- Identification of the right the requester is seeking to protect or exercise
- An explanation of why the requested information is required for the protection or exercise of that right

Lionel Isaacs Insurance Brokers (Pty) Ltd will inform the requester within 30 days after receipt of the request of its decision whether to not to grant the request. Lionel Isaacs Insurance Brokers (Pty) Ltd may extend the 30 day period by a further period but not more than 30 days if the request is for multiple records or requires a search through many records.

## **16. Fees**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of Lionel Isaacs Insurance Brokers (Pty) Ltd must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- Please refer to legislation for the prescribe fee that must be paid. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head of Lionel Isaacs Insurance Brokers (Pty) Ltd has made a decision on the request, the requester may be notified.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- Records may be withheld until the fees have been paid
- NB: The fee structure in respect of fees payable to the Public and Private Bodies can be accessed on the Regulator's website.

## **17. Availability of the manual**

The manual is available for inspection at the offices of Lionel Isaacs Insurance Brokers (Pty) Ltd free of charge and on Lionel Isaacs Insurance Brokers (Pty) Ltd (if any).

## **18. Granting or refusing**

Should the request be granted, the prescribe fee must be paid, and the form will be provided. Should the request be refused, the notice will provide a sufficient explanation of the reason for refusal. Chapter 4 of the Act provides grounds for refusal of access to records.

## 19. Grounds for Refusal of Personal Information

Lionel Isaacs Insurance Brokers (Pty) Ltd may refuse access to personal information in certain circumstances, as prescribed in Sections 64-69 of POPIA, including but not limited to:

- Where the disclosure would violate the privacy of a third party.
- Where the request is frivolous or vexatious.
- Where the information is privileged from disclosure.

The requester will be informed of the grounds for refusal, and the Information Officer will provide reasons for the decision.

## 20. Remedies in case of refusal to provide information

If Lionel Isaacs Insurance Brokers (Pty) Ltd refuses to provide information, the requester has the right to appeal the decision. The appeal must be lodged within 30 days of receiving the refusal notice. The requester may also approach the Information Regulator or the courts for assistance in cases where access to information is denied.

## Annexure A: Diagram of PAIA request process

