



PAIA MANUAL

Western Administration Services (Pty) Ltd, Western National Insurance Company Ltd, and Western Engineering Risk Specialist (Pty) Ltd, (hereafter 'the Company')

Prepared in terms of Section 51 of The Promotion of Access to Information Act, 2000 (hereinafter "PAIA") and to address requirements of the Protection of Personal Information Act, 2013 (hereinafter "POPIA").

1. Introduction

- 1.1. PAIA was enacted to give effect to, among other things, section 32 of the Constitution of the Republic of South Africa, 1996, namely the right to access to information. Specifically, information held by the State and information held by any other person when that information is required for the exercise or protection of any right.
- 1.2. In terms of section 51 of PAIA, private institutions are obliged to compile a manual to facilitate the forementioned objective.

2. Purpose of the PAIA Manual

This PAIA Manual is for use by the public to-

- 2.1. check the categories of records held by the Company which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of how to make a request for access to a record of the Company, by providing a description of the subjects on which the Company holds records and the categories of records held on each subject;
- 2.3. know the description of the records of the Company which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the Information Officer and the Deputy Information Officer(s) who will assist the public with the records they intend to access;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator, and how to obtain access to it;
- 2.6. know if the Company will process personal information, the purpose of processing of personal information and the description of the categories of Data Subjects and of the information or categories of information relating thereto;
- 2.7. know the description of the categories of Data Subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if the Company has planned to transfer or process personal information outside the Republic and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether the Company has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. INFORMATION OFFICERS

Information Officer:	Jurgen Hellweg
Deputy Information Officers:	Werner Nel Helena-Michelle Saunders Ziyanda Mxhiki
Chief Executive Officer:	Jurgen Hellweg
Postal Address:	P.O. Box 5881 Tygervalley, 7536
Physical Address:	5th Floor, The Edge, 3 Howick Close, Tygerfalls, Bellville, Cape Town 7530
Tel:	+27 (0) 21 914 0290
Fax:	+27 (0) 21 914 0293
Email Address:	compliance@westnat.com [Please send for the attention of the Information Officer and with the subject line "Information Request"]
Website:	www.westnat.com

4. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION'S GUIDE ON HOW TO USE THE ACT

- 4.1. As contemplated in Section 10 of PAIA, the South African Human Rights Commission printed a guide on how to use PAIA (Guide'). The guide is available in all official languages and contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in Braille.
- 4.3. The previously mentioned Guide contains the description of
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail addresses of
 - 4.3.2.1. the Information Officer of every public company, and
 - 4.3.2.2. every Deputy Information Officer of every public and private company designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1 access to a record of a public company contemplated in section 11 of PAIA; and
 - 4.3.3.2 access to a record of a private company contemplated in section 50 of PAIA
 - 4.3.4 the assistance available from the Information Officer of a public company in terms of PAIA

and POPIA;

- 4.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging –
 - 4.3.6.1 an internal appeal
 - 4.3.6.2 a complaint to the Regulator; and
 - 4.3.6.3 an application with a court against a decision by the information officer of a public company, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private company;
- 4.4 the provisions of sections 14 and 51 of PAIA requiring a public company and a private company, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.4.3 the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public company and a private company, respectively;
 - 4.4.4 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
 - 4.4.5 the regulations made in terms of section 92 of PAIA.
- 4.5 Members of the public can inspect or make copies of the Guide from the office of the Regulator, during normal working hours.
- 4.6 The Guide can also be obtained –
 - 4.5.1. upon request to the Information Officer via e-mail with a form that corresponds substantially with form 1 of Annexure A to the PAIA Regulations or
 - 4.5.2. from the website of the Regulator
(https://www.inforegulator.org.za/docs/misc/PAIA-Guide-English_20210905.pdf)

5. INFORMATION REQUESTS

- 5.1. According to Section 50 of PAIA, any person may request access to information from the Company, and must be given access to same, provided that
- 5.2. The record is required for the exercise or protection of any rights;
 - 5.2.1. The requester complies with the procedural requirements as defined in PAIA for a request to access a record; and
 - 5.2.2. Access to information is not refused on any ground for refusal.
- 5.3. In terms of Section 23 of the POPIA, a Data Subject, having provided adequate proof of identity, have the right to;

- 5.3.1. Request to confirm, free of charge, whether or not the Company holds personal information about the Data Subject
- 5.3.2. Request the record, or a description of the personal information, held by the Company, including information about the identity of all third parties, or categories of third parties, who have, or have had access to the information within a reasonable time, at a prescribed fee, in a reasonable manner and format and in a form that is generally understandable.

6. TYPES OF RECORDS

A request for any documents will be considered on a case-by-case scenario, subject to the requirements of the PAIA.

7. HOW TO REQUEST INFORMATION

- 7.1. Complete the form in Appendix 1.
- 7.2. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.3. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 7.4. Once completed, submit the form to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as stated above.
- 7.5. The requester must pay the prescribed fee as per Appendix 2, before any further processing can take place.
- 7.6. The Company will process the request within 30 days, unless the requestor has stated special reasons, which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.
- 7.7. Records held by the institution may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.8. For purposes of this Information Manual, a requester is any person making a request for access to a record of the institution. There are two types of requesters:
 - 7.8.1. Personal Requester
A person seeking access to a record containing personal information about him/her/itself
 - 7.8.2. Other Requester
This person is entitled to request access to information on third parties. However, The Company is not obliged to voluntarily grant access.

8. FEES

- 8.1. PAIA provides for two types of fees:
 - 8.1.1. A request fee, which will be a standard fee.
 - 8.1.2. An access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2. When the Information Officer receives the request, he/she shall notify the requester to pay the prescribed request fee (if any), before further processing of the request. The information officer may withhold a record until the requester has paid the fees. 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 requester.
- 8.3. See Appendix 2 for details of fees.

9. REFUSAL TO GRANT ACCESS TO RECORDS

- 9.1. The Company will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which the Company has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of The Company and the information cannot reasonably be obtained within the original 30 day period. The Company will notify the requester in writing should an extension be required.
- 9.2. The main grounds to refuse a request for information are:
 - 9.2.1. Mandatory protection of privacy of a third party who is a natural person, which would involve unreasonable disclosure of personal information of that natural person;
 - 9.2.2. Mandatory protection 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 interest of that third party; information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 9.2.3. Mandatory protection of confidential information of third parties if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of any agreement;
 - 9.2.4. Mandatory protection of the safety of individuals and the protection of property
 - 9.2.5. Mandatory protection of records, which would be regarded as privileged in legal proceedings;
 - 9.2.6. The protection of commercial activities of the institution, which may include trade secrets

of the institution; financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the institution; information which, if disclosed could put the institution at a disadvantage in negotiations or commercial competition; a computer program which is owned by the institution, and which is protected by copyright; the research information of the institution 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;

- 9.2.7. Requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.

10. NOTICE IN TERMS OF SECTION 52(2) OF PAIA

As at the date of publishing of this version of the PAIA Manual, no notice has been published in terms of section 52(2) of the PAIA.

11. RECORDS OF THE COMPANY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The records of the Company which are available without a person having to request access include:

- Annual Financial Reports;
- Advertising pamphlets and brochures;
- Newsletters;
- Statutory Notices;
- FAIS License;
- Conflict of Interest Policy;
- Access to Information Manual;
- Complaints Resolution Policy; and
- BBBEE Certificate.

12. RECORDS OF COMPANY WHICH ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION

All records kept and/or information processed in terms of relevant legislation are available in accordance with said legislation and applies, but is not limited, to the following:

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Electronic Communications and Transaction Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1991
- Inspection of Financial Institutions Act 80 of 1998
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998

- Policyholder Protection Rules
- Prevention of Organised Crime Act 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Protection of Personal Information Act 4 of 2013
- Short-term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 30 of 1996
- Value-added Tax Act 89 of 1991

13. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY

13.1. Conditions of Processing

Chapter 3 of POPIA provides for the minimum conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

Below is a description of the eight Conditions for Lawful Processing as contained in POPIA:

13.1.1. Accountability:

The Responsible Party has an obligation to ensure that there is compliance with POPIA in respect of the Processing of Personal Information.

13.1.2. Processing limitation:

Personal Information must be collected directly from a Data Subject to the extent applicable and must only be used for the purposes for which it was obtained.

13.1.3. Purpose specification:

Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than needed to achieve such purpose.

13.1.4. Further processing limitation:

Further processing of Personal Information must be compatible with the initial purpose for which the information was collected.

13.1.5. Information quality

The Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.

13.1.6. Openness:

There must be transparency between the Data Subject and the Responsible Party.

13.1.7. Security safeguards:

A Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.

13.1.8. Data Subject participation:

The Data Subject may request The Company to correct or delete Personal Information.

13.2. Purpose of the Processing of Personal Information by the Company.

Purpose of Processing of Personal Information	Type of Processing
<ul style="list-style-type: none"> ✓ To provide quote(s) to a potential policyholder for non-life insurance cover as per the Insurance Act, 2017 ✓ To provide services to a policyholder in accordance with the contract of Insurance as entered between the Company and the policyholder. ✓ To undertake activities related to the provision of services, including: <ul style="list-style-type: none"> ○ To fulfil foreign and domestic legal, regulatory or compliance requirements ○ To arrange for reinsurance as and when necessary and to fulfil any legal or compliance regulations in respect of reinsurance treaties. ○ To verify the identity of any potential policyholder representative or policyholder representative (including intermediaries) who contact the Company. ○ For risk assessment, information security management, statistical, trend analysis and planning purposes ○ To monitor and record calls and electronic communications with the potential policyholder or the policyholder for quality, training, investigation and fraud prevention purposes. ○ For investigations, assessments or verifications of any claim or potential claim under the contract of insurance ○ For crime detection, prevention, investigation and prosecution ○ To fulfil the Company obligations to the Policyholder following a valid claim ○ To manage the relationship between the Company, the intermediary and the Policyholder ○ To defend or enforce any of the Company right 	<p>Collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or deconstruction</p>

13.3. Categories of Data Subjects and their Personal Information

Data Subject	Information Processed
Potential Policyholders – natural persons	Names, contact details, postal address, physical address, ID number, date of birth, nationality, summary of assets to be insured
Potential Policyholders – juristic persons	Names of contact persons, name of entity, contact details, postal address, physical business address, registration number, summary of assets to be insured
Policyholders – natural persons	Names, contact details, postal address, physical address, ID number, date of birth, nationality, summary of assets insured inclusive of information necessary to identify the assets, value of assets and physical location of assets, banking details, tax related information
Policyholders – juristic persons	Names of contact persons, name of entity, contact details, postal address, physical business address, registration number, summary of assets insured inclusive of information necessary to identify the assets, value of assets and physical location of assets, banking details, tax related information
Intermediaries	Names of contact persons, name of entity, contact details, postal address, physical business address, registration number, FSP number, founding document, information pertaining to public liability insurance cover, banking details, tax related information
Binders and Outsource Partners	Names of contact persons, name of entity, contact details, postal address, physical business address, registration number, FSP number, founding document, information pertaining to public liability insurance cover, ultimate beneficial owners, banking details, tax related information
Service Providers	Names of contact persons, name of entity, contact details, postal address, physical business address, registration number, founding document, ultimate beneficial owners, banking details, tax related information
Directors	Names, contact details, postal address, physical address, ID number, date of birth, nationality, gender, financial interests and other directorships, credit and criminal information
Employees / Prospective employees	Name, address, identity number, date of birth, employment status, tax reference number, residential address, email address, contact number(s), remuneration, race, gender, medical aid applications, CVs, language, qualifications, work history, pregnancy information, marital status, tax certificate, bank statement, medical aid membership number

13.4. Recipients of Personal Information:

The Company may provide a Data Subject's Personal Information to the following persons/entities:

13.4.1. All employees who reasonably need to have access to the information to adequately perform his/her job functions.

13.4.2. Any affiliates or subsidiaries

13.4.3. Any service provider which must be reasonably instructed to give effect to the contract of insurance between the Company and the policyholder.

13.4.4. The relevant regulators, including but not limited to the Financial Service Conduct Authority and the Prudential Authority.

13.5. **Planned transborder flows of Personal Information**

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa:

13.5.1. the person receiving the information is subject to a law, binding corporate rules and/or binding agreement that provides an adequate level of protection that effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a Data Subject who is a natural person and, where applicable, a juristic person and includes provisions, that are substantially similar to the provisions of POPIA, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;

13.5.2. If the Data Subject consents to the transfer of their Personal Information; or

13.5.3. If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or for the implementation of pre-contractual measures taken in response to the Data subject's request; or

13.5.4. If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or

13.5.5. If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject would provide such consent.

Any Cross-Border transfers of any Personal Information by the Company will at all times comply with POPIA. All data processing falls within the South African or Western European regions. Any data sharing agreements are explicit and transparent. No other sharing or processing of data will be performed outside of standard operational or existing data sharing agreements in place with service providers.

13.6. **General description of Information Security Measures**

The Company undertakes to institute and maintain the data protection measures to accomplish the objectives as outlined below. It is within the Company's discretion to decide which measures are necessary to achieve the objectives.

13.6.1. Access Control of Persons to prevent unauthorised access.

13.6.2. Data Media Control to prevent unauthorised manipulation of media.

13.6.3. Data Memory Control to prevent unauthorised data memory input.

13.6.4. User Control

13.6.5. Access Control to Data

13.6.6. Transmission Control to verify and trace information transmission.

13.6.7. Transport Control

13.6.8. Organisation Control

13.7. Objection to the Processing of Personal Information by a data subject

Section 11 (3) of POPIA provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in POPIA.

13.8. Request for correction or deletion of Personal Information

Section 24 of POPIA provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual.

14. AVAILABILITY OF THE MANUAL

14.1. The Company's PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. The manual will also be available on the website at www.westnat.com.

APPENDIX

Request for amendment, correction or erasure of Personal Information in terms of Section 24(1) of POPIA

Kindly note:

- This form should **not** be used to update any sections of cover under your contract of insurance (for example to addition of removal of assets or any change in risk). Please contact your broker for assistance.
- Western will endeavor to deal with your request within 30 days upon receipt of a fully completed form, together with the relevant substantiating documents.
- Western retains the right to decline any request in terms of this form if such decline can be justified in terms of POPIA. Full details will be provided to the Data Subject.

Details of Person requesting Amendment, Correction or Erasure	
Full Name	
Policy Number	
Address	
Email	
Mobile Number	
Your role	
<input type="checkbox"/>	I am the Data Subject
<input type="checkbox"/>	I am not the Data Subject, but I am acting on behalf of the data subject by virtue of a power of attorney
<input type="checkbox"/>	I am not the Data Subject, but I am acting on behalf of the data subject as the parent or legal guardian
Proof of Identity and Authority to accompany this form	
<input type="checkbox"/>	Driving License
<input type="checkbox"/>	Passport
<input type="checkbox"/>	Identity Document
<input type="checkbox"/>	Power of Attorney
<input type="checkbox"/>	Evidence of parental responsibility or legal guardianship
Amendment	
<input type="checkbox"/>	I wish to amend my personal data
<input type="checkbox"/>	I wish to amend personal data concerning a data subject that I am acting on behalf of
<input type="checkbox"/>	I wish to amend personal data concerning a data subject to whom I am a parent or legal guardian
Type of personal data you wish to amend	

Describe the amendment	
Correction	
<input type="checkbox"/>	I wish to correct my personal data
<input type="checkbox"/>	I wish to correct personal data concerning a data subject that I am acting on behalf of
<input type="checkbox"/>	I wish to correct personal data concerning a data subject to whom I am a parent or legal guardian
Type of personal data you wish to correct	
Describe the correction	
Erasure	
<input type="checkbox"/>	I wish to erase my personal data
<input type="checkbox"/>	I wish to erase personal data concerning a data subject that I am acting on behalf of
<input type="checkbox"/>	I wish to erase personal data concerning a data subject to whom I am a parent or legal guardian
Type of personal data you wish to erase	

By signing this form, you certify that the information you have provided is correct to the best of your knowledge. You understand that it may be necessary to obtain further information to comply with this request.

Signed at _____ this _____ day of _____, 202

Applicant