
Dated: 11 August 2023

COMPILED IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000

FOR: HAMBAL COMPARE PROPRIETARY LIMITED

PROMOTION OF ACCESS TO INFORMATION MANUAL

Contents

Clause	Page
1. BACKGROUND	1
2. GENERAL	1
3. INTERPRETATION AND DEFINITIONS	1
4. CONTACT DETAILS	2
5. THE INFORMATION REGULATOR GUIDE	3
6. RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(D) OF THE ACT	3
7. RECORDS HELD BY HAMBIA IN TERMS OF SECTION 51(1)(E) OF THE ACT	4
8. INFORMATION AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(C) OF THE ACT	5
9. HOW TO REQUEST RECORDS HELD BY HAMBIA IN TERMS OF SECTION 53(2) OF THE ACT	6
10. GROUNDS FOR REFUSAL IN TERMS OF CHAPTER 4 OF THE ACT	6
11. RECORDS NOT FOUND OR THAT DO NOT EXIST IN TERMS OF SECTION 55 OF THE ACT	7
12. INFORMATION REQUESTED ABOUT A THIRD PARTY	7
13. PERSONAL INFORMATION IN TERMS OF SECTION 51(1)(C) OF THE ACT	7
14. UPDATING THE MANUAL	8
15. AVAILABILITY OF THIS MANUAL IN TERMS OF SECTION 51(3) OF THE ACT	8
16. PRESCRIBED FEES	8
ANNEXURE A	10

1. **BACKGROUND**

- 1.1 The Promotion of Access to Information Act 2 of 2000 (the "**Act**") provides for the constitutional right of access to any information held by the State or another person. The information requested must be required for the exercise or protection of any right of the person requesting the information.
- 1.2 The Protection of Personal Information Act 4 of 2013 ("**POPIA**") provides for the protection of Personal Information Processed by public and private bodies and the regulation thereof. POPIA has amended portions of the Act and has established the Information Regulator, which is empowered to monitor and enforce compliance with POPIA and the Act.
- 1.3 Section 51 of the Act requires that all private bodies compile a manual providing for the procedure to request information held by such private body, as well as certain information regarding the Processing of Personal Information.
- 1.4 Should a request be made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to other applicable legislative and/or regulatory requirements.

2. **GENERAL**

- 2.1 Hamba Compare Proprietary Limited ("**Hamba**") conducts business, which includes the facilitation of marketing, lead generation, sales, policy inception and policy administration on behalf of insurers for which Hamba charges the insurers commission and administration fees.
- 2.2 This Manual has been prepared in accordance with section 51 of the Act.
- 2.3 The aim of this Manual is to facilitate requests for access to certain records and information held by Hamba and to assist potential Requesters as to the procedure to be followed when requesting access to such records and information.
- 2.4 Reference to any information in this Manual in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement to receive such information, other than in terms of the Act.
- 2.5 This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A Requester is advised to familiarise himself with the provisions of the Act before lodging any request with Hamba.

3. **INTERPRETATION AND DEFINITIONS**

In this Manual:

- 3.1 words and expressions defined in the Act and which are not defined herein shall have the meanings given to them in the Act;
- 3.2 where any term is defined within a particular paragraph other than this paragraph 3, that term shall bear the meaning ascribed to it in that paragraph wherever it is used in this Manual;
- 3.3 For the purposes of this Manual, unless the context requires otherwise:
 - 3.3.1 the singular shall include the plural and vice versa;
 - 3.3.2 reference to one gender shall include the other gender; and
 - 3.3.3 unless expressly stated, reference to a person shall include a natural, an artificial or juristic person.

- 3.4 paragraph headings in this Manual are inserted for convenience only and shall not be taken into account for the purposes of its interpretation.
- 3.5 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the release date of this Manual, and as amended or substituted from time to time.
- 3.6 if any provision in a definition is a substantive provision, conferring rights or imposing obligations on any party, notwithstanding that such provision is only contained in the relevant definition, effect shall be given to that provision as if it were a substantive provision in the body of this Manual.
- 3.7 unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

"Data Subject"	as defined in section 1 of POPIA
"Head of Hamba"	the managing executives of Hamba
"Information Officer"	the person duly authorised and appointed to facilitate and/or assist the Head of Hamba as applicable, with any request in terms of the Act
"Information Regulator"	the information regulator established in terms of section 39 of POPIA
"Manual"	this document, as amended from time to time, as issued by Hamba
"Personal Information"	as defined in section 1 of POPIA
"Processing"	as defined in section 1 of POPIA, and "Process" shall be construed accordingly
"Requester"	in relation to Hamba, any person including a public body or official thereof, making a request for access to a record of Hamba, or a person acting on behalf of such person

4. **CONTACT DETAILS**

4.1 **Hamba:**

Head of Hamba:	Vivian Shayne Lovelock Derek Hobden Stuart Hobden
Contact number:	065 735 0690

Email: shayne@hambacompares.com
derek@hambacompares.com

Information Officer: Vivian Shayne Lovelock
Contact number: +27 65 735 0690
Email: shayne@hambacompares.com

Postal address: P.O. Box 40122, Shelly Beach, Kwa-Zulu Natal, 4265
Physical Address: 327 Maple Street, Shelly Beach, 4265
Telephone number: [+27 65 735 0690]
Website: <https://www.hambacompares.com>

5. THE INFORMATION REGULATOR GUIDE

The Information Regulator has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act, which may be obtained by any person from the Information Regulator's website at <https://www.inforegulator.org.za/> and any enquiries regarding the guide may be directed to:

Information Regulator:

Chief Executive Officer: Mr. Mosalanyane Mosala
Contact Person: Ms. Pfano Nenweli
Email: PNenweli@justice.gov.za

Physical Address: JD House, 27 Stiemens Street
Braamfontein
Johannesburg
2017

Postal Address: P.O Box 31533
Braamfontein
Johannesburg
2017

Telephone: 010 023 5200

Website: <https://www.inforegulator.org.za/>

Email: enquiries@inforegulator.org.za
PAIAComplaints@inforegulator.org.za
PAIACompliance@inforegulator.org.za

6. RECORDS AVAILABLE IN TERMS OF SECTION 51(1)(d) OF THE ACT

6.1 To the extent applicable, Hamba keeps such information and documents as may be required in terms of, but not limited to, the legislation listed below. Unless disclosure is prohibited in terms of the Act, other legislation, regulations, contractual agreements or otherwise and provided such interested parties are entitled thereto, records that are required to be made available in terms of the applicable statutes (as amended) shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act, applicable internal policies and procedures.

6.1.1 Basic Conditions of Employment Act 75 of 1997

6.1.2 Companies Act 71 of 2008

6.1.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993

- 6.1.4 Competition Act 89 of 1998
- 6.1.5 Consumer Protection Act 68 of 2008
- 6.1.6 Electronic Communications and Transactions Act 25 of 2002
- 6.1.7 Employment Equity Act 55 of 1998
- 6.1.8 Financial Advisory and Intermediary Services Act 37 of 2002
- 6.1.9 Financial Intelligence Centre Act 38 of 2001
- 6.1.10 Financial Sector Regulation 9 of 2017
- 6.1.11 Income Tax Act 58 of 1962
- 6.1.12 Insurance Act 18 of 2017
- 6.1.13 The Labour Relations Act 66 of 1995
- 6.1.14 Long-term Insurance Act 52 of 1998
- 6.1.15 Medical Schemes Act 131 of 1998
- 6.1.16 National Credit Act 34 of 2005
- 6.1.17 Occupational Health and Safety Act 85 of 1993
- 6.1.18 Short-term Insurance Act 53 of 1998
- 6.1.19 Unemployment Insurance Act 63 of 2001
- 6.1.20 Value-added Tax Act 89 of 1991

7. **RECORDS HELD BY HAMBIA IN TERMS OF SECTION 51(1)(e) OF THE ACT**

The following is a *non-exclusive* list of the categories and documents on which Hamba holds records:

7.1 Company secretarial:

- 7.1.1 Memorandum of Incorporation;
- 7.1.2 minutes and resolutions;
- 7.1.3 certificate of incorporation; and
- 7.1.4 share register and other statutory registers.

7.2 Customers, suppliers, partners and agents:

- 7.2.1 agreements;
- 7.2.2 records supplied to Hamba;
- 7.2.3 tender documents (if applicable);
- 7.2.4 identity documents;
- 7.2.5 health information;
- 7.2.6 Personal Information;

- 7.2.7 bank details;
 - 7.2.8 financial information; and
 - 7.2.9 addresses and telephone numbers.
- 7.3 Finance:
 - 7.3.1 financial statements;
 - 7.3.2 accounting records;
 - 7.3.3 asset register;
 - 7.3.4 audit reports;
 - 7.3.5 bank records and statements;
 - 7.3.6 financial records;
 - 7.3.7 reconciliations;
 - 7.3.8 invoices;
 - 7.3.9 credit notes;
 - 7.3.10 financial agreements;
 - 7.3.11 tax records including income tax returns, VAT records, tax clearance certificates and other returns and documents; and
 - 7.3.12 management accounts.
- 7.4 Insurance and credit risk:
 - 7.4.1 agreements, schedules, records and policies.
- 7.5 Trade practice compliance:
 - 7.5.1 code of conduct.
- 7.6 Human resources:
 - 7.6.1 code of conduct;
 - 7.6.2 other relevant internal policies and procedures;
 - 7.6.3 disciplinary records;
 - 7.6.4 employment, independent contractor and related contracts;
 - 7.6.5 employment equity policy;
 - 7.6.6 safety, health and environment policy;
 - 7.6.7 health and safety records;
 - 7.6.8 UIF;
 - 7.6.9 leave records;
 - 7.6.10 medical aid records;

- 7.6.11 payroll;
- 7.6.12 provident fund records;
- 7.6.13 training manuals;
- 7.6.14 training records; and
- 7.6.15 staff records.

8. INFORMATION AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(c) OF THE ACT

8.1 The following categories of records are automatically available for inspection, purchase or photocopying and which do not need to be requested in terms of the Act:

- 8.1.1 newsletters, booklets, pamphlets/brochures;
- 8.1.2 other literature intended for public viewing; and
- 8.1.3 any other information provided on the Hamba website located www.hambacompare.com.

9. HOW TO REQUEST RECORDS HELD BY HAMBА IN TERMS OF SECTION 53(2) OF THE ACT

9.1 Requests for access to records held by Hamba must be made by the Requester using the prescribed Form 2: Request for Access to Record, which is made available on the Information Regulator website at <https://www.inforegulator.org.za/>. Such request must be made to the Head of Hamba or the Information Officer at the address and electronic mail address provided for in paragraph 4.1 above.

9.2 In lodging a request, the Requester must:

- 9.2.1 provide sufficient detail on the request form to enable the Head of Hamba or the Information Officer to identify the record/s so requested and the Requester;
- 9.2.2 indicate which form of access is required and specify a postal address and/or email address within the Republic of South Africa;
- 9.2.3 indicate whether, in addition to a written response, the Requester requests to be informed in any other manner and state the necessary particulars to be so informed;
- 9.2.4 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 such right.

9.3 If a request is made on behalf of a person, the Requester must then submit proof of the capacity in which the Requester is making the request, to the satisfaction of the Head of Hamba or the Information Officer.

9.4 The Head of Hamba or the Information Officer, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

10. GROUNDS FOR REFUSAL IN TERMS OF CHAPTER 4 OF THE ACT

10.1 In terms of the Act, there are certain grounds upon which Hamba must and/or may refuse to grant a Requester access to its records as certain categories of information may be subject to protection in the interests of privacy. Such records which may be protected would include but would not be limited to records containing:

- 10.1.1 privileged information, including a record that is privileged from production in legal proceedings;
- 10.1.2 Personal Information of a third party who is a natural person;
- 10.1.3 commercial information of a third party;
- 10.1.4 confidential information of a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition;
- 10.1.5 a record 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;
- 10.1.6 information that, if disclosed, could endanger the life or physical safety of an individual or could impair a party's protection of their property or the security of infrastructure or transport;
- 10.1.7 commercial information relating to the private body in question which would include information regarding trade secrets, financial, commercial or technical information, the disclosure of which would cause harm to the commercial or financial interests of that private body; and
- 10.1.8 research information of a third party or of the private body in question.

11. RECORDS NOT FOUND OR THAT DO NOT EXIST IN TERMS OF SECTION 55 OF THE ACT

- 11.1 If all reasonable steps have been taken to find a record, and such record cannot be found or if the records do not exist, then the Head of Hamba or the Information Officer shall notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 11.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Head of Hamba or the Information Officer with every person who conducted the search.
- 11.3 The notice, as set out in paragraph 11.1, shall be regarded as a decision to refuse a request for access to the record concerned for purposes of the Act.
- 11.4 If the record in question should later be found, the Requester shall be given access to the record in the manner stipulated by the Requester in the prescribed form unless access is refused by the Head of Hamba or the Information Officer.

12. INFORMATION REQUESTED ABOUT A THIRD PARTY

- 12.1 Section 71 of the Act makes provision for a request for information or records that concern a third party.
- 12.2 In considering such a request, the Head of Hamba and/or the Information Officer will adhere to the provisions of sections 71 to 73 of the Act.
- 12.3 The attention of the Requester is drawn to the provisions of Chapter 5 of the Act in terms of which Hamba is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the Head of Hamba or the Information Officer by referring the matter to a court for appropriate relief where all internal appeal procedures have been exhausted by the third party.

13. PERSONAL INFORMATION IN TERMS OF SECTION 51(1)(c) OF THE ACT

13.1 To the extent that Hamba may Process the Personal Information of Data Subjects, Hamba will ensure that it adheres to the relevant laws pertaining to data protection, including but not limited to the Act and POPIA.

13.2 Hamba Processes Personal Information for the following purposes:

- 13.2.1 provide or manage any information, products and/or services requested by Data Subjects;
- 13.2.2 improve the quality of products and services provided;
- 13.2.3 keep Data Subject records up to date;
- 13.2.4 manage supplier, partner and customer records and contracts;
- 13.2.5 recruitment and employment purposes;
- 13.2.6 market to prospective/existing customers in various countries;
- 13.2.7 recover debts; and
- 13.2.8 process customer requests or complaints.

13.3 Hamba Processes the following categories of Personal Information:

- 13.3.1 contact details, such as phone numbers, physical and postal addresses, and email addresses;
- 13.3.2 personal and demographic details;
- 13.3.3 account numbers and credit information; and
- 13.3.4 debt and debtor information.

13.4 Hamba may supply the following recipients with Personal Information:

- 13.4.1 law enforcement, including statutory and tax authorities;
- 13.4.2 financial institutions;
- 13.4.3 medical schemes;
- 13.4.4 employee pension and provident funds;
- 13.4.5 contractors, partners, agents or suppliers;
- 13.4.6 operators, other responsible parties, or co-responsible parties; and
- 13.4.7 third party vendors (such as IT service providers).

13.5 Trans-border flow of Personal Information:

Hamba may transfer Personal Information outside of South Africa. Hamba undertakes to only transfer such Personal Information to other countries who have similar privacy laws to that of South Africa's or recipients who can ensure the protection of Personal Information to the same standard required by POPIA.

13.6 Security of Personal Information:

Hamba secures data by maintaining reasonable measures to protect Personal Information from loss, misuse, unauthorised access, disclosure, alteration and destruction.

14. **UPDATING THE MANUAL**

This Manual may be amended from time to time by Hamba and the latest version of the Manual will be made public as soon as reasonably possible, after it is finalised.

15. **AVAILABILITY OF THIS MANUAL IN TERMS OF SECTION 51(3) OF THE ACT**

15.1 This Manual is available for inspection, on prior arrangement with the Information Officer, at the offices of Hamba.

15.2 Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of Hamba.

15.3 The Manual can also be accessed on the Hamba website.

16. **PRESCRIBED FEES**

16.1 The fees for reproduction of a record are set out in section 52(3) of the Act. The Requester must pay the prescribed fees before any record will be provided.

16.2 If the Head of Hamba or if the Information Officer is of the opinion that more than 6 (six) hours will be used to search, reproduce and/or prepare the information requested, a deposit equal to one-third of the amount of the prescribed fee per request will be payable by the Requester.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer and Head of Hamba:

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made (when made on behalf of another person)	

Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (<i>if applicable</i>):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
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	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
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	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
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 street address	
Courier service to street address	
Facsimile 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

(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)

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the provided space is inadequate, please continue on a separate page and attach it to this Form.
The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected

Explain why the record requested is required for the exercise or protection of the aforementioned right:

FEES

- 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	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer or Head of Hamba)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

***Signature of Information Officer or
Head of Hamba***