

The SocioTech Institute (Pty) Ltd trading as Lumkani

PAIA MANUAL

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

DATE OF COMPILATION: 02/12/2021

DATE OF REVISION: Annually

1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body 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 body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer 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 body 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 body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF LUMKANI

3.1. Chief Information Officer

Name: Francois Petousis
Tel: 084 368 8929
Email: francois@lumkani.com
Fax number: None

3.2. Deputy Information Officer

NONE APPOINTED

3.3. General contacts

Email: info@lumkani.com

3.4. National or Head Office

Postal Address: Unit G04
19 Kent Street
Woodstock
Cape Town
7915

Physical Address: Unit G04
19 Kent Street
Woodstock
Cape Town
7915

Telephone: (+27) 010 005 4414
Email: info@lumkani.com
Website: www.lumkani.com

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, 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 aforesaid 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 address of-

- 4.3.2.1. the Information Officer of every public body, and
- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body 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 body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- 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 PAIA 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.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
- 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5. CATEGORIES OF RECORDS OF LUMKANI WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Marketing	Brochures	X	X
Insurance	Policy wordings	X	X
Advertising	Brochures, advertisements, banners		X

6. DESCRIPTION OF THE RECORDS OF LUMKANI WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Memorandum of Incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

Policyholder information, Conflict of Interests Policy	Financial Advisory and Intermediary Services Act
Policyholder information	Long-term Insurance Act
Policyholder information	Short-term Insurance Act
Policyholder information	Financial Intelligence Centre Act
Employee records	Skills Development Act
Financial records	Value Added Tax Act
Employee records	Labour Relations Act
Customer information	Consumer Protection Act
Company and employee information	Income Tax Act
Financial records	Companies Act
Employee records	Employment Equity Act
Employee records	Basic Conditions of Employment Act

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY LUMKANI

Subjects of records	Categories of records
Customer	<ul style="list-style-type: none"> - Personal information - Customer instructions
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records - PAYE records - Medical Aid records - SETA records - Training records
Public affairs	<ul style="list-style-type: none"> - Public product information - Public corporate records - Media releases - Published articles
Regulatory and administrative	<ul style="list-style-type: none"> - Permits and licenses - Regulatory registers, frameworks, policies, plans, procedures and processes - Board meeting minutes - Insurance policies
Financial	<ul style="list-style-type: none"> - Financial statements and tax records - Asset register - Management accounts

Subjects of records	Categories of records
	- Banking records
Marketing	- Market information - Product information - Advertisements - Sales records
Third party	- Contractual agreements - Letters of intent - Non-disclosure agreements

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Lumkani processes personal information in its capacity as:

- An authorised financial services provider of life and non-life insurance products
- A manufacturer, installer, seller and lessor of heat detection and alarm systems
- An employer.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	Names, registration number, vat numbers, address, trade secrets and bank details
Employees	Name, identity numbers, address, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Credit and payment history, for credit information	Credit Bureaux
Name, address, registration numbers or identity numbers, and bank details	Insurers and other financial services providers, repairers, merchandise suppliers

8.4 Planned transborder flows of personal information

Due to the nature of the services and our business practices, we may need to transfer personal information to and from different countries for our business purposes and to provide the services.

We may transfer your personal information to recipients in other countries. We will only transfer personal information to third parties in countries with adequate data protection laws or in terms of a written agreement with the recipient which requires the recipient to comply with the data protection requirements in terms of applicable laws.

Please note that when you transfer any personal information directly to a third party in another country (i.e. where we do not send your personal information to the third party), we are not responsible for that transfer of personal information (and such transfer is not based on or protected by this policy). Any personal information that we receive from a third party country will nevertheless be processed in terms of this policy.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

We have implemented appropriate technical and organisational security measures designed to protect personal information against accidental or unlawful destruction, loss, alteration, disclosure, access and other unlawful or unauthorised forms of processing. These measures are in accordance with applicable laws.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

- 9.1.1 on www.lumkani.com;
- 9.1.2 at the head office of Lumkani for public inspection during normal business hours;
- 9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 9.1.4 to the Information Regulator upon request.

- 9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of Lumkani will on a regular basis update this Manual.

Issued by

A handwritten signature in black ink, appearing to read 'FRANCOIS PETOUSIS', written over a horizontal line.

Francois Petousis

Chief Executive Officer