



Lyall Morgan & Associates (Pty) Ltd.

PAIA MANUAL

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

**DATE OF COMPILATION: 01/06/2021
DATE OF LAST REVISION: 20/05/2022**

1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“IO“	Information Officer;
1.3	“FSCA”	Financial Services Conduct Authority
1.4	“HR”	Human Resources
1.5	“IT”	Information Technology
1.6	“Lyall Morgan”	Lyall Morgan & Associates (Pty) Ltd;
1.7	“Minister”	Minister of Justice and Correctional Services;
1.8	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended);
1.9	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.10	“Regulator”	Information Regulator; and
1.11	“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 LYALL MORGAN

Chief Information Officer/CEO

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Access to information general contacts -

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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 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. The 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
 - 4.3.7. 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; 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;

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.*

- 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;
 - 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/>).
- 4.6. A copy of the Guide is also available at the office of Lyll Morgan in the following two official languages, for public inspection during normal office hours:
- 4.6.1. English,
 - 4.6.2. Afrikaans
- 4.7. Copies of the Guide are also available in all official languages at the following offices:
- 4.7.1. All offices of public bodies
 - 4.7.2. All Magistrates Offices
 - 4.7.3. All offices of the Department of Justice and Constitutional Development
 - 4.7.4. All Post Offices
- 4.8. The Guide is also available at all offices and on the website of the South African Human Rights Commission – www.sahrc.org.za

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

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.”

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

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

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

Records that are required to be made available in terms of the Acts listed, will only be made available for inspection by interested parties in terms of the conditions of the PAIA, should the disclosure of the information not be prohibited in terms of any applicable legislation, regulations, contractual agreements, or other legally binding conditions.

Applicable Legislation
Basic Conditions of Employment Act No. 75 of 1997
Broad Based Black Economic Empowerment Act No.53 of 2003
Companies Act No. 61 of 1973
Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
Electronic Communications and Transactions Act No. 2 of 2000
Employment Equity Act No. 55 of 1998
Finance Act No. 35 of 2000
Financial Advisory and Intermediary Services Act No. 37 of 2002
Financial Intelligence Centre Act No. 38 of 2001
Financial Services Board Act No. 97 of 1990
Income Tax Act No. 95 of 1967
Labour Relations Act No. 66 of 1995
Occupational Health & Safety Act No. 85 of 1993
Protection of Personal Information Act No. 4 of 2013
Short Term Insurance Act No. 53 of 1998
Skills Development Levies Act No. 9 of 1999
Skills Development Act No. 97 of 1998
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

7. DESCRIPTION OF THE SUBJECTS ON WHICH LYALL MORGAN HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

The inclusion of a category or examples of records, does not mean that the information and records falling within those categories will automatically be made available to a Requester.

Subjects on which the body holds records	Categories of records
Corporate & Legal	<ul style="list-style-type: none"> - Director & shareholder resolutions - Financial sector compliance records - Financial sector licence & registration records - Intermediary & binder agreements - Meeting minutes - Memorandum of Incorporation - Property leases and agreements - Shareholders agreement and shareholding records - Share certificates
Finance	<ul style="list-style-type: none"> - Accounting records - Annual financial statements - Asset register - Banking details and records - Management accounts and financial records - Statutory returns and records
Human Resources	<ul style="list-style-type: none"> - Personnel records (as provided to Lyall Morgan by personnel and third parties) - Employment Equity plan and statistical records - HR policies and procedural records - Skills development and training records
Operations	<ul style="list-style-type: none"> - Access control & security records - Client database and any records generated by or within Lyall Morgan pertaining to clients - Insurance policies and records - Internal procedures, policies and correspondence - IT System/Hardware policies and records - Service provider agreements and records

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information:

Lyall Morgan collects and processes personal information relating to both personal and juristic persons in order to carry out its business operations, as pertaining to previous, potential and existing data subjects, including but not limited to the following functions:

- 8.1.1. Providing clients with advice, information and quotes on short term insurance products and services
- 8.1.2. Entering into, maintaining and fulfilling contractual obligations to clients, suppliers, service providers, contractors and employees
- 8.1.3. Verification and maintenance of personal information of clients, suppliers, service providers, contractors and employees
- 8.1.4. Processing remuneration to clients, suppliers, service providers, contractors and employees
- 8.1.5. Compliance with statutory and regulatory requirements
- 8.1.6. Marketing of products and services to previous, existing and potential clients
- 8.1.7. Any other reasonably required purpose relating to Lyall Morgan business

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
Clients (Natural & Juristic -including potential and previous clients)	Name, address, contact details, registration number and/or identity number, employment status, marital status, gender, race, bank details
Suppliers, Service Providers and Contractors	Name, address, contact details, registration number, VAT number, BB-BEE status, contracts, bank details, product and/or service information
Employees (including potential and previous employees)	Name, address, contact details, identity number, income tax number, age, marital status, gender, race, bank details, employment history and references, employment contract, remuneration records, qualifications, disciplinary records, leave records, training records.

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

- 8.3.1 Tax authorities;
- 8.3.2 Law enforcement;
- 8.3.3 Regulatory and financial sector authorities and other professional bodies;
- 8.3.4 Service providers;
- 8.3.5 Medical schemes; and
- 8.3.6 Financial institutions

8.4 Planned trans border flows of personal information:

Information may at times need to be transmitted to a location outside of the country, where it may be processed by third parties. In such cases, the transmission and processing of such information is subject to the provisions of s72 of POPIA, meaning that the third party to which we may transmit your information will either be subject to laws, or a contract with us, or corporate binding rules, which requires them to employ the same reasonable safeguards in respect of your personal information that we are required to comply with in terms of POPIA. Lyall Morgan anticipates that the only instances where information could be transmitted trans border are the following:

- 8.4.1 When Lyall Morgan needs to communicate with clients living or travelling outside the borders of South Africa, in which case transmission of information will be at the clients behest and/or with their permission
- 8.4.2 Where Lyall Morgan's third party backup infrastructure and server could be located in, or administered from another country

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:

Lyall Morgan has implemented reasonable and appropriate technical and organisational information security measures to ensure the security, integrity and confidentiality of personal information processed and stored by the company.

Security measures include but are not limited to the following:

- 8.5.1 Physical access control – restricted access to office premises, on-site storage areas and off-site storage facilities
- 8.5.2 Cyber access control – firewalls, anti-virus and anti-malware protection software, password and digital access restrictions in place
- 8.5.3 Employee training with regards to security practices and policies implemented on an ongoing basis
- 8.5.4 Insourcing of qualified third party IT storage, security and support vendors
- 8.5.5 Personal Information is backed up in accordance with regulatory requirements and backup process and integrity is tested frequently
- 8.5.6 System functionality and security reviews undertaken frequently

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available -

- 9.1.1 On Lyall Morgan's website - www.lyamor.co.za;
- 9.1.2 At the head office of Lyall Morgan 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. ACCESS REQUEST FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated as per Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

10.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

10.2 The fees for reproduction referred to in regulation 11(1) are as follows:

10.2.1 For every photocopy of an A4-size page or part thereof R1.10

10.2.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0.75

10.2.3 For a copy in a computer-readable form on -

10.2.3.1 Stiffy disc R 7.50;

10.2.3.2 Compact disc R 70.00

10.2.4

10.2.4.1 For a transcription of visual images, for an A4-size page or part thereof R40.00

10.2.4.2 For a copy of visual images R 60.00

10.2.5

10.2.5.1 For a transcription of an audio record, for an A4-size page or part thereof R20.00

10.2.5.2 For a copy of an audio record R 30.00

The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50.00

10.3 The access fees payable by a requester referred to in Regulation 11(3) are as follows:

10.3.1 For every photocopy of an A4-size page or part thereof R 1.10

10.3.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0.75

10.3.3 For a copy in a computer-readable form on -

10.3.3.1 Stiffy disc R 7.50

10.3.3.2 Compact disc R 70.00

10.3.4

10.3.4.1 For a transcription of visual images, for an A4-size page or part thereof R40.00

10.3.4.2 For a copy of visual images R 60.00

10.3.5

10.3.5.1 For a transcription of an audio record, for an A4-size page or part thereof R20,00

10.3.5.2 For a copy of an audio record R 30.00

10.3.6 To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

10.4 For purposes of section 54(2) of the Act, the following applies:

10.4.1 (a) Six hours as the hours to be exceeded before a deposit is payable; and

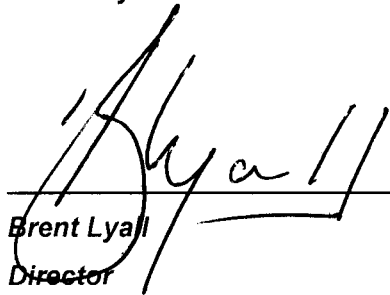
10.4.2 (b) one third of the access fee is payable as a deposit by the requester

The actual postage is payable when a copy of a record must be posted to a requester.

11. UPDATING OF THE MANUAL

The head of a Lyall Morgan will on a regular basis update this manual.

Issued by



A handwritten signature in black ink, appearing to read 'Brent Lyall', is written over a horizontal line. The signature is stylized and cursive.

Brent Lyall
Director