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**INFORMATION MANUAL FOR
ARROW UNDERWRITING MANAGERS (PTY) LTD
IN TERMS OF
THE PROMOTION OF ACCESS TO INFORMATION ACT**

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1. INTRODUCTION

Arrow Underwriting Managers (Pty) Ltd (“Arrow”) is an Underwriting Management Agency (“UMA”) offering short-term Insurance and specialises in insuring Heavy Commercial Vehicles and Goods in Transit. Arrow is an authorised financial service provider underwritten by Centriq Insurance Company Ltd.

2. COMPANY DETAILS

Name: Arrow Underwriting Managers (Pty) Ltd

Company Reg. no: 2014/134814/07

FSP License no: 45623

Physical Address: 21 Alford Lane
Mulbarton
2190

Postal Address: 21 Alford Lane
Mulbarton
2190

Tel Number: 0861 127 769

Fax Number: 0865 472 226

Web: www.arrowum.co.za

CEO: Wayne Phillips

CEO E-mail Address: wayne@arrowum.co.za

3. DEFINITIONS

The following definitions apply in relation to the reading of this document:

“**ARROW**” means **ARROW UNDERWRITING MANAGERS (PTY) LTD** and / or its successor in name, a private company duly registered and incorporated in accordance with the company laws of the Republic of South Africa, having registration number 2014/134814/07 & Financial Service Provider number 45623, that carries on business as a UMA in Short Term Insurance.

“**access fee**” means a fee prescribed for the purposes of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

“**Guide**” means the book produced by the Human Rights Commission in terms of s10 of the Promotion of Access to Information Act, No. 2 of 2000, (“The Act”) for the purposes of reasonably assisting a person who wishes to exercise any right in terms of the Act;

“**head**” of, or in relation to, a private body means –

- (a) in the case of a natural person, that natural person or any person duly authorised by that natural person;
- (b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
- (c) in the case of a juristic person –

- (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
- (ii) the person who is acting as such or any person duly authorised by such acting person;

“Human Rights Commission” means the South African Human Rights Commission;

“Information Officer” means the person that is responsible for discharging the duties and responsibilities assigned to the “head” of the private institution, such as the managing director or any person duly appointed by the managing director,

“requester” in relation to –

- (a) a public body, means –
 - (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
 - (ii) a person acting on behalf of the person referred to in subparagraph (i);
- (b) a private body means –
 - (i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - (ii) a person acting on behalf of the person contemplated in subparagraph (i);

“Third Party” means any natural or juristic person other than, the requester, a party that is acting on behalf of the requester, or alternatively ARROW itself.

4. HUMAN RIGHTS COMMISSION GUIDELINE - SECTION 10

- 4.1 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.
- 4.2 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 paragraphs 6 and 7 of the Act.
- 4.3 are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address:	Private Bag 2700 Houghton 2041
Telephone number:	(011) 877-3600
Fax Number:	(011) 403-0625
Website:	www.sahrc.org.za

5. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT?

- 5.1 Any person, who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that:
- a. That record is required for the exercise or protection of any rights;
 - b. That person complies with the procedural requirements in this Act 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.

6. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

The requester must complete and submit the prescribed form; together with the request fee; to the Chief Information Officer/Chief Executive Officer of Arrow Underwriting Managers (Pty) Ltd. See **Annexure A** for the prescribed form.

- 6.1 Requester/s must;
- a. provide sufficient particulars to enable the CEO/CIO to identify
 - i. the record/s requested;
 - ii. the requester;
 - iii. the form of access required;
 - b. indicate/specify a postal address or fax number of the requester in RSA;
 - c. indicate/specify if the requester wishes to be informed of the decision in any manner (in addition to a written reply); the manner and the particulars thereof;
 - d. identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right;
 - e. where they need to be informed of the decision on the request in any other manner, state that manner and particulars to be so informed.
- 6.2 If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the CEO/CIO.
- 6.3 Fees pertaining to a request;
- a. The Act provides for two types of fees, namely:
 - i. A request fee, which is a standard fee; and
 - ii. An access fee, which fee is calculated by taking into account reproduction costs, search and preparations time and costs, and postal costs.
 - b. A requester is required to pay the prescribed fees (R50.00) before a request will be processed.
 - c. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted). A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit.
 - d. Records may be withheld until the fees have been paid.
 - e. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

7. REFUSAL OF ACCESS TO INFORMATION

- 7.1 Access to certain records may be denied on the grounds set out in the Act.

- 7.2 Grounds for refusal to grant access include:
- a. Protecting personal information that the private body hold about a third person (who is a natural person) including a deceased person, from unreasonable disclosure.
 - b. Protecting commercial information that the private body holds about a third person, or the private body (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of the private body or third person).
 - c. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement.
 - d. If disclosure of the record would endanger the life or physical safety of an individual.
 - e. If disclosure of the record would prejudice or impair the security of property or means of transport.
 - f. If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme.
 - g. If disclosure of the record would prejudice or impair the protection of the safety of the public.
 - h. The record is privileged from production in legal proceedings, unless the legal privilege has been waived.
 - i. Disclosure of the record (containing trade secrets; financial, commercial, scientific or technical information) would harm the commercial or financial interests of the private body.
 - j. Disclosure of the record would put the private body at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
 - k. The record is a computer program.
 - l. The record contains information about research being carried out or about to be carried out on behalf of a third party or the private body.

8. DECISION MAKING PROCESS

- 8.1 The information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requester by way of affidavit or affirmation, that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the requester would otherwise have been granted.
- 8.2 The information officer must within 30 days of receipt of a correctly completed request; notify the requester of the decision as to whether or not to grant the request.
- 8.3 The information officer may extend the period of 30 days by a further period not exceeding 30 days if:
- a. The requester is for a large number of records or requires a search through a large number of records;
 - b. Consultation between divisions of Arrow , or with another private body is required; or
 - c. The requester consents to the extension
- 8.4 The requester must be notified within the initial 30-day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.
- 8.5 The information officer's failure to respond to the requester within the 30-day period constitutes a deemed refusal of the request.

- 8.6 Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.
- 8.7 If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the information officer.

9. RIGHTS OF APPEAL

- 9.1 A requester that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.
- 9.2 It should be noted that notwithstanding any provision in this Act, the court may examine the record (s) in question. No record may be withheld from the court in any grounds. The court may not, however, disclose the contents of the record (s).
- 9.3 The court is empowered to grant any order that is just and equitable, including:
- a. Confirming, amending or setting aside the information officer's decision;
 - b. Requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
 - c. Granting an interdict, interim or special relief, declaratory order or compensation; or an order as to costs.

10. SCHEDULE OF RECORDS HELD BY ARROW

The private body keeps records in accordance with the following legislation:

- 10.1 Basic Conditions of Employment Act, No 75 of 1997
- 10.2 Companies Act, No 61 of 1973
- 10.3 Companies Act, No 71 of 2008
- 10.4 Compensation for Occupational Injuries and Health Diseases Act, No 130 of 1993
- 10.5 Employment Equity Act, No 55 of 1998
- 10.6 Financial Advisory and Intermediary Services Act, No 37 of 2002
- 10.7 Financial Intelligence Centre Act, No 38 of 2001
- 10.8 Income Tax Act, No 95 of 1967
- 10.9 Labour Relations Act, No 66 of 1995
- 10.10 Long Term Insurance Act, No 52 of 1998
- 10.11 National Credit Act, No 34 of 2005
- 10.12 Occupational Health and Safety Act, No 85 of 1993
- 10.13 Short Term Insurance Act, No 53 of 1998
- 10.14 Skills Development Act, No 97 of 1998
- 10.15 Skills Development Levies Act, No 9 of 1999
- 10.16 Unemployment Contributions Act, No 4 of 2002
- 10.17 Unemployment Insurance Act, No 63 of 2001
- 10.18 Value Added Tax Act, No 89 of 1991

11. AVAILABILITY OF THE MANUAL

The manual is also available for inspection at ARROW's office, free of charge, on the ARROW website and copies are available at the South African Human Rights Commission.

12. ANNEXURE A (REQUEST FORM)

Annexure A

Prescribed Form to be completed by a Requester

Request for Access to Record of Private Body

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access to the record

- a) *The particulars of the person who requests access to the records must be recorded below.*
- b) *Furnish an address and/or fax number in the Republic to which information must be sent*
- c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname:

Identity Number:

Postal Address:

Telephone Number:

Fax Number

Email address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made:

This section must be completed only if a request for information is made on behalf of another person

Full Name and Surname:

Identity Number:

D. Particulars of Record

- a) *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.*
- b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1. Description of the Record or relevant part of the record:

2. Reference number, if available _____

3. Any further particulars of the record:

E. Fees

- a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- b) *You will be notified of the amount of the request fee.*
- c) *The fee payable for access to a record depends on the form in which the 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 therefore.*

Reason for exemption of payment of the fee:

F. Form of Access to the Record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is require.

Disability:

Form in which record is required:

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Mark the appropriate box with an "X"

Notes:

- a) Your indications as to the required form of access depend on the form in which the Record is available.
- b) Access in the form required may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:		
Copy of record *		Inspection of record
2. If the record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)		
View the Images *	Copy of the Images *	Transcription of the Images *
3. If the record consists of recorded words or information which can be reproduced in sound:		
Listen to the soundtrack (Audio cassette)		Transcription of soundtrack * (written or printed document)
4. If the record is held on computer or in an electronic or machine-readable form:		
Printed copy of Record	Printed copy of information derived from the	Copy in computer readable form *(stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcript to be posted to you? A postal fee is payable		YES NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue of a separate folio and attach it to this Form.

The requester must sign all the additional folios.

Indicate which right is to be exercised or protected:

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

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access the record?

Signed at _____ this _____ day of _____ 20__

Signature of
Requester/Person
on whose behalf request is made

