



# SIMEKA

member of  Sanlam group

**PAIA MANUAL**  
**OF**  
**SIMEKA CONSULTANTS & ACTUARIES (PTY) LTD**  
**(“SIMEKA”)**

**Registration No. 1998/003048/07**

**Prepared in accordance with Section 51 of the  
Promotion of Access to Information Act, 2 of 2000.**

**05 October 2020**

**Mr RG Tyler  
Managing Director**

## 1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("PAIA") was enacted on 3 February 2000. The purpose of the legislation is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of any rights.

Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA or other legislation expressly provides that the information may or must not be released.

As a private body defined in PAIA, Simeka is required to compile a manual to provide a reference as to the records held and the process which needs to be followed to access such records.

This manual is intended to foster a culture of transparency, accountability and good governance, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

## 2. CONTACT DETAILS OF SIMEKA

<b>Name of private body</b>	Simeka Consultants & Actuaries (Pty) Ltd
<b>Registration number</b>	1998/003048/07
<b>Street address</b>	Simeka House, The Vineyards Office Estate, 99 Jip de Jager Drive, Bellville, 7530
<b>Postal address</b>	P O Box 350, Sanlamhof, 7532
<b>Telephone number</b>	+27 21 912 3300
<b>Fax number (if available)</b>	N/A
<b>E-mail address</b>	info@simekaconsult.co.za
<b>Website</b>	www.simekaconsult.co.za
<b>Call Centre</b>	N/A
<b>Contact person</b>	Margaret Valentine
<b>E-mail address</b>	margaret@simekaconsult.co.za

## 3. ACCESS TO THE GUIDE ON HOW TO USE PAIA

The South African Human Rights Commission has compiled a guide to help a person who wishes to exercise any rights granted in PAIA. The guide is available from the South African Human Rights Commission who can be contacted at:

### **The South African Human Rights Commission PAIA Unit: The Research and Documentation Department**

Postal address:	Private Bag 2700, Houghton, 2041
Telephone:	+27 11 877 3627
Facsimile:	+27 11 484 0582
Website:	www.sahrc.org.za
E-mail:	Tshepang Sebulela: tsebulela@sahrc.org.za

## 4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY SIMEKA

- Pension Funds Act, 24 of 1956
- Long-term Insurance Act, 52 of 1998
- Financial Advisory and Intermediary Services Act, 37 of 2002
- Income Tax Act, 58 of 1962

This list is not exhaustive.

## 5. HOW TO ACCESS RECORDS HELD BY SIMEKA

A **requester** is any person making a request for access to a record of Simeka. There are two types of requesters, a personal requester and other requesters:

### PERSONAL REQUESTER

A personal requester is a requester who is seeking access to a record containing personal information about themselves.

**All the member's information pertaining to Simeka is available to him/her upon request, as well as:**

- Simeka certificate of registration
- Financial statements of Simeka (latest revenue account and balance sheet)
- The last statutory valuation of Simeka (unless Simeka is valuation exempt)
- Policy documents relating to fidelity cover and risk cover (death, disability benefits and funeral cover)

#### **Procedure to obtain this information and/or records from Simeka**

The information can be obtained in one of the following ways:

- By writing a letter or sending an email or fax (if any) to Simeka; or
- By accessing Simeka's website.

Simeka will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. No fees will be charged in respect of information relating to the personal requester (member).

### OTHER REQUESTER (THIRD PARTY)

This requester (someone other than a Simeka member) is entitled to request access to information on third parties. However, Simeka is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of PAIA by completing the request form and paying the fee.

## **RECORDS HELD BY SIMEKA WHICH MUST BE FORMALLY REQUESTED VIA THE PAIA REQUEST FORM BEFORE THE INFORMATION IS SUPPLIED TO A MEMBER AND/OR A THIRD PARTY**

### **Personal Records**

- Personal records provided by employee;
- Records provided by a third party relating to employees;
- Conditions of employment and other personnel-related contractual and quasi legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Industrial training records and material;
- Employment equity plan.

### **Client Related Records**

- Records provided by a third party;
- Records generated by or within Simeka relating to its clients;
- Records provided to Simeka by the client.

### Records relating to Simeka

- Statutory company information;
- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Internal correspondence;
- Internal Policies and Procedures;
- Records held by officials of Simeka.

These records include, but are not limited to, the records which pertain to Simeka's own affairs.

### Other Records

- Simeka may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies and service providers. Alternatively, such other parties may possess records that can be said to belong to Simeka;
- Personnel, client and other records relating to Simeka which are held by another party, as opposed to the records held by Simeka; and
- Records held by Simeka pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

### Request procedure

- The requester must use the prescribed form in terms of PAIA and submit it to Simeka. This request must be made to the address, fax number or e-mail address of Simeka. The form needed to apply for access to information can be found on the website [www.sahrc.org.za](http://www.sahrc.org.za) or attached hereto.
- The requester must provide sufficient detail on the request form to enable Simeka to identify the record and the requester. The requester should also indicate which form of access is required (for instance if the requester is blind, the access will not be via email).
- The requester must 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.
- If a 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 Simeka.

## 6. FEES

- 6.1 PAIA provides for two types of fees namely:
  - 6.1.1 A request fee, which will be a standard fee; and
  - 6.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 6.2 When the request is received by Simeka, it will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 6.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, Simeka will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 6.4 Simeka will withhold a record until the requester has paid the fees as prescribed.
- 6.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 6.6 If a deposit has been paid in respect of a request for access, which is refused, then Simeka must repay the deposit to the requester.

## **7. DECISION**

- 7.1 Simeka 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.
- 7.2 The 30 day period within which Simeka 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 and the information cannot reasonably be obtained within the original 30 day-period. Simeka will notify the requester in writing should an extension be sought.
- 7.3 Should Simeka decline access to the information requested, the requester may lodge an internal appeal to the board of management of Simeka.

## **8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for Simeka to refuse a request for information relates to the –

- 8.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 8.2 mandatory protection of the commercial information of a third party, if the record contains:
  - 8.2.1 trade secrets of that third party;
  - 8.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 8.2.3 information disclosed in confidence by a third party to Simeka, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 8.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 8.4 mandatory protection of the safety of individuals and the protection of property;
- 8.5 mandatory protection of records which would be regarded as privileged in legal proceedings; and
- 8.6 financial activities of Simeka.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, will be refused.

Should, after a diligent search, the record requested not be found, Simeka will by way of affidavit give notification that it is not possible to give access to that record.

## **9. AVAILABILITY OF THE MANUAL**

A copy of this manual is available for inspection free of charge at Simeka's registered office and, if applicable, on Simeka's website.

Copies are also available from the SAHRC.