

PPS GROUP INFORMATION AND PRIVACY STANDARD

as prescribed in terms of the

**PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 AND
PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013**

1 Introduction

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

(1) Everyone has the right of access to –

Any information held by the state; and

Any information that is held by another person and that is required for the exercise or protection of any rights.

(2) National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

Section 32 of the Constitution affords everyone the right to access information held by the State or any other person. The Constitution requires that national legislation be enhanced to give effect to this right. The Promotion of Access to Information Act, 2 of 2000 (PAIA), gives effect to this constitutional right of access as required in terms of sub-section (2).

PAIA provides that a person must be given access to any record of a private body if the record is required for the exercise of any right¹ and the procedural requirements relating to a request have been complied with. PAIA applies to any recorded information, regardless of form or medium, under the control of the private body, and whether or not the private body created it.

Where a request is made in terms of PAIA, the private or public body to which the request is made is obliged to release the information, except where PAIA expressly provides that the information must not be released. PAIA sets out the requisite procedural issues attached to such request.

PPS includes PPS Holdings Trust and all its subsidiaries (PPS) has confirmed its status as a private body in terms of the definition in PAIA as well as a responsible party in terms of the definition in the Protection of Personal Information Act, 4 of 2013 (POPIA).

¹ After PPS has satisfied itself that the requester is seeking to exercise or protect a right and not an interest, PPS is then required to ascertain whether the information requested will assist the requester in exercising or protecting the right. The requester is therefore required to establish a nexus, or causal link between the right alleged and the information requested. It does not follow from the mere establishment of the right by the requester that he is automatically entitled to the information requested. The requester must establish that the information sought will assist him in exercising or protecting his right

PPS respects and values data privacy rights, and ensures that all personal data collected from you is processed in adherence to the general principles of transparency, legitimate purpose, and proportionality.

2 Key definitions

“Biometrics” means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprint, DNA analysis, retinal scanning and voice recognition;

“Conditions for Lawful Processing” means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;

“Consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing personal information;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Customer” refers to any natural or juristic person that received or receives services from the PPS;

“Data Subject” means the natural or juristic person to whom personal information relates, such as an individual member, employee or an entity that provides the PPS with products or services;

“Head” means the “head” as defined in section 1 of PAIA and referred to in clause 4;

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;

“Information Officer” means the head of a private body. Once appointed the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties which include handling requests for information amongst others. Deputy Information Officers can also be appointed to assist the Information Officer;

“Deputy Information Officer” means the person to whom any power or duty conferred or imposed on an Information Officer in terms of POPIA has been delegated to assist the requester in their information request. PAIA does not provide for private bodies to designate a Deputy Information Officer, however it is recommended by the South African Human Rights Commission that they do so for efficiency and convenience;

“Information Regulator” means the Regulator established in terms of section 39 of POPIA;

“Standard” means this Information and Privacy Standard prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;

“Person” means a natural person or a juristic person;

“Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person and;

h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

“Personal Requester” means a requester seeking access to a record containing personal information about the requester;

“Personnel” refers to any person who works for or provides services to or on behalf of PPS and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of PPS. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers;

“POPIA Regulations” mean the regulations promulgated in terms of section 112(2) of POPIA;

“Processing” means any operation or activity or any set of operations, whether by automatic means or not, concerning personal information, including-

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or products and legal matters relating to those products; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

“Responsible Party” means a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information;

“Record” means any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from a public or private body would refer to a record that was in that body’s possession regardless of whether that body created the record;

“Request Fee” means the cost to be paid for making an access to information request;

“Requester” means the natural or juristic person making an access to information request. A requester also refers to the person who is making the information request on behalf of somebody else;

“Request for Access” in relation to a private body, means a request for access to a record of a private body in terms of section 50 of PAIA; and

“SAHRC” means the South African Human Rights Commission.

“Third Party” refers to any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

Capitalised terms used in this Standard have the meanings ascribed thereto in section 1 of POPIA and section 1 of PAIA as the context specifically requires, unless otherwise defined herein.

3 Purpose

The purpose of the Standard is to provide an outline of the types of records held by PPS, inform you of our data protection and security measures, serve as a guide in exercising rights in terms of POPIA and explain how one may submit requests for access to these records in terms of PAIA. POPIA and PAIA give effect to everyone’s constitutional rights to privacy and access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requester’s rights.

4 PPS contact details: Information Officers

1. PPS Insurance

i. Executive: Insurance Operations

ii. Chief Information Officer, deputy: IT Executive, Security Risk and Governance

Physical address: 6 Anerley Road, Parktown, 2193

Postal address: PO Box 1089, Houghton, 2041

Tel: (011) 644 9317

Fax: (011) 644 4400

E-mail: privacy@pps.co.za **Website:** <http://www.pps.co.za>

Member Services Help line: (011) 644 4300

2. PPS Short-Term Insurance

Executive: Executive Customer Experience and Operations, deputy: Business Process Engineer

Physical address: 7 Anerley Road, Parktown, 2193

Postal address: PO Box 1089, Houghton, 2041

Tel: (011) 644 4390

Fax: (011) 644 4400

E-mail: StiPOPIA@pps.co.za **Website:** <http://www.pps.co.za>

Member Service Help line: (011) 644 4300

3. PPS Investments, PPS MM, PPS IA, PPS ManCo and PPS Nominees

Executive: Chief Operating Officer, deputies: Marketing Manager and Executive Operations

Principle Officer, Megan Young

Physical address: PPS House, Boundary Terraces, 1 Mariendahl Lane, Newlands, Cape Town, 7700

Postal address: P O Box 44507, Claremont, 7735

Tel: 0860 468 777

Fax: 021 680 3653

E-mail: clientservices@ppsinvestments.co.za **Website:** <http://www.ppsinvestments.co.za>

Member Service Help line: 0860 468 777

4. PPS Healthcare Administrators

Executive: Training and Development, deputies: Chief Information Officer, Chief Operating Officer,

Executive: Managed Healthcare and Executive: Human Capital

Physical address: PPS Centurion Square, 1262 Heuwel Avenue, Cnr Heuwel & Gordon Rd, Centurion, 0157

Postal address: Private Bag X1031, Lyttelton, 0140

Tel: (012) 679 4076

E-mail: PAIA@ppsha.co.za and Popi@ppsha.co.za

Member Service Help line: 0860 679 200

Website: <http://www.ppssha.co.za>

5 A guide on how to access information via PAIA

The South African Human Rights Commission has compiled a guide as required in terms of section 10 of the South African Human Rights Commission Act, 2013 on how to access information. This guide is available to the public at no cost and contains information on;

- understanding and how to use the Act,
- the objectives of the Act,
- particulars of every public and private body,
- the manner and form for requests and,

- contents of the Regulations promulgated under the Act.

Any queries regarding this guide should be directed to:

The South African Human Commission: PAIA Unit

Postal Address	The Research and Documentation Department Postal address: Private Bag 2700
Website	www.sahrc.org.za
Telephone number	+27 11 484 8300
Fax number	+27 11 484 0582

6 Records available in terms of other legislation

Certain legislation mandates PPS to allow any person access to specified information, upon request, irrespective of who that person may be. Access to information may be granted in terms of such other legislation if the manner of request is not more onerous than a request under PAIA and POPIA.

This would include the following legislation, amongst others:

1. Companies Act 71 of 2008;
2. Insurance Act 18 of 2017;
3. Long Term Insurance Act 52 of 1998 - *Policyholder Protection Rules*:
No policy / customer information (banking details, maturity values, debit order and banking institutions details etc.) is given to anyone except the policyholder and it is always provided in written format (letter, fax or e-mail), save for client information provided to credit bureau's;
4. Prevention of Organised Crime Act 121 of 1998;
5. Financial Intelligence Centre Act 38 of 2001;
6. Value-Added Tax Act 89 of 1991;
7. Income Tax Act 58 of 1962;
8. Magistrates Court Act 32 of 1944;
9. High Court Act 59 of 1959;
10. Usury Act 73 of 1968;
11. Insolvency Act 24 of 1936;

12. Long - Term Insurance Act 52 of 1998;
13. Short – Term Insurance Act 53 of 1998;
14. The Labour Relations Act 66 of 1995;
15. The Employment Equity 55 of 1998;
16. The Basic Conditions of Employment Act 75 of 1997;
17. Identification Act 68 of 1997;
18. Security Services Act 36 of 2004;
19. Competition Act 89 of 1998;
20. Constitution of South Africa 108 of 1996;
21. Unemployment Insurance Act 63 of 2001;
22. Compensation for Occupational Injuries and diseases Act 130 of 1993;
23. Skills Development Levies Act 9 of 1999;
24. Pension Funds Act 24 of 1956; and
25. Collective Investment Schemes Control Act 45 of 2002.

7 Access to records held by private body in question

I. Records/information which are automatically available to a person without the requirement of a formal request or the person having to request access in terms of this Act:

- Address and telephone details of company head office and provincial offices;
- Web site and company e-mail address;
- Management team names and company details (e-mail address, tel.& fax no);
- Directors' names;
- Total of staff members (numbers);
- Contents in annual reports;
- Contents in company magazine;
- Contents in product brochures;
- Names of suppliers of services (i.e. cleaning services, gardening etc.).

II. List of records per subject:

Information in the categories below is not available without a formal request as per the instructions of the request procedure, and may be declined by PPS to protect the body's own, commercial or research information.

Category	Description of record kept
Membership records	<ul style="list-style-type: none"> ○ Policyholder/member details; ○ personal details (indicative details); ○ medical history (medical history answers); ○ financial details (banking details and income); ○ beneficiary details (names of beneficiaries); ○ qualification details (qualifications and institutions); ○ insurance adviser details (name and contact details); and ○ signed declaration by policyholder.
Medical records	<ul style="list-style-type: none"> ○ medical records obtained through medical examinations as part of standard medical requirements; ○ medical records of previous examinations held by doctor/dentist; and ○ medical records submitted by applicant.
Financial records	<ul style="list-style-type: none"> ○ Financial statements of company; ○ Financial documents compiled by Auditors; ○ Financial documents compiled by Investment Advisors; ○ Financial documents compiled by Actuaries; ○ Internal budget documents; ○ Cheque and banking facilities, bank account numbers; ○ History documents on financial status of company; and ○ Tax details.
Property records	<ul style="list-style-type: none"> ○ Names of properties owned by company; ○ Property details: purchase/lease/selling information; ○ Legal documents as part of property information.
Investment records	<ul style="list-style-type: none"> ○ Details of investments of company; ○ Details of investment in property; ○ Investment portfolios and formulas; ○ Investment performance; ○ Documents compiled by advisers; and ○ Any other related documents.

Category	Description of record kept	
Company records	<ul style="list-style-type: none"> ○ Registration details; ○ Company license information and details; ○ Policies and procedures; ○ Underwriting; ○ Sales; ○ Products; ○ Strategy; 	<ul style="list-style-type: none"> ○ Business directives; ○ Alliance partners contracts and details; ○ Suppliers' contracts; ○ Personnel/staff details; ○ Pension/provident fund details; and ○ Medical aid fund details.
Legal records	<ul style="list-style-type: none"> ○ Documents compiled by Attorneys; ○ Records of legal cases; ○ Appeal records; and ○ Cancellation/termination of membership legal records. 	
Other records	<p>This includes four broad subjects:</p> <ul style="list-style-type: none"> ○ Personnel records; ○ Customer-related records; ○ Private body records; and ○ Records in the possession of or pertaining to other parties. 	

Other records

Category	Description of record kept	
Personnel records	<ul style="list-style-type: none"> ○ Any personal records provided to PPS by their personnel; ○ Any records a third party has provided to PPS about any of their personnel; ○ Conditions of employment and other personnel-related contractual and quasi-legal records; ○ Internal evaluation records; and ○ Other internal records and correspondence. 	
Customer-related records	<ul style="list-style-type: none"> ○ Any records a customer has provided to a third party acting for or on behalf of PPS; ○ Any records a third party has provided to PPS; and ○ Records generated by or within PPS pertaining to the customer, including transactional records. 	
Private body records	<ul style="list-style-type: none"> ○ Financial records; ○ Operational records; ○ Databases; ○ Information technology; ○ Marketing records; ○ Internal correspondence; 	<ul style="list-style-type: none"> ○ Statutory records; ○ Internal policies and procedures; ○ Treasury-related records; ○ Securities and equities; ○ Records held by officials of the private body. and ○ Product records.

Category	Description of record kept
Records in the possession of or pertaining to other parties (e.g. suppliers, subsidiary/holding/sister companies/joint ventures/service providers)	<ul style="list-style-type: none"> ○ Personnel, customer or private body records which are held by another party as opposed to being held by PPS; and ○ Records held by PPS 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.

The following details are available without a formal request, but must be accompanied by a formal consent form from the policyholder if the requester of the information (third party) is not the official adviser/marketer of the policyholder as per the PPS records:

- Policyholder details;
- Address details;
- Telephone details;
- Products categories and premiums paid;
- Medical Aid scheme option.

Granting/declining of information:

Within 30 days (normal calendar days) after receipt of a request, PPS will advise the requester whether the request has been granted or declined. If declined, reasons will be given. Furthermore, if the record pertains to a third party, the Act requires PPS to notify the third party of the request, and be given an opportunity to either consent to the release, or make representations in favour of or declining the request. A dissatisfied requester or third party is entitled to an appeal process by way of application to court.

8 Compulsory declining of requests for information

A request for a record must be declined to protect:

- The privacy of a third party;
- Commercial information of a third party;
- Confidential information of a third party;
- The safety of individuals and the protection of property;

- Records privileged from production in legal proceedings;
- Research information of a third party.

Discretionary declining of requests:

A request may be refused to protect the commercial or research information of PPS.

9 Request procedure

Details of submitting a formal request:

1. Submit Request Form (Annexure A) for the attention of the appropriate Information Officer to the address, fax number or electronic mail address provided in this Standard.
2. Ensure that the right you wish to protect or exercise is fully described in the Request Form.
3. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request.
4. The Information Officer will assess the request and advise the requestor within 30 calendar days of the decision made.
5. The information, if granted, will be supplied to the requester in a format applicable to the request. If declined the requestor will be notified in writing and will be provided with the reasons for the decision.
6. If you have any questions about our use of your Personal Information you can contact the appropriate Information Officer of PPS in accordance with the contact details provided in this Standard.

10 Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [section 54(1)].
- The fees (if any) that the requester must pay to a private body will depend on the format of the information being requested (The requester may lodge an internal appeal or an application to

the court against the tender or payment of the request fee [section 54(3)(b)]. For a complete fee schedule please visit the South African Human Rights Commission at www.sahrc.org.za.

- After the head of the private body has decided on the request, the requester must be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [section 54(6)].

Standard Administration

Target Audience:

All persons requiring information from PPS

Approved and Issued by:

Group Executive Committee

Person responsible for Standard administration:

Mr T Vilakazi, Manager Group Compliance

+27 11 644 9317

Next update required:

July 2022

ANNEXURE A

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

This annexure must accompany the cover letter addressed to the relevant Information Officer

A. Particulars of private body

The Information Officer PPS

B. Particulars of person requesting access to the record

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

Full names and surname:

.....

Identity number:

Postal address:

.....

.....Fax number:

Telephone number:E-mail address:

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

.....

c. Particulars and approval of person/data subject 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 names and surname:

Identity number:

Signed atthis day of 20

.....

Data subject signature

d. Particulars of record

- a) *Provide full particulars of the record to which access is requested, including the reference number that is known to you, to enable the record to be located.*
- b) *If the provided space is inadequate, please continue a separate folio and attach it to this form. **The requester must sign all the additional folios.***

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

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.....

.....

2. Reference number, if available:

3. Any further particulars of record:

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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 required to be paid as the request fee
- (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 for exemption from payment of fees:

.....

.....

F. Form of access to 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 here under, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
.....
.....

Mark the appropriate box with an **X**.

NOTES:

- a) Compliance with your request in the specified form may depend on the form in which the record is available.
- b) Access in the form requested 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.

Mark the appropriate box with an X

1. If the record is in written or printed form:					
	copy of record*			inspection of record	
2. If 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 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 record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				YES	NO
Postage is payable.					

G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

.....

.....

.....

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

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.....
.....

G. 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 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 to the record?

.....

.....

..... Signed atthis day of 20

.....
SIGNATURE OF REQUESTER/PERSON ON WHOSE
BEHALF REQUEST IS MADE