



POLICY IN TERMS OF SECTION 51 OF [THE PROMOTION OF ACCESS TO INFORMATION ACT \(ACT 2 OF 2000\)](#)

**1. INTRODUCTION**

- 1.1 Legal & Tax Services (Pty) Ltd (Hereinafter referred to as “Legal&Tax”) is an authorised Financial Service Provider, FSP No. 28566. Legal&Tax is the direct marketer and non-mandated intermediary of life insurance benefits underwritten by the product supplier Centriq Life Insurance Company Limited, and non-life insurance benefits underwritten by Centriq Insurance Company Limited (“Centriq”) a licensed insurer and authorised Financial Services Provider.
- 1.2 Benjy Porter is the CEO and Key Individual in respect of the Legal&Tax Life Insurance Subcategory A and B1-A and Assistance Policies (Category IV) and Non-life Personal Lines Products and Avron Urison is the CEO of HealthCare and an authorised Key Individual. In each other’s absence the other will serve as acting Key Individual to participate in the decision-making and management of the organisation. Benjy Porter and Avron Urison are approved for all the sub-categories for which Legal&Tax is authorised to render advisory and intermediary services.
- 1.3 The Promotion of Access to Information Act 2 of 2000, (PAIA) gives effect to section 32 of the [Constitution](#), which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately-held information is required for the exercise and protection of rights. This Policy describes the records we hold, and procedures to access that information. This Policy must be read together with our [Protection of Personal Information \(POPI\) and Privacy Policy](#).

**2. DETAILS**

- 2.1 **Postal Address:** P.O. Box 95275  
Grant Park  
2051
- 2.2 **Street Address:** 3<sup>rd</sup> Floor Acacia Grove  
Houghton Estate Office Park  
2 Osborn Road, Houghton  
Johannesburg  
2196
- 2.3 **Business number:** 0860 587 587
- 2.4 **Business fax:** 011 728 2046
- 2.5 **Business email:** [info@legalandtax.co.za](mailto:info@legalandtax.co.za)
- 2.7 **Information Officer:**

We have appointed an Information Officer and a Deputy Information Officer in terms of POPIA:

**Name:** Darren Cohen  
**Email:** [Darrenc@legalandtax.co.za](mailto:Darrenc@legalandtax.co.za)  
[popi@legalandtax.co.za](mailto:popi@legalandtax.co.za)

- 2.8 **Deputy Information Officer**  
**Name:** Lizl Finch  
**Email:** [lizlF@legalandtax.co.za](mailto:lizlF@legalandtax.co.za)  
[popi@legalandtax.co.za](mailto:popi@legalandtax.co.za)

**3. HUMAN RIGHTS COMMISSION GUIDELINE**

- 3.1 [The South African Human Rights Commission](#) has compiled a guide intended to assist users in the interpretation of the Act. The guide contains information reasonably required by a person who wishes to exercise any right contemplated in the Act. The contact details of the Human Rights Commission are as follows:

**The South African Human Rights Commission**

Head office: 27 Stiemens street, Braamfontein



Tel: +27 (11) 877 3600 (Switchboard)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### 4. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

- 4.1 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:
- 4.1.1 a record is required for the exercise or protection of any rights;
- 4.1.2 a person complies with the procedural requirements in this Act relating to a request for access to that record; and
- 4.1.3 access to that record is not refused in terms of any ground for refusal contemplated in section 8 herein.
- 4.2 The data subjects on which we hold records and the categories of records are listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act.

#### 5. HOW TO REQUEST INFORMATION

- 5.1 **Complete Form C**, which is found as Annexure A to this document. The request must be made by e-mail, fax or post to the Information Officer. If an acknowledgement of receipt for the request is not received within 7 (seven) working days, please contact the Information Officer.
- 5.2 A detailed description of the records being requested must be provided to enable the Information Officer to identify it accurately.
- 5.3 If any difficulties are experienced in completing the request form or if a disability prevents the requester from completing it, please do not hesitate to contact the Information Officer for assistance.

#### 6. CATEGORIES OF RECORDS

##### 6.1 Human Resources

Records found in this division contain information of employees that include the following:

- 6.1.1 Any personal records provided to Legal&Tax by the employee/personnel;
- 6.1.2 Any records a third party has provided to Legal&Tax about its personnel;
- 6.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 6.1.4 Internal evaluation records;
- 6.1.5 Other internal records and correspondence related to the particular employee.

##### 6.2 Client related Records

Clients include both juristic and natural entities that receive a service from Legal&Tax. This information includes:

- 6.2.1 Any records a client has provided to a third party acting on behalf of Legal&Tax.
- 6.2.2 Any records a third party has provided to Legal&Tax; and
- 6.2.3 Records generated by or within Legal&Tax pertaining to the client, including transactional records.

##### 6.3 Legal&Tax Records

This category of records relates, but is not limited to, the following information:

- 6.3.1 Financial records;
- 6.3.2 Operational records;
- 6.3.3 Databases;
- 6.3.4 Information technology;
- 6.3.5 Marketing records;
- 6.3.6 Internal correspondence;
- 6.3.7 Product related records;
- 6.3.8 Statutory records;
- 6.3.9 Internal policies and procedures;
- 6.3.10 Treasury related records;
- 6.3.11 Securities and equities;
- 6.3.12 Records held by officials of Legal&Tax.

##### 6.4 Other Parties



6.4.1 Legal&Tax may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers and divisions within its organisation. Alternatively, such other parties may possess records that can be said to belong to Legal&Tax. The following records fall under this category:

6.4.1.1 Personnel, client or Legal&Tax records which are held by another party as opposed to being held by Legal&Tax; and

6.4.1.2 Records held by Legal&Tax 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.

## 6.5 Records available in terms of other legislation

The requestor may also request information that is available in terms of legislation, such as the following:

6.5.1 Basic Conditions of Employment Act (Act No 75 of 1997);

6.5.2 Compensation for Occupational Injuries and Diseases Act (Act No. 130 of 1993);

6.5.3 Employment Equity Act (Act No. 55 of 1998); 5.5.4 Labour Relations Act (Act N No. 55 of 1998);

6.5.4 Labour Relations Act (Act No. 66 of 1995);

6.5.5 Occupational Health and Safety Act (Act No. 85 of 1993);

6.5.6 Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000);

6.5.7 Skills Development Act (Act No. 97 of 1998);

6.5.8 Skills Development Levies Act (Act No. 9 of 1999);

6.5.9 South African Qualifications Authority Act (58 of 1995);

6.5.10 Companies Act (Act No. 61 of 1973);

6.5.11 Insurance Act (Act No. 18 of 2017);

6.5.12 Short-Term Insurance Act (Act No. 53 of 1998);

6.5.13 Long-Term Insurance Act (Act No. 52 of 1998);

6.5.14 Financial Advisory and Intermediary Services Act (Act No. 37 of 2002);

6.5.15 Financial Intelligence Centre Act (Act No. 38 of 2002);

6.5.16 Financial Sector Regulations Act (Act No. 9 of 2017);

6.5.17 Financial Markets Control Act (55 of 1989);

6.5.18 Financial Services Board Act (97 of 1990).

6.6 Records relating to us reporting and company related records as far as is allowed in terms of these Acts may be requested.

6.6.1 Income Tax Act (Act No. 58 of 1962 as amended); and

6.6.2 VAT Act (89 of 1991).

6.3 Records relating to tax, employees and the company may be requested in terms of the above Acts. The Information Officer will take into consideration Section 8 herein to decide on whether or not access to any of the information stated above should be given to the requester.

## 7. DECISION MAKING PROCESS

7.1 **In terms of Section 55**, 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.

7.2 If, however, the record is later found, the requester must be given access if the requester would otherwise have been granted.

7.3 **Section 56** provides that the Information Officer must within 30 (thirty) days of receipt of a correctly completed request; notify the requester of the decision as to whether or not to grant the request. If the request is:

7.3.1 **Granted:** the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.



- 7.3.2 **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.
- 7.4 The Information Officer may extend the period of 30 (thirty) days by a further period not exceeding 60 (sixty) days if:
- 7.4.1 The request is for a large number of records or requires a search through a large number of records;
- 7.4.2 Consultation between divisions of Legal&Tax or with another private body or third party is required; or
- 7.4.3 The requester consents to the extension.
- 7.5 The requester must be notified within the initial 30 (thirty) 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. The Information Officer's failure to respond to the requester within the 30 (thirty) day period constitutes a deemed refusal of the request.
- 7.4 **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.
- 7.5 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.

## 8. THIRD PARTIES

- 8.1 If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 10 (ten) working days of receipt of the request. The manner in which this is done must in the fastest means reasonably possible, but if orally, the Information Officer must thereafter give the third party a written confirmation of the notification.
- 8.2 The third party may within 21 (twenty-one) days thereafter either make representations to Legal&Tax as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 (thirty) days after the notice.

## 9. GROUNDS FOR REFUSAL OF A REQUEST

- 9.1 Notwithstanding compliance with Section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:
- 9.1.1 **Section 63** of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However, Section 63 (2) does provide exceptions to this.
- 9.2 **Section 64** states that a request must be refused if it relates to records containing third party information pertaining to:
- 9.2.1 Trade secrets;
- 9.2.2 Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of the third party; or
- 9.2.3 Information, supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition. The information must, however, be released if it pertains to the results of products or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- 9.3 **Section 65** prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 9.4 **In terms of Section 66**, Legal&Tax must refuse a request for access to a record of the private body if disclosure could reasonably be expected to:
- 9.4.1 Endanger the life or physical safety of an individual;
- 9.4.2 Prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;



- 9.4.3 Legal&Tax may also refuse a request for access to information that would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 9.5 **Section 67** mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 9.6 **Section 68** pertains to records containing information about Legal&Tax itself and unlike the other provisions pertaining to declining of a request, it is not mandatory, but rather discretionary. Legal&Tax may refuse access to a record if the record:
  - 9.6.1 Contains trade secrets of Legal&Tax;
  - 9.6.2 Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of Legal&Tax;
  - 9.6.3 Contains information which, if disclosed, could reasonably be expected to put Legal&Tax at a disadvantage in contractual or other negotiations, or prejudice Legal&Tax in commercial competition;
  - 9.6.4 Consists of a computer program owned by Legal&Tax;
  - 9.6.5 Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- 9.7 **Section 69** prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to Legal&Tax itself.
- 9.8 Notwithstanding any of the above-mentioned provisions, **Section 70** provides that a record must be disclosed if its disclosure would:
  - 9.8.1 Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
  - 9.8.2 If the public interest in the disclosure clearly outweighs the harm.

## 10. RIGHTS OF APPEAL

- 10.1 A requestor that is dissatisfied with the Information Officer's refusal to grant access to any information may, within 30 (thirty) 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 (thirty) days of notification of the decision, apply to court for relief.
- 10.2 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 on any grounds. The court may not, however, disclose the contents of the record(s).
- 10.3 The court is empowered to grant any order that is just and equitable, including:
  - 10.3.1 Confirming, amending or setting aside the Information Officer's decision;
  - 10.3.2 Requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specified period;
  - 10.3.3 Granting an interdict, interim or special relief, declaratory order or compensation; or
  - 10.3.4 An order as to costs.

## 11. TRAINING AND EMPLOYEES

- 11.1 All employees and Representatives are required to read this policy and a record thereof is maintained which confirms that they fully understand the provisions and applications thereof.
- 11.2 Comprehensive training on POPIA and PAIA is provided bi-annually to all employees as part of general FAIS training and training is incorporated as part of all new appointees' induction and refresher training provided on an annual basis.
- 11.3 Legal&Tax conducts ad hoc checks to ensure the policy has been complied with through various internal controls.
- 11.4 Non-compliance is subject to disciplinary procedures in terms of the FAIS Act and employment conditions which can ultimately result in debarment or dismissal as applicable of an employee.



**Signature of Key Individual**

A handwritten signature in black ink, appearing to read 'Benjy Porter'.

Benjy Porter  
**CEO**

Please contact compliance for further information on any aspect/s of this policy document. Copies of associated policies can be requested from [compliance@legalandtax.co.za](mailto:compliance@legalandtax.co.za).



**PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 MANUAL  
REQUEST FOR ACCESS TO RECORD/S OF A PRIVATE BODY**

(Section 53 (1) of the Promotion of Access to Information Act, (Act No.2 of 2000) [Regulation 10]

**A REQUEST PROCEDURES**

The Head:

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**B PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

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

Full names and surname:

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Identity number:

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Postal address:

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Fax number:

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Telephone number:

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Email Address:

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

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**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 names and surname:

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Identity number:

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**D PARTICULARS OF RECORD**

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

Description of record or relevant part of the record:

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Reference number, if available:

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Any further particulars of record:

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**E FEES**

- 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.
- You will be notified of the amount required to be paid as the request fee.
- 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.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption. 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 required.

Disability:

Form in which record is required:

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**NOTES:**

- Compliance with your request in specified form may depend on the form in which the record is available.
- 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.
- 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.

Copy of images\*  Transcription of images\*

**3 If record consists of recorded words or information which can be reproduced in sound:**

Listen to the soundtrack (audio)

Transcription of soundtrack\* (written or printed document)

**4 If record is held on computed 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\* (USB or compact disc)

\*If you requested a copy or transcription of a record (above), how do you wish the copy or transcription to be sent to you?

Post  Email  Alternative electronic means  Please specify: \_\_\_\_\_

**F PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

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.

Indicate which right is to be exercised or protected:

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

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## PROMOTION OF ACCESS TO INFORMATION ACT NO.2 OF 2000 MANUAL

FEES IN RESPECT OF PRIVATE BODIES	
1. The fee for a copy as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4- size page or part thereof.	
2. The fee for a copy as contemplated in regulation 9(2) © is R1, 10 for every photocopy of an A4- size page or part thereof.	
The fees for reproduction referred to in regulation 11(1) are as follows: a) For every photocopy of an A4- size page or part thereof: b) For every printed copy of an A4-size page or part thereof held on a computer or in machine readable form c) For a copy in a computer – readable form on – i. USB ii. Compact disc d) i. For a transcription of visual images, for an A4-size page of part thereof ii. For a copy of visual images e) i. For a transcription of an audio record, for an A4-size page or part thereof ii. For a copy of an audio record	R1,10 R0,75 R7,50 R70,00 R40,00 R60,00 R20,00 R30,00
3. The request fee payable by a requester, other than a personal requester referred to in regulation 11(2) is	R50,00
4. The access fees payable by a requester referred to in regulation 11(3) are as follows: a) For every photocopy of an A4-size page or part thereof b) For every printed copy of an A4 –size page or part thereof held on a computer or in electronic or machine-readable form c) For a copy in a computer readable form on – i. USB ii. Compact disc d) i. For a transcription of visual images, for an A4-size page of part thereof ii. For a copy of visual images e) i. For a transcription of an audio record, for an A4-size page or part thereof ii. For a copy of an audio record f) 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. 5. For purposes of section 54(2) of the Act, the following applies: a) Six hours as the hours to be exceeded before a deposit is payable; and b) One third of the access fee is payable as deposit by the requester. 6. The actual postage is payable when a copy of a record must be posted to the requester.	R1,10 R0,75 R7,50 R70,00 R40,00 R60,00 R20,00 R30,00

## Signature of Key Individual

Benjy Porter  
CEO

Please contact compliance for further information on any aspect/s of this document. Copies of associated policies can be requested from [compliance@legalandtax.co.za](mailto:compliance@legalandtax.co.za).