



The Promotion of Access to Information Act No2. Of 2000

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Important

Kindly note that we refer to you as our "Members", and we have attempted to keep this consistent in all our communication, however, there are some instances where we had to refer to you as "the client" due to legalities.

Introduction to MediPet

MediPet Animal Health Insurance Brokers (Pty) Ltd is an authorised Financial Services Provider (FSP licence 32613). MediPet was founded in 2007 and introduced a revolutionary pet insurance cover to the market. Over the years this cover has been tailored to provide for its sustainability and longevity; however it has also maintained its simplicity.

Contact details

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Reg No: 2007/007495/07

FSP licence no: 32613

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Promotion of Access to Information Act No.2 of 2000

The Promotion of Access to Information Act 2 of 2000 (PAIA) is legislation in the Republic of South Africa allowing access to any information held by the State, and any information held by private bodies that is required for the exercise and protection of any rights. It applies specifically to South Africa, but is part of the global drive towards freedom of information. The Act is enforced by the South African Human Rights Commission (SAHRC).

Section 32(1)(a) of the Constitution of the Republic of South Africa, 1996, determines that everyone has a right of access to any information held by the State. Section 32(2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. PAIA is the national legislation contemplated in section 32(2) of the Constitution.

Section 9 of PAIA recognises that the right of access to information is subject to certain justifiable limitations aimed at, amongst others:

- (a) the reasonable protection of privacy;
- (b) commercial confidentiality;
- (c) effective, efficient and good governance.

Who may request information in terms of PAIA

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:

- That record is required for the exercise or protection of any rights;
- That person complies with the procedural requirements in this Act 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.

Applicable Legislation

The requester may also request information which is available in terms of legislation; these include but are not limited to the following:

1. Basic Conditions of Employment Act;
2. Companies Act;
3. Electronic Communications and Transactions Act;
4. Employment Equity Act;
5. Financial Advisory and Intermediary Services Act;
6. Financial Intelligence Centre Act;
7. Labour Relations Act;
8. National Credit Act;
9. Occupational Health and Safety Act;
10. Promotion of Equality and Prevention of Unfair Discrimination Act;
11. Promotion of Personal Information Act;
12. Skills Development Act;
13. Skills Development Levies Act;
14. The Short-Term Insurance Act.

Records that may be requested

There are four types of records that can be requested:



Personnel records: Human Resources

All personnel records for MediPet employees, including but not limited to Conditions of employment, employee contracts and all other documents held in the employee's personnel file

Company records

This includes all statutory records, agreements, shareholding and annual financial statements. It further includes product information, policy documents, terms and conditions, all internal policies and procedures and operational / IT information. Marketing (social media / flyers / brochures) information, newsletters and databases can be requested.

Member/Customer/Client records

This includes any records provided by a member/customer to a third party. Records provided by a third party. It also includes records generated by MediPet relating to its Members or business partners.

Other party records

MediPet possess records pertaining to other parties, including but not limited to, contractors, suppliers, intermediaries, joint venture companies and service providers. Alternatively, such other parties may possess records which can be said to belong to MediPet.

Grounds for refusal of request

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

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.
2. Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
 - Trade secrets;
 - Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - 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.

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.
4. In terms of Section 66, MediPet must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
 - Endanger the life or physical safety of an individual;
 - 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;
 - MediPet 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.
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.
6. Section 68 pertains to records containing information about MediPet itself and unlike the other provisions pertaining to declination of a request, is not mandatory, but rather discretionary. We may refuse access to a record if the record:
 - Contains trade secrets;
 - Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests;
 - Contains information which, if disclosed, could reasonably be expected to put MediPet at a disadvantage in contractual or other negotiations, or prejudice us in commercial competition; or
 - Consists of a computer program owned by MediPet;
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 MediPet itself.
8. Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:
 - Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
 - If the public interest in the disclosure clearly outweighs the harm.



Form of request

To facilitate the processing of your request, kindly:

1. Use the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za, or the website of The Department of Justice and Constitutional Development at www.doj.gov.za
2. Address your request to the Chief Operating Officer
3. Provide sufficient details to enable MediPet to identify:
 - The record(s) requested;
 - The requester (and if an agent is lodging the request, proof of capacity);
 - The form of access required;
 - The postal address or fax number of the requester in the Republic;
 - If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
4. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Prescribed fees

The following applies to requests (other than personal requests):

1. A requestor is required to pay the prescribed fees before a request will be processed, accompanied by Form C, see next pages;
2. 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);
3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
4. Records may be withheld until the fees have been paid.
5. The fee structure is available on the website of the South African Human Rights Commission www.sahrc.org.za, or the website of The Department of Justice and Constitutional Development at www.doj.gov.za



ANNEXURE A [FORM C]

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 6]

STATE YOUR REFERENCE NUMBER:

NOTE: A person who lodges an internal appeal may have to pay an appeal fee. If an appeal fee is payable, the decision of the internal appeal may be deferred until the fee is paid.

A. Particulars of public body

The Information Officer/Deputy Information Officer

B. Particulars of requester/third party who lodges the internal appeal

- The particulars of the person who is lodging the internal appeal, must be completed below.
- Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.

Full names and surname

Identity number

Postal address

Fax number

Telephone number

E-mail address

Capacity in which an internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) is lodging the internal appeal.

Full names and surname

Identity number

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box:

- Refusal of request for access.
- Decision regarding fees determined in terms of section 22 of the Act.
- Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act.
- Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
- Decision to grant request for access.

E. Grounds for appeal

If the provided space is inadequate please continue on a separate folio and attach it to this form.

You must sign all the additional folios.

State the grounds upon which the internal appeal is based:



State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. 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.

State the manner

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Particulars of manner

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Signed at..... this..... day..... of 20.....

SIGNATURE OF APPELLANT

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