



Compass Insure Information Manual

PAIA and POPI

Compass Insure



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Compass Insure

Table of contents

1.	Purpose of the manual	3
2.	Definitions	3
3.	Introduction to Compass Insure	4
4.	Contact details	4
5.	Who may request access to information	4
6.	Policy with regard to confidentiality and access to information	5
7.	Grounds for refusal to grant access to records	5
8.	The request procedure	5
9.	Categories of records held by the company	6
10.	Categories of records that are available without request	6
11.	Processing of personal information	6
12.	Categories of data subjects and their personal information	7
13.	Categories of recipients processing the personal information	8
	Version control	8
	Appendix A - Prescribed fee schedule	8

Information Manual

As prescribed by the provisions of The Promotion Of Access To Information Act, 2000 and The Protection Of Personal Information Act, 2013.

1. Purpose of the manual

This Manual

- 1.1. for the purposes of PAIA, details the procedure to be followed by a Requester and the manner in which a Request for Access will be facilitated; and
- 1.2. for the purposes of POPIA, amongst other things, details the purpose for which Personal Information may be processed; a description of the categories of Data Subjects for whom the Company Processes Personal Information as well as the categories of Personal Information relating to such Data Subjects; and the recipients to whom Personal Information may be supplied.

2. Definitions

- 2.1. **Company** means Compass Insurance Company Limited ("Compass Insure"), registration number 1994/003010/06, a company duly registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa and having its registered place of business situated at 5th Floor, 90 Rivonia Road, Sandton, Gauteng, Republic of South Africa;
- 2.2. **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- 2.3. **Constitution** means the Constitution of the Republic of South Africa, 1996;
- 2.4. **Customer** refers to any natural or juristic person that received or receives services from the Company;
- 2.5. **Data Subject** has the meaning ascribed thereto in section 1 of POPIA;
- 2.6. **Head of the Company** means the "head" as defined in section 1 of PAIA and referred to under the Contact Details in clause 4;
- 2.7. **Information Officer** means the Company's appointed Information Officer as referred to under the Contact Details in clause 4;
- 2.8. **Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;
- 2.9. **PAIA** means the Promotion of Access to Information Act, 2000;
- 2.10. **Personal Information** has the meaning ascribed thereto in section 1 of POPIA;
- 2.11. **Personnel** refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;
- 2.12. **POPIA** means the Protection of Personal Information Act, 2013;

- 2.13. **POPIA Regulations** mean the regulations promulgated in terms of section 112(2) of POPIA;
- 2.14. **Private Body** has the meaning ascribed thereto in sections 1 of both PAIA and POPIA;
- 2.15. **Processing** has the meaning ascribed thereto in section 1 of POPIA;
- 2.16. **Responsible Party** has the meaning ascribed thereto in section 1 of POPIA;
- 2.17. **Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;
- 2.18. **Requester** has the meaning ascribed thereto in section 1 of PAIA;
- 2.19. **Request** for Access has the meaning ascribed thereto in section 1 of PAIA;
- 2.20. **SAHRC** means the South African Human Rights Commission.

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

3. Introduction to Compass Insure

Compass Insure is a licensed non-life insurer and authorised Financial Services Provider, FSP Number 12148. The Company operates as a specialty insurance company and is owned by Hannover Re South Africa Limited and is part of the worldwide Hannover Rückversicherungs-Aktiengesellschaft Group, based in Hannover Germany, which is one of the largest reinsurance groups in the world.

Compass Insure delivers insurance solutions through a robust and dedicated partner eco-system of Underwriting Management Agencies, InsureTech companies and insurance broker networks.

4. Contact details

Head of Company:	Ismail E. Ismail (Managing Director)
Information Officer:	Adél Walker
Physical address:	5th Floor, 90 Rivonia Road, Sandton, Johannesburg, 2196
Postal address:	PO Box 37226, Birnam Park, 2015
Telephone:	011 745 8333
E-mail:	info@compass.co.za
Website:	www.compass.co.za

5. Who may request access to information

- 5.1. In terms of PAIA, a Requester is only entitled to access to a record if the record is required for the exercise or protection of a right.
- 5.2. Only requests for access to a record, where the Requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered.
- 5.3. A Requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.
- 5.4. Requesters may make a request as:
 - 5.4.1. a personal Requester who requests a record about him/herself;
 - 5.4.2. an agent Requester who requests a record on behalf of someone else with that person's consent and where it is required for the protection of that person's legal right;
 - 5.4.3. a third party Requester who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right; and
 - 5.4.4. A public body who may request a record if:
 - i. it fulfils the requirements of procedural compliance;

- ii. the record is required for the exercise or protection of a right; and
 - iii. no grounds for refusal exist.
- 6.5. Requesters are referred to the Guide in terms of Section 10 of PAIA, as compiled by the South African Human Rights Commission, which contains information for the purposes of exercising rights in terms of the Constitution. The Guide is available from the SAHRC. The contact details of the Commission: Postal Address: Private Bag 2700, Houghton, 2041. Telephone Number: +27-11-877 3600. Fax Number: +27-11-403 0625. Website: www.sahrc.org.za

6. Policy with regard to confidentiality and access to information

- 6.1. Compass Insure will protect the confidentiality of information provided to it by third parties, subject to the Company's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information.
- 6.2. If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
- 6.3. In the event that the third party furnishes reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

7. Grounds for refusal to grant access to records

The main grounds to refuse a request for information are:

- 7.1. Mandatory protection of privacy of a third party who is a natural person, which would involve unreasonable disclosure of personal information of that natural person;
- 7.2. Mandatory protection of the commercial information of a third party, if the record contains trade secrets of that third party; financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party; information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 7.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 7.4. Mandatory protection of the safety of individuals and the protection of property;
- 7.5. Mandatory protection of records, which would be regarded as privileged in legal proceedings;
- 7.6. The commercial activities of the Company, including but not limited to: trade secrets of the Company, and certain financial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company;
- 7.7. Requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.

8. The request procedure

- 8.1. The Requester must use the form: [Request for Access](#) to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address or electronic mail address as set out in clause 4 of this Manual.
- 8.2. The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester.
- 8.3. The Requester should also indicate which form of access is required in terms of clauses 9 and 10 of this Manual.
- 8.4. The Requester should also indicate if any other manner is to be used to inform the Requester and state the necessary particulars to be so informed.
- 8.5. 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.

- 8.6. 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 to the satisfaction of the Information Officer.
- 8.7. The requisite fees payable are set out in the [Appendix A - Prescribed fee schedule](#) hereto.

9. Categories of records held by the company

9.1. Operational Information

This is the information relating to the business activities of the company, and includes information such as contracts between the Company and agents and service providers, the records of claims and premiums, the relevant slips, cover-notes, and other contractual documents relating to reinsurance treaties and facultative arrangements with reinsurers, accounting and investment activities.

9.2. Administration

This is the information relating to the day-to-day running of the Company, and is generally of little or no use to persons outside the organisation. This information includes items such as the internal telephone lists, address lists, company policies, company contracts, employee records and general "housekeeping" information.

9.3. Communications

This includes correspondence to and from persons within and without the Company.

9.4. Legal

The company records required by the Registrar of Companies in terms of the Companies Act, 61 of 1973;

The insurance and related records required by the Authorities representing the Prudential Authority and the Financial Services Conduct Authority, as regulated by the Financial Sector Regulation Act, 9 of 2017, and in terms of the:

- 9.4.1. Insurance Act, 18 of 2017;
- 9.4.2. Short-Term Insurance, 53 of 1998;
- 9.4.3. Financial Advisory and Intermediary Services Act, 37 of 2002.

The tax records filed in accordance with the:

- 9.4.4. Income Tax Act 58 of 1962, and
- 9.4.5. Value-Added Tax Act, 89 of 1991.

The human resources and related records required in terms of the:

- 9.4.6. Unemployed Insurance Act, 30 of 1966;
- 9.4.7. Occupational Health and Safety Act, 85 of 1993;
- 9.4.8. Labour Relations Act, 66 of 1995;
- 9.4.9. Basic Conditions of Employment Act, 75 of 1997;
- 9.4.10. Employment Equity Act, 55 of 1998;
- 9.4.11. Skills Development Levies Act, 9 of 1999

10. Categories of records that are available without request

- 10.1. Certain records are available without needing to be requested in terms of the request procedures set out in PAIA and provided for in this Manual.
- 10.2. This information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the Company's offices; e.g. marketing brochures.
- 10.3. Certain information is also freely available on the Company's website (www.compass.co.za).

11. Processing of personal information

- 11.1. The Company needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions.

- 11.2. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:
 - 11.2.1. is processed lawfully, fairly and transparently. The Company must also have a legal basis (for example, contractual) to process Personal Information;
 - 11.2.2. is processed only for the purposes for which it was collected;
 - 11.2.3. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
 - 11.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
 - 11.2.5. is accurate and kept up to date;
 - 11.2.6. will not be kept for longer than necessary;
 - 11.2.7. is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
 - 11.2.8. is processed in accordance with the rights of Data Subjects, where applicable.
- 11.3. Data Subjects have the right to:
 - 11.3.1. be notified that their Personal Information is being collected by the Company. The Data Subject also has the right to be notified in the event of a data breach;
 - 11.3.2. know whether the Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
 - 11.3.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete Personal Information by completing and submitting the prescribed [Objection Form](#) or [Request for Correction or Deletion Form](#) as the case may be;
- 11.4. The Company may transfer data trans-border in order to store data with third party cloud storage providers.

12. Categories of data subjects and their personal information

- 12.1. Clients – Natural Persons

Names, contact details, postal address, date of birth, ID number, Tax related information, nationality, gender, confidential correspondence
- 12.2. Clients – Juristic Persons / Entities

Names of contact persons, Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding documents, Tax related information, authorised signatories
- 12.3. Service Providers

Names of contact persons; Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding document, Tax related information, authorised signatories, beneficiaries, ultimate beneficial owners
- 12.4. Suppliers

Names of contact persons; Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding document, Tax related information, authorised signatories, beneficiaries, ultimate beneficial owners
- 12.5. Employees / Directors

Gender, Pregnancy, Marital Status, Ethnicity, Age, Language, Education information, Financial Information, Employment History, ID number, Physical and Postal address, Contact details, Criminal behaviour, Well-being

13. Categories of recipients processing the personal information

- 13.1. The Company, its affiliates and their respective representatives are recipients of Personal Information.
- 13.2. The Company may supply Personal Information to service providers who render some of the following services:
 - 13.2.1. Insurance related services as delegated and / or authorised by the Company;
 - 13.2.2. Capturing and organising of data;
 - 13.2.3. Storing of data;
 - 13.2.4. Sending of emails and other correspondence to clients.

Version control

Version	Date	Author	Description
V1.0	8 April 2021	Adél Walker	Draft Document

Appendix A - Prescribed fee schedule

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 Information Officer of the Company 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.
- The fee that the Requester must pay to the Company is R50. The Requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- After the Information Officer has made a decision 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.

The fees for reproduction referred to in regulation 1(1) are as follows:

1. For every photocopy of an A4-size page or part thereof R1,10
2. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0,75
3. For a copy in a computer-readable form on: stiffer disc R7,50; compact disc R70,00
4. For a transcription of visual images, for an A4-size page or part thereof R40,00
5. For a copy of visual images R60,00
6. For a transcription of an audio record for an A4-size page or part thereof R20,00
7. For a copy of an audio record R30,00
8. 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.
9. For purposes of section 54(2) of the Act, the following applies:
 - 9.1. Six hours as the hours to be exceeded before a deposit is payable; and
 - 9.2. one third of the access fee is payable as a deposit by the Requester.
10. The actual postage is payable when a copy of a record must be posted to a Requester.