KIS
KERN INSURANCE SOLUTIONS CONSULT

PAIA MANUAL

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Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

Kern Insurance Solutions Consult (Pty) Ltd - An authorised financial services provider (FSP 25031)

Kern Insurance Solutions Consult (Pty) Ltd. ("KIS") is an authorised financial services provider (FSP No. 25031) operating within the Republic of South Africa and providing insurance advisory and intermediary services.

KIS operates within the short-term insurance sector, offering professional advice, intermediary services, and policy support to both individual and commercial clients. In fulfilling these functions, KIS processes personal and operational information relating to its clients, employees, and business partners.

As an authorised financial services provider, KIS is subject to applicable legislative and regulatory requirements, including the Financial Advisory and Intermediary Services Act 37 of 2002, the Insurance Act 18 of 2017, and standards issued by the Financial Sector Conduct Authority.

This manual is prepared in accordance with section 51 of the Promotion of Access to Information Act No. 2 of 2000 ("PAIA") and sets out the categories of records held by KIS, as well as the process to be followed when requesting access to such information. KIS is committed to providing access to information in a lawful and transparent manner, while safeguarding the confidentiality and integrity of information in its possession.

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1 "CEO"	Chief Executive Officer
1.2 "DIO"	Deputy Information Officer
1.3 "IO"	Information Officer
1.4 "Minister"	Minister of Justice and Correctional Services
1.5 "PAIA"	Promotion of Access to Information Act No. 2 of 2000 (as Amended)
1.6 "POPIA"	Protection of Personal Information Act No. 4 of 2013
1.7 "Regulator"	Information Regulator
1.8 "Republic"	Republic of South Africa

2. PURPOSE OF THE PAIA MANUAL

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 –**
   - **a.** any information held by the state; and
   - **b.** 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.

The Promotion of Access to Information Act, No. 2 of 2000 (“the Act”), gives effect to section 32 of the Constitution, which enshrines the constitutional 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.

Where a request is made in terms of this Act, a private or public body, as contemplated in the Act, to whom the request is made, is obliged to provide access to the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request. This manual therefore applies to requests for access to records held by Kern Insurance Solutions Consult (Pty) Ltd. as the private body contemplated under the Act.

This PAIA Manual is useful for the public to:

2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

2.3 know the description of the records of the body which are available in accordance with any other legislation;

2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;

2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;

2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

Any person who requires information for the exercise or protection of any rights, may request information from KIS. Section 50 of the Act states that:

1. A requester must be given access to any record of a private body if –
   a. that record is required for the exercise or protection of any rights;
   b. that person complies with the procedural requirements in this Act relating to a request for access to that record; and
   c. access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

3.1 Key contact details for access to information of KIS

Any person who wishes to request any information from KIS with the aim of protecting or exercising a right may contact the information officer whose contact details are as follows:

Requests to be addressed to:	KIS Information Officer
Postal address:	Unit 47, Block 3, Lombardy Business Park, Cnr Graham & Cole Road, Shere, 0084
Street address:	Unit 47, Block 3, Lombardy Business Park, Cnr Graham & Cole Road, Shere, 0084
Phone number:	012 809 2332
E-mail address:	calvin@kis.org.za / admin@kis.org.za

3.2 Prescribed access form

In terms of section 53, a request for access to a record held by KIS must be made in the prescribed form to KIS at the address, or electronic mail address given above. The form requires you, as the requester to provide the following information:

- sufficient information to enable the identification of the requester;
- sufficient information to enable the identification of the record(s) requested;
- the form of access required;
- the requester's postal address or fax number;
- identification of the right sought to be exercised or protected;
- an explanation as to why the record is required to exercise or protect that right;
- the way the requester wishes to be informed of the decision on the request, if in a manner in addition to written notification; and
- if the request is made on behalf of a person, the submission of proof of the capacity in which the requester makes the request, to the satisfaction of the KIS Information Officer.

Refer to **FORM 2** to this manual for the format of the prescribed form. Requesters should please note that all the information as listed above should be provided, failing which the process will be delayed while KIS requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished to KIS by the requester.

3.3 Prescribed fees

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

- **Request fee:** This is a non-refundable administration fee paid by all requesters. It is paid before the request is considered.
- **Access fee:** This is paid by all requesters only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requester.

KIS may withhold a record until the request fee and the deposit (if applicable) have been paid. Refer to **FORM 3** below for a list of applicable fees.

3.3.1 Requester

Written notice must be given to a requester of the request fee and amount to be paid before the request may be further processed.

If the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the requester may be required to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requester.

The notice given to the requester must advise the requester that s/he has a right to apply to court against the payment of the request fee or deposit and should also advise of the procedure of the application.

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2 The Guide is available in each of the official languages and in braille.

4.3 The aforesaid Guide contains the description of:

a. the objects of PAIA and POPIA;

b. the postal and street address, phone and fax number and, if available, electronic mail address of the

   I. Information Officer of every public body, and

   II. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA[1] and section 56 of POPIA[2];

c. the manner and form of a request for

   I. access to a record of a public body contemplated in section 11[3]; and

   II. access to a record of a private body contemplated in section 50[4];

d. The assistance available from the IO of a public body in terms of PAIA and POPIA;

e. The assistance available from the Regulator in terms of PAIA and POPIA; all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

   I. a complaint to the Regulator; and

II. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

f. the provisions of sections 14[5] and 51[6] requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

g. the provisions of sections 15[7] and 52[8] providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

h. the notices issued in terms of sections 22[9] and 54[10] regarding fees to be paid in relation to requests for access; and

i. The regulations made in terms of section 92[11].

4.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5 The Guide can also be obtained-

a. upon request to the Information Officer or

b. from the website of the Regulator (www.inforegulator.org.za).

4.6 A copy of the Guide is also available for public inspection during normal office hours. The manual is available in English.

[1] *Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

[2] *Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

[3] *Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA 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.*

[4] *Section 50(1) of PAIA- A requester must be given access to any record of a private body if*

a) that record is required for the exercise or protection of any rights;
b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

[5] *Section14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

[6] *Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

[7] *Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access.*

[8] *Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.*

[9] *Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

[10] *Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

[11] *Section 92(1) of PAIA provides that –"The Minister may, by notice in the Gazette, make regulations regarding-*

(a) any matter which is required or permitted by this Act to be prescribed;
(b) any matter relating to the fees contemplated in sections 22 and 54;
(c) any notice required by this Act;
(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
(e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

5. CATEGORIES OF RECORDS

5.1 Human Resources division

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

(i) any personal records provided to KIS by the employee/personnel;

(ii) any records a third party has provided to KIS about its personnel;

(iii) conditions of employment and other personnel-related contractual and quasi-legal records;
(iv) internal evaluation records.

5.2 Other internal records and correspondence related to the particular employee.

5.3 Client-related records

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

(i) any records a client has provided to a third party acting for and on behalf of KIS;
(ii) any records a third party has provided to KIS; and
(iii) records generated by or within KIS pertaining to the client, including transactional records.

5.4 KIS records

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

(i) Financial records
(ii) Operational records
(iii) Databases
(iv) Information technology
(v) Marketing records
(vi) Internal correspondence
(vii) Product records
(viii) Statutory records
(ix) Internal policies and procedures
(x) Treasury related records
(xi) Securities and equities
(xii) Records held by officials of KIS

Each request will be evaluated on its own merits. If any record falls within any of the categories of exemptions, then such a request will be refused.

5.5 Other parties

KIS may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records that can be said to belong to KIS.

The following records fall under this category:

- Personnel, client or KIS records which are held by another party as opposed to being held by KIS; and
- Records held by KIS 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.

5.6 Records available in terms of other legislation

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

CATEGORY OF RECORDS	APPLICABLE LEGISLATION
Personnel information as far as it is allowed in terms of these Acts	• Basic Conditions of Employment Act 75 of 1997 • Compensation for Occupational Injuries & Diseases Act 130 of 1993 • Employment Equity Act 55 of 1998 • Labour Relations Act 66 of 1995 • Occupational Health and Safety Act 85 of 1993 • Promotion of Equality and Prevention of Unfair • Discrimination Act 4 of 2000 • Skills Development Act 97 of 1998 • Skills Development Levies Act 9 of 1999
Company reporting and Company related records as far as is allowed in terms of these Acts	• Companies Act 71 of 2008 • Short-term Insurance Act 53 of 1998 • Financial Advisory and Intermediary Services Act 37 of 2002 • Insurance Act 18 of 2017
Tax information relating to employees and the company as far as is allowed in terms of these Acts	• Income Tax Act 58 of 1962 • VAT Act 97 of 1991

The KIS Information Officer will take into consideration section 9 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.

6. CATEGORIES OF RECORDS OF INFORMATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Before submitting a request in terms of PAIA, a data subject who is a customer of KIS should consider whether other mechanisms for receiving their information are available. All KIS customers are allowed to access their own policy related information without lodging a formal PAIA request.

CATEGORY OF RECORDS	TYPES OF RECORDS	AVAILABLE ON REQUEST	AVAILABLE ON WEBSITE
1. Records policyholders are entitled to.	Policy information relating to client's policy i.e. policy schedule, policy wording, premium payment and claims history.	Yes	No
2. Information business partners are entitled to	Information relating to business partners' contracts, application forms, payments.	Yes	No

3. Information employees are entitled to.	Employment contract information	Yes	No
4. Company related records.	Published annual financial statements	Yes	No

7. DECISION-MAKING PROCESS

7.1 The KIS Information Officer will request KIS to take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the KIS Information Officer will cause notification to the requester be submitted 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. If, however, the record is found later, the requester must be given access if the request would otherwise have been granted.

The Information Officer will within 30 days of receipt of a correctly completed request, notify the requester of the decision as to whether to grant the request.

If the request is

granted: the notification must state the applicable access fee (if any) required to be paid upon access, and that the requester has the right to lodge a complaint with the Information Regulator or lodge an application to court against the fee and provide the procedure to be followed should the requester wish to apply to court or lodge a complaint with the Information Regulator against the decision. The form of access must also be disclosed in the notice. The notice should also state that the requester will be given access to the record after the expiry of the 30-day period unless a complaint to the Information Regulator or an application with a court is lodged within that period.

declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and that the requester has the right to lodge a complaint with the Information Regulator or lodge an application to court against the refusal and provide the procedure to be followed should the requester wish to apply to court or lodge a complaint with the Information Regulator against the decision.

7.2 The KIS Information Officer may extend the period of 30 days by a further period not exceeding 30 days if:

- the request is for a large number of records or requires a search through a large number of records;
- the request requires a search for records located in a different office of KIS not situated in the same city;
- consultation between divisions of KIS, or with another private body is required; or
- the requester consents to the extension.

The requester must be notified within the initial 30-day period in writing of the extension, together with reasons therefor, and that the requester may lodge a complaint with the Information Regulator or lodge an application to Court against the extension and the procedure to be followed.

The KIS Information Officer's failure to respond to the requester within the 30-day period constitutes a deemed refusal of the request.

7.3 The KIS Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

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 KIS Information Officer.

8. THIRD PARTIES

If the request is for a record pertaining to a third party, the KIS Information Officer must cause all reasonable steps to be taken to inform that third party of the request. This must be done within 21 days of receipt of the request. The way this is done must be in the fastest means reasonably possible, but if orally, it must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representation to KIS 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.

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 days after the notice.

9. GROUNDS FOR REFUSAL OF A 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:

9.1 The Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requesters. This includes the personal information of deceased persons. However, Section 63(2) of the Act does provide exceptions to this.

9.2 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.
- The information must, however, 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.

9.3 The Act 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 A request for access to a record held by KIS must be refused 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.

- KIS 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 A refusal of a request is mandatory if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

9.6 Access to records containing information about KIS itself is not mandatory, but rather discretionary. KIS may refuse access to a record if the record:

- contains trade secrets of KIS;
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of KIS;
- contains information which, if disclosed, could reasonably be expected to put KIS at a disadvantage in contractual or other negotiations, or prejudice KIS in commercial competition; or consists of a computer program owned by KIS.
- 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 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 is prohibited. Disclosure is discretionary if such research pertains to KIS itself. Notwithstanding any of the above-mentioned provisions, 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.

10. RIGHTS OF APPEAL

A requester that is dissatisfied with the refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

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).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the decision;
- requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or
- an order as to costs.

11. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013

11.1 KIS must collect and use information, including personal information as defined in the Protection of Personal Information Act, to the extent that it is necessary to properly perform the functions, obligations and duties and its obligations towards data subjects and as a financial services provider.

11.2 KIS processes personal information of the following data subject categories:

- Employees and job applicants
- Third-party suppliers
- Regulatory bodies
- Business partners with whom KIS has a business arrangement
- Policyholders

11.3 **The purpose of the processing personal information.** KIS collects and processes personal information:

- to meet our responsibilities to our customers;
- to meet our responsibilities to employees;
- to meet our contractual responsibilities to third party service providers;
- to inform customers of products and services;
- to comply with all legal and regulatory requirements, including industry codes of conduct;
- to protect and pursue the legitimate interests of KIS in the conducting of its business within the group or third parties to whom personal information is provided; and
- for any further purposes related to the above.

11.4 The recipients or categories of recipients to whom the personal information may be supplied.

CATEGORY OF PERSONAL INFORMATION	RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED
Policyholder policy information; Company documents; Annual financial statements; statutorily required reports	Regulatory authorities
Contracts with third party partners	Any legal or juristic person with an appropriate legal basis
Product performance; policy documentation	Brokers, advisers, or intermediaries
Investigation	Law enforcement agencies
Contracts with third party partners	Third party service providers

11.5 The following categories of personal information are processed to fulfil the functions.

PERSONAL INFORMATION ITEM	CATEGORY
1. First name 2. Middle name 3. Last name 4. Initials	**GENERAL IDENTIFICATION INFORMATION**

5. If disclosure of the name itself would reveal information about the person.	
6. E-mail address 7. Physical address 8. Telephone number 9. Location information 10. Online identifier	**GENERAL CONTACT DETAILS**
11. Any identifying number 12. Identifying symbol 13. Other particular assignment to a person 14. The name of the person if it appears with other personal information relating to the person 15. Birth of the person 16. Age	**ID/PASSPORT NUMBER/POLICY NUMBER/SHAREHOLDER NUMBER/DATE OF BIRTH/PAY CODE**
17. Personal opinions 18. Personal views 19. Personal preferences 20. Views/opinions of/another individual about a person 21. Beliefs/philosophical beliefs 22. Conscience 23. Political persuasion	**VIEWS, ASSESSMENTS, OPINIONS, RECOMMENDATIONS**
24. Marital status	**MARITAL STATUS**
25. Financial history	**FINANCIAL HISTORY**
26. Employment history	**EMPLOYMENT HISTORY**
27. Correspondence sent of a private or confidential nature	**CORRESPONDENCE SENT OF A PRIVATE OR CONFIDENTIAL NATURE**
28. Medical history 29. Physical health 30. Mental health 31. Well-being 32. Disability 33. Blood type 34. Pregnancy	**MEDICAL INFORMATION**
35. Race/Colour 36. Gender 37. Nationality 38. Ethnic origin 39. Social origin	**GENDER/ETHNICITY/NATIONALITY**
40. Criminal history	**CRIMINAL HISTORY**
41. Culture 42. Language 43. Education 44. Religion	**LANGUAGE/EDUCATION/CULTURE/RELIGION**
45. Sex life 46. Sexual orientation	**SEX ORIENTATION/LIFE**

47. Trade union membership	**TRADE UNION MEMBERSHIP**
48. Biometric information	**BIOMETRIC INFORMATION**

11.6 Planned transborder flows of personal information

Further processing and storage may require that KIS send personal information to service providers outside of the Republic of South Africa. KIS will not send your information to a country that does not have information protection legislation similar to that of the RSA, unless we have ensured that the recipient agrees to effectively adhere to the principles for processing of information in accordance with the Protection of Personal Information Act No 4 of 2013. Where appropriate, we request the third parties with whom we share information, to take adequate measures and comply with applicable data protection laws and protect the information we are disclosing to them. We do this through contractual arrangements with these third parties. We also take internal measures to ensure that the third parties we appoint have appropriate measures to protect the information we provide to them.

11.7 KIS employs security controls, electronic and physical that are designed to maintain confidentiality, prevent loss of unauthorised access and damage to information by unauthorised parties. The cybersecurity strategy of KIS is aligned to industry standard frameworks to ensure effective cybersecurity risk management for the organisation. KIS regularly reviews and updates its information security controls to ensure continued effectiveness in mitigating evolving cyber and data protection risks.

11.8 Data subjects have the following remedies where there's interference with the protection of their personal information by KIS:

a. Lodge a complaint with KIS at admin@kis.org.za, or lodge the complaint with the KIS Information Officer at calvin@kis.org.za and where unsatisfied, lodge the complaint with the Information Regulator in the prescribed manner and form.
b. Institute civil action for damages in a court having jurisdiction.

11.9 KIS's Information Privacy Policy is available on the KIS website at www.kerninsurance.co.za.

11.10 Lawful Basis for Processing of Personal Information - KIS processes personal information in accordance with the conditions for lawful processing as set out in the Protection of Personal Information Act No. 4 of 2013 ("POPIA"). Personal information is processed only where one or more of the following lawful bases apply:

- **Contractual necessity:** where processing is required to conclude or perform a contract with the data subject, including the provision of insurance advice, intermediary services, or policy administration.
- **Legal obligation:** where KIS is required to process personal information to comply with applicable laws and regulatory requirements, including but not limited to the Financial Advisory and Intermediary Services Act 37 of 2002, the Insurance Act 18 of 2017, and applicable tax and reporting legislation.
- **Legitimate interests:** where processing is necessary for the legitimate business interests of KIS or a third party, provided that such interests are not overridden by the rights and interests of the data subject.
- **Consent:** where required, and where no other lawful basis applies, personal information will be processed with the voluntary, specific and informed consent of the data subject.
- **Protection of legitimate interests of the data subject:** where processing is necessary to protect a legitimate interest of the data subject.

- **KIS ensures that all processing activities are conducted in a lawful, reasonable and transparent manner.**

11.11 Data Subject Rights - In terms of POPIA, data subjects have the following rights in respect of their personal information:

- **Right of access:** to request confirmation as to whether KIS holds personal information about them and to access such information.
- **Right to correction:** to request the correction, updating or deletion of personal information that is inaccurate, incomplete, misleading or outdated.
- **Right to object to processing:** to object, on reasonable grounds, to the processing of their personal information.
- **Right to object to direct marketing:** to object at any time to the processing of personal information for purposes of direct marketing.
- **Right to erasure (where applicable):** to request the deletion or destruction of personal information where it is no longer required for the purpose for which it was collected, subject to legal and regulatory retention requirements.
- **Right to lodge a complaint:** to submit a complaint to KIS and/or the Information Regulator where they believe their personal information has been processed unlawfully.
- **Requests to exercise any of these rights must be submitted to the KIS Information Officer using the prescribed procedures outlined in this manual.**

11.12 Retention of Personal Information - KIS retains personal information only for as long as is necessary to fulfil the purpose for which it was collected, or as required in terms of applicable legislation. Retention periods are determined with reference to:

- **Regulatory requirements,** including those imposed by the Financial Sector Conduct Authority (FSCA);
- **Legislative requirements,** including but not limited to the Financial Advisory and Intermediary Services Act, the Insurance Act, the Companies Act, and applicable tax legislation;
- **Contractual obligations** between KIS and its clients, business partners and service providers; and
- **Operational and business requirements**, including the management of risk, disputes and claims.
- **Once personal information is no longer required, KIS will take reasonable steps to ensure that such information is securely destroyed or de-identified in a manner that prevents reconstruction or re-identification.**

12. KIS INFORMATION SECURITY MEASURES

KIS employs security controls, electronic and physical that are designed to maintain confidentiality, integrity and availability of information as well as prevent loss or unauthorised access and damage to information by unauthorised parties. KIS's cyber security strategy is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation. Information security is achieved by implementing a suitable set of responsibilities, controls, standards, processes and systems to ensure that the information security objectives and measures of KIS are met.

13. AVAILABILITY OF THE MANUAL

13.1 A copy of the Manual is available:

13.1.1 on the KIS website at [Insert website];

13.1.2 at KIS's offices for public inspection during normal business hours;

13.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

13.1.4 to the Information Regulator upon request.

13.2 A fee for a copy of the Manual, as contemplated in Form 3 of the Regulations, shall be payable per each A4-size photocopy made.

14. UPDATING OF THE MANUAL

The KIS Information Officer will on a regular basis update this manual as and when required. **Issued by Kern Insurance Solutions Consult (Pty) Ltd.**

FORM 2 | REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.

2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

Address:____

E-mail address:____

Fax number:____

Mark with an "X"

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION		
Full names		
Identity number		
Capacity in which request is made (when made on behalf of another person)		
Postal address		
Street address		
E-mail address		
Contact numbers	Telephone number (B):	
	Cell number:	

Full names of person on whose behalf request is made (if applicable)		
Identity number		
Postal address		
Street address		
E-mail address		
Contact numbers	Telephone number (B):	
	Cell number:	

PARTICULARS OF RECORD REQUESTED

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 page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record:	

TYPE OF RECORD

(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer,	

access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

Indicate which right is to be exercised or protected:	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES

a) A request fee must be paid before the request will be considered.

b) You will be notified of the amount of the access fee to be paid.

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:

____

____

____

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

☐ Postal address ☐ Facsimile ☐ Electronic communication (Please specify:___________________)

Signed at ________________________ this ____ day of ___________ 20 ________

____

Signature of Requester/person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by (State rank, name and surname of Information Officer):	
Date received:	
Access fees:	
Deposit (if any):	

____

Signature of Information Officer

FORM 3 | OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

NOTE:

1. If your request is granted the:

(a) amount of the deposit, (if any), is payable before your request is processed; and

(b) requested record/portion of the record will only be released once proof of full payment is received.

2. Please use the reference number hereunder in all future correspondence.

Reference number:____

TO:____

Your request dated____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	

OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐ Approved ☐ Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on: (i) Flash drive - To be provided by requestor (ii) Compact disc - If provided by requestor - If provided to the requestor	 R40.00 R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an	R24.00		

audio record, per A4-size			
Copy of an audio record (i) Flash drive - To be provided by requestor (ii) Compact disc - If provided by requestor - If provided to the requestor	R40.00 R40.00 R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours)

☐ Yes ☐ No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	

The amount must be paid into the following Bank account:

Name of bank: ABSA

Name of account holder: Kern Insurance Solutions Consult (Pty) Ltd.

Type of account: Cheque/Current

Account number: 4062904410

Branch code: 632005

Reference number: _________________________

Submit proof of payment to: admin@kis.org.za

Signed at ______________________ **this** _____ **day of** ______________ **20** ________

____

Information officer