

# **EVOLUTION CORPORATE BENEFITS (PTY) LTD**

## **PAIA MANUAL**

## PURPOSE OF PAIA MANUAL

The Promotion of Access to Information Act 2000, gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State or any other person (or private body), when that information is required for the exercise or protection of any rights.

This information manual provides an outline of the types of information held by us and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000. (the Act)

The purpose of PAIA is to:

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to
- actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

Evolution Corporate Benefits (Pty) Ltd recognises everyone's right to access to information and is committed to provide access to the organisation's records where the proper procedural requirements as set out by PAIA and POPI have been met.

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. Where a public body lodges a request, the public body must be acting in the public interest.

Requests for information in terms of PAIA shall be made in accordance with the prescribed procedures at the rates provided.

Requesters are referred to the guide in terms of section 10 of the Act which has been compiled by the South African Human Rights Commission. The guide contains information for the purposes of exercising Constitutional rights.

A guide to the Act is available from the South African Human Rights Commission (SAHRC) website ([www.sahrc.org.za](http://www.sahrc.org.za)). Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2007  
Houghton  
2041

Tel: +27 11 887 3830  
+27 11 403 0625

Website [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

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## REQUESTS FOR INFORMATION

You may submit your request for information records to the Information Officer. Details are provided below:

It is recommended that you read this manual first before submitting any requests.

### INFORMATION OFFICER CONTACT DETAILS

The Information Officer  
Evolution Corporate Benefits  
Po Box 1829  
Milnerton  
7435

Tel: +27 21 551 2140

Fax: +27 21 551 2141

E-Mail: [privacy@evolutiongroup.co.za](mailto:privacy@evolutiongroup.co.za)

### TYPES OF INFORMATION HELD

Evolution Corporate Benefits holds records on the following; however please note that recording such a category in this manual does not necessarily imply that a request for access to such records will be granted. Each request for information received will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

#### Company Records

The following records are held pertaining to Evolution's own affairs:

Finance and Accounting Records
Human Resources Records
Business Strategy
Shareholders
Operational Records
Technology
Compliance and Risk Management
Suppliers
Directors

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## Statutory Records

Evolution Corporate Benefits (Pty) Ltd maintains statutory records and information in terms of the following legislation:

Basic Conditions of Employment Act

Companies Act

Compensation of Occupational Injuries & Diseases Act

Financial Advisory & Intermediary Services Act

Financial Intelligence Centre Act

Income Tax Act

Labour Relations Act

Long-term Insurance Act

Medical Schemes Act

Occupational Health and Safety Act

Pension Funds Act

Prevention of Organised Crime Act

Protection of Constitutional Democracy against Terrorist and related Activities Act

Value Added Tax Act

## BEFORE SUBMITTING A REQUEST

The following steps must be considered before submitting a request:

### Step 1: Are you requesting your own information?

All of Evolutions clients are allowed access to their own information without having to use the request for access to information procedures as set out in the Promotion of Access to Information Act. This includes, but is not limited to:

- Policy documents and/or benefit information
- Fund value or investment information
- Personal Records
- Voice recordings

Evolution clients and fund members should contact their relevant regional servicing office, their fund consultant or fund administrator OR speak to their employer Human Resources Officer in order to request access to their own information. Please note that there may be administration costs associated with the retrieval of certain types of information records.

### Step 2: Are you entitled to use the Act to request access?

Please note that under certain circumstances the Act does not apply to a record of a public body or a private body if:

- (a) that record is requested for the purpose of criminal or civil proceedings.
- (b) the information is so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law."

Under such circumstances, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in.

Evolution reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of the above.

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**Step 3: Does the information requested exist in the form of a record?**

Please note that the Act only applies to records that are in existence at the time of us receiving your request. The Act does not compel anyone to create a record which is not yet in existence at the time the request is made.

**Step 4: Is the record in the possession or under the control of Evolution Corporate Benefits?**

The Act provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by Evolution or was at some point in Evolution's possession (but no longer in Evolutions control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

**SUBMITTING A REQUEST FOR INFORMATION****Request form**

Please complete the relevant "Information Request Form" which can be send as is, or under cover of a separate letterhead or fax cover sheet. Please make sure that you provide sufficient information to enable us to adequately identify:

1. Which records you are requesting.
2. The identity of the person seeking access to the information.
3. Contact details of the requester. (Postal address or email address)

Please also be clear about:

- Which level of access is required, should the request be granted; and
- the format in which the information is required.
- where the person requesting the information wishes to be informed of the decision of the request in a particular manner, state the manner and particulars to be so informed.
- where the request for information is made on behalf of another person, submit proof that the person submitting the request, has obtained the necessary authorisation to do so.
- the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right.

**Description of the right**

Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be "necessary" for the exercise or protection of the right so stated. It is important to note that Evolution may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act.

**Representatives**

If a request is made on behalf of another person, then the necessary authorization to act on behalf of that person must be provided.

**Oral Submissions**

Where an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

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## **PRESCRIBED FEES**

Requesters are required to pay a fee when requesting access to a Record.

It is important to note that requesters who are requesting access to their personal information are exempt from paying the request fee, but there may be administration costs associated with the retrieval of certain types of information.

The fees for requesting and accessing Records under PAIA are set out in Annexure A to this document.

## **CONSIDERING YOUR REQUEST**

Evolution will be deemed to have received your request when all of the requirements in respect of the “Act” have been met.

Subject to the provisions in the Act in respect of extension of time periods, Evolution will process your request within 30 days, unless you have stated special reasons which would satisfy Evolution, that circumstances dictate that the above time periods should differ.

You will then be informed in writing whether access has been granted or denied.

## **GROUND FOR REFUSAL**

Where any grounds for refusal are found, request for access will generally not be granted.

Grounds for refusal include (but are by no means limited to):

- Protection of privacy of a Third Party who is a natural person: the disclosure would involve the unreasonable disclosure of personal information about a Third Party that is a natural person (including a deceased individual).
- Protection of commercial information of a Third Party;
- Protection of certain confidential information of a Third Party;
- Protection of safety of individuals and protection of property;
- Protection of information in legal proceedings;
- Protection of commercial information of a private body;
- Protection of research information.

## **YOUR REMEDIES**

Evolution Corporate Benefits does not have internal appeal procedures. As such, the decision made by the Evolution is final. If your request is denied, you are entitled to apply to a court that has the appropriate jurisdiction for relief.

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**ANNEXURE A:**

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

- A requester is required to pay a preliminary request fee before a request will be processed.
- If the preparation of the record requested requires more than the prescribed hours (six), an additional deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted)
- A requestor may lodge an application with a court against the tender / payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid.
- The fee structure is also available on the South African Human Rights Commission's website at [www.sahrc.org.za](http://www.sahrc.org.za).

No.	Description	Fee
1.	The fee for a copy of the manual as contemplated in regulation 9(2)(c), for every photocopy of an A4-size page or part thereof	R1.10
2.	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	R1.10
	b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic readable form	R0.75
	c) For a copy in a computer-readable form on stiffer disc	R7.50
	d) For a copy in a computer-readable form on compact disc	R70.00
	e) For a transcription of visual images, for an A4 size page or part thereof	R40.00
	f) For a copy of a visual image	R60.00
	g) For a transcription of an audio record	R20.00
	h) For a copy of an audio record	R30.00
3.	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	R50.00
4.	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(3):	-
	a) For every photocopy of an A4 size page or part thereof	R1.10
	b) For a printed copy of an A4 size page or part thereof held on a computer or in electronic readable form	R0.75
	c) For a copy in a computer readable form on stiffer disc	R7.50
	d) For a copy in a computer readable form on compact disc	R70.00
	e) For a transcription of visual images, for an A4 size page or part thereof	R40.00
	f) For a copy of a visual image	R60.00
	g) For a transcription of an audio record, for A4 size page or part thereof	R20.00
	h) For a copy of an audio record	R30.00
5.	The actual postage fee is payable when a copy of a record must be posted to a requester	-
6.	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	-
	b) One third of the access fee is payable as a deposit by the requester	-