



MMI HOLDINGS

**Information Manual
Prepared in terms of section 51 of the Promotion of
Access to Information Act 2 of 2000**

TABLE OF CONTENTS

1. Introduction
2. Contact details and general information
3. Guide of South African Human Rights Commission
4. Subjects and categories on which records are held
5. Records available in accordance with other legislation
6. Grounds for refusal of access to records
7. Request procedure
8. Access to records held by MMI
9. Decision
10. Remedies available when MMI refuses a request for information
11. Fees



MMI HOLDINGS

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1. Introduction

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, MMI is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act. It is important to note that the Act recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

This manual is available for inspection, free of charge, at the physical address of MMI Holdings Limited (MMI)

2. Contact details and general information

Postal Address:
PO Box 7400
Centurion
0046

Physical Address:
Momentum Building
268 West Avenue
Centurion
0157

Information Officer: Douw Lotter
E-mail Address: DLotter@mmiholdings.co.za
Telephone Number: +27 (0)12 673 7569
Fax Number: +27 (0)12 663 5735
Website: <http://www.momentum.co.za>



MMI HOLDINGS

3. Guide of South African Human Rights Commission

The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

Postal Address:
The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag X2700
Houghton
2041

Telephone Number: +27(0) 11 484 8300
Fax Number: +27(0)11 484 0582
Email Address: paia@sahrc.org.za
Website: <http://www.sahrc.org.za>

4. Subjects and categories on which records are held

The accessibility of the documents listed below may be subject to the grounds of refusal set out in this manual.

4.1 Personnel Records

“Personnel” refers to any person who works for or provides services to or on behalf of MMI and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of MMI and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Correspondence relating to personnel; and
- Training schedule/s and material.

4.2 Client Related Records

A “client” refers to any natural or juristic entity that receives services from MMI.

Records provided by a client to an intermediary;
Records provided by a third party;
Records generated by or within MMI relating to clients, including transactional records.

4.3 Private Body Records

Finance:

Financial records.

Actuarial:

Statutory records.

Client care:

Policy documents;
Applications;
Amendments;
Financial transactions;
Alterations;
General information.

Alternate:

Company secretarial records;
Product records;
Operational records;
Databases
Information technology;
Marketing records;
Internal correspondence;
Treasury-related records;
Internal Policies and Procedures
Securities and equities; and
Records held by officials of MMI.

These records include, but are not limited to the records which pertain to MMI’s own affairs.



MMI HOLDINGS

4.4 Other Records

Further records are held pertaining to:

Shareholders;
Directors;
Employees;
Officials;
Consultants;
Intermediaries; and
Service Providers.

5. Records available in accordance with other legislation

A requester may also request information that is available in terms of other legislation.

Administration of Estates Act 66 of 1965
Basic Conditions of Employment Act, 75 of 1997
Companies Act 61 of 1973
Compensation of Occupational Injuries and Diseases Act 130 of 1993
Competition Act 89 of 1998
Electronic Communications and Transaction Act 25 of 2002
Employment Equity Act 55 of 1998
Financial Advisory and Intermediary Services Act 37 of 2002
Financial Intelligence Centre Act 38 of 2001
Income Tax Act 58 of 1991
Insolvency Act 24 of 1936
Inspection of Financial Institutions Act 80 of 1998
Labour Relations Act 66 of 1995
Long-term Insurance Act 52 of 1998
Medical Schemes Act 131 of 1998
National Credit Act 34 of 2005
Pension Funds Act 24 of 1956
Policyholder Protection Rules
Pension Fund Regulations
Prevention and Combating of Corrupt Activities Act 12 of 2004
Prevention of Organised Crime Act 121 of 1998
Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
Securities Services Act 36 of 2004
Short-term Insurance Act
Skills Development Levies Act 9 of 1999
Trust Property Control Act 57 of 1988
Unemployment Insurance Act 30 of 1996
Value-added Tax Act 89 of 1991
Usury Act 73 of 1965
National Payment System Act 78 of 1998

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Refer to the MMI Holdings website for directors and company secretary details
Reg. No. 2000/031756/06

6. Grounds for refusal of access to records

- 6.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 6.2 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 interests of that third party; and
 - Information disclosed in confidence by a third party to MMI, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- 6.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- 6.4 Mandatory protection of the safety of individuals and the protection of property;
- 6.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 6.6 The commercial activities of MMI, which may include:
- Trade secrets of MMI;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of MMI;
 - Information which, if disclosed, could put MMI at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by MMI and which is protected by copyright.
- 6.7 The research information of MMI or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 6.8 Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

7. Request procedure

- 7.1 A requester requiring access to information held by MMI must complete the prescribed Form C published on MMI's website; alternatively you can contact Client Services on 086 011 4930 for a copy.
- 7.2 Submit the completed form to the Information Officer at the postal or physical address, fax number or electronic mail address recorded in paragraph 2 of this manual and pay a request fee and a deposit, if applicable.



MMI HOLDINGS

- 7.3 The prescribed form must be completed with enough particularity to at least enable the Information Officer to identify:
- The record or records requested;
 - The identity number of the requester;
 - The form of access required, if the request is granted;
 - The e-mail, postal address, or fax number of the requester.
- 7.4 The requester must state that he requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 7.5 MMI will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods could not be complied with.
- 7.6 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 7.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 7.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9 The requester must pay the prescribed fee if applicable, before any further processing can take place.

8. Access to records held by MMI

Records held by MMI may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record of or held by MMI. There are two types of requesters:

8.1 Personal requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester.

MMI will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

8.2 Other requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, MMI is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

9. Decision

9.1 MMI will, within 30 day of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

9.2 The 30 day period with which MMI has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of MMI and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be sought.

10. Remedies available when MMI refuses a request for information

10.1 Internal Remedies

MMI does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

10.2 External Remedies

A requester or a third party, who is dissatisfied with an Information Officer's refusal to disclose information or the disclosed information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

11. Fees

11.1 The Act provides for two types of fees, namely:

A request fee, which will be a standard fee; and

An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

11.2 When the request is received by the Information Officer, the officer will by notice require the



MMI HOLDINGS

requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

- 11.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer will notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 11.4 The Information Officer will withhold a record until the requester has paid the fees as indicated in table below.
- 11.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form
- 11.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.



REPRODUCTION FEES	
Where MMI has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto. The only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.	
The applicable fees for reproduction as referred to above are: (VAT inclusive)	ZAR
For every photocopy of an A4-size page or part thereof	1,1
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
For a copy in a computer-readable form on:	
Stiffy disc	7,5
Compact disc	70
A transcription of visual images for an A4-size page or part thereof	40
For a copy of visual images	60
A transcription of an audio record, for an A4-size page or part thereof	20
For a copy of an audio record	30
Request Fees	
Where a requester submits a request for access to information held by MMI on a person other than the requester himself/herself, the request fee is payable up-front before the institution will further process the request received.	50
Access Fees	
An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8). The applicable access fees which will be payable are:	
The applicable fees which will be payable are: (VAT inclusive)	
For every photocopy of an A4-size page or part thereof	1,1
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
For a copy in a computer-readable form on:	
Stiffy disc	7,5
Compact disc	70
A transcription of visual images for an A4-size page or part thereof	40
For a copy of visual images	60
A transcription of an audio record, for an A4-size page or part thereof	20
For a copy of an audio record	30
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30
Where a copy of a record needs to be posted the actual postal fee is payable.	
Deposits	
Where MMI receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 hours, a deposit is payable to the requester.	
The amount of the deposit is equal to 1/3 of the amount of the applicable access fee.	
Please note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations. Therefore, the fees reflected above are VAT inclusive.	