INFORMATION MANUAL

AS REQUIRED BY SECTION 14 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT
DEFINITIONS

PART 1

The following words shall bear the same meaning as under the Protection of Personal Information Act, Act No. 4 of 2013 ("POPI"), unless indicated otherwise:

“Consent” means a voluntary, specific and informed expression of will in terms of which a Data Subject agrees to the processing of Personal Information relating to him or her.

“Data Subject” or “DS” means the person to whom Personal Information relates.

“Minister” means the Minister of Justice and Constitutional Development.

“Personal Information” or “PI”, in terms of the POPI, means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including:

(a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

(b) Information relating to the education or the medical, financial, criminal or employment history of the person;

(c) Any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person;

(d) The blood type or any other biometric information of the person;

(e) The personal opinions, views or preferences of the person;

(f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

(g) The views or opinions of another individual about the person; and

(h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

“Personal Information” or “PI”, in terms of the Promotion of Access to Information Act of 2000 (Act No.2 of 2000) ("PAIA"), means information relating to an identifiable, natural person, including, but not limited to:

(a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

(b) Information relating to the education or the medical, financial, criminal or employment history of the person;

(c) Any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person;

(d) The blood type or any other biometric information of the person;

(e) The personal opinions, views or preferences of the person;
(f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

(g) The views or opinions of another individual about the person; and

(h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years.

“Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

(a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

(b) Dissemination by means of transmission, distribution or making available in any other form; or

(c) Merging, linking, as well as blocking, degradation, erasure or destruction of information.

“Public Body” means:

(a) any department or state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or

(b) any other functionary when

(i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation.

“Responsible Party” or “RP” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information.

PART 2

INTRODUCTION:

PAIA gives effect to the right of access to information as provided for in section 32 of the Constitution, subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance.

The purpose of PAIA is to foster a culture of transparency and accountability in both the public and private sectors by affording any person the right of access to information to enable them to exercise and protect all of their rights to the full extent required.

PAIA affords natural and/or juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.
Conversely, POPI affords Data Subjects (“DSs”) the right to request access, in accordance with the provisions of PAIA, to their Personal Information (“PI”) from any Responsible Party (“RP”).

Section 14 of PAIA requires Public Bodies (“PBs”) to compile a Manual setting out the procedure and requirements to be adhered to in seeking to obtain access to information held by that PB. It also stipulates the minimum requirements a Manual has to comply with.

POPI requires that when processing PI, a RP should give effect to the constitutional right to privacy by safeguarding PI subject to justifiable limitations that are aimed at balancing the right to privacy against other rights, particularly the right of access to information.

This Manual has been compiled in accordance with PAIA, which prescribes that a PB must provide details of the records held by such a PB, so that requests for information may be accommodated. This Manual serves as a guide on how a requester of information may request access to that information (record) held by the Road Accident Fund (“RAF”).

The purpose of this Manual is to set out procedures to be followed and criteria that have to be met for anyone (“the requester”) to request access to records in the possession or under the control of the RAF.

The objectives of this Manual are to:

- Provide a non-exhaustive list of information, records and other details held by the RAF;
- Set out the requirements on how to request information in terms of both PAIA and POPI, as well as grounds on which a request may be refused; and
- Define the manner and form in which a request for information must be submitted.

Set out below is the procedure to be followed when lodging a request for access to a record held by the RAF, as well as the contact details of the RAF’s Information Officer and Deputy Information Officer who are responsible for managing such requests.

2. AVAILABILITY OF THIS MANUAL

As provided for in terms of section 51(2), this PAIA Manual will be updated as and when the need arises. As soon as any amendments have been finalised, the latest version of the Manual will be made public through:

the RAF website at http://www.raf.co.za/About-us/pages/promotion-of-access-to-information.aspx or by requesting a copy by e-mail from the relevant Information Officer, as provided for below.

The Manual may also be obtained from the South African Human Rights Commission (“SAHRC”). This Manual is also available for inspection during office hours and at no charge.
SECTION 10 GUIDE ON HOW TO USE THE ACT:

In addition to this Manual, requesters are advised that the SAHRC also published a guide, in terms of section 10 of PAIA, which guide explains how to make a request for access to a record. This guide is available at the SAHRC’s offices, the contact details of which are furnished below:

The PAIA Unit (Promotion of Access to Information) at the South African Human Rights Commission
The Research and Documentation Department
Private Bag X 2700
HOUGHTON
2014
Telephone : +27 11 484 8300
Fax : +27 11 484 0582/1360
Website www.sahrc.org.za
E-mail PAIA@sahrc.org.za

PART 3

CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER:

In terms of PAIA, the Chief Executive Officer of a PB is automatically designated as Information Officer. RAF’s Chief Executive Officer’s details are as follows:

Designation : Information Officer (Chief Executive Officer)
Postal Address : Road Accident Fund
                  Private Bag X 178
                  Centurion
                  0046
                  Telephone : 012 621 1632
                  Fax: 012 621 1649

Requesters are required to address all requests to the relevant Deputy Information Officer at the contact details below:
Designation: Deputy Information Officer (Manager: Complaints)

Postal Address: Road Accident Fund Physical Address: Road Accident Fund
Private Bag X 178 420 Witch Hazel Ave
Centurion Centurion
0046 0046

Telephone: 012 621 1853 Fax: 087 80906854
E-mail: PAIAunit@raf.co.za

The Chief Information Officer, in terms of section 17 of PAIA, has delegated to the Deputy Information Officer the duties set out in the aforementioned section to manage requests for information made in terms of PAIA. The PAIA Practitioners provide administrative assistance to the Deputy Information Officer.

PART 4

RAF VISION:
To provide the highest standard of care to road accident victims and to restore balance in the social system.

RAF MISSION:
To provide appropriate cover to all road users within the borders of South Africa; to rehabilitate persons injured, compensate for injuries or death and indemnify wrongdoers, as a result of motor vehicle accidents in a timely, caring and sustainable manner; and to support the safe use of our roads.

RAF CORE VALUES:

Ubuntu
- We care for and support our customers.
- We care for and support each other.

Solution Focused
- We offer solutions
- We take responsibility for our actions

Pride in what we do
- We commit and demonstrate integrity, honesty, consistency and fairness in our actions and decisions.
- We model the highest standards of personal and professional behaviour.

**Excellence**

We execute our duties with dedication and fortitude while pursuing excellence across the business.

**Efficiency**

We do the right thing with the least amount of resources.

**STRUCTURE AND FUNCTIONS:**

Below is a schematic diagram of the high-level structure of the RAF:

The Internal Audit function reports directly to the Board. The Corporate Secretariat is responsible for providing secretariat support services to the Executive team and the Board of the RAF. The RAF delivers on its core mandate through Operations and the Strategy Office. These divisions are supported by the Financial Services, Marketing, Human Capital, Information and Communication Technology divisions.

RAF has its:

- Head office in Centurion;
- Regional offices in Menlyn (Pretoria); KwaZulu-Natal (Durban); Western Cape (Cape Town); Gauteng (Johannesburg); Eastern Cape (East London);
- Community service centres in Nelspruit, Polokwane Kimberley, Bloemfontein and Mahikeng; and
- Hospital Service Centres across the country.

The RAF is a juristic person established in terms of section 2 (1) of the Road Accident Fund Act, Act No.56 of 1996, and comprises of the Board, Executive Management, General Managers, Senior Managers, Managers and staff members.
PART 5

SOUTH AFRICAN HUMAN RIGHTS COMMISSION ("SAHRC") GUIDE ON THE ACT

A guide to PAIA and the rights of requesters is available from the SAHRC or from their website: www.sahrc.org.za.

Should you have any queries in this regard, please contact the SAHRC directly at:

The South African Human Rights Commission: The PAIA Unit; The Research and Documentation Department; Postal Address: Private Bag x 2700, Houghton, 2041; Telephone: +27 11 484 0582; Website: www.sahrc.org.za; E-mail: paia@sahrc.org.za

WHO MAY REQUEST INFORMATION OR RECORDS?

The purpose for which information is required:

The Act provides that a person may only request information in terms of which that information is required for the exercise or protection of a right.

Further, POPI provides that a DS may, upon proof of identity, request the RP to confirm, free of charge, all the information it holds about the DS and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPI further provides that where the DS is required to pay a fee for services provided to him/her/it the RP:

- must provide the DS with a written estimate of the amount payable before providing the service.
- may require that the requestor pay a deposit for all or part of the fee.

Categories of Requestors

The capacity under which a Requester requests documentation/information will determine the category he or she falls in. Please note that the Requester category has a bearing on the conditions of access to the information.

Requesters have been classified into four categories:

- A Personal Requester: requests information about himself/herself/itself.
- A Representative Requester: requests information relating to and on behalf of someone else.
- A Third Party Requester: requests information about another person.
- A PB: requests information in the public interest.

HOW TO REQUEST ACCESS TO RECORDS HELD BY THE RAF

The PAIA provides that a requester must be given access to a record of a PB if the requester complies with the procedural and substantive requirements in the Act and Regulations, and
provided that the request for access to the record is not refused in terms of any ground for refusal contemplated in the Act.

The following steps must be considered before submitting a request:

Step 1: Are you entitled to use PAIA to request access?

I. Please take note of section 7 (1) of PAIA which states:
   “This 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) 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.”

II. If section 7 (1) applies, you may not bring a request in terms of PAIA. You must use the
    rules and procedures for discovery of information of the relevant legal forum and
    proceedings you are involved in. The RAF reserves the right to claim all expenses and
    other damages incurred as a result of a requester submitting a request in contravention of
    section 7(1).

III. Please have regard to section 45 of PAIA which entitles the RAF to refuse a request for
     access to a record if:
     (a) The request is manifestly frivolous or vexatious; or
     (b) The work involved in processing the request would substantially and unreasonably
         divert the resources of RAF.

Step 2: Does the information requested exist in the form of a record?

I. Please note that PAIA only applies to records which are in existence at the time of the RAF
   receiving your request.

II. PAIA does not compel anyone to create a record which is not yet in existence at the time
    the request is made, for instance, the Act cannot be used to obtain reasons for a decision
    taken by the RAF if such reasons are not in the form of a record.

III. If you are not sure whether the record exists, please indicate that on the relevant request
     form.

Step 3: Is the record in the possession or under the control of the RAF?

I. The RAF is a large organisation and the search for records requested may involve
   substantial time, resources and expenses.

II. PAIA provides that the record requested must be in the possession, or under the control
    of, the RAF. However, for the purposes of PAIA, a record in the possession or under the
    control of:

    (a) An RAF official; or
    (b) An independent contractor engaged by RAF,

    is regarded as being a record of that PB.

III. As referred to earlier, section 45(b) of PAIA entitles the RAF to refuse a request for access
     to record if the work involved, in processing the request, would substantially and
     unreasonably divert the resources of the RAF.
Step 4: Should you bring the request in terms of Chapter 2 or 3 of the PAIA?

I. The RAF will generally qualify as a PB where the records relate or are relevant to the exercise of public power or the performance of a public function in terms of any legislation.

Step 5: Form of Request

I. A requester must make the request for access to a record on the prescribed form (Form A) which must be submitted to the Information Officer or Deputy Information Officer by hand, by post, per fax or per e-mail. Form A is attached to this Manual below, as Annexure 1.

II. If you wish to type your information into an MS Word version of the request form, please send an email to the relevant PAIA Practitioner or Deputy Information Officer requesting that a copy be e-mailed to you.

III. If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer /Deputy Information Officer. If a requester is illiterate or disabled and cannot make a request on the prescribed form, then the request may be made orally. The Information Officer/Deputy Information Officer must reduce the oral request to writing on the prescribed form and provide a copy thereof to the requester.

CONSIDERING YOUR REQUEST

Subject to the provisions of PAIA, access to records requested from RAF will only be given if –

- All the procedural requirements set out in PAIA relating to a request are met; and
- Access to the requested record(s) is not refused in terms of any ground for refusal set out in PAIA.

The grounds of refusal are outlined in Parts 2 and 3 of Chapter 4 and includes mandatory protection of –

- Commercial information of a third party;
- Certain confidential information;
- Safety of individuals, and protection of property;
- Records privileged from production in legal proceedings;
- Economic interests and financial welfare of the Republic and commercial activities of PBs;
- Research information of third party, and protection of research information of a PB; or
- Certain information regarding the operations of PBs.

The RAF may also refuse requests that are manifestly frivolous or vexatious or that will lead to a substantial and unreasonable diversion of resources.

The above grounds of refusal are also endorsed under POPI.
PART 6

PAYMENT OF FEES

PAIA sets out two types of fees, namely:

- Request fee; and
- Access fee.

These fees are to be paid prior to RAF granting access to the information.

A personal requester, that is, a requester who requests access to a record containing personal information, is not required to pay the request fee. Any other requester will be required to pay such fee, subject to the exemptions listed below.

The fees for reproduction of this Manual and records are listed in Annexure 2.

The request fee is payable by every requester, other than a personal requester listed in Annexure 2.

The access fees payable by a requester referred to in section 22(7), unless exempted under section 22(8) of PAIA, are listed in Annexure 2.

In terms of section 22, the Information Officer/Deputy Information Officer to whom a request for access is made, must, by notice, require the requester, other than a personal requester, to pay the prescribed request fee (currently R35.00), before further processing the request. A personal requester is a person who requests access to a record containing information about the personal requester.

A requester whose request for access to a record which has been granted must pay, where applicable, the prescribed access fee for the reproduction and time taken to search for and prepare the record.

All payments must be made in the form of cash or cheque to the Finance Department of the RAF or by deposit into RAF’s banking account, details of which are provided below.

Bank: Standard Bank
Branch: Menlyn
Branch Code: 01-23-45
Type of Account: Cheque
Account no: 420-239-189

REFERENCE:

Proof of payment must be sent to the Information Officer/Deputy Information Officer at the contact details above.
RECORDS IN THE POSSESSION OF THE ROAD ACCIDENT FUND, WHICH ARE AUTOMATICALLY AVAILABLE (SECTION 15(1) (a))

The categories of records listed below are automatically available from the RAF without the requester having to request access in terms of PAIA:

- The information uploaded on the RAF website;
- Information booklets;
- Pamphlets;
- Posters;
- Newsletters;
- Claim forms;
- Other marketing and informative materials relating to the functions and services of RAF;
- Court pleadings (after litigation) - available on an individual basis;
- Court orders - available on an individual basis;
- Judgments - available on an individual basis;
- Statutory records;
- Media releases/statements;
- Strategic Plans;
- PAIA Form A;
- Complaint form;
- Annual Reports;
- Statutory Quarterly Report; FSB return; Annual Report (Finance: Reporting); banking details; and bank accounts (Finance: Treasury);
- Board Notices in respect of the statutory adjustment of the R219 820 cap;
- Board Notices in terms of the RAF Emergency Medical Tariff; and
- Tenders/Quotations.

Provided that any draft as proof of a record listed above is not automatically available.

RECORDS THAT MAY BE REQUESTED (SECTION 14(1) (d))

The subjects and categories of records listed below are not automatically available from the RAF and any request for access to such a record will have to be made in terms of PAIA.

OFFICE OF THE CHIEF EXECUTIVE OFFICER:

- Statutory records (not publicly available);
- Corporate Governance manuals;
- Records of contracts: Employment contracts: Executives and Senior Managers;
- Draft media releases/statements;
- Requisition forms;
- Organisational policies and procedures;
- Parliamentary questions and responses thereto;
- Executive summaries;
- Executive management leave records;
- Delegations of Authority;
• Strategic Plans;
• Draft Annual Reports; and
• Service Level Agreements, Memoranda of Understanding and other agreements and contracts.

CORPORATE SECRETARIAT:
• Meeting minutes for the following Committees: Board Committees (Audit Committee, Risk Management and Ethics Committee, Remuneration Management Committee, Operations and Information Technology Committee);
• Resolutions from the Board Committee, Executive Committee, Procurement Control Committee, Transformation Committee, NOM Steering Committee, Phetogo Steering Committee and Project Jika Steering Committee;
• Meeting minutes for the following: Executive Committee, Procurement Control Committee, Transformation Committee, NOM Steering Committee, Phetogo Steering Committee and Project Jika Steering Committee, OPSIT Steercom;
• Delegation of Authority;
• Policies submitted to Board for approval;
• Audio recording of meetings;
• Annual work plans for Board Committees;
• Terms of Reference for Committees;
• Minute books of meetings of Committees;
• Attendance registers;
• Declarations of Interest Registers for the Board, Senior Management;
• Action lists from Committee meetings;
• The Corporate Secretariat, in its capacity of Public Officer, keeps formal records of all statutory reports and returns; and
• Internal and external correspondence with the Board.

FINANCE:

Finance Division:
• Finance policies;
• Record of payments in Payroll (Finance: Payroll / Remunerations);
• Budgets (Finance: Budgets & planning);
• Financial Statements (Finance: Accounting) other than audited Annual Financial Statements;
• Statutory Quarterly Report; FSB return; banking details and bank accounts;
• Creditor’s statements and invoices (Finance: Accounting);
• Fixed asset register (Finance: Accounting and Facilities Management);
• Property lease agreements (Finance: Procurement and Facilities Management);
• Bank statements for all branches (Finance: Treasury);
• Records of payments to creditors (Finance: Accounting) and claimants; and
• Reinsurance claim files (Finance: Actuarial and Reinsurance).

Supply Chain Management Division:
• Supply Chain Management Policy;
• Delegation of Authority Framework;
• Tenders/Quotations/Request for Quotations (RFQ’s); and
• Copies of contracts with service providers.
Actuarial Division:

- Limited reinsurance policies;
- Unlimited reinsurance policies;
- Short-term all assets insurance policies;
- Short-term motor insurance policies;
- Rent-A-Captive insurance policies;
- Directors’ and officers’ insurance policies;
- Valuation reports – outstanding claims liability;
- Valuation reports – pension fund; and
- Valuation reports – post-retirement medical subsidy scheme.

Human Capital:

- HR policies and procedures;
- Personnel files;
- Training records;
- Statutory records;
- Job profiles;
- Salary information;
- Workplace and employer-employee agreements;
- Performance scorecards;
- Employment contracts;
- Psychometric assessment reports;
- Performance assessment feedback and results;
- Employees’ disciplinary reports;
- Employees’ wellness reports;
- Fraud reports;
- Reports from other business units including Executive Summaries and criminal verification reports;
- REMCO reports and salary benchmark reports;
- CCMA and Labour Court records pertaining to labour disputes;
- Legal opinions;
- Job evaluation results;
- Telephone reports; and
- Leave reports.

Employee Relations:

- EAP Supervisor, Manager referral forms;
- Disciplinary hearing notices;
- Warning-Action short dismissals;
- Appeal hearing outcomes;
- Appeal applications;
- Intoxication assessments;
- Notice-work performances;
- Notice-Incapacity investigations;
- Notices regarding representation;
- Notices of suspension;
• Grievance forms;
• Procedures to defer/bank sick leave;
• Pleadings;
• Affidavits; and
• Legal opinions.

Employee Wellness Services:

• Medical reports of employees;
• Employee Wellness Services records;
• Intervention reports; and
• Employee Wellness policies.

INFORMATION COMMUNICATION AND TECHNOLOGY (ICT):

The ICT division comprises of the following departments: Application Support Services, Business Support Services, Infrastructure Services and Governance, Risk and Security.

• ICT Strategy;
• Project Management Charter;
• Project Management Process;
• Architecture Policy;
• Architecture Charter;
• Health checks (system availability);
• Master System Plan;
• System design documents;
• ICT policies, procedures and standards;
• Records of internal calls;
• Processes within Business Support;
• Equipment standards (Architecture);
• Licensing agreements; and
• Service Level Agreements with suppliers.

MARKETING AND COMMUNICATIONS

• Draft Annual Reports;
• Strategic Plan;
• Annual Performance Plan;
• Road Ahead – Staff Newsletter;
• Internal Communiqués;
• Draft Media Statements;
• Focused Communications Plans for different units; and
• Content updates for website and intranet, etc.

INTERNAL AUDIT:

• Internal Audit reports;
• Internal Audit policies and procedures;
• Internal Audit Manual;
• Internal Audit Service Level Agreements;
• Internal Audit Induction Pact;
• Internal Code of Ethics;
• Internal Audit Charter;
• Internal Audit Committee Charter;
• Internal Department Structure; and
• Office rules.

FACILITIES MANAGEMENT:

Administrative:

• Executive Summaries;
• Memos; and
• Database of information, e.g. Leases.

Compliance:

• Policies, procedures and processes; and
• Workflows.

Security Services:

• Occurrence book;
• Access control register;
• Application form for ID card/enrolment;
• Acknowledgement of debt for cards or keys;
• Application form for access to server room;
• Application form for access to Executive suite;
• Key control register;
• Key control inventory register;
• Work schedule;
• Fire equipment inspection;
• Security Policy;
• Access control procedure;
• Records Management Policy;
• Occupational Health and Safety Policy;
• Fire arm control procedure;
• Fire fighting and prevention procedure;
• Locks and control procedure;
• Contingency plan;
• Communication security procedure;
• Operational emergency plan;
• Personnel security procedure;
• Z204 form (applications for security vetting); and
• Minimum information security standard document.
STRATEGY OFFICE

Legal, Compliance and Regulation Department:

- Register of reported staff claims;
- Registers of matters referred to Corporate Legal Services;
- Draft Board Notices in respect of the adjustment of the Loss of Support/Loss of Earnings Cap and RAF Emergency Medical Tariffs;
- Unpublished draft tariffs and draft Bills relating to the RAF and Road Accident Benefit Scheme;
- Unpublished comments on draft legislation;
- Regulation submissions to the Board and organs of state;
- Contracts reports;
- PAIA requests and reports;
- Drafts and actual contracts;
- Memoranda of Understanding;
- Requests for legal advice;
- Internal and external legal advice memos;
- Litigation reports;
- Legislation reports;
- Complaints reports;
- Completed complaint forms;
- PAIA reports;
- Compliance reports;
- Contracts;
- Legal advice memos;
- Legal opinions; and
- Policies and procedures.

Programme Management Office:

- Project register;
- Business case;
- Scope document;
- Scope change request;
- Change request form;
- Project initiation document;
- Project plan;
- Project meeting minutes;
- Project Steercom minutes;
- End project report;
- Risk assessment;
- Risk register;
- Issues register;
- Consultant contracts; and
- Consultant invoices.

Forensics Department:

- Fraud and prevention plan;
- Whistle Blowing Policy;
- Contracts with service providers;
- Assessor’s reports;
• Forensic reports;
• Investigation docket; and
• Pleadings

OPERATIONS:

Undertakings:

• Undertakings certificates;
• Invoices/accounts;
• Quotations;
• Motivation letters;
• Progress reports from medical service providers;
• Claim files (hospital records, X-ray reports, any medical reports (ambulance reports), clinical notes from medical providers, all medical legal reports, copy of identity of the patient, birth certificate in case of a child and similar documents);
• Case management reports – pre-settlement; and
• Case profiles – pre-settlement.

Documents relating to claims lodged on behalf of claimants:

• Claim forms (Completed);
• Motor Vehicle Accident (MVA) hospital records;
• Police accident reports;
• Claimants’ consent to inspect records;
• Claimants’ affidavits;
• Employee certificates;
• Hospital/medical accounts;
• Accident sketch plans;
• X-ray reports;
• Actuarial reports; and
• Medico-legal reports.

Medical:

• Medical policies and procedures;
• Bill reviews;
• Medical opinions;
• Case management reports;
• Claim files;
• Hospital accounts;
• Curatorship letters;
• Case profiles
• All medical legal reports
• X-ray reports
• Joint minutes between experts; and
• Statutory undertaking records.
Records obtained by the Fund:
- Insured drivers’ statements;
- Witness statements;
- Police and hospital accounts;
- Medical expert reports;
- Court pleadings (pending and continuing cases);
- Letters from attorneys;
- Letters from claimants’ attorneys; and
- Tax documentation of claimants.

Records generated by the Fund:
- Medico-legal reports;
- Assessors’ reports;
- Letters to attorneys;
- Letters from Fund to claimants’ attorneys;
- Computer-generated expenditure reports;
- Legal opinions;
- Offer letters to attorneys;
- Undertakings certificates;
- Discharge forms (completed); and
- Contractual undertakings.

Costs:
- Service Level Agreement;
- Writ register;
- Directives;
- Executive summaries;
- Address book;
- Claims system;
- Payment system;
- Legal cost system;
- Bills of cost party & party (plaintiff) and attorney and client (panel attorneys);
- Panel attorneys’ files;
- Allocation on system;
- Payment history reports;
- Offers;
- Trigger documents;
- Expenditure authorisation reports;
- Batch reports; and
- Register of requested/authorised payments.

Recourse:
- Payment records;
- Reports;
- Correspondence between RAF, attorneys and debtors;
- Pleadings (pending and continuing cases);
- Legal opinions;
• Assessors’ reports; and
• Court orders (pending and continuing cases).

Patient Outreach Programme:
• Case management;
• Medical assessments;
• Case management reports;
• Case profiles;
• Medico-legal reports;
• Undertaking certificates;
• Medical accounts;
• Banking indemnity forms;
• Caregivers’ appointment contracts;
• Claims for Human Resources;
• Suppliers quotations;
• Hospital records; and
• Affidavits.

PART 7

REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH

A requester (or third party, where applicable) may seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:

• Refusal or partial refusal of the request for access;
• The amount of fees required to be paid; and
• The extension of the period within which the information will be furnished.

All legal processes must be served on the Information Officer.

PART 8

RECORDS HELD BY THE RAF

RAF maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the PAIA.

Internal Records

The following are records pertaining to RAF’s own affairs:

• Financial records;
• Operational records;
• Intellectual property;
• Marketing records;
• Internal correspondence;
• Statutory records;
• Internal policies and procedures; and
• Records held by officials of the RAF.

**Employee Records**

• “Employee” refers to any person who works for or provides services to or on behalf of the RAF and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting any work or services for the RAF. This includes, without limitation, heads of departments, managers, all permanent, temporary and part-time staff, as well as contract workers. Personnel records include the following:
  ▪ Any personal records provided to the RAF by their personnel;
  ▪ Any records a third party has provided to the RAF about any of their personnel;
  ▪ Conditions of employment and other personnel-related contractual and quasi-legal records;
  ▪ Internal evaluation records; and
  ▪ Other internal records and correspondence.

**Work-related records**

Work-related information includes the following:

• Any records a third party has provided to the RAF; and
• Records generated by or within the RAF pertaining to work or services, including transactional records.

**Other parties**

Records are kept in respect of other parties, including, without limitation, contractors, suppliers, departments, service providers. Alternatively, such other parties who may possess records which can be said to belong to the RAF.

The following records fall under this category:

• Personnel, work- or service-related records which are held by another party as opposed to being held by the RAF; and records held by the RAF pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and third parties have provided about the contractors/suppliers.

**UPDATING MANUAL**

This PAIA Manual may be updated as and when the need arises. As soon as any amendments have been finalised, the latest version of the Manual will be made public through:

• The RAF website at [http://www.raf.co.za/About-us/pages/promotion-of-access-to-information.aspx](http://www.raf.co.za/About-us/pages/promotion-of-access-to-information.aspx)

**SOME OF THE LEGISLATION IN TERMS OF WHICH RECORDS ARE KEPT:**

RAF keeps information and/or documents in accordance with the following legislation (the list is not exhaustive):
<table>
<thead>
<tr>
<th>Legislation</th>
<th>Type of information to be retained</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Basic Conditions of Employment Act No. 75 of 1997</td>
<td>The Act requires employers to keep records of information containing the personal details of all its employees, working times and remuneration package.</td>
</tr>
<tr>
<td>b) Broad Based Black Economic Empowerment Act No. 53 of 2003 (&quot;BBBEE&quot;)</td>
<td>The BBBEE Act has as one of its objectives the promotion of economic transformation in order to enable meaningful participation of black people in the mainstream economy. It is expected that companies should keep records of activities undertaken in order to promote economic transformation and meaningful participation of black people in the mainstream economy.</td>
</tr>
<tr>
<td>c) Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993</td>
<td>Employers are expected to keep a register, employee records or reproduction of same relating to wages, time worked payment for piece work and overtime.</td>
</tr>
<tr>
<td>d) Criminal Procedure act No. 51 of 1977</td>
<td>The Act makes provision for the admissibility of documents as evidence where such documents were compiled in the course of trade or business by persons who have personal knowledge of matters contained in the document.</td>
</tr>
<tr>
<td>e) Electronic Communications Act No. 36 of 2005</td>
<td>There are no specific requirements on the type of information to be retained. However, it is expected that companies protect confidentiality of customers and to use it only for the purpose authorised by the customer or in terms of the law.</td>
</tr>
<tr>
<td>f) Electronic Communications and Transactions Act No. 25 of 2002</td>
<td>The Act requires that information emanating from electronic transactions only be collected, collated, processed and disclosed with customer's consent. Further, the purpose for which information is collected must be disclosed to the customer and must only be used for that purpose unless customer consents otherwise.</td>
</tr>
<tr>
<td>g) Employment Equity Act No. 55 of 1998</td>
<td>Employers are required to maintain records relating to the workforce, employment equity plans and other relevant records.</td>
</tr>
<tr>
<td>h) Financial Advisory and Intermediary Services Act No. 37 of 2003</td>
<td>An authorised financial services provider is required to maintain records relating to: complaints received and an indication whether such complaints were resolved; and cases of non-compliance with the Act and</td>
</tr>
</tbody>
</table>
| i) Financial Intelligence Centre Act No. 38 of 2001 | The Act requires that prior to establishing a relationship with a client, Intelligence Centre’s should collect information relating to:
- Client’s identity document (ID);
- ID of a person on whose behalf the client is acting and proof of authority;
- Nature of business relationship/transaction;
- Amounts involved; and
- Details of employee who captured info on behalf of company. |
| j) Labour Relations Act No. 66 of 1995 | The Act requires employers to keep records of disciplinary transgressions against employees, actions taken and reasons for the action. |
| k) Occupational Health and Safety Act No. 85 of 1993 | Employers are required to keep records relating to the health and safety of persons in the workplace. |
| l) Pension Funds Act 24 of 1956 | Every fund is expected to maintain books of account and other records as may be necessary for the purpose of the fund. All the money and assets belonging to the fund may be kept in the name of the pension fund by other institutions subject to conditions determined by the Minister. |
| m) Prevention and Combating of Corrupt Activities Act No. 12 of 2004 | The Act provides for the strengthening of measures to prevent and combat corruption and corrupt activities. To this end, companies are expected to keep records relating to any offer of improper gratification relating to the procurement or execution of contracts or employment relationship. |
| n) Prevention of Organized Crime Act No. 121 of 1998 | The Act requires that any person who is aware of criminal activities is obliged to report them to the authorities. The duty of confidentiality or other restrictions on the disclosure of information, whether imposed by law, the common law or by agreement does not affect the obligation to report or disclose information or to permit access to any registers, records or other documents unless that obligation of confidentiality relates to attorney-client privilege. |
The Act requires the following information to be stored in respect of all customers:

- Name, surname, ID number, MSISDN and one address
- For businesses: name, registration number, business address, name and surname of business representative, his or her ID number as well as the address.

The above information should be stored in a separate RICA database which complies with specific security requirements prescribed under the Act and is used only for RICA purposes.

Under the Act the policyholder, and the person who entered into the short-term policy, are entitled, against payment of a prescribed fee to be provided, upon request, with a copy of the policy agreement.

The Act requires, amongst other things, that employers who commence with learnership programmes to enter into learnership agreements with the learner concerned specifying the learnership to be provided, the duration of the learnership and an undertaking to provide the learner with the specified practical experience. To comply with this requirement employers are expected to keep records of all learnership agreements.

Every employer is expected to make payments towards the skills development levy at a rate of 1% of the leviable amount. Records detailing payments made by the employer are expected to be kept.

An employer is expected to keep records relating to payment of contributions to the Unemployment Insurance Fund relating to: illness, maternity and for dependents. The Act does, however, subject to the provisions of the Promotion of Access to Information Act, No. 2 of 2000, prohibit the disclosure of information obtained in the performance of functions under the Act.
# ANNEXURE 1: REQUEST FORM PUBLIC BODIES FORM A

## REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000) (Act No.2 of 2000)

[Regulation 6]

### FOR DEPARTMENT USE

Reference number:

Request received by ________________________________ (state rank, Name and surname of information officer/deputy information officer) on (date) at ________________________ (place).

Request fee (if any): R ……………………….
Deposit (if any): R………………………..
Access fee: R………………………….

______________________ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

---

### A. Particulars of public body

The Information Officer/Deputy Information Officer:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Deputy Information Officer</th>
<th>(Manager: Complaints)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Postal Address</td>
<td>Road Accident Fund</td>
<td>Physical Address: Road Accident Fund</td>
</tr>
<tr>
<td></td>
<td>Private Bag X 178</td>
<td>420 Witch Hazel Street</td>
</tr>
<tr>
<td></td>
<td>Centurion</td>
<td>Centurion</td>
</tr>
<tr>
<td></td>
<td>0046</td>
<td>0046</td>
</tr>
<tr>
<td>Telephone</td>
<td>012 621 1853</td>
<td>Fax</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:PAIAunit@raf.co.za">PAIAunit@raf.co.za</a></td>
<td></td>
</tr>
</tbody>
</table>

---

### B. Particulars of person requesting access to the record
The particulars of the person who requests access to the records must be given below.

The address and/or fax number in the Republic to which the information is to be sent must be given.

Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: --------------------------------------------
Identity number: -----------------------------------------------
Postal address: -----------------------------------------------
Fax number: -----------------------------------------------
Telephone number: -----------------------------------------------
E-mail address: -----------------------------------------------

Capacity in which the request is made, when made on behalf of another person:
----------------------------------------------------------------------------------------------------------

C. Particulars of person on whose behalf request is made

This section must be completed **ONLY** if requests for information are made on behalf of another person.

Full names and surname: --------------------------------------------
Identity number: -----------------------------------------------

D. Particulars of record

Provide full particulars of the records 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 folio and attach it to this form. The requester must sign all the additional folios.

Description of record or relevant part of the records:

Reference number, if available:
Any further particulars of record:

## E. Fees

A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

You will be notified of the amount required to be paid as the request fee.

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.

If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

## F. Form of access to record

If you are prevented by a disability to read, view or listen to the records in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

<table>
<thead>
<tr>
<th>Disability: __________________________</th>
<th>Form in which records is required: _____</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>----------------------------------------</td>
</tr>
</tbody>
</table>

Mark the appropriate box with an X.

**NOTES:**

Compliance with your request for access in the specified form may depend on the form in which the record is available.

Access in the form requested may be refused in certain circumstances. In such case you will be informed if access will be granted in another form.

The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.
1. If the record is in written or printed form:
   Copy of record*  Inspection of record

2. If the record consists of visual images
   (this includes photographs, slide, video recordings, computer-generated images, sketches, etc.):
   View of images  copy of the images*  transcription of images*

3. If the record consists of recorded words or information which can be reproduced in sound:
   Listen to the soundtrack  Transcription of soundtrack*
   (audio cassette)  (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:
   Printed copy  printed copy of  copy in computer
   of record*  information derived  readable form*
   From the record*  (compact disc)

*If you requested a copy or transcription of a record (above), do  │YES │ NO │
you wish the copy or transcription to be posted to you?

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.

In which language would you prefer the record?

G. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to
be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?
Signed at __________________________ this ___________ day of ____________________

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE
ANNEXURE 2: FEES IN RESPECT OF PUBLIC BODIES

According to POPI a RP is entitled to levy a prescribed fee for the provision of PI about the DS in its possession.

A. Reproduction Fees

<table>
<thead>
<tr>
<th>Reproduction refers to the costs of reproducing the record</th>
<th>R</th>
</tr>
</thead>
<tbody>
<tr>
<td>The fee of a copy of the RAF’s Section 14 PAIA Manual for every photocopy of an A4-size page or part thereof</td>
<td>0.60</td>
</tr>
<tr>
<td>For every photocopy of an A4-size page or part thereof</td>
<td>0.60</td>
</tr>
<tr>
<td>For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form</td>
<td>0.40</td>
</tr>
<tr>
<td>For a copy in a computer-readable form on compact disc</td>
<td>40.00</td>
</tr>
<tr>
<td>For a transcription of visual images, for an A4-size page or part thereof</td>
<td>22.00</td>
</tr>
<tr>
<td>For a copy of visual images</td>
<td>60.00</td>
</tr>
<tr>
<td>For a transcription of an audio record, for an A4-size page or part thereof</td>
<td>12.00</td>
</tr>
<tr>
<td>For a copy of an audio record</td>
<td>17.00</td>
</tr>
</tbody>
</table>

B. Access Fees

<table>
<thead>
<tr>
<th>Access fees relate to the time spent searching for and preparing a record</th>
<th>R</th>
</tr>
</thead>
<tbody>
<tr>
<td>For every photocopy of an A4-size page or part thereof</td>
<td>0.60</td>
</tr>
<tr>
<td>For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form</td>
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</tr>
<tr>
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<td>12.00</td>
</tr>
<tr>
<td>For a copy of an audio record</td>
<td>17.00</td>
</tr>
</tbody>
</table>

To search for and prepare the record for disclosure, R15.00, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. Six hours as the hours to be exceeded before a deposit is payable; and one third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.