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Hollard PAIA Manual

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PAIA MANUAL FOR
HOLLARD INSURANCE

Prepared in accordance with Section 51 of the Promotion of Access to Information Act 2 of 2000

(as amended)

Document Information

Information Type	Description
Document Name	PAIA Manual for Hollard
Document Owner	Mohammed Aslam Patel
Date of Compilation	01/11/2020
Date of Revision	07/05/2026

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1. INTRODUCTION

The Promotion of Access to Information Act ("PAIA"), No. 2 of 2000 ("the Act") gives effect to the constitutional rights of access to information held by another person and that is required for the exercise or protection of any rights. If a public body is the requester, the public body must be acting in the public interest. If a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act provides that the information may or must not be released.** Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.

2. PURPOSE OF THIS MANUAL

1. In this PAIA manual, any reference to "Hollard" includes any of the entities listed below;
    a. The Hollard Insurance Company Ltd (Reg No. 1952/003004/06),
    b. Hollard Life Assurance Company (Reg. No. 1993/001405/06), and
    c. Hollard Investment Managers (Reg. No. 1997/001696/07).
2. This PAIA Manual is intended to ensure that Hollard complies with the Act and to foster a culture of transparency and accountability within Hollard Insurance by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
3. To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act for them to exercise their rights in relation to public and private bodies.
4. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
    a. Limitations aimed at the reasonable protection of privacy;
    b. Commercial confidentiality; and
    c. Effective, efficient, and good governance;

    and in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

PLEASE NOTE:
The publication of this manual does not give rise to any rights to access records except as provided for in terms of PAIA.

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This Manual is useful for the public to:

- check the categories of records Hollard holds without a person having to submit a formal PAIA request;
- have sufficient understanding of how to make a request for access to a record, by providing a description of the subjects on which the body holds records and categories of records held on each subject;
- know the records that Hollard holds that are available in terms of any other laws;
- access the contact details of the Information Officer (and Deputy Information Officer, if applicable) who will help you request the records you want to access;
- know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- know if Hollard will process personal information, the purpose of processing personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the recipients or categories of recipients to whom the personal information may be supplied;
- know if Hollard 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
- know whether Hollard has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF HOLLARD

3.1 Information Officer

Name:	Mohammed Patel
Tel:	(011) 351 5000
Email:	privacyoffice@hollard.co.za

3.2 Hollard's registered address

Postal Address:	Hollard Insurance, P.O. Box 87419, 2193
Physical Address:	22 Oxford Road, Parktown Houghton, 2041

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3.3 Hollard's registered address

Website: www.hollard.co.za

3.4 The Information Regulator of South Africa is based at:

Physical Address: Woodmead North Office Park,54 Maxwell Dr,
Woodmead, Johannesburg,
General enquiries: enquiries@inforegulator.org.za
Complaints:
Relating to Personal Info: POPIAComplaints@inforegulator.org.za
Relating to Access to Info: PAIAComplaints@inforegulator.org.za

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-
4.3.1. the objects of PAIA and POPIA;
4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of –
  4.3.2.1. the Information Officer of every public body, and
  4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
4.3.3. the manner and form of a request for –
  4.3.3.1. access to a record of a public body contemplated in section 113; and
  4.3.3.2. access to a record of a private body contemplated in section 504;
4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
4.3.6. 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.
  4.3.6.1. an internal appeal;

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4.3.6.2. a complaint to the Regulator; and

4.3.6.3. 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;

4.3.7. the provisions of sections 14 and 51 require a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8. the provisions of sections 157 and 528 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

4.3.9. the notices issued in terms of sections 229 and 5410 regarding fees to be paid in relation to requests for access; and

4.3.10. the regulations made in terms of section 92.

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 –

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (https://www.justice.gov.za/inforeg/).

5. PROCESSING OF PERSONAL INFORMATION

The Hollard Information Privacy Policy explains why we process your personal information and how it is protected. The Policy can be accessed on our website by clicking the following link: Hollard Information Privacy Policy

6. PROCEDURE FOR REQUESTS

In terms of PAIA, the following persons may request access to records held by Hollard:

i. A person requesting information about him/herself;
ii. An agent requesting information on behalf of someone else;
iii. A third party requesting information of someone else; or
iv. A public body requesting information for the exercise or protection of its rights or in the interest of the public.

A person requesting access to a record ("the Requester") of Hollard must complete the prescribed **FORM 2** as contained in the Regulations to the Act and click here for access to the form.

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Requesters must:

- Provide sufficient particulars to enable the Information Officer to identify the record/s requested and must contain the name and contact details of the requester;
- indicate which form of access is required;
- specify a postal address or email address of the requester in South Africa;
- indicate the right exercised or to be protected and why the record is required to protect or exercise the right;
- where they need to be informed of the decision on the request in any other manner, state that manner and particulars to be so informed; and
- if the request is made on behalf of a person, submit proof in the form of an affidavit or signed letter of consent, of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

7. PAYMENT OF FEES

- The Information Officer will notify the requester of the prescribed fee (if any) payable before further processing the request. Should a fee be required, proof of payment must be sent to the Information Officer together with the request.
  The 'Outcome of Request and Fees Payable' form, which details the fees payable in relation to the request, can be accessed by clicking 'FORM 3' here.
- A requester seeking access to a record containing their own personal information will not be charged a request fee.
- The schedule of all fees payable for PAIA requests and related access to requested information is attached to this manual as **Annexure A.**
- If the request is granted the requester will be accordingly notified and a further fee must be paid. This would be for the search, reproduction, preparation, and time that exceed the prescribed hours to search and prepare the disclosure.

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8. DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND RECORDS HELD BY HOLLARD

Hollard's data subjects are categorised as Customers, Company, Other Parties and Employees which includes former, current and future data subjects. In the table below we have noted the personal information that we may process. This is not an exhaustive list.

CATEGORIES	RECORDS THAT MAY BE PROCESSED	PERSONAL INFORMATION
Human Resources records	This includes (bit not limited to): • Any personal records provided to Hollard by their personnel; • Any records a third party has provided to Hollard 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.	Names, identity numbers address, qualifications, gender, health/medical, race, religion, children, spouse and family, beneficiaries, medical, criminal, financial, employment history, trade union membership, opinions and views, credit, curriculum vitae.
CATEGORIES	RECORDS THAT MAY BE PROCESSED	PERSONAL INFORMATION
Customer-related records	A customer includes any natural or juristic entity who receives services from Hollard Customer-related information includes and includes information collected and shared by third parties: • Customer details & transactional records. • Complaints. • Products and service related.	Name, surname, contact details, registration numbers/identity numbers, proof of income, proof of address, employment status and financial details, rewards membership information, employment information.

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Financial, IT, and Operational records	This includes: • Financial records (includes treasury-related records, securities and equities). • Operational records (includes marketing, product, statutory information, internal correspondence, policies and procedures). • Records held by officials of Hollard (includes information technology and insurance records).	
Other Parties	Hollard may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding companies, joint venture companies, and service providers. In addition, such other parties may possess records which can be said to belong to Hollard. This includes • Personnel, customer or Hollard records which are held by another party as opposed to being held by Hollard; and • Records held by Hollard 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.	Names, identity numbers, registration number, vat numbers, address, demographic, information of other parties, and financial information including bank details.

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9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Hollard allows access to records as prescribed in terms of the following legislation and may follow a different process to the PAIA process set out in this Manual. Below are some of the laws (which is not an exhaustive list):

NAME OF LEGISLATION	RECORDS AVAILABLE
1. Basic Conditions of Employment Act 75 of 1997	• Employment Contract per Employee • Revised Employment Contract per employee • Employment Record • Employee Salary Slip • Notice of Termination of Employment • Certificate of Employment Service • Deduction Agreement • Order of Court, Law, or Arbitration
2. Broad-Based Black Economic Empowerment Act 53 of 2003	• B-BBEE Complaint • WSP and ATR • Evidence documents • Statement of Confidentiality • B-BBEE Employee Ownership Pack • B-BBEE Third Party Ownership Pack • B-BBEE Management Control Pack • B-BBEE Skills Development Pack • B-BBEE Enterprise Development Pack
3. Companies Act 71 of 2008	• Memorandum of incorporation, Notice of Incorporation. • Rules of Hollard • Register of company secretary and auditor • Record of past and present directors • Annual Financial Statements • Accounting Records • Shareholder Notices and Minutes • Resolutions and supporting documentation. • Shareholder communications • Minutes of all meetings and resolutions of directors, or directors' committees, or the audit committee • Hollard's Securities Register

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NAME OF LEGISLATION	RECORDS AVAILABLE
4. Compensation for Occupational Injuries& Diseases Act 130 of 1993	• Notice of Employee's Accident • Employee's Accident Report to Commissioner • Accident Further Particulars • Additional Further Particulars of Accident claim • Employee's Notice of Disease • Medical Report of Employee • Wage Reports • Employee's Earnings Report • Medical Report
5. Cybercrimes Act, Act 19 of 2020	• Application to extend time to deliver on disclosure of data directive. • Application for an amendment of the cancellation order • Report Cybercrime Offence
6. Employment Equity Act 55 of 1998	• Employment Equity Plan • Annual EEA2Form • Annual EEA4 Form • Register of Employees • Employee Declaration EEA1 • Medical Report of Disabled Employee • EEA4 Form
7. Financial Advisory and Intermediary Services Act 37 of 2002	• Premature Customer Product Cancellations • Customer Complaints • Application for FSP license and supporting documents. • Cases of Non-compliance with FAIS Act • Representative/Broker contracts/appointments • Accounting Records • AFS, an external audited statement, an audited income statement an audited balance sheet, (including notes and documents), an audited statement of the source and application of funds. • Auditor's customer Asset Report - to Registrar

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8. Financial Intelligence Centre Act 38 of 2001	• FICA customer report • FICA Report
NAME OF LEGISLATION	**RECORDS AVAILABLE**
9. FAIS General Code of Conduct for Authorised FSPs and Representatives	• Customer's consent to share confidential information. • Customer's Product Information • Full customer Disclosure • Proof of receipt of customer documents, funds, or products • Customer Complaints • Complaint Findings • Records of customer advice provided. • Process and Procedure to record provision of advice and products and services. • Customer's consent to share confidential information. • Provider Information • Record of FSP advice provided. • Customer Transaction Confirmation • Record of FSP direct marketing • Call Recording Retrieval Process and Procedure

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10. FAIS Code of Conduct for Administrative and Discretionary FSP	• Customer's Prior Consent to Transact on their behalf. • Consent from customer not to receive Information. • Customer Signed Mandate • All customer transactions, switches, instructions, transfers, withdrawals, or additional investments • Notification to customers of cost increases • Customer Telephonic instructions • Customer Electronic Instructions • Hollard and FSP Agreements • Hollard and Product Supplier Agreements • Instruction to Transfer Financial Product • Customer's Confirmation of Full Disclosure • Customer's Schedule of Financial Products • Schedule of customer's Financial Products allocated to Pension Funds and Financial Institutions • Third Party Agreements • Annual Financial Reports for FSP and customers
NAME OF LEGISLATION	**RECORDS AVAILABLE**
11. Income Tax Act 58 of 1962	• Employees Tax Return • Ancillary Booksofaccount and supporting schedules • Annual Financial Statements • Annual financial working papers • Bank instructions • Bank Statements • Cash books • Consolidation schedules • Creditor's ledgers • Debtor's ledgers • Debtor's statements • Fixed asset register • General Ledgers • Payrolls

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12. Income Tax Act, Act 90 of 1964	• Purchase invoices • Purchase orders • Receipts • Sales Invoices (with supporting documentation) • Sales Journals • Year-end working papers • Employee Payrolls • Salary wage register • Tax returns of employees • Wage and Salary Details • Insurance Policies • Pensions – contribution records • Leases • Employee Salary Record • Tax deduction of employee
13. Long Term Insurance Act 52 of 1998	• Long-Term Insurance Returns
14. Pension Funds Act 24 of 1956	• Trustee Register • Minute Book • Members of the Fund • Complaints Records • Fund details
NAME OF LEGISLATION	**RECORDS AVAILABLE**
15. Long Term Insurance Act: Policy Holder Protection Rules	• Product and Services Disclosures, policy rules, premium payable calculations in format required. • Signed off Product description depicting alignment to Rule 2 of the PPR • Notification to the Authority of new microfinance or funeral product • Notification to Hollard re Funeral policy product changes from Authority • Advertisement • Disclosure of Product or Service to Policy Holder/Group Scheme • Disclosure before a policy is entered into. • Intermediary agreement

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	• Information request fulfilment in writing. • Data Management Framework • Communication to policyholder regarding premium increase • Policy related communication with policyholder • Policy lifecycle records • Communicated records not related to a specific policy. • Request for information • Claims Management Framework updates' • Claim escalation / review and notification communication to Policyholder. • Claims records for reporting, risk, and financial management. • Reports of claims records, internal • Claims progress updates to claimants • Claims reports to the Authority • Complaints Report • Complaint information analysis • Replacement Advice record to another insurer • Replacement Advice record to Hollard • Non-disclosure report on replacement policy to Authority • Notice to Policyholder of intention to terminate. • Notice to Policy holder for other reasons, including proof of contact.
NAME OF LEGISLATION	**RECORDS AVAILABLE**
	• Notice to authority and policyholder of Hollard intent to terminate group scheme. • Proof of notice to terminate group scheme. • Notice to Authority when policyholder intend to terminate group scheme.

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16. Short Term Insurance Act: Policy Holder Protection Rules	• Product and Services Disclosures, policy rules, premium payable calculations in format required. • Signed off Product description depicting alignment to Rule 2 of the PPR. • Disclosure of Product or Service to Policy Holder/Group Scheme. • Disclosure before a policy is entered into. • Disclosure of Product or Service to Policy Holder/Group Scheme after inception. • Intermediary agreement • Information request fulfilment in writing. • Data Management Framework • Communication to policyholder regarding premium increase • Policy related communication with policyholder • Policy lifecycle records • Communicated records not related to a specific policy. • Request for information • Claims Management Framework • Claims Management Framework updates' • Claim escalation / review and notification communication to Policyholder. • Claims records for reporting, risk, and financial management. • Reports of claims records, internal • Claims progress updates to claimants • Claims reports to the Authority • Excess disclosure • Complaints Management Framework • Complaints Report • Complaint information analysis • Complaint information report • Notice to Authority when policyholder intend to terminate group scheme. • Notice to Policyholder of intention to terminate.

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NAME OF LEGISLATION	RECORDS AVAILABLE
17. Protection of Personal Information Act 4 of 2013	• Customer Do Not Contact List (opt out List) • Prospective Customer opt in List. • Consent to Processing (Applications, notices, disclosures, terms and conditions, policy wording) Customer • Consent to Processing (Job Applications, notices, disclosures, terms and conditions, contract wording) Employee • Consent to Processing (notices, disclosures, terms and conditions, contract wording) Third Party • Special PI consent to process Employee • Notice of PI collection to customer • Notice of PI collection to employee • Notice of PI collection to third party • Third-Party (Operator) Contractual terms and conditions
18. Short Term Insurance Act 53 of 1998	• Short-Term Policy Returns • Customer Short-Term Policy
19. Skills Development Act 97 of 1998	• Learnership/Internship Agreements
20. Skills Development Levies Act 9 of 1999	• Learning Records • Registration for Payment of SETA Levies • Payment Statement to Commissioner or SETA
21. Tax Administration Act 28 of 2011	• Schedule of International Taxpayer's Transactions • Employees Tax Return • Memorandum • Article of Association • Prospectus • Auditor's Certificate • Deeds • Instruments (investment team)
22. Unemployment Insurance Contributions Act 4 of 2002	• Payment Contribution Statement to UIF • Updated Monthly Employee UIF Contribution List

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NAME OF LEGISLATION	RECORDS AVAILABLE
23. Value-Added Tax Act 89 of 1991	• Bank Statements (from date of last entry) • Deposit slips • Records of Registered vendor's transactions • Credit and debit notes • Charts and codes of accounts • Accounting system instruction manuals • System and programme documentation • A record of all goods and services supplied, received. • The applicable tax rate on all supplies made and received. • Tax invoices • Receipts and cash register tapes • Ledgers, cash books and journals and all other books of account • Details of any agents acting on your behalf and transactions concluded through agents. • Data in any electronic form, including computer printouts - relating to VAT. • Contracts / sale agreements • Debtors and creditors list (in respect of a change in accounting basis). • Any other documents which would be considered necessary to verify transactions. • Copies of reports presented at the Annual General Meeting. • Annual Financial Statements • Accounting Records • Notice and minutes of all shareholder's meetings.

10. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

Indicate if the body has planned transborder flows of personal information. For example, some personal information may be stored in the cloud outside the Republic. **Please specify the country in which personal information will be stored and categories of personal information.**

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Hollard will only process and transfer personal information to countries that we are satisfied with and will provide adequate data protection, and we ensure our other service providers will comply with Hollard's minimum data protection standards.

11. GROUNDS FOR REFUSAL

As prescribed in Section 25 of PAIA, justifiable grounds exist for Hollard to refuse or limit access to information and will inform the requester accordingly. Grounds for refusal include, but are not limited to:

11.1 Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

11.2 Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;

11.3 Mandatory protection of the commercial information of a third party (section 64), if the record contains:

- trade secrets of the third party;
- financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or
- information supplied in confidence by a third party to Hollard, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

11.4 Mandatory protection of confidential information of third parties (section 65) if it is protected in terms of an agreement;

11.5 Mandatory protection of the safety of individuals and the protection of property (section 66);

11.6 Mandatory protection of records privileged from production in legal proceedings (section 67;

11.7 Protection of the commercial information of Hollard (section 68); or

11.8 Mandatory protection of the research information of a third party and of Hollard's research information (section 69).

11.9 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

11.10 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

11.11 If a requested record cannot be found or if the record does not exist, the Information Officer

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shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

12. DECISION

Hollard will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. Hollard will notify the requester (in writing) should an extension be sought if the request cannot be processed within this period.

13. AVAILABILITY OF THE MANUAL

A copy of this manual is available for inspection:

13.1 at Hollard's head office during normal business hours, free of charge, and

13.2 on the Hollard website, **(www.hollard.co.za).**

14. UPDATING OF THE MANUAL

The head of the Information Office will, on a regular basis, update this manual. Issued by:

Mohammed Patel: Head of Compliance & Privacy Information Officer

Signed by:
Mohammed Patel
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ANNEXURE A
PRESCRIBED FEES

1. PAIA sets out two (2) types of fees, namely, a request fee and an access fee, that are required to be paid prior to Hollard processing the request for access to a record.
2. A personal requestor, that is a requestor who requests access to a record containing personal information about him/herself, is not required to pay the request fee. Any other requestor will be required to pay the request fee.
3. The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requestor.
4. A request fee of R50.00 is payable upfront where a requestor submits a request for access to information other than for personal information relating to the requestor himself/ herself.
5. Where a copy of the record needs to be posted the actual postal fee is payable.
6. Where Hollard receives a request for access to information regarding a person other than the requestor him/herself and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee will be payable.
7. The applicable fees which will be payable upfront are:

ITEM	RAND
Photocopy of A4-size page or part thereof	R 1.10
Printed copy of A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
Copy in computer-readable form on compact disc or flash drive	R 7.50
Copy in computer-readable form on compact disc	R 70.00
Transcription of visual images, for an A4-size page or part thereof	R 40.00
Copy of visual images	R 60.00
Transcription of an audio record, for A4-size page or part thereof	R 20.00
Copy of an audio record	R 30.00
Search for and preparation of the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R 30.00