# PHISHIELD PAIA MANUAL
# ACCESS TO INFORMATION (SECTION 51)

Prepared in accordance with the Promotion of Access to Information Act 2 of 2000 ("PAIA") and aligned with the Protection of Personal Information Act 4 of 2013 ("POPIA").

This document is version 2 and is effective as of 1 March 2026. This document is reviewed annually.

**INTRODUCTION**

This Manual is published in terms of Section 51 of PAIA and sets out the procedures to be followed by requesters seeking access to records held by Phishield UMA (Pty) Ltd ("Phishield").

This Manual is also aligned with POPIA and outlines how personal information is processed and how data subjects may exercise their rights.

**DETAILS OF THE PRIVATE BODY**

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|---|---|
| Company Name: | Phishield UMA (Pty) Ltd |
| Registration Number: | 2012/130796/07 |
| FSP Number: | 46418 |
| Physical Address: | Flare House, 88 Studio Park, 5 Concourse Crescent, Lonehill 2191, South Africa |
| Telephone: | 010 312 5257 |
| Email: | enquiries@phishield.com |
| Website: | www.phishield.com |

Phishield acts on behalf of Bryte Insurance Company Limited under a binder agreement. Records relating to Bryte-underwritten policies may be subject to Bryte's own PAIA manual and information governance framework. A copy of the manual is available for download via https://www.brytesa.com/legal?section=access-to-information.

Bryte Insurance Company Limited remains the licensed insurer and primary responsible party for personal information processed in relation to insurance policies. Phishield processes such information within delegated authority and, where applicable, acts as an operator as contemplated in POPIA.

**INFORMATION OFFICER**

Phishield has appointed and registered The Information Officer with the Information Regulator in accordance with Regulation 4 of POPIA. The Information Officer is responsible for:

- Ensuring compliance with PAIA and POPIA
- Handling access requests
- Managing complaints and queries relating to personal information

| | |
|---|---|
| Information Officer: | Lilian Mooney |
| Email: | lilian@phishield.com |

**INFORMATION REGULATOR**

Requesters may contact the Information Regulator for guidance or to lodge complaints:

Information Regulator (South Africa)

| | |
|---|---|
| Website: | www.inforegulator.org.za |
| Email: | POPIAComplaints@inforegulator.org.za |
| Tel: | 010 023 5200 |

**APPLICABLE LEGISLATION**

Phishield holds records in accordance with, inter alia:

- Insurance Act 18 of 2017
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Companies Act 71 of 2008
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Electronic Communications and Transactions Act No. 25 of 2002
- Financial Sector Regulation Act 9 of 2017

**CATEGORIES OF RECORDS HELD**

Phishield maintains records in a manner that ensures accessibility to Bryte for audit, oversight, regulatory reporting and compliance purposes in terms of the binder agreement.

**1 Automatically Available Records**

The following records are available without formal request:

- Website content
- Marketing material and brochures
- Privacy Statement
- Product summaries and disclosures

**2 Records Available Upon Request**

2.1 Corporate Records
- Company registration documents
- Memorandum of Incorporation

2.2 Financial Records
- Accounting records
- Financial statements
- Tax records

2.3 Operational Records
- Underwriting records
- Claims records
- Compliance reports
- Risk assessments

2.4 Client Records
- Policyholder records
- Claims history
- Communication records

2.5 Third-Party Records
- Service provider agreements
- Binder agreements
- Reinsurance arrangements

**PROCESSING OF PERSONAL INFORMATION (POPIA)**

Phishield processes personal information in a lawful, reasonable and transparent manner.

Personal information is processed for purposes including:

- Underwriting and risk assessment
- Policy administration
- Claims processing
- Fraud prevention
- Regulatory compliance

In terms of POPIA, data subjects have the right to:

- Access personal information
- Request correction or deletion
- Object to processing
- Lodge complaints with the Information Regulator
- Not have personal information processed unless conditions are met
- Right to be notified of a security compromise
- Withdraw consent

Phishield's third party providers are contractually bound to process personal information only with Phishield's knowledge and authorisation.

**HOW TO EXERCISE YOUR RIGHTS**

Data subjects wishing to exercise any of the above rights must:

- Complete the prescribed Form 1 (Objection to Processing) or the applicable form as prescribed under the POPIA Regulations
- Submit the completed form to the Information Officer at lilian@phishield.com
- Provide sufficient information to identify the data subject and the right being exercised

Phishield will acknowledge receipt of the request and respond within 30 (thirty) days of receipt, in accordance with Section 23 of POPIA. Where necessary, this period may be extended by a further 30 days, in which case the data subject will be notified accordingly.

POPIA Form 1 is available via http://www.inforegulator.org.za/

**CROSS-BORDER TRANSFER PROVISION**

Phishield may transfer the personal information of a data subject to another of Phishield's entities, an agent/intermediary, sub-contractor or third party who carries on business in another country, including one which may not have data privacy laws similar to those of the Republic of South Africa. If this happens, Phishield will ensure that anyone to whom it passes the data subject's personal information agrees to treat the information with the same level of protection as if Phishield were dealing with it. If the data subject does not wish for Phishield to disclose this personal information to third parties, the data subject can contact the Information Officer**.** Phishield may, however, not be able to provide products or services to the data subject if such disclosure is necessary.

**SECURITY SAFEGUARD MEASURES**

Section 19 of POPIA requires responsible parties to implement technical and organisational measures to secure personal information. Phishield has implemented appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession and under its control, to prevent any loss of damage to or unauthorised destruction of personal information. The aforesaid measures include, but are not limited, to:

- Robust information security policies and procedures, as well as incident management procedures to minimise the potential adverse consequences of any security compromises.
- Data leakage prevention controls.
- Regular information security training and awareness for all personnel.
- Anti-virus and anti-malware tools.
- Secure IT infrastructure builds.
- Identity and access management policies and controls.

Phishield does not control the confidentiality, access to or dissemination of information which is retrieved through the use of "cookies" or information retrieved through the collecting and storing of IP addresses of visitors to its website. Refer to Phishield's Cookie Policy for more information https://www.phishield.com/cookie-policy/ .

**RETENTION PERIOD OF PERSONAL DATA**

Phishield retains personal information in accordance with the retention limitation principle as set out in Section 14 of POPIA, which requires that personal information not be retained for longer than is necessary to achieve the purpose for which it was collected, unless retention is required or permitted by law.

Phishield has identified the following retention periods applicable to the categories of records it holds. These periods represent the minimum retention obligations arising from applicable legislation. Records may be retained beyond these periods where required for the resolution of complaints, legal proceedings, regulatory investigations, or where a longer period is prescribed by law.

| Category of Record | Retention Period | Applicable Legislation |
|---|---|---|
| **Insurance policy records (underwriting, policy schedules, endorsements)** | 5 years from expiry or termination of policy | Insurance Act 18 of 2017; FAIS Act 37 of 2002 |
| **Claims records** | 5 years from date of final settlement or closure of claim | Insurance Act 18 of 2017 |
| **Client identification and FICA records** | 5 years from termination of business relationship | FICA 38 of 2001 |
| **Financial and accounting records** | 5 years from end of the relevant financial year | Companies Act 71 of 2008; Income Tax Act 58 of 1962; VAT Act 89 of 1991 |
| **Tax records** | 5 years from date of submission | Income Tax Act 58 of 1962; VAT Act 89 of 1991 |
| **Employee records** | 3 years post-employment, or longer where required | BCEA 75 of 1997; LRA 66 of 1995; EEA 55 of 1998 |
| **Complaints and dispute records** | 5 years from date of resolution | FAIS Act 37 of 2002 |
| **Communication and correspondence records** | 3 years from date of last interaction | POPIA; contractual limitation periods |
| **Marketing consent records** | Duration of consent plus 3 years from withdrawal | POPIA Section 69 |
| **Binder and service provider agreements** | Duration of agreement plus 5 years from termination | Companies Act 71 of 2008; contractual requirements |
| **Special personal information** | Only for the duration that the lawful basis under Section 27 of POPIA applies; thereafter securely destroyed or de-identified | POPIA Section 27 |

Where Phishield acts as an operator in terms of POPIA, processing personal information on behalf of Bryte Insurance Company Limited, retention periods will further be governed by Bryte's information governance framework and any applicable binder agreement obligations.

Upon expiry of the applicable retention period, Phishield will ensure that records are securely destroyed, deleted, or de-identified in accordance with its internal data disposal procedures.

Data subjects who wish to enquire about the retention period applicable to their personal information may contact the Information Officer at lilian@phishield.com.

**REQUEST PROCEDURE**

**1 Submission of Requests**

Requests must be made using the prescribed PAIA request form and submitted to the Information Officer. Requests must include:

- Sufficient detail to identify the record
- Identity of requester
- The right being exercised or protected

(PAIA FORM 2 is available http://www.justice.gov.za/forms/paia.html)

**2 Fees**

| | |
|---|---|
| Personal requester: | No request fee |
| Other requesters: | Prescribed fee applies |

Fees are determined in accordance with PAIA regulations.

**3 Decision**

Phishield will notify the requester within the prescribed period whether access is granted or refused.

**GROUNDS FOR REFUSAL**

In terms of PAIA, Phishield may or must refuse a request for access to a record in certain circumstances. The grounds for refusal are divided into two categories: mandatory grounds, where refusal is required by law, and discretionary grounds, where Phishield may exercise judgment in deciding whether to refuse access.Access may be refused on grounds including:

**1 Mandatory Grounds for Refusal**

Phishield must refuse a request for access to a record in the following circumstances:

**1.1 Protection of Personal Information of a Third Party (Section 63)**

Access must be refused if the record contains personal information about a third party, including a natural person, and disclosure would constitute an unreasonable invasion of that person's privacy, unless:

- the third party has consented to the disclosure; or
- the information is already publicly available; or
- disclosure is necessary to protect the requester's rights.

**1.2 Mandatory Protection of Commercial Information of a Third Party (Section 64)**

Access must be refused if the record contains:

- trade secrets of a third party;
- financial, commercial, scientific or technical information that was supplied in confidence by a third party and the disclosure of which could cause harm to the commercial or financial interests of that third party; or
- information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition.

**1.3 Mandatory Protection of Confidential Information of a Third Party (Section 65)**

Access must be refused if the record contains information that was supplied in confidence by a third party and the disclosure of which could reasonably be expected to:

- prejudice the future supply of similar information to Phishield; or
- constitute a breach of a duty of confidence owed to a third party.

### 1.4 Records Privileged from Production in Legal Proceedings (Section 67)

Access must be refused if the record is privileged from production in legal proceedings, unless the person entitled to claim the privilege has waived such privilege. This includes records that are subject to legal professional privilege, such as confidential communications between Phishield and its legal advisors made for the purpose of obtaining or giving legal advice, or communications made in connection with actual or anticipated legal proceedings.

### 1.5 Mandatory Protection of Research Information (Section 68)

Access must be refused if the record contains information about research being or to be carried out by or on behalf of a third party, and the disclosure of such information would be likely to expose the third party, the researcher, or the subject of the research to serious disadvantage.

## 2 Discretionary Grounds for Refusal

Phishield may refuse a request for access to a record in the following circumstances:

### 2.1 Commercial Information of Phishield (Section 68)

Access may be refused if the record contains:

- trade secrets of Phishield;
- financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of Phishield; or
- information, the disclosure of which could reasonably be expected to put Phishield at a disadvantage in contractual or other negotiations or to prejudice Phishield in commercial competition.

### 2.2 Confidential Information of a Third Party (Section 69)

Access may be refused if the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party or the subject of the research to serious disadvantage.

### 2.3 Safety of Individuals and Protection of Property (Section 66)

Access may be refused if the record contains information the disclosure of which could reasonably be expected to:

- endanger the life or physical safety of an individual; or
- prejudice or impair the security of a building, structure or system, including a computer or communication system; or
- prejudice or impair the security of a method for the protection of an individual.

### 2.4 Records Not Available (Section 23)

Access may be refused if:

- the record does not exist or cannot be found after all reasonable steps have been taken to locate it; or
- the record requested does not fall within the categories of records held by Phishield.

### 2.6 Defence, Security and International Relations (Section 62)

Phishield may refuse access to a record if its disclosure could reasonably be expected to cause prejudice to:

- the defence or security of the Republic of South Africa;
- the ability of the Republic to conduct international relations; or
- the international relations or affairs of the Republic.

While this ground is more commonly applicable to public bodies, it may be relevant where Phishield holds records relating to matters that touch on national security or international obligations.

## 3 Severability

Where a record contains information that falls within a ground of refusal, but also contains information that does not, Phishield will, to the extent reasonably practicable, provide access to the portion of the record that is not subject to refusal, in accordance with Section 28 of PAIA.

## 4 Notice of Refusal

Where Phishield refuses a request for access, the Information Officer will notify the requester in writing of:

- the ground(s) upon which the request is refused;
- the reason(s) for the refusal; and
- the remedies available to the requester.

**REMEDIES**

If a request is denied, the requester may:

- Lodge a complaint with the Information Regulator
- Apply to a court of law

**AVAILABILITY OF THE MANUAL**

This Manual is available:

- On the Phishield website
- At the registered office
- Upon request from the Information Officer

**UPDATES TO THIS MANUAL**

This Manual may be updated from time to time to reflect legislative or operational changes.


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**ANNEXURE A HOW TO MAKE A REQUEST FOR ACCESS TO INFORMATION**

To facilitate the processing of your request, kindly complete the Request for Information form (FORM 2)(Request for Access to Record) and submit the form to the e-mail address of the Information Officer.

The Information Officer will notify the requester that a request for access has been received and that the prescribed fee (if any) is payable prior to processing the request. Please refer to Annexure B for a full breakdown of fees payable.

Personal requesters will not be charged a request fee.

Once the request has been processed, the Information Officer will inform you of the outcome of your request and any additional fees that may fall due.

Please be advised that PAIA provides a number of grounds on which a request for access to information must be refused. These grounds mainly comprise instances where:

- the privacy and interests of other individuals are protected
- where such records are already otherwise publicly available
- instances where public interest is not served
- the mandatory protection of commercial information of a third party
- the mandatory protection of certain confidential information of a third party

When completing the form please:

- indicate the identity of the person seeking access to the information
- provide sufficient particulars to enable the Information Officer to identify the information requested
- specify the format in which the information is required
- indicate the contact details of the person requiring the information
- indicate the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right
- where the person requesting the information wishes to be informed of the decision of the request in a particular manner, state the manner and particulars to be so informed

**ANNEXURE B PRESCRIBED FEES**

PAIA sets out two (2) types of fees, namely, a request fee and an access fee, that are required to be paid prior to Phishield processing the request for access to a record.

- A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and
- An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved in obtaining and preparing a record for delivery to the requester.

If the preparation of the record requested requires more than the prescribed hours (six), an additional deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted).

Phishield reserves the right to waive the fees payable subject to the type and categories of information requested as well as the effort required to provide access to the requested information. The requester may lodge a complaint with the Information Regulator or an application with a court against the tender or payment of the request and access fees or deposit if Phishield declines the requester's request to waive the fees.

Payment details can be obtained from the Information Officer and/or Deputy Information Officer. Payment can be made by direct deposit into the nominated Phishield bank account. Proof of payment must be attached to the Form 2 along with the other required documentation.

If a deposit has been paid in respect of a request for access which is subsequently refused, then the Information Officer or Deputy Information Officer must refund the deposit in full to the requester.

The requester must pay the prescribed fee before any processing, or any further processing, can take place.

The applicable fees which will be payable upfront are:

| **Fees in respect of Private Bodies** | | |
|---|---|---|
| **Item** | **Description** | **Amount** |
| 1. | The request fee payable by every requester | R140.00 |
| 2. | Photocopy/printed black and white copy of A4-size page | R2.00 per page or part thereof |
| 3. | Printed copy of A4-size page | R2.00 per page or part thereof |
| 4. | For a copy in a computer-readable form on:<br>(iii) Flash drive (to be provided by requestor)<br>(iv) Compact disc<br>• If provided by requestor<br>• If provided to the requestor | R40.00<br><br><br>R40.00<br>R60.00 |
| 5. | For a transcription of visual images per A4-size page | Service to be outsource. Will depend on quotation from service provider |
| 6. | Copy of visual images | Service to be outsource. Will depend on quotation from service provider |
| 7. | Transcription of an audio record, per A4-size page | R24.00 |
| 8. | Copy of an audio record on:<br>(iii) Flash drive (to be provided by requestor)<br>(iv) Compact disc<br>• If provided by requestor<br>• If provided to the requestor | R40.00<br><br><br>R40.00<br>R60.00 |
| 9. | To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation<br>To not exceed a total cost of | R145.00<br><br><br>R435.00 |
| 10. | Deposit: If search exceeds 6 hours | One third of amount per request calculated in terms of items 2 to 8 |
| 11. | Postage, email, or any other electronic transfer | Actual expense, if any.". |