



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 540

Pretoria

25 June

2010

No. 33320

M A N U A L S

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO

INFORMATION ACT (NO. 2 OF 2000)



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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Export Credit Insurance Corporation of South Africa Limited (ECIC)



A Guide to

ACCESSING OUR INFORMATION

**Manual in terms of Section 14 of the Promotion of Access to
Information Act**

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1. Introduction

The Promotion of Access to Information Act of 2000 ("the Act") was enacted on 9 March 2001, giving effect to the constitutional right of access to any information held by any public or private body that is required for the protection or exercise of any rights.

Section 14 of this Act requires that we as a public body compile manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting the individual's rights.

The object of the Act is as follows:

- To give effect to the Constitutional rights of access to:
 - Any information held by the state
 - Any information that is held by another person and that is required for the exercise or protection of any rights
- To give effect to that right:
 - Subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, confidentiality and effective, efficient and good governance.
 - In a manner which balances that right with any other rights, including the rights in Chapter 2 of the Constitution.
- To give effect to the constitutional obligations of the state of promoting a human rights culture, by including public bodies in the definition of the requester, allowing them to have access to information from private bodies, and the additional obligation of public bodies in certain instances to act in the public interest.
- To establish voluntary and mandatory mechanism or procedures to give effect to that right in a manner which enable persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible

- To promote transparency, accountability and effective governance of all public and private bodies by including, but not limited to, empowering and educating everyone:
 - To understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies.
 - To understand the functions and operation of public bodies.
 - To effectively scrutinize, and participate in, decision-making by public bodies that affect their rights.

Section 9 of the Act recognizes that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy,
- Commercial confidentiality ,
- 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 and Constitution.

2. The Structure and Functions of the ECIC

The mission of the ECIC is to facilitate and encourage South African Export Trade by underwriting bank loans and investments outside the country, in order to enable foreign buyers to purchase capital goods and services from the Republic.

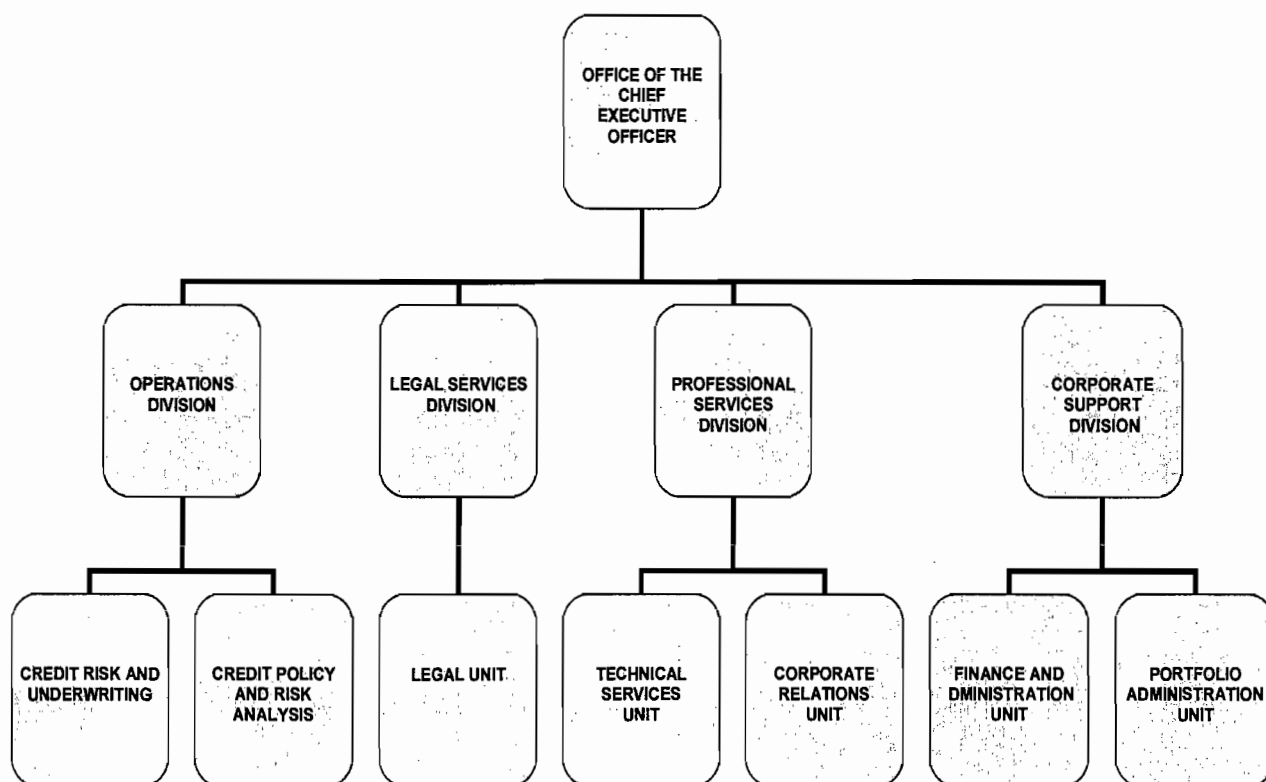
To support the mission the ECIC will:

- Evaluate export credit and foreign investment risks and provide export credit and foreign investment cover on behalf of government.
- Focus on underwriting of medium and long-term loans and equity investment for the export of capital goods and services from South Africa.
- Extend its services as far as it can, consistent with preserving the financial viability essential to its long-term support of exporters of capital goods and services.
- Provide sound and efficient financial services that contribute to public confidence and comply with international standards.

Strategic Goals

- Focusing on customers: providing high quality services to all clients including manufacturing exporters, export contractors, financial institutions, investors, host country authorities, buyers, etc.
- Enhancing performance: building a high performance organization, operating on an effective and self-sustaining basis through prudent underwriting and sound management practices.
- Engaging in strategic alliances: forging partnerships and alliances with other insurers, government agencies and international organizations to compliment services and leverage resources.
- Providing effective stewardship: consistently utilize sound business, environmental and social principles, applying international best practice.

The Organizational Structure



The ECIC is organized into four divisions:

Operations Division, Legal Services Division, Professional Services Division and Corporate Support Division.

1. The Operations Division is subdivided into Credit Risk and Underwriting Unit and Credit Policy and Risk Analysis:

Credit Risk and Underwriting Unit: this unit does the essential project evaluation and export credit risk assessment such as cash flow analysis; underwrite economic and politically acceptable risks, and the finalisation of applications.

Credit Policy and Risk Analysis Unit: this unit provides analytical, risk management tools and techniques to monitor the risks facing the ECIC

Portfolio. It also manages claims and potential claims on the insurance and reinsurance Portfolio.

2. Legal Services Division comprises of the **Legal Unit**: it assesses the legal risks in relation to potential export credit and investments guarantee. Review conditions in respect of new applications to ensure that legal risks are managed and mitigated adequately and appropriate securities are in place to mitigate the risks. Ensure that ECIC complies with all relevant legislation.
3. The Professional Services Division is subdivided into Technical Services Unit and Corporate Relations Unit:

Technical Services Unit: this unit protects ECIC's capital base by ensuring that prudent underwriting practices are employed during the underwriting process thus enhancing ECIC's long term sustainability. Promote enterprise-wide risk awareness and the adoption of effective techniques to respond to risks faced by ECIC.

Corporate Relations Unit: this unit acts as coordination point for the ECIC's array of relationships with its customers, major stakeholders, governments and international agencies, and financial institutions.

4. Corporate Services Division is divided into Finance and Administration Unit and Portfolio Administration Unit:

Finance and Administration Unit: the Finance Unit gives attention to budgeting, maintaining the financial sustainability and good corporate governance practice. Then the Administration Unit facilitates the provision of efficient administration support to the Corporation.

Portfolio Administration Unit: this unit focuses on effective Portfolio management through monitoring of the projects, interest make-up transfers, the monitoring of draw downs, repayments, premiums and Portfolio analysis.

3. Contact Details of the Company

Full Name: **Export Credit Insurance Corporation of South Africa (Pty) Limited.**

Registration Number: **2001/012128/06**

FAIS Number: **FSP 30656**

Registered Address: **36 Ingersol Road, Lynnwood Glen, Pretoria 0081**

Postal Address: **P O Box 528 Menlyn, Pretoria 0063**

Telephone Number: **(012) 471 3800**

Fax Number: **(012) 471 3850/51**

Head/ CEO: **Dr PC Kohlo**

Designated Information Officer: **Ms L Mphaphuli**

E-mail Address of Information Officer: lmphaphuli@ecic.co.za

Website: **www.ecic.co.za**

4. Information in terms of the Act

CATEGORIES OF INFORMATION

We hold the following categories of information:

(a) STATUTORY COMPANY INFORMATION

- (i) Certificate of Incorporation
- (ii) Memorandum and Articles of Association
- (iii) Certificate to Commence Business
- (iv) Minute Book
- (v) Proxy forms
- (vi) Register of Members
- (vii) Index of Members
- (viii) Register of Fixed Assets
- (ix) Register of Directors and Certain Officers
- (x) Director's Attendance Register
- (xi) Annual Financial Statements including:
 - (a) Annual Accounts;
 - (b) Directors Reports;
 - (c) Auditors' report.
- (xii) Books of Account regarding information required by the Companies Act.
- (xiii) Supporting schedules to books of account and ancillary books of account.

(b) ACCOUNTING RECORDS

- (i) Books of Account including Journals and Ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts and vouchers

(c) STATUTORY EMPLOYEE RECORDS

- (i) Employee names and occupations
- (ii) Remuneration paid to each employee
- (iii) Date of Birth of each employee
- (iv) Employment Equity plan
- (v) Salary and Wages register

- (vi) Staff Records
- (vii) Expense Accounts

(d) OTHER EMPLOYEE RECORDS

- (i) Employee contracts
- (ii) Study assistance schemes
- (iii) Human Resource policies and Procedures
- (iv) Group Life
- (v) Code of Ethics and Business Conduct
- (vi) Confidentiality Undertaking

(e) PROVIDENT RETIREMENT FUNDING RECORDS

- (i) Provident Fund Rules
- (ii) Provident Fund account records
- (iii) Contribution reports
- (iv) Annual Accounts

(f) FIXED PROPERTY

- (i) Leases

(g) MOVABLE PROPERTY

- (i) Asset Register
- (ii) Finance and Lease Agreements

(h) INTELLECTUAL PROPERTY

- (i) Trademarks
- (ii) Memoranda of understanding

(i) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or materials
- (ii) Joint venture agreements
- (iii) Agreements with contractors and suppliers
- (iv) Agreement with customers
- (v) Purchase or lease agreement

(j) TAXATION

- (i) Copies of income tax returns and other tax returns and documents

(k) LEGAL

- (i) Complaints, pleadings and documentation regarding pending and actual litigation
- (ii) Settlement agreements
- (iii) Export Credit and Foreign Investments Reinsurance Amendment Act, 2001

(l) OPERATIONAL INFORMATION**(i) Reinsurance Portfolio**

- Policy documents
- Policy amendments
- Premium schedules
- Exposure schedules
- Interest make-up claims

(ii) Insurance Portfolio

- Application/ Proposal for insurance cover
- Application/ Proposal for investment insurance cover
- Proposals submitted to the internal Technical Committee for approval.
- Proposals submitted to the Credit Insurance Committee for approval.
- Contract Amendments
- Offer of Cover
- Policy documents
- Interest make-up claims reports
- Draw down documentation
- Month-end schedules and internal reports
- Minutes and Agendas of meetings
- Board Documentation
- Option Extensions

5. Procedure for Requesting Information

If you wish to request information to any of the above categories of information, you are required to complete a request form as set out in Annexure "A" hereto. These forms are available from:

- Our information Officer (details available in part 3 of the manual);
- The SAHRC website (www.sahrc.org.za)
- The Department of Justice and Constitutional Development website (www.doj.gov.za)

The Application process

Step 1: Application form

The requester has to complete the requester form and submit it to the information officer by hand, by post or by fax (contact details in Part 3 of this manual). As instructed by the Act an amount of **R35** must accompany the request for information. This amount is payable in advance by cheque, cash (if delivered by hand) or deposited into the ECIC bank account. (Proof of the deposit must accompany the requester form).

The Banking details of ECIC are as follows:

Bank: Standard Bank **Account Number: 012734470**

Branch: Menlyn **Branch Code: 012345**

Type of Account: Current account

Name of Account Holder: Export Credit Insurance Corporation of South Africa

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information, which you have requested, including photocopying charges.

Step 2: Validation and acknowledgement

The information officer of the ECIC receives and validates the requester to see whether the required information is available. The requester is then either accepted or rejected or transferred to the rightful keepers of the information. An acknowledgement is then forwarded to the requester to confirm the status of the request.

Step 3: Information processing

If the requester is accepted, the ECIC will gather and prepare the information and calculate the additional costs involved.

Step 4: Final Notification

The requester will be informed of the completion of the request as well as the outstanding fees payable to the ECIC.

Step 5: Payment and Delivery

Once the payment has been received, the information is released to the requester.

The ECIC will process the requestor in 30 days, unless the requester has stated special reasons that the circumstances dictate that the above time period cannot be complied with. The 30-day period with a further 30 days if the request is for a large volume of information, or the information cannot be obtained within the original 30-day period. The information officer will inform the requestor in writing if an extension is sought.

If a request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request to the reasonable satisfaction of the information officer.

If the requestor is unable to make a request in writing due to literacy or disability, the request can be made orally and pay the prescribed fees for the information to be processed.

It is important to note that the access to information is not automatic- you must identify the right to exercise and protect and explain why the record you request is required for the exercise and protection of that right. You will be notified in the manner indicated by you on the request form whether your request has approved.

6. Granting/Refusal of Requests

The main grounds for the ECIC to refuse the request for information relates to the: -

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of the natural person.
- Mandatory protection of the commercial information of a third party, if the record contains
 - Trade secrets of that third party
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party.
 - Information disclosed in confidence by a third party to the institution, if disclosed can put the third parties in a disadvantageous position in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of an agreement.
- Mandatory protection of the safety of individuals of and the protection of property.
- Mandatory protection of records, which would be regarded as privileged in a legal process.
- Research Information, if its disclosure would disclose the identity of the researcher, the institution or subject matter that would place the research in a disadvantaged position.

When information is requested pertaining to a third party, the third party will be notified of the request to allow the third party to make representations to us. The representation will be considered prior to disclosing the requested information to the requesting person. The third

party will be notified in 21 days of the receipt of the request. This time period is prescribed by the Act.

Appeal:

The requestor may lodge an internal appeal against the decision of the information officer:

- To refuse a request for access, or
- Taken in terms of section 22, 26(1) or 29(3), in relation to that requestor with the relevant authority.

A third party may lodge an internal appeal against the decision of the information officer to grant a request for access.

An internal appeal must be lodged in the prescribed form in 60 days and must be delivered or sent to the information office concerned at his or her address, fax number or electronic mail address. The subject of the internal appeal must be identified; the reasons may include any other relevant information known to the appellant. If the appellant want to be informed of the decision in any other manner than in a written form, he or she must provide the manner and the necessary details to be so informed. If applicable, the internal appeal must be accompanied with the prescribed appeal fee and must specify the postal address and fax number.

7. Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

The request form for these categories of information is also available from our information officer whose contact details appear in section A of this manual.

- Newsletters.
- Booklets.
- Pamphlets / Brochures
- Annual Reports.
- Other literature intended for Public viewing.

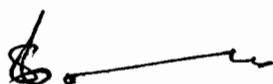
8. The Human Rights Commission Guide

Section 10 of the Act imposes a duty on the Human Rights Commission to compile in each official language a guide containing such information, in an easily comprehensible form and manner as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.


The Human Rights Commission monitors the implementation of this Act and if reasonably possible, on request, assists any person wishing to exercise a right contemplated in the Act. This Commission can also recommend to a private or public body to make such changes in a manner in which it administers this Act, as the Commission considers advisable.

Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission
PAIA Unit (The Research and Documentation Department)
Private Bag x2700, Houghton, 2041
Telephone: (011) 484-8300
Fax: (011) 484-1360
Website www.sahrc.org.za
E-mail : paia@sahrc.org.za



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