Market Bulletin



One Lime Street London EC3M 7HA

FROM:	Director, Worldwide Markets
LOCATION:	G12
EXTENSION:	5998
DATE:	7 March 2003
REFERENCE:	Y3007
SUBJECT:	SOUTH AFRICA: LEGISLATION GRANTING PROMOTION OF ACCESS TO INFORMATION HELD ON PRIVATE CITIZENS
SUBJECT AREA(S):	HEED ON TRIVATE CHIZENS
ATTACHMENTS:	
ACTION POINTS:	Managing Agents to ensure South African coverholders in compliance by the deadline
DEADLINE:	31 st August 2003

The Promotion of Access to Information Act 2000 ("the Act") governs the right of South African private citizens to access any information held by public and/or private bodies, which is required by the citizen for the exercise or protection of any rights. A copy of this Act can be obtained using the following link

www.polity.org.za/html/govdocs/legislation/2000/act2.pdf

To comply with Section 51 of this Act, Lloyd's coverholders are obliged to produce a manual by 31st August 2003. The manual should follow the format of that produced by the South African Insurance Association. The Lloyd's General Representative and Lloyd's General Manager are currently arranging meetings with coverholders to advise them of their obligations and Lloyd's underwriters should ensure that their coverholders have the manual in place by the deadline.

Confirmation is currently being sought from the South African Human Rights Commission as to whether Lloyd's underwriters need to have separate manuals. If Lloyd's underwriters are required to take further action a further Market Bulletin will be issued.

The Act applies to any recorded information, regardless of form or medium, in the possession of or under the control of a private body, regardless of whether or not it was created by that private body. This includes records in the possession of or under the control of sub-contractors and officials engaged by the private body in their capacity as such.

"Private bodies" includes any natural person who carries on, or has carried on any trade, business or profession, (i.e. employer/business owner or a partnership) or any former or existing juristic person (i.e. closed corporation, public company or privately owned company).

"Public bodies" include any state department, administration in the national or provincial sphere of government or municipality in the local sphere of government. From this definition it is clear that public bodies relate to the government and not to entities like Lloyd's.

Section 51 of the Act requires all public and private bodies to have in place a manual by the 31st August 2003 (or within 6 months of the business coming into existence) which should contain the following:

- Postal and street address, phone, fax number and, if available, the email address of the head office of the body;
- A description of the guide referred to in section 10, if available, and how to obtain access to it;
- The latest notice in terms of section 52(2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of this Act;
- a description of the records of the body which are available in accordance with any other legislation;
- sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject; and
- ➤ such other information as may be prescribed.

If you have any general queries with regard to this bulletin, please contact any of the following:

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This bulletin has been sent to compliance officers, active underwriters, Lloyd's brokers and managing agents.

Julian James Director Worldwide Markets