

# Access to Information Manual

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For purposes of this Access to Information Manual, all references to “Mercer” means Mercer South Africa Pty Ltd.

Updated Date: 1 July 2021

## Introduction and Purpose of this Manual

This Manual is intended to foster a culture of transparency and accountability by giving effect to the right to information which may be 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 more fully exercise and protect their rights.

Section 32(1)(a) of the Constitution of the Republic of South Africa Act, No. 108 of 1996 provides that everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights. The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as “**PAIA**”, or “the **Act**” interchangeably) is the national legislation which was enacted to give effect to the constitutional right of access to information.

PAIA sets out the requisite procedure to request access to a record of a private body, as well as the grounds for the refusal of such a request. This Manual informs requestors of these procedural and other requirements. In the event that you wish to make an application for access to a record of a private body in terms of PAIA, please complete Appendix A to this Manual, and submit it to [InformationOfficerSA@mercer.com](mailto:InformationOfficerSA@mercer.com).

In addition, and as required by the Protection of Personal Information Act No. 4 of 2013 (hereinafter referred to as “**POPI**”), this Manual has been updated and aligned to also address the requirements of POPI. As such, the Manual is to be read together with [Mercer Website Terms of Use](#), [Privacy Notice](#) and [Cookie Policy](#).

In the event that you (personally as a Data Subject or as authorised agent on behalf of a Data Subject), wish to submit a request in terms of POPI:-

- a. Objecting to the processing of Personal Information in terms of Section 11 (1)(d) to (f) of POPI;
- b. Correcting or Deleting Personal Information in terms of Section 24(1) of POPI; or
- c. Accessing Personal Information in terms in terms of Section 23 of POPI;

Please submit your request electronically via our [Privacy Web Form](#). Should you be unable to access this online portal, please complete either Appendix C (Objection), or Appendix D (Correction or Deletion) to this Manual, and submit it to [InformationOfficerSA@mercer.com](mailto:InformationOfficerSA@mercer.com).

## Services

Mercer provides consulting services that assist organizations design and execute sophisticated workforce strategies, whether it's for a multinational organization or a local company attempting to grow within its market. We provide best-in-class consulting, rigorous analytics, and data-driven insights that help organizations make fact-based decisions

These services are provided to a range of different types of clients, namely businesses, public entities, associations and professional services organisations.

## Contact Details and General Information

All requests for information must be in writing and addressed to the Information Officer whose contact details are set out below:

### The Information Officer

Mercer South Africa Pty Ltd.

Email: [InformationOfficerSA@mercerc.com](mailto:InformationOfficerSA@mercerc.com)

## Physical Address and Contact Information

Corner 5th Street and Fredman Drive

Entrance 1, Building 1

Alice Lane

Sandton

2196

Telephone Number: +27 11 060 7100

Web address: <https://africa.mercer.com/>

## Guidelines In Terms Of Section 10 on How to Use the Act

Section 10 of the Act requires the South African Human Rights Commission (hereinafter referred to as “the **SAHRC**”) to publish a Guide. The Guide is intended to assist users in the interpretation of the Act and will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

The Guide contains the following information:

- The object of the Act;
- Particulars of the Information Officer of every public body;
- Particulars of every private body as are practicable;
- The manner and form of a request for access to information held by a body;
- Assistance available from both the Information Officers and the Human Rights Commission in terms of the Act;
- All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and court application;

- Schedules of fees paid in relation to requests for access to information;
- Regulation made in terms of the Act;

Copies of this Guide are available on the SAHRC website. Any enquiries regarding this Guide should be directed to The South African Human Rights Commission:-

Postal Address: Private Bag X2700  
Houghton  
2041

Telephone number: (011) 877 3600  
Facsimile number: (011) 877 3750

Email address: [PAIA@sahrc.co.za](mailto:PAIA@sahrc.co.za)

Website: <http://www.sahrc.org.za>

## Records That May Be Requested in terms of the Act

The following records of Mercer may be made available upon request. Please note that the accessibility of the documents listed may be subject to the grounds of refusal set out hereinafter.

### Personnel Records

- Personal records provided by employees;
- Records provided by a third party relating to employees;
- Conditions of employment and other personnel-related contractual and quasi legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel;
- Industrial training records and material;
- Employment equity plan.

### Client Related Records

- Records provided by a client to a third party acting for or on behalf of Mercer;
- Records provided by a third party;
- Records generated by or within Mercer relating to its clients, including transactional records;
- Records provided to Mercer by the client.

## **Records Relating to Mercer**

- Statutory Company Information;
- Financial Records;
- Operational Records;
- Databases;
- Information Technology;
- Marketing Records;
- Internal Correspondence;
- Product Records;
- Internal Policies and Procedures;
- Securities and Equities;
- Records held by officials of Mercer. These records include, but are not limited to the records which pertain to Mercer's own affairs.

## **Other Records**

- Mercer may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to Mercer;
- Personnel, client and other records relating to Mercer which are held by another party, as opposed to records held by Mercer itself;
- Records held by Mercer 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.

## **Records available in terms of legislation and records that are freely available**

- The requester may request access to information, which is available in terms of other legislation. Please refer below for a detailed list of those records available in terms of such other legislation.
- The list of records that will be freely available to the public are referenced below.

## **Access to Records in terms of the Act**

### **Who may request information?**

Any person, who requires information for the exercise or protection of any rights, may request information from Mercer.

## Types of Requesters

### Personal Requestor

Mercer will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information without the requester having to pay an access fee. However the prescribed fee for reproduction of the information requested will be charged.

### Other Requester

This requester (other than a personal requester) is entitled to request access to information on third party or parties. However, Mercer is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## Request Procedure

- The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed "Appendix A" form (attached), and submit the same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the contact details set out above.
- The prescribed "Appendix A" form must be filled in with enough particularity to at least enable the Information Officer to identify:
  - the record or records requested;
  - the identity of the requester and such person acting on behalf of the requester where applicable;
  - the telephone number, postal address or fax number of the requester;
  - what form of access is required, if the request is granted.
- The requester must state that (s)he requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- The manner in which the requester wishes to be informed of the decision on the request, if in a manner in addition to written notification.
- Mercer will process the request within thirty (30) days, unless the request contains considerations that are of such a nature that an extension of the thirty (30) day time limit is necessitated.
- Where an extension of the thirty (30) day time limit is required, the requester shall be notified, together with reasons explaining why such extension is necessitated.
- The requester shall be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, (s)he must state the manner and the particulars so required.

- If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

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

## Fees

The Act provides for two types of fees:

- **request fee** - a standard non-refundable administration fee, payable prior to the request being considered; and
- **access fee** - payable when access is granted, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received, the Information Officer, shall by notice require the requester, (excluding a personal requester), to pay the prescribed request fee (if any), before further processing of the request.

## Right of Appeal

- Mercer will, within thirty (30) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.
- The thirty (30) day period within which Mercer has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days if the request is for a large amount of information, or the request requires a search for information held at another office of Mercer and the information cannot reasonably be obtained within the original thirty (30) day period. Should an extension be required, Mercer will notify the requester in writing and will also provide the procedure involved should the requestor wish to apply to court against the extension.
- If the request is:
  - **Granted:** the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
  - **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wish to apply to court against the decision.

- The Information Officer's failure to respond to the requestor within the thirty (30) day period constitutes a deemed refusal of the request.
- Section 59 of the Act provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.
- If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the Information Officer.

## Grounds for Refusal of Access to Records in terms of the Act

The main grounds for Mercer to refuse a 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 that 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 interests of that third party;
  - information disclosed in confidence by a third party to Mercer, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of records which would be regarded as privileged in legal proceedings;
- research information of Mercer or a third party, if its disclosure would place the research at a serious disadvantage;
- commercial activities of Mercer, which may include, without limitation:
  - trade secrets of Mercer;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Mercer;
  - information which, if disclosed could put Mercer at a disadvantage in negotiations or commercial competition;
  - a computer program which is owned by Mercer, and which is protected by copyright.
- requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.

Notwithstanding the above, disclosure is **mandatory** where it would reveal a contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk and the public.

## **Remedies Available When an Institution Refuses a Request for Information in terms of the Act**

### **Internal Remedies**

Mercer does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

### **External Remedies**

A requestor that is dissatisfied with the Information Officer's refusal to disclose information may within thirty (30) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within thirty (30) days of notification of the decision, apply to a court for relief. For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

# APPENDIX A

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## Request For Access To Records Of Private Body

in terms of Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000)  
[Regulation 10]

### Particulars of Private Body

**Name of Private Body(ies):** Mercer South Africa Pty Ltd.  
**Postal Address:** Private Bag X14  
Benmore  
2010  
**Physical Address:** Corner 5th Street and Fredman Drive,  
Entrance 1, Building 1, Alice Lane  
Sandton  
2196  
**Information Officer:** Information Officer  
**Email address:** [InformationOfficerSA@mercero.com](mailto:InformationOfficerSA@mercero.com)

### Particulars of Person requesting access to records

- a. *The particulars of the person who requests access to the records must be recorded below.*
- b. *Furnish an address and/or fax number in the Republic to which information must be sent.*
- c. *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname:	
Identity Number:	
Postal Address:	
Telephone Number:	
Fax Number:	
Email Address:	
Capacity in which request is being made, when made on behalf of another person	

### Particulars of person on whose behalf request is made

*This section must be completed only if a request for information is made on behalf of another person.*

Full Name	
Identity Number:	

### Particulars of person on whose behalf request is made

Description of the record or relevant part of the record	
Reference Number (if available)	
Any further particulars of the record	

### Fees

- d. 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.*
- e. You will be notified of the amount of the request fee.*
- f. The fee payable for access to a record depends on the form in which the access is requested and the reasonable time required to search for and prepare a record.*
- g. If you qualify for exemption of the payment of any fee, please state the reasons therefore.*

Reason for exemption of payment of the fee	
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### Form of Access to the Record

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

Disability:	
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Form in which the record is required:	
---------------------------------------	--

**Mark the Appropriate Box with an “X”**

**Notes:**

- a. Your indications as to the required form of access depend on the form in which the Record is available.
- b. Access in the form required may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- c. 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:

<input type="checkbox"/>	Copy of record	<input type="checkbox"/>	Inspection of record
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2. If the record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy the images	<input type="checkbox"/>	Transcription of the images
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3. If the record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the soundtrack (Audio Cassette)	<input type="checkbox"/>	Transcription of soundtrack (written or printed document)
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4. If the record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	Printed copy of Record	<input type="checkbox"/>	Printed copy of information derived from the record	<input type="checkbox"/>	Copy in computer readable format
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If you requested a copy or transcription of a record (above), do you wish the copy or transcript to be posted to you?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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A postal code is payable

**Particulars of right to be exercised or protected**

*If the provided space is inadequate, please continue on a separate folio and attach it to this Form. The Requestor must sign all the additional folios.*

Indicate which right is to be exercised or protected	
Explain why the requested record is required for the exercising or protection of the aforementioned rights	

**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 thereof 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 of records	
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Signed at .....on this the .....day of.....20.....

.....

*Signature of Requestor/Person on whose behalf request is made.*

# APPENDIX B

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## Legislation

- Administration of Estates Act No. 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act
- Close Corporations Act No. 69 of 1984
- Companies Act, 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Constitution of the Republic of South Africa
- Consumer Protection Act
- Copyright Act
- Custody and Administration of Securities Act No. 85 of 1992
- Direct Marketing Association Code of Conduct
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services No. Act 37 of 2002
- Financial Intelligence Centre, No. 38 of 2001
- Financial Services Board Act 97 of 1990
- Financial Services Laws General Amendments Act
- Financial Services Act of 2001
- Health Professions Act
- Income Tax Act of 1962
- Insurance Act 18 of 2017
- Insider Trading Act No. 135 of 1998
- Inspection of Financial Institutions Act, 80 of 1998
- Labour Relations Act, 66 of 1995
- Long-Term Insurance Act, 52 of 1998
- Medical Schemes Act, 131 of 1998
- National Credit Act, 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act, 24 of 1956
- Prescription Act No. 68 of 1969
- Prevention and Combating of Corrupt Activities Act
- Prevention of Organised Crime Act 21 of 1998
- Promotion of Access to information Act No. 2 of 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act
- Protection of Personal Information 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002
- SAIA Code of Conduct
- Securities Services Act No. 36 of 2004
- Short Term Insurance Act 53 of 1998
- Skills Development Act
- Stamp Duties Act No. 77 of 1968
- Tobacco Products Amendment Act
- Trademarks Act Trust Property Control Act
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Fund
- Unit Trusts Control Act No. 54 of 1981
- Value Added Tax Act 89 of 1991

- Insurance Laws Amendment Act
- King Report on Governance for South Africa and the King Code of Governance Principles (King III).
- Labour Relations Act 66 of 1995

## Company Records

- Client Services
- All records kept in terms of the Company Laws of South Africa
- Annual Financial Statements
- BEE Certification and Documentation
- Compliance RELATED Standards
- Directors
- Distribution
- Economic Research
- Employees
- External Companies/Contractors
- FAIS Representatives and Complaints Registers
- Financial Statements and supporting documentation
- Human Resources
- Information Technology & Databases
- Insurance Companies
- Internal Correspondence
- Investor Information
- Legal Opinions
- Legislation
- Library
- Licensing Agreements and Certificates
- Marketing Material
- Monthly Economic Data
- Non-Disclosure Agreements
- Operational Records
- Operations, Records and Information required in terms of various applicable pieces of legislation

## Subjects on which records are held

- “A” Shareholders Agreement
- “L” Shareholders Agreement
- 3rd Party Suppliers
- Administration houses (on outsourced functions)
- Advisors
- Auditors
- Banking institutions
- Board members
- Cell financial records
- Claims bordereaux
- Claims Handling Agreement
- Clients
- Consultants
- Correspondences
- Directors
- Employees
- External companies and/or contractors
- FAIS Register
- Fidelity Guarantee
- FPC
- FSP license
- IGF
- Independent and Wholesale Brokers
- Insurers
- Investment Mandate Agreement
- Investors
- Joint ventures
- KYC documentation
- Monthly Statements

- Organisational Structures
- Procurement
- Product Information and records
- Product Management
- Service Level Agreements
- Social Responsibility Reports and Projects
- Statement of Actuarial Value of Assets and Liability
- Statutory Company Information
- Statutory Reports
- Vendor Contracts
- Ombudsman complaints
- Personal
- Policy wording
- Premium bordereaux
- Premium Invoices
- Professional Indemnity
- Reinsurance documentation
- Re-Insurers
- Service Level Agreement
- Share Certificates
- Shareholders
- Subsidiary companies
- Suppliers and Service Providers

### Records in respect of subjects

- Administration
- Actuarial records - possible and limited
- Broker agreements – possible and limited
- Broking and Claims Information
- Business information
- Commercial information
- Confidential information – possible and limited
- Contracts and mandates
- External company information – possible and limited
- Financial information
- Group Company Incorporation
- Group/company departments possible and limited
- Group/Company Divisions/Business Units  
(amended from Internal group/company divisions – existing point)
- Group/company financial possible and limited
- Group/company incorporation possible and limited
- Group/company structures
- Internal group/company divisions possible and limited
- Official/Legal/Licenses  
(amended from Official/legal – existing point)
- Operational manuals
- Personal information

- Policies
- Research documents
- Risk Management Reports
- Shareholder certificates possible and limited
- Strategy possible and limited
- Trade information – possible and limited

# APPENDIX C

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**Objection to the processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act No. 4 of 2013.**

**Regulations relating to the Protection of Personal Information, 2018 [Regulation 2]**

Notes:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable

<b>Section A: DETAILS OF DATA SUBJECT</b>	
Name(s) and surname/registered name of data subject	
Unique Identifier/Identity Number	
Residential, postal or business address including code:	
Contact number(s)	
Fax number/Email address:	
<b>Section B: DETAILS OF RESPONSIBLE PARTY</b>	
Name(s) and surname/registered name of responsible party	

Residential, postal or business address including code:	
Contact number(s)	
Fax number/Email address:	
<b>Section C: REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f)</b> (Please provide detailed responses for the objection)	
Full Name	
Signature of data subject/ designated person	
Signed At	
Date	

# APPENDIX D

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**Request for the correction or deletion of Personal Information or the destroying or deletion of a record of Personal Information in terms of Section 24(1) of the Protection of Personal Information Act No. 4 of 2013.**

**Regulations Relating To the Protection of Personal Information, 2018 [Regulation 3]**

Customer Type: (Select one)	<input type="checkbox"/> Individual client <input type="checkbox"/> Business client <input type="checkbox"/> Mercer current, former or potential employee <input type="checkbox"/> Employee of a business client
Requestor Type: (Select one)	<input type="checkbox"/> Individual client <input type="checkbox"/> I am an individual making a request on behalf of another individual (proxy) <input type="checkbox"/> I am a Business making a request for employee information Request
Request type (Select one)	<input type="checkbox"/> Data access <input type="checkbox"/> Data deletion <input type="checkbox"/> Data correction
Instructions on filling this form: <ul style="list-style-type: none"><li>- If you are requesting deletion of your data, please fill Section A and other sections relevant to your request</li><li>- If you are an individual making a request for your own information, please fill Section B</li><li>- If you are a representative/proxy making a request on behalf of another party who is/was an individual client, business client or employee of a business client, please fill Sections B and C</li><li>- If you are a representative/proxy making a request on behalf of another party who is/was or potential employee of Mercer, please fill Sections B and D</li><li>- In all instances, complete Section E</li></ul>	

**Section A: DATA DELETION**

Is this request related to your receipt of marketing material from our company?

Yes

No

If yes, please give a brief description of the marketing material you received.

**Section B: REQUESTOR INFORMATION**

This information is collected for the person making a request for self as an individual or on behalf of another party for the purposes of authentication

First Name

Last Name

Country

Address

City

Province

Postal Code

Phone number

Contact email

Mercer Client Number	
Preferred method of communication	
What Mercer office do, or does the client, normally deal with	
<b>Section D: DATA SUBJECT INFORMATION – MERCER CURRENT, FORMER OR POTENTIAL EMPLOYEE</b>	
Employee Status	
Employee First Name	
Employee Last Name	
Employee Number	
Identity Number	
Employee Mailing Address	
Employee Phone Number	
Employee Email Address	
What Mercer Office does / did the Employee work at?	
<b>Section E: DECLARATION AND SIGNATURE</b>	
Please enter any additional information in this section that will help us process your request. Please refrain from entering any personal information.	
Full Name	

Signature	
Date	