



YOUR EXPORT RISK PARTNER

**EXPORT CREDIT INSURANCE CORPORATION OF
SOUTH AFRICA SOC LIMITED**

**PROMOTION OF ACCESS TO INFORMATION
MANUAL**

Notice

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Approval



Deputy Information Officer

30/07/2019

Date



Chief Executive Officer

31/07/2019

Date

Foreword

This document is applicable to the Export Credit Insurance Corporation of South Africa SOC Ltd for the sole use of ECIC Staff, Management and the Board. It shall be updated from time to time in light of changes in the market place and/or government legislation that impacts on the way ECIC conducts business.

Revision History

Revised Series	Version. Revision	ECIC Approval Date	Next Review Dated
02	01	July 2018	July 2019

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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 as contained in the Constitution of the Republic of South Africa, No. 108 of 1996.

2. The Purpose of the Manual

The manual (as required by Section 14 of the Act) is to provide information to the public with regards to the procedures to be followed in requesting information required for the purpose of exercising or protecting their rights, and to promote transparency, accountability and effective governance within the ECIC.

3. The object of the Act is as follows:

- 3.1. To give effect to the Constitutional rights of access to:
 - 3.1.1. Any information held by the state
 - 3.1.2. Any information that is held by another person and that is required for the exercise or protection of any rights
- 3.2. To give effect to that right:
 - 3.2.1. Subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, confidentiality and effective, efficient and good governance.
 - 3.2.2. In a manner which balances that right with any other rights, including the rights in Chapter 2 of the Constitution.
- 3.3. 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.
- 3.4. To establish voluntary and mandatory mechanism or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible.
- 3.5. To promote transparency, accountability and effective governance of all public and private bodies by including, but not limited to, empowering and educating everyone:

- 3.5.1. To understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies.
 - 3.5.2. To understand the functions and operation of public bodies.
 - 3.5.3. To effectively scrutinize, and participate in, decision-making by public bodies that affect their rights.
- 3.6. 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:
 - a) Limitations aimed at the reasonable protection of privacy,
 - b) Commercial confidentiality,
 - c) Effective, efficient and good governance and
 - d) In a manner that balances that right with any other rights, including such rights contained in the Bill of Rights and Constitution.

4. Company Overview and Group Structure

The ECIC is a state-owned company (SOC) established in terms of the Credit and Foreign Investment and Insurance Act, 1957 as amended. The ECIC as an insurance provider that enables South African exporters to offer their services and products on the international market.

The primary focus is on emerging markets in Africa and as per the mandate from the South African Government is to attract foreign income, stimulate domestic economic growth and job creation.

5. The Structure and Functions of the ECIC (Section 14(1) (a))

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.

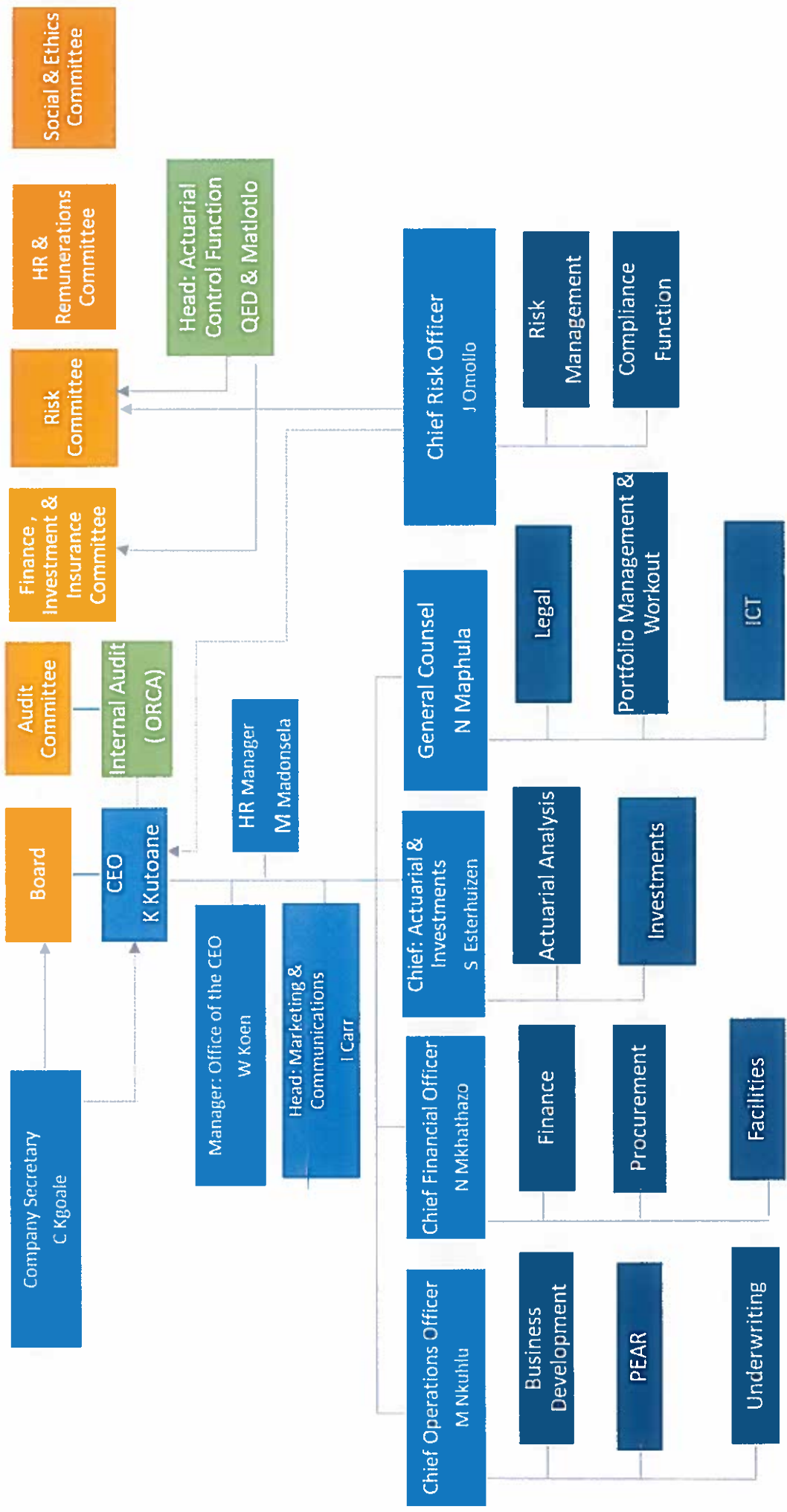
To support the mission the ECIC will:

- Evaluate export credit and foreign investment risks and provide export credit and foreign investment cover on behalf of the 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.

6. 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 complement services and leverage resources.
- **Providing effective stewardship:** consistently utilize sound business, environmental and social principles, applying international best practice.



7. Roles and Responsibilities of each office.

The Board of the ECIC consists of the 1 Chairperson, 1 Executive Director, 5 Independent None Executive Directors and 2 None Independent None Executive Directors. The Board has implemented 5 committees, and each member of the Independent None Executive director chairs each Committee. The Board has delegated its day to day operational duties to the Executive director who is assisted by the following Board appointed Officers.

7.1. Office of the Chief Operations Officer (“COO”)

The COO is responsible for the **Business Development Unit** which acts as a coordination point for the ECIC’s array of relationships with its customers, major stakeholders, governments and international agencies, and financial institutions and the **Political, Economic Analysis and Research Unit** which does the essential project evaluation and export credit risk assessment such as cash flow analysis; underwrite economic and politically acceptable risks, and the finalization of applications.

7.2. Office of the Chief Financial Officer (“CFO”)

The office of the CFO is responsible for management of accounts, the procurement of service providers, ICT infrastructures and implementation thereof as well as ensuring all ECIC Assets are invested in line with the approved investment strategy.

7.3. Office of the Chief Risk Officer (“CRO”)

The Office of the CRO 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.

This Officer further ensures that all statutory compliance standards are in line with the corporations licensing conditions.

7.4. The Office of the General Counsel: (“GC”)

The Office of the GC 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. The office of the GC is further required to focus on effective Portfolio management through monitoring of the projects,

interest make-up transfers, the monitoring of drawdowns, repayments, premiums, Portfolio analysis and claims assessment.

8. Additional Business Units

The Corporation has other Business Units which assists in the day to day operations of the company. The Units are as follows:

a.	Actuarial Unit
b.	Marketing and Communications Unit (Includes CSI and ED Unit)
c.	Human Capital Unit
d.	Procurement Unit
e.	ICT Unit
f.	Investment Unit
g.	Political, Economic Analysis and Research Unit
h.	Underwriting Unit
i.	Business Development Unit
j.	Portfolio Management and workout Unit
k.	Compliance Unit
l.	Legal Unit
m.	CSI and ED Unit
n.	Office Management Unit

9. Contact Details of the Company (Section 14 (1) (b))

Name: **Export Credit Insurance Corporation of South Africa SOC Ltd.**

Registration number: **2001/012128/06**

FAIS Number: **FSP 30656**

Registered Address: **Block C7 & C8, Eco Origins Office Park, 349 Witch-Hazel Avenue, Highveld Ext 79, Centurion**

Postal Address: **P. O Box 7075 Centurion, 004**

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

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

Head/ CEO: **Mr KO Kutoane**

Deputy Information Officer: **Charles Kgoale**

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

Website: www.ecic.co.za

10. Schedule of records held by ECIC

RECORDS	SUBJECT	AVAILABILITY
Statutory company information	<ol style="list-style-type: none"> 1. Certificate of Incorporation 2. Memorandum of Incorporation 3. Certificate to Commence Business 4. Minute Book 5. Proxy forms 6. Register of Members 7. Index of Members 8. Register of Fixed Assets 9. Register of Directors and Certain Officers 10. Director's Attendance Register 	Request in terms of PAIA
Accounting records	<ol style="list-style-type: none"> 1. Books of Account including Journals and Ledgers; 2. Delivery notes, orders, invoices, statements, receipts and vouchers 3. Annual Financial Statements including: <ol style="list-style-type: none"> a. Annual Accounts; b. Directors Reports; c. Auditors' report. 4. Books of Account regarding information required by the Companies Act. 	Request in terms of PAIA

	5. Supporting schedules to books of account and ancillary books of account.	
Income Tax Records	1. Copies of income tax returns and other tax returns and documents	Request in terms of PAIA
Statutory employee records	<ol style="list-style-type: none"> 1. Employee names and occupations 2. Remuneration paid to each employee 3. Date of Birth of each employee 4. Employment Equity plan 5. Salary and Wages register 6. Staff Records 7. Expense Accounts 	Request in terms of PAIA
Other employee records	<ol style="list-style-type: none"> 1. Employee contracts 2. Study assistance schemes 3. Human Resource Policies and Procedures 4. Group Life 5. Code of Ethics and Business Conduct 6. Confidentiality Undertaking 	Request in terms of PAIA
Provident retirement	1. Provident Fund Rules	Request in terms of PAIA

Funding records	<ol style="list-style-type: none"> 2. Provident Fund account records 3. Contribution reports Annual Accounts 	
Assets	<ol style="list-style-type: none"> 1. Leases 2. Asset Register 3. Finance and Lease Agreements 	Request in terms of PAIA
Intellectual property	<ol style="list-style-type: none"> 1. Trademarks 2. Memoranda of understanding 	Request in terms of PAIA
Legal Records	<ol style="list-style-type: none"> 1. Complaints, pleadings and documentation regarding pending and actual litigation 2. Settlement agreements 3. Export Credit and Foreign Investments Reinsurance Amendment Act, 2001 	Request in terms of PAIA
Operational information	<ol style="list-style-type: none"> 1. Reinsurance Portfolio <ul style="list-style-type: none"> • Policy documents • Policy amendments • Premium schedules • Exposure schedules • Interest make-up claims 2. Insurance Portfolio <ul style="list-style-type: none"> • Application/ Proposal for insurance cover 	Request in terms of PAIA

	<ul style="list-style-type: none"> • Application/ Proposal for investment insurance cover • Proposals submitted to the internal Projects Exco for approval. • Proposals submitted to the Credit Insurance Committee for approval. • Contract Amendments • Offer of Cover • Policy documents • Interest make-up claims reports • Drawdown documentation • Month-end schedules and internal reports • Minutes and Agendas of meetings • Board Documentation • Option Extensions 	
<p>Contractual records</p>	<ol style="list-style-type: none"> 1. Material agreements concerning the provision of services or materials 2. Joint venture agreements 3. Agreements with contractors and suppliers 4. Agreement with customers 5. Purchase or lease agreement 	<p>Request in terms of PAIA</p>

11. 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 Deputy Information Officer (details available in clause 6 of the manual);
- The SAHRC website (www.sahrc.org.za)
- The Department of Justice and Constitutional Development website (www.doj.gov.za)

The PIAA recognizes different types of requesters. In terms of the PAIA a "*personal requester*" means a requester seeking access to a record containing personal information about the requester and a "*requester*" in relation to:

- (a) public body, means-
 - i. any person other than a public body as per the definition of PAIA
 - ii. a person acting on behalf of the person referred to in subparagraph (i)
- (b) a private body, means-
 - i. any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - ii. a person acting on behalf of the person contemplated in subparagraph (i);

12. The Application process

12.1. Step 1: Application form and prescribe fees

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 clause 9 of this manual). PAIA provides for two types of fees:

- a) A request fee which is a standard fee;
- b) an access fee which must be calculated by taking into account reproduction costs, search and preparation time and cost,

12.1.1. The prescribe fee proof of payment must accompany the requester's completed request form. 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).

12.1.2. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Deputy Information Officer.

- 12.1.3. If the requester 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.
- 12.1.4. A request sent by email, shall be deemed to have been received on the date that the email was sent. However, if the time of deemed receipt of any notice is not before 5.30 p.m. local time on a Business Day at the address of the recipient it is deemed to have been received at the commencement of business on the next Business Day. All electronic request are subject to the **Electronic Communications and Transactions Act**.
- 12.1.5. 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 been approved.

The Banking details of ECIC are as follows:

Bank:	First National Bank
Account Number:	62320412290
Branch :	FNB Corporate Pretoria
Branch Code:	253145
Type of account:	Current account
Account holder:	Export Credit Insurance Corporation of South Africa

12.1.1. 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.

12.1.2. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and

preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

12.2. Step 2: Validation and acknowledgement

The Deputy 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.

12.3. Step 3: Information processing

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

If a search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee, which would be payable if the request is granted.

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.

12.4. 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.

12.5. Step 5: Delivery

Once the payment has been received, the information is released to the requester. The ECIC will process the requester 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 Deputy Information Officer will inform the requester in writing if an extension is sought.

13. Granting/Refusal of Requests

All requests for access to information shall be considered in terms of the Act, 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 party 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 and of 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.

14. Appeals

The requester may lodge an internal appeal against the decision of the Deputy Information Officer:

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

A third party may lodge an internal appeal against the decision of the Deputy Information Officer to grant a request for access.

An internal appeal must be lodged within 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 wants 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.

15. Information automatically available (Section 15)

Section 15 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000), stipulates that “the Information Officer of a public body, referred to in paragraph (a) or (b) (i) of the definition of a “public body” in Section 1, must, on a periodic basis not less frequently than once each year, submit to the Minister a description of-

- (a) the categories of records of the public body that are automatically available without a person having to request access in terms of this Act, including such categories available-
 - i. for inspection in terms of legislation other than this Act;
 - ii. for purchase or copying from the body;
 - iii. from the body free of charge; and
 - iv. how to obtain access to such records

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 Deputy Information Officer whose contact details appear in section 3 of this manual.

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

16. Deleting part of the requested records

The Information Officer may delete any part of a record contemplated in subsection (1)(a) of Section 15 of the Act above, which on a request for access, may or must be refused in terms of Chapter 4. Chapter 4 deals with the "Grounds for refusal of access to records".

17. 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. The guide on how to use the PAIA of 2000 is available from the SAHRC. Enquiries can be directed to:

The South African Human Rights Commission

PAIA Unit (The Research and Documentation Department)

Private Bag x 2700, Houghton, 2041

Telephone: (011) 484-8300

Fax: (011) 484-1360

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

18. Updating of the manual

The CEO shall, if necessary, update and publish its manual triennially or when there are changes in the Administration to ensure its continued application and relevance.

19. Availability of the manual

This manual is in the interim available in English only, in the following manner:

- a) In electronic format at <http://www.ecic.co.za>.



Mr. K.O. Kutoane

Chief Executive Officer



Mr C Kgoale

Deputy Information Officer