

National Tertiary Retirement Fund:

PAIA and POPIA Manual

1. The Promotion of Access to Information Act (PAIA) of 2000, as amended in accordance with the Protection of Personal Information Act (POPIA) of 2013, requires that all retirement funds and other juristic entities maintain a PAIA / POPIA Manual – this is required by 1 July 2021 .
2. We have prepared a draft manual that we believe meets the requirements of the respective Acts – this is attached to this note. **We recommend that the attached draft Manual is accepted and be posted on the Fund's website.** The last page of the manual should be signed by the Principal Officer / Information Officer.
3. Note that with effect from 1 July 2021, the responsibility for oversight functions under the PAIA will be transferred to the Information Regulator under the POPIA.

Prepared by:

Willis Towers Watson – May 2021

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Some of the information included in this memo involves our interpretation of certain statutes and regulations.

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NATIONAL TERTIARY RETIREMENT FUND

(P.F. 12/8/30)78

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO.2 OF 2000 (“THE PAIA” or “THE ACT”)

Compiled & updated May 2021

The National Tertiary Retirement Fund is a pension fund registered under the Pension Fund Act, No.24 of 1956.

Contact details:

Principal Officer – PJ van der Merwe

Fund’s registered postal address – Private Bag X41, Braamfontein 2017

Fund’s registered physical address – Brooklyn Bridge Office Park, 1st Floor - Steven House,
570 Fehrsen Street, Brooklyn, 0181

Principal Officer Telephone – 010 549 1101

Principal Officer E-mail – jacquesvdm@retfunds.co.za

Website – n/a

The Act:

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act. Details are available at the Department of Justice website, <https://www.justice.gov.za/paia/paia.htm>

Requesters are referred to the Guide in terms of Section 10 of the Act, originally compiled by the South African Human Rights Commission and now made available by the Information Regulator, which will contain information for the purposes of exercising Constitutional Rights in terms of the Act and the Protection of Personal Information Act, 2013 (“the POPIA”). A link to the Guide can be found at <https://www.sahrc.org.za/index.php/understanding-paia>. With effect from 1 July 2021, oversight functions under the Act will be managed by the Information Regulator under the POPIA.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27 11 877 3600

Website: www.sahrc.org.za

The contact details of the Information Regulator are:

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Website: www.justice.gov.za/infoereg/

Records held by the Fund:

Category	Subject	Availability add website if applicable
Public matters	<ul style="list-style-type: none">Rules of the Fund	Available on request or at the Fund's registered address.
Financial	<ul style="list-style-type: none">Financial StatementsActuarial valuation reportsInvestment policy statement	Available on request or at the Fund's registered address.
Member information	<ul style="list-style-type: none">A wide range of member data is held by the Fund as required for the Fund to record contributions and process benefits payable to members. Further details are provided below.	May be requested on due motivation in terms of the PAIA and in compliance with POPIA.
Miscellaneous	<ul style="list-style-type: none">Trustee registers, agendas, minute books, investment and insurance contracts, other service provider contracts, investment statements and reports, correspondence relating to the business of the Fund.Communication sent to members of the Fund.	<p>May be requested on due motivation in terms of the PAIA and in compliance with POPIA.</p> <p>Recent member communication is available on the Fund's website.</p>

Pertaining to the Protection of Personal Information Act:

(i) The purpose of the information processing:

Retirement funds, and by extension service providers to those funds, are required to process Personal Information under the Pension Funds Act of 1956 (including all subsequent Amendments, Regulations, associated Circulars, or Conduct Standards), in order to give effect to the rights of members to benefits in terms of the rules of the fund. The processing of Personal Information may be required, amongst other aspects, in order to allocate contributions made by or on behalf of members, the facilitation of benefit payments, the issuance of benefit statements and other correspondence, the completion of Annual Financial Statements, the completion of actuarial statutory valuations, the completion of annual audits, the resolution of queries or complaints, and the calculation of actuarial projections or other calculations, and to carry out the necessary record-keeping in support of these actions.

(ii) A description of the categories of data subjects and of the information or categories of information relating thereto;

- The Fund – The Fund, as a registered retirement fund, is itself a data subject. Information relating thereto includes contractual agreements, Fund Rules, meeting agendas, meeting minutes, any correspondence related to the Fund and its actions, reporting of any nature prepared for the Fund including financial

statements and actuarial reports, any Board appraisal, any advice received by the Fund, or any other such detail which exists as a function of the Fund's legal existence and the relevant legal requirements.

- Fund active members – These data subjects are members of the Fund, as defined by the Fund Rules, for whom contributions are received into the Fund. Information relating thereto includes:
 - All static information which may include names, ID number, date of birth, member numbers, employee numbers, gender, pensionable service date, and normal retirement date.
 - Relevant Fund information which may include Fund membership category, pensionable salary information, risk salary information, cost to company information, Fund Credit, contribution options, investment choice options, dependants and nominated beneficiaries, worksite address, and past transfer information.
 - Contact information.
- Fund preservation (or paid-up) members – These data subjects are members of the Fund, as defined by the Fund Rules, for whom contributions are no longer received into the Fund, but who retain a retirement fund interest in the Fund in the form of a Fund Credit. Information relating thereto includes:
 - All static information which may include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, and normal retirement date,
 - Relevant Fund information which may include Fund membership category, Fund Credit, investment choice options, dependants and nominated beneficiaries, worksite address (if applicable), and past transfer information.
 - Contact information.
- Life and living annuitants – These data subjects are in receipt of a pension from the Fund in terms of the Fund Rules. They may be members, who, upon retirement have elected a life and/or living annuity pension from the Fund or the beneficiaries of members that have died in service who are in receipt of a life annuitant. Information relating thereto include:
 - All static information which may include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, actual retirement date, qualifying spouse's date of birth, minimum period for which the life annuity is to be paid, percentage spouse's pension payable on the death of the retiree and where applicable children's date of birth
 - Relevant Fund information which may include past Fund membership category, Fund Credit applied to secure a life and/or living annuity, periodic pension details, minimum period for which the life annuity is to be paid, percentage spouse's pension payable on the death of the retiree, investment choice options (living annuity only) and dependants and nominated beneficiaries (living annuities only).
 - Contact information.
- Beneficiaries – These data subjects include all individuals who may have a vested interest in the Fund as a result of a benefit payable, an unclaimed benefit, or a benefit due to them as a result of a relationship to a former member of the Fund in accordance with Section 37C of the Pension Funds Act (including children classed as dependants). Information relating to these includes:
 - In the case of former members of the Fund, all static information which may include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date and date of exit.

- In the case of former members of the Fund, relevant Fund information which may include past Fund membership category, benefit amount, investment choices previously made, dependants and nominated beneficiaries, and past transfer information.
 - Contact information of the former member of the Fund in question.
 - In the case of dependants and nominated beneficiaries (who may be minors), contact information, the nature of the relationship to the former member, and any other such information to assist with the decision making as required by Section 37C of the Pension Funds Act (e.g. names, ID numbers, date of births, dependency level, health and financial status, etc).
- Former members – These data subjects include all individuals who at one stage formed part of the membership of the Fund, be it in the capacity of an active member, a preservation member, a beneficiary, or a life or living annuitant. Information relating to these would include historic information as outlined for these categories above.
 - Board Members – These data subjects are the appointed Board Members to the Fund in accordance with Section 7A of the Pension Funds Act of 1956. Information relating to these includes names, contact information, ID numbers, occupation, qualifications, and training attended.
 - Principal Officer – This data subject is the appointed executive officer to the Fund in accordance with Section 8 of the Pension Funds Act of 1956. Information relating to these includes name, citizenship, contact information, ID number, qualifications, and training attended.
 - Participating Employers – These data subjects are any companies permitted to participate in the Fund as defined by the Fund Rules. In relation to a particular member, the term Employer means the Employer in whose service the member is employed at the time. Information relating to these includes company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed duties to the Fund.
 - Service Providers – These data subjects are those parties who have been appointed by the Board of the Fund either in accordance with the requirements of the Pension Funds Act of 1956 or with the intent to perform a necessary duty to fulfil Board objectives and duties as contemplated under Section 7C and Section 7D of the Pensions Fund Act of 1956. These parties perform necessary functions for the Fund and, where applicable, are remunerated for their services – they include the Fund’s administrator, auditor, actuary, consultant, the insurers of the insured benefits provided to Fund members, and the investment managers or investment product providers. Information relating to these includes company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed duties to the Fund.

(iii) The recipients or categories of recipients to whom the personal information may be supplied;

Recipients of Personal Information (both in relation to the Fund and in relation to the various categories of Fund members and other individuals described above) may include:

- The Fund itself;
- Participating Employers;
- Board Members;
- Principal Officer;
- The regulator (Financial Sector Conduct Authority); and
- Service Providers as described above.

noting that all information supplied to the above parties is done so for a specific, explicitly defined and lawful purpose related to a function or activity of the Fund. The Fund seeks to ensure that Personal Information is only shared with Service Providers to the extent necessary for the functions that they perform for the Fund.

(iv) Planned transborder flows of personal information:

In certain circumstances, there may be transborder flows of Personal Information. The most likely such circumstance is the storage of Personal Information on service provider servers which may be based outside of the Republic (e.g. cloud based storage of information). In such cases, the Fund requires the service providers to ensure that suitable security measures are in place and that the storage of such information accords with both South African data protection laws as well as any foreign laws which may apply. In all cases the Fund seeks to comply with the POPIA requirements relating to transborder data flows.

(v) A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

Under Section 7D (2)(a), the Board may delegate functions and duties to other parties so as to ensure the successful completion thereof. The Board obtains commitments from all such parties in respect of information security and concludes formal data security agreements with such parties in order to ensure that appropriate references to data confidentiality, integrity, and availability of information are included. Furthermore, all service provider agreements are expected to incorporate the principles related to the POPIA, declarations are required by all service providers in terms of whether any breaches were experienced, and all service providers are required to have suitable data protection policies and procedures in place.

Additionally, besides this manual, the Fund has established the following policies:

- Communication policy;
- Board Member Code of Conduct; and
- Confidentiality policy which outlines the required practices and processes of the Fund and the standards to which the Fund seeks to hold its service providers, Board Members and others who may process personal information as referred to above.

Rights of Fund members and other stakeholders, under the Protection of Personal Information Act:

The rights of “data subjects” whose Personal Information is processed are set out in Section 5 of the POPIA and include the following:

- The right to be informed that your Personal Information is being collected and processed;
- The right to be notified of any “data breaches” (when your Personal Information falls into the hands of an unauthorized party);
- The right to be told what Personal Information is held for you.

Should you want more information on the Personal Information which the Fund holds for you, or specific additional information on how the Fund complies with the PAIA and POPIA (beyond what is set out in this manual), please contact the Principal Officer / Information Officer.

Requesting information from the Fund in terms of the PAIA:

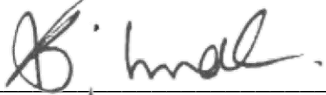
To make a formal request for information under the PAIA, kindly:

- Use the prescribed form (Form C), available on the website of the Information Regulator at <https://www.justice.gov.za/infoereg> and also attached to this Manual.
- Address your request to the Principal Officer / Information Officer.
- Provide sufficient details to enable the Fund to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d) (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to a written response) the manner and particulars thereof;
 - (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Fees payable in terms of the PAIA:

The following applies to formal requests made under the PAIA (other than personal requests):

- A requestor is required to pay the prescribed fee (currently R50) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid;
- The fee structure is available on the website of the SAHRC at www.sahrc.org.za.



Name

Principal Officer and Information Officer of the National Tertiary Retirement Fund

May 2021

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Principal Officer / Information Officer: National Tertiary Retirement Fund

B. Particulars of person requesting access to the record

- | |
|---|
| (a) The particulars of the person who requests access to the record must be given below. |
| (b) The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names and surname:

Identity number:

D. Particulars of record

- | |
|--|
| (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. |
| (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios. |

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

- (a) 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.
- (b) You will be *notified of* the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends *on* the form *in which* access is required and the reasonable time *required* to search for and prepare a record.
- (d) If you qualify for exemption *of* the payment *of* any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to 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 required.

Disability:	Form in which record is required:
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Mark the appropriate box (overleaf) with an X:

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested 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 for 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:			
	copy of record*		inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	view the images	copy of the images"	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack audio cassette	transcription of soundtrack* written or printed document	

4. If record is held on computer or in an electronic or machine-readable form:				
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (e.g. PDF file)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES	NO

G 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 requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. 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 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 to the record?

Signed at.....PRETORIA..... This..22nd... day ofJUNE.....2021



SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE