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## **M A N U A L**

*IN ACCORDANCE WITH*

**THE PROMOTION OF ACCESS TO  
INFORMATION ACT (NO. 2 OF 2000)**

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# BOARDS OF TRUSTEES OF THE SAFCOL RETIREMENT FUNDS

REPUBLISHED FROM THE GAZETTE OF PARLIAMENT

## PROMOTION OF ACCESS TO INFORMATION ACT, 2000 SECTION 51 MANUAL IN RESPECT OF THE SAFCOL RETIREMENT FUNDS

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#### A. INTRODUCTION

1. The Promotion of Access to Information Act, no 2 of 2000 was introduced to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith. The SAFCOL Retirement Funds are deemed to be "private bodies" in terms of the Act, and are therefore obliged in terms of section 51(1) to compile for publication and distribution a manual containing where applicable :
  - (a) the postal and street address, phone and fax number and, if available, electronic mail address of the head of the body;
  - (b) a description of the guide referred to in section 10, if available, and how to obtain access to it;

- (c) 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;
  - (d) a description of the records of the body which are available in accordance with any other legislation;
  - (e) 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
  - (f) such other information as may be prescribed.
2. The manual published for purposes of accommodating the requirements of section 51 of the Act, apply to all the SAFCOL Retirement Funds, e.g. :
- (a) SAFCOL Pension Fund (No 12/8/29912/1)
  - (b) SAFCOL Pension Linked Provident Fund (No 12/8/29913/1)
  - (c) SAFCOL Provident Fund (No 12/8/29912/1)
  - (d) SAFCOL Provident Fund for Senior Executives (No 12/8/31162/1)

## B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

### 1. CONTACT DETAILS [Section 51(1)(a)]

Postal address	Principal Officer, PO Box 177, Silverton, 0127
Street address	13 Stamvrug Street, Val de Grace, Pretoria
Phone number	012 – 481 – 3590 012 – 481 – 3500
Fax number	012 – 804 – 5133 012 – 481 – 3585
Electronic mail	jraath@safcol.co.za

### 2. THE SECTION 10 GUIDE ON HOW TO USE THE ACT [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

#### **The South African Human Rights Commission:**

##### **PAIA Unit**

##### **The Research and Documentation Department**

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [paia@sahr.org.za](mailto:paia@sahr.org.za)

### 3. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [Section 51(1)(d)]

The following Acts of Parliament may apply to the SAFCOL Retirement Funds in respect of records to be available for access:

Pension Funds Act No 24 of 1956

**4. ACCESS TO THE RECORDS HELD BY THE SAFCOL RETIREMENT FUNDS [Section 51(1)(c) and (e)]****i. The latest notice regarding the categories of records of the SAFCOL Retirement Funds, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]**

Private bodies, such as the SAFCOL Retirement Funds may on a voluntary and periodic basis submit the Notice to the Minister. The purpose of such Notices is to ensure regular listing of such information that is available without someone having to make a request in terms of the Act. This serves to minimise unnecessary requests in terms of the Act.

Currently no such Notice has been submitted by the SAFCOL Retirement Funds. Members, former members and other beneficiaries of the Funds may, however, have access to the following information without making a request in terms of the Act:

- The Rules of the relevant retirement fund
- The member booklet of the relevant retirement fund
- Annual financial statements of the relevant retirement fund
- Benefit statements issued to members
- Quotations of benefits to be paid as at a specific date on a bi-annual basis
- Particulars of the formulas applied for the calculation of the benefits of a member or a former member
- Trustee resolutions on the approval and disposal of benefits

**ii. Records that may be requested in terms of the Act**

1. Access to the following records may be requested provided that the requirements for such access have been met and the relevant fees have been paid :

- (a) Administration
  - Minutes of Trustee meetings
  - Correspondence between the funds and other stakeholders
  - Actuarial valuations
  - Member records
- (b) Operations
  - Contracts for fund management by service providers
  - Agreements with underwriters of death and disability cover
  - Contracts for actuarial services
  - Contracts for fund investment management
  - Membership statistics
- (c) Finances
  - Particulars of fund investments
  - Financial statements
  - Audit reports

**iii. Procedures for requesting access to information****Form of request:**

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must

be made to the address, fax number or electronic mail address of the body concerned [Section 53(1)].

- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [Section 53(2)(a), (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [Section 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [Section 53(2)(f)].

**Fees:**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [Section 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [Section 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [Section 54(6)].
- For more particulars of the forms required and the fees prescribed, please consult Regulation 187 made under Section 92 of the Act, and published in the Gazette dated 15 February 2002. Particulars may also be obtained from the addresses referred to in paragraph 2 above.

5. OTHER INFORMATION AS MAY BE DESCRIBED [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. AVAILABILITY OF THE MANUAL

This manual is available for inspection at the registered office of the SAFCOL Retirement Funds at 13 Stamvrug Street, Val de Grace, Pretoria.

Copies of the manual are available :

- with the SA Human Rights Commission;
  - in the Gazette;
  - at the contact address of the SAFCOL Retirement Funds; and
  - at the Head Office and local offices of SAFCOL and its subsidiaries.
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