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MANUAL

IN ACCORDANCE WITH

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



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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PROGRESSOR PROVIDENT FUND

MANUAL

**PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000
FOR ASSISTANCE IN REQUESTING INFORMATION FROM**

PROGRESSOR PROVIDENT FUND

(1)

Contact details of the Fund

Old Mutual
Employee Benefits
Progressor
P.O. Box 1014,
Cape Town 8000,
South Africa
(021) 509 4139
(021) 5097616
nhyde@oldmutal.com



(2)

The Guide

The Guide will be made available from the South African Human Rights Commission, not later than August 2003.

(3)

Records which are available without a person having to request access in terms of this Act.

1. The Fund Mission Statement
2. The Rules of the Fund
3. The Valuation Certificate
4. The Financial Statement

(4)

Subjects under which the Fund holds records

(a) **Fund Records**

The Rules of the Fund
Insurance Policy documents
Investment Contracts
Contract with Fund Administrator
Contract with Actuary
FSB Certificate of Registration
Tax Approval letter from SARS
Fund Register
Fund Minute Book

(b) **Member Records**

Members explanatory handbooks
Members contributions details

(c) **Trustees Records**

Fidelity and Indemnity cover
Trustees personal details

(5)

Records available in terms of other legislation

(6)

Other information as may be prescribed

The Act does not prescribe any other information in this respect, at this stage.

(7)

Availability of the Manual

In terms of section 9(1) of the PAIA, the Principal Officer must, immediately after the manual has been compiled make available a copy of the manual to-

- (i) the Human Rights Commission;
- (ii) the controlling body of which the private body is a member (FSB);
- (iii) publish the manual in a Gazette
- (iv) make available the manual on the website, if any, of the private body.

The Principal Officer -

- (i) must, during office hours and upon request, make available for public inspection a copy of the manual;
- (ii) may not charge a fee for a public inspection;

(8)

The Request procedures

The object of this section is to set out briefly the procedure to be followed by Principal Officers of Retirement Funds in dealing with formal (i.e. in terms of the Act) requests for information. It also contains draft copies of the various notices to be delivered in terms of the Act.

The Procedure:

- 1 In terms of the PAIA, a person requesting access to information (a “requester”) must complete and submit a prescribed **Form B**. A copy of Form B appears in the Regulations.
- 2 The **Form B** may be submitted by post, fax or e-mail to the Principal Officer of the Retirement Fund. Each Principal officer should therefore establish a postal address, telephone number, fax number and e-mail address.
- 3 Upon receiving **Form B** the Principal Officer must first *peruse* the form to ensure that it contains the following information:
 - sufficient particulars to enable the Principal Officer to identify the record or records requested and the requester;
 - the form of access that is required;
 - a postal address or fax number of the requester in the Republic;
 - the right the requester is seeking to exercise or protect and an explanation of why the requested record is required for the exercise or protection of that right;
 - if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner and the necessary particulars to be so informed;
 - if the request is made on the behalf of a person, proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Principal Officer.
- 4 If the Form does NOT contain sufficient particulars, the requester should be requested to submit an improved/amended Form.

- 5 If the Form contains sufficient particulars the Principal Officer must *search* for the requested information in the records of the Fund. In particular it must be established:
- Whether the information exists and is available;
 - Whether it qualifies as “personal information” for purposes of the Act. No Request fee or deposit is payable by a “personal requester”;
 - How long it will take approximately to prepare copies of the record and in what form access will be given eg. Photostat copies or floppy disc. This will determine the Access Fee and whether a deposit is payable by a non-personal requester;
 - Whether the request pertains to information of a Third Party;
 - Whether there may be any reason why the request for access to the specific information should be REFUSED. The Act sets out categories of information where access “*must*”, “*may*” or “*may not*” be refused or granted.
 - ***Important: In terms of Sec. 56 of the Act a Principal Officer must decide within 30 days of receiving a request whether to grant or refuse the request. A further 30-day extension is possible in terms of Sec. 57.***
- 6 **Notice to pay Request Fee and Deposit** If the request is not of personal nature the requester must be notified to pay a **Request Fee** and an **Access Fee** and a **Deposit** (if applicable). See **Notice 1**. It should again be borne in mind that the request need not be processed any further before receipt of payment of the request fee and deposit (if applicable).
- 7 **Access GRANTED: Notice to pay Access fee** If the request is for personal information, no request fee or deposit is payable. The personal requester must however be notified to pay the **Access Fee**. See **Notice 2**. It should be borne in mind that the request need not be processed any further before payment of the access fee is received.
- 8 **Access REFUSED** If the request for access is **REFUSED**, the requester must also be notified. See **Notice 3**. This notice must provide full reasons for the refusal. It also informs the requester of the remedies that he/she may follow in objecting to the

refusal.

- 9 **Extention of time period** If the search for and preparation of the record will take longer than the allowed 30 days, a further 30 days may be used, provided the requester be furnished with a notice in this regard. See **Notice 4**. This notice must give the reasons for the extension.
- 10 **Third Party Notices** If a request for access to the information pertaining to a so-called "third party" is received, then that "third party" must first be informed of the request by way of notice. See **Notices 5 and 6**. (Notice 6 contains an additional warning i.t.o. Sec. 71(2)(d) where the information might incriminate the third party in possible criminal action or where public safety or the environment might be at risk.)

The third party then has the opportunity to object (within 21 days) to the granting of access to the information. He/she may also consent in writing to the granting of access.

- If the third party consents in writing to access, then the access may be granted.
 - If the third party requests the Fund NOT to give access (by way of written or oral representations), then the IO must decide whether to GRANT or REFUSE access to the information.
 - If access is **REFUSED**, the third party must be notified. See **Notice 7**.
 - If access is **GRANTED**, the third party must be notified. See **Notice 8**. This notice will state that the third party has 30 days to lodge a court application against the decision, failing which the information will be furnished to the requester.
- 11 The Act contains various further provisions relating to the granting of access to medical information, the legal steps that a requester can follow where he/she is dissatisfied with a decision of a Principal Officer, etc. The purpose of this manual is only to give a rough indication of the immediate procedure to follow in dealing with requests for access to information.

PROGRESSOR PENSION FUND

MANUAL

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Tax Approval letter from SARS
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Fund Minute Book

(b) Member Records

Members explanatory handbooks
Members contributions details

(c) Trustees Records

Fidelity and Indemnity cover
Trustees personal details

(5)

Records available in terms of other legislation

(What records does your particular Fund hold in terms of other legislation?)

(6)

Other information as may be prescribed

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