

EJOBURG RETIREMENT FUND'S PAIA MANUAL

prepared in terms of section 51 of the Promotion of Access to Information Act, 2000

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1. LIST OF ACRONYMS AND ABBREVIATIONS AND DEFINITIONS

- 1.1 **Fund** means the eJoburg Retirement Fund, registration number 12/8/36961;
- 1.2 **Guide** means the Guide on How to Use PAIA promulgated in terms of section 10 (1) of PAIA and updated by the Regulator;
- 1.3 **Head** means the Fund's Principal Officer;
- 1.4 **Information Officer** means the Fund's information officer appointed in terms of POPIA who is the Head of the Fund who, in this case, is also the Funds Principal Officer and Monitoring Person;
- 1.5 **Minister** means the Minister of Justice and Correctional Services;
- 1.6 **PAIA** means the Promotion of Access to Information Act, 2000;
- 1.7 **PAIA Manual** means this manual;
- 1.8 **POPIA** means the Protection of Personal Information Act, 2013;
- 1.9 **Regulator** means the Information Regulator; and
- 1.10 **South Africa** means the Republic of South Africa.

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1 check the categories of records held by the Fund which are available without a person having to submit a formal PAIA request;
- 2.2 understand how to request access to a record of the Fund, by providing a description of the subjects on which the Fund holds records and the categories of records held on each subject;
- 2.3 know the description of the Fund's records which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer who will assist the public with the records they wish to access;
- 2.5 know the description of the Guide and how to obtain access to it;
- 2.6 know if the Fund will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.8 know if the Fund transfers or processes personal information outside South Africa; and
- 2.9 a general description allowing a preliminary assessment of the suitability of the Fund's information security measures to be implemented to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO THE FUND'S INFORMATION

3.1. Head of the Fund and the Fund's Information Officer

Name: Mr Isgaak Jarodien, the Fund's Principal Officer
Tel: 072 604 6821
Email: eJoburgPO@gmail.com

3.3 Access to information general contacts

Email: EJHB@momentum.co.za

3.4 Fund's Head Office

Postal Address: Private Bag X41, Braamfontein, 2017
Physical Address: 129 Rivonia Road, Sandton, 2146
Telephone: 0860 44 45 51
Email: EJHB@momentum.co.za
Fund's website: <https://mra.momentum.co.za/momentum/portals/>

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. In terms of section 10 (1) of PAIA the Regulator has revised, updated and made available the Guide, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The Guide describes:
the objects of PAIA and POPIA;

- 4.3.1. the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 4.3.1.1. the Information Officer of every public body, and
- 4.3.2. the manner and form of a request for:
 - 4.3.2.1. access to a record of a public body contemplated in section 11¹; and
 - 4.3.2.2. access to a record of a private body contemplated in section 50²;
- 4.3.3. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 4.3.4. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.5. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
 - 4.3.5.1. an internal appeal;
 - 4.3.5.2. a complaint to the Regulator; and
 - 4.3.5.3. an application with a Court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.6. the provisions of sections 14³ and 51⁴ of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.7. the provisions of sections 15⁵ and 52⁶ of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.8. the notices issued in terms of sections 22⁷ and 54⁸ of PAIA regarding fees to be paid in relation to requests for access; and
- 4.3.9. the regulations made in terms of section 92⁹ of PAIA.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained:
 - 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6. A copy of the Guide is also available in English for public inspection during normal office hours at the Fund's head office.

¹ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

² Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

³ Section 14(1) of PAIA- The information officer of a public body must, **in at least three official languages**, make available a manual containing information listed in paragraph 4 above. The Fund uses an external and independent Translator.

⁴ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁵ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁶ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁷ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

⁸ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

⁹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5. CATEGORIES OF RECORDS OF THE FUND WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Fund portal	Available upon request
Certificate of registration	Hard copy/electronic		
Fund's Rules and approved Rule Amendments	Hard copy/electronic		
Fund's annual financial statements	Hard copy/electronic		
Fund's statutory valuation reports	Hard copy/electronic		
Fund policy documents. Practice Notes, agreed by its Trustees	Hard copy/electronic		
Privacy Policy Statement	Electronic		

6. DESCRIPTION OF THE FUND'S RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

No	Category of record	Ref	Act
1.	Employment contracts and other employment records	75 of 1997	Basic Conditions of Employment Act
2.	Court orders and payment records	70 of 1979	Divorce Act
3.	Employment records	55 of 1998	Employment Equity Act
4.	Statutory licences and records	28 of 2001	Financial Institutions (Protection of Funds) Act
6.	Statutory licences and records	9 of 2017	Financial Sector Regulation Act
7.	Statutory licences and records	97 of 1990	Financial Services Board Act
8.	Accounting and tax records and source documents	58 of 1962	Income Tax Act
9.	Employment records	66 of 1995	Labour Relations Act
10.	Court orders and payment records	99 of 1998	Maintenance Act
11.	Statutory records including member, pensioner, beneficiary and dependant records, contribution, benefit and payment records, trustee meeting packs and minutes, valuations, investment records, reports and returns	24 of 1956	Pension Funds Act
13.	PAIA Manual	2 of 2000	Promotion of Access to Information Act

14.	Privacy policy and other records required for compliance with POPIA	4 of 2013	POPIA
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7. DESCRIPTION OF THE SUBJECTS ON WHICH THE FUND HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE FUND

Subjects on which the Fund holds records	Categories of records
The creation, existence, operation and administration of the Fund	Fund rules, rule amendments, licences and other authorizations, statutory and other reports, advice and records, records of decisions of principal officer and trustees
Fund's assets and financial position	Asset and financial records
Retirement fund membership and benefits	Identity records of members, dependents, beneficiaries, employees and participating employers, membership records, contribution records, benefit records, employment records, union membership records, tax records, regulatory reports and records
Participating employers	Identity records, financial records, bank account records, employee records and contact information, regulatory reports and records
Suppliers and service providers	Identity records, tax records, contracts, licences and other authorizations, bank account records, contact information, BBBEE scorecard records, insurance records, employee and agent records, advice, reports and valuations, as applicable, communication records, regulatory reports and records
Trustees	Recruitment records, identity records, contracts, contact information, meeting minutes, regulatory reports and records
Regulatory records	returns, reports and communication with regulators

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

8.1.1 The Fund processes personal information in relation to its active, paid-up, deferred, non-contributory and former members and members' beneficiaries, dependants and nominees (**Member Information**) to register members of the Fund, receive and allocate member contributions and transfers from other retirement funds, make transfers to other retirement funds, invest and manage funds and allocate returns, issue benefit statements, prepare annual financial statements, for annual audits, statutory actuarial valuations and calculating actuarial projections, to verify identity, contact and bank details, to receive and process claims and deductions and pay benefits (including the distribution of death benefits), to provide annuity quotations for members on retirement, to resolve questions and complaints, to ensure the security of our business and systems including information processed using the Infrastructure, to comply with the law including the Pension Funds Act, 1956 tax laws, any applicable collective agreement and the requirements of the Pension Funds Adjudicator (**PFA**), Financial Sector Conduct Authority (**FSCA**), South African Revenue Service (**SARS**) and other regulators (**Applicable Laws**), to keep records including backups of the Fund's IT systems, to communicate with and manage the Fund's contracts and relationships with its administrator, other suppliers and stakeholders and to securely and properly manage the Fund.

8.1.2 The Fund processes personal information relating to participating employers in relation to registering members of the Fund, receiving, reconciling and allocating contributions, managing the Fund and reporting to the PFA, FSCA, SARS and any other regulators.

- 8.1.3 The Fund uses the personal information which it provided to the Fund through its Administrator's website for the purposes for which the personal information was provided and to communicate with the person who provided it.
- 8.1.4 We process personal information relating to our Trustees (**Trustee Information**) in relation to the selection and appointment of Trustees, their registration with the FSCA, their management of the Fund including arranging, attending and recording board meetings and their decisions, in communication with the FSCA and other regulators and in compliance with the law including Applicable Laws.
- 8.1.5 We process personal information relating to the Fund's Principal Officer (**Principal Officer Information**) in relation to the selection, appointment, conclusion and management of the Fund's contract with the Principal Officer, registration of the Principal Officer with the FSCA and in managing the Fund.
- 8.1.6 We process personal information relating to the Fund's potential and actual suppliers of goods and services (**Supplier Information**) in relation to the selection and appointment of suppliers, concluding and managing contracts with them, compliance with laws including the Applicable Laws and the management of the Fund.
- 8.1.7 The Fund also processes personal information as necessary to open accounts and receive and process payments through banks to comply with money laundering and terrorist financing laws including the Financial Intelligence Centre Act, 2001, to receive and make payments, pay refunds and communicate with you and the bank in relation to such payments or refunds.
- 8.1.8 The Fund processes information about enquiries it receives for the purposes of responding to that enquiry.
- 8.1.9 The Fund processes information in communications (**Communication Information**) to communicate with various person, to comply with the law including Applicable Laws and to keep records.
- 8.1.10 The Fund processes personal information to investigate, assess, establish, exercise or defend legal claims in any forum, for audits, for asset valuations including statutory valuations, to prepare annual financial statements, to obtain expert advice, to identify, mitigate and manage risks and to obtain, maintain and claim under insurance cover to manage the Fund, to identify, manage and protect the Fund against risk and deal with any disputes or claims by or against the Fund including legal proceedings in any forum, when required to do so by law and as necessary to cooperate with any regulator or law enforcement agency and when necessary to protect life or other vital interests of any person.

8.2 Description of the categories of data subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Members including active members, paid-up members, former members, beneficiaries, dependants and pensioners	name, date of birth, age, gender, address, contact information, registration numbers or identity or passport numbers, employee numbers, employment information, tax contact number, bank details, normal retirement date, Fund joining date, salary information, financial information, previous membership to other funds, health information, information about marital status and dependants including children, medical aid membership information, trade union membership and information contained in court orders that are relevant to the Fund
Participating employers	name and identity/passport numbers, contact information (including phone numbers, email and other addresses) of relevant individuals and bank account and other financial information

Categories of Data Subjects	Personal Information that may be processed
Potential and actual suppliers and service providers	names, identity/passport numbers/registration number, contact information (including phone numbers, email and other addresses), tax and VAT numbers, Broad-Based Black Economic Empowerment verification certificates and other relevant licences, authorisations and accreditation and bank account details
Potential and actual Trustees	name, contact information, education, employment information, race, gender, credit and criminal record checks and information relating to conflicts of interest.

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Third party recipients or categories of recipients to whom the personal information may be supplied
Any and all of the personal information listed in paragraph 8.2, as applicable	The Fund's Administrator and its sub-operators or service providers who need to process that personal information to provide services to the Fund, dependants, beneficiaries, former spouses, representatives of members/pensioners/beneficiaries/dependants
Benefit statements and benefit values	When required by law, participating employers
Fund's bank details, communications and records of decisions relating to financial affairs and assets	Those of the Fund's service providers who hold, invest, manage, value and report on its assets such as banks, asset and investment managers, valuers, actuaries, underwriters and regulators
Personal information relating to Trustee decisions	the Fund's Trustees
All personal information which the Fund is required to provide by law such as information required to identify and verify the identity of a person, Member Information, benefit statements, nomination forms and other beneficiary or dependant information, tax and financial information of the Fund and current and former members, pensioners, dependants and beneficiaries	Law enforcement agencies, the PFA, FSCA, SARS and other regulators including tribunals and the courts

8.4 Trans-border flows of personal information

The Fund may send personal information offshore as follows:

- 8.4.1 to asset and investment managers and similar service providers situated outside South Africa in as necessary to facilitate offshore investments;
- 8.4.2 where information is published on the Fund's Administrator's website or where someone requires the Fund to use an online platform for communication and that online platform transfers personal information offshore the personal information in that publication or communication may be available in foreign countries where that platform operates or stores data and may be available through the Internet around the world;
- 8.4.3 where the Fund is obliged by law to use an online platform which transfers personal information offshore such as when reporting COVID information to the Department of Health on the platform operated by the National Institute for Communicable Diseases;

- 8.4.4 to European Union (Momentum's servers are backed on Office 365 in the Microsoft Cloud) where the Fund's Administrator's website is backed up;
- 8.4.5 to European Union where the Fund's administrator's email servers and file servers are hosted and where backups of these servers are held;
- 8.4.6 if a Microsoft Teams meeting with the Fund on its administrator's platform is recorded, that recording may be stored on Microsoft OneDrive which is backed up in the European Union.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

The Fund, via its Administrator, Momentum, takes appropriate and reasonable technical and organisational steps to protect personal information against unauthorised access or disclosure including ensuring that the Fund's Administrator's website, email system, call centre, Whatsapp or SMS facilities, post or other hard copy reception facilities or other infrastructure (and the Fund's other operators' infrastructure on which personal information is processed) is protected by physical and electronic access control, encryption, appropriate firewalls and malware and virus protection.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on the Fund's website:
eJoburgretirementfund.co.za;

9.1.2 at the Fund's head office for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The Head of the Fund, with the assistance of external POPIA Consultants, will regularly update this Manual.

Issued by



Mr Isgaak Jarodien
The Fund's Principal Officer & Information Officer