

PSG Wealth Retirement Funds Access to Information Manual

December 2021

PSG Wealth Retirement Annuity Fund
(Fund Number: 12/8/0023601)

PSG Wealth Preservation Pension Fund
(Fund Number: 12/8/0037189)

PSG Wealth Preservation Provident Fund
(Fund Number: 12/8/0037187)

As required in terms of section 51 of the PROMOTION OF ACCESS TO INFORMATION ACT No. 2 of 2000 ("PAIA") and The Protection of Personal Information Act, 4 of 2013 ("POPIA").





Document information

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When we refer to “we” or “us” in this Manual that means the Fund and its Board. “You” or “your” means you, the requestor of information from the Fund.

The aim of the Promotion of Access to Information Act (PAIA)

- The aim of PAIA is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of your rights.
- PAIA provides you with the right of access to information held by public and private bodies when you request such information in accordance with the provisions of PAIA, for the exercise or protection of any of your or another person’s rights.
- If you make such a request, a public or private body must release the information unless PAIA or any other relevant law states that the records containing such information may not be released.

Protection of personal information in terms of section 51(1)(c) of PAIA

The Fund (and its service providers) collect and use Personal Information to administer membership, receive contributions, make investments and disinvestments, allocate and pay benefits to the Fund’s members and their beneficiaries. Personal Information is also used for the following specific purposes¹:

- Providing retirement benefit counselling
- Maintaining and enhancing technological and administrative systems
- Communication with members and their beneficiaries
- Fraud prevention and detection
- Member and beneficiary tracing for purposes of the Fund’s administration and payment of benefits
- General compliance with legal, operational and regulatory requirements
- Support to members in relation to Fund membership
- Verification of identity
- Market research and statistical analysis
- Administering financial transactions
- Maintaining accounts and records

Categories of data subjects² and related information:

- Board Members
- Members
- Potential members
- Former members
- Nominees
- Dependants
- Complainants
- Witnesses
- Advisers/Independent Brokers

¹ The PSG Wealth Retirement Funds Privacy Notice is available at <https://download.psg.co.za/files/wealth/forms/PSG-Wealth-Retirement-Funds-Privacy-Notice>

² A “data subject” refers to a person to whom the Personal Information relates.



- External/Internal companies and contractors
- Service providers and administrators

Related information

- Personal details
- Financial details
- Family relations
- Personal view, preferences and opinions
- Education details
- Religious beliefs
- Race, ethnicity, gender
- Offences and alleged offences
- Physical and mental health details
- Criminal proceedings, sentences and records

The purpose of this manual

- The Fund wants to ensure that persons are aware of how they can make requests for information from the Fund and why the Fund processes personal information.
- In addition, the manual contains information about what records the Fund holds and processes, about whom, who the records are available to and whether they are available without you having to submit a formal PAIA request.
- The manual also states whether the Fund may process personal information outside South Africa as well as communication about the security measures securing and ensuring the integrity of information.
- You can read the manual to see who can assist you with your requests.

Some useful key words to remember

- **Board** means the group of persons appointed or elected as board members in terms of the Rules of the Fund and the Pension Funds Act.
- **Fund** is the retirement fund named on the first page and introduced above.
- **FSCA** means the Financial Sector Conduct Authority which is a public body that regulates and supervises retirement funds such as the Fund.
- **Information Officer** means the head of the Fund. That person may delegate this role to someone else. The information Officer is the person who will handle your PAIA and POPIA requests. See their details below.
- **Information Regulator** means the public body that enforces compliance with POPIA and PAIA.
- **PAIA** means the Promotion of Access to Information Act 2 of 2000, which legislation creates right to access certain information.
- **Personal information** means any information about a living human being or an existing company, close corporation, or other juristic person, provided that the human being or juristic person is



capable of being identified. It includes both public and private information. It includes special personal information. It excludes purely statistical information and de-identified information.

- **POPIA** means the Protection of Personal Information Act 4 of 2013, which legislation protects certain people's personal information.
- **Record** means any recorded information of all forms (including written, electronic, labelled, illustrative, or visual records) that the Fund possesses or controls, whether or not the Fund created them or when they came into existence.
- **Rules of the Fund** means the rules and amendments to the rules of the Fund, as registered by the FSCA from time-to-time.
- **Special personal information** means specific types of special personal information which are set out in POPIA with general and special processing grounds. Special Personal information is personal information about religious or philosophical beliefs, race or ethnicity, trade union membership or political persuasion, health or sex life, biometric information and criminal behaviour.

Introducing the Fund

- The Fund is a private body under PAIA. For many of its activities the Fund is a responsible party under the Protection of Personal Information Act (POPIA).
- The Fund is a registered pension fund under the Pension Funds Act. The Fund is governed by a Board and has a Principal Officer.

Contact details of the Fund (and the registered office)

The Fund's Information Officer can be contacted by using these details:

Name	Jan van der Merwe
Email address	jan.vandermerwe@psg.co.za
Postal address	PSG Wealth, Building 1, The Ingress Corner of Magwa and Lone Creek Crescents, Waterfall City, Waterval 5-Ir, Midrand, 2090

Information that is automatically available without a formal PAIA request

We can provide you with information without you having to make a formal request that complies with PAIA.



Available to all members, beneficiaries, and the Information Regulator for inspection:

- Rules of the Fund and amendments
- Fund's registration and approval documents
- Investment Policy Statement
- Fund Code of Conduct
- Fund Conflict of Interest Policy
- Communication Policy
- POPIA/Data Protection Policy
- Member Terms and Conditions
- Death Claim Information Pack

Available to *each member* of the Fund:

- The last benefit statement issued by the Fund for the requestor
- The relevant requestor's own member records
- Claim progress

What records are held by the Fund which must be formally requested before the information is supplied to a member or a third party?

- Minutes of Board meetings
- Board resolutions
- Board agenda packs
- Documentation of Board decisions
- Unclaimed benefits information
- Records of the operations of the Fund
- Members' and beneficiaries' personal information
- Spouses, ex-spouses, partners and family members of members personal information
- Children of members personal information
- Information about misconduct and alleged criminal behaviour of members
- New entrant forms
- Fund benefit statements
- Fund service provider agreements
- Information about service providers
- Correspondence with regulatory authorities, e.g., the FSCA
- Correspondence with the South African Revenue Services
- Reports to the South African Reserve Bank
- Returns to regulatory authorities
- Fund valuations or actuarial documents
- Board and other fund official's personal information
- Death claim investigations
- Nomination of beneficiary forms and beneficiary information
- Section 14 transfer and recognition of transfer documentation



- Claims forms and information including bank accounts and tax information
- Personal information of members related to the Fund
- Divorce and maintenance orders related to members
- Complaints and complaints management
- Legal opinions and litigation
- FICA documents

In terms of what legislation does the Fund hold records that may be accessed by certain persons?

The Fund is subject to many different laws and some of them require the fund to produce documentation or make it available.

- Constitution of the Republic of South Africa 108 of 1996 – general access to information rights.
- The Financial Sector Regulation Act 9 of 2017 – rights of Regulators, Ombud and Financial Services Tribunal to access information from the Fund for example in relation to licencing, supervision, transformation, register, on-site inspections, investigations and enforcement action. Standards issued under this Act may also require provision of information.
- Pension Funds Act 24 of 1956 - rights of members to access rules, the last revenue account and balance sheet, last valuation report, section 17 and 18 reports, complaints responses to complainants, retirement benefit counselling documentation, benefit statements and section 14 transfer communication. Adequate and appropriate information to members and beneficiaries regarding rights, benefits and duties in terms of the rules of the Fund. Disclosure requirements prescribed by the FSCA. Contributions reporting to members, the FSCA and the South African Police Service. Information to be made available to the FSCA by the Fund or its liquidator on registration and deregistration and for purposes of supervision, investigation, inspection, oversight of board members and other fund officials, dissolution or liquidation of the fund and enforcement. Information prescribed by the FSCA to be made available to stakeholders.
- Promotion of Administrative Justice Act 3 of 2000: insofar as the Fund's decision is administrative action, this Act requires written reasons to be provided for decisions.
- Financial Advisory and Intermediary Services Act 37 of 2002 – insofar as this legislation and the Codes issued under this legislation apply to funds, this legislation creates certain rights to information by customers of the Fund and Regulators of the Fund.
- Income Tax Act 58 of 1962- contains rights of the South African Revenue Service to information from the Fund, its members and beneficiaries, for example when the Fund is paying benefits.
- Broad-Based Black Economic Empowerment Act 53 of 2003 and the Financial Sector Charter- rights to information about transformation plans and statistics.
- Financial Institutions (Protection of Funds) Act 28 of 2001 – Regulator rights to information about investments, for example for enforcement purposes.
- Financial Intelligence Centre Act 38 of 2001 – rights to information by Financial Intelligence Centre to protect against money-laundering and other financial crimes.
- Prevention of Organised Crime Act 121 of 1998 - rights to information by certain public institutions to protect against financial crimes.
- The Divorce Act 70 of 1979 and Maintenance Act 99 of 1998 may require the Fund to provide information about a member's pension interest or fund credit to court officials, non-members spouses or family members (and their legal representatives).
- PAIA and POPIA - rights to this manual and the Guide and certain information about personal information we process as explained in this manual.



The Fund is also subject to subordinate legislation, such as Conduct Standards issued by the FSCA (as well as Joint Standards and Prudential Standards).

The above legislation may require additional procedural or substantive requirements for accessing information.

What procedure should you follow to obtain information or records from the Fund that require a formal request?

Format of the request

You *must* do both of the following:

- Please use the prescribed form - Form 2. You can find Form C on the Information Regulator's website: <https://www.justice.gov.za/inforeg>.
- The request must be made to the Information Officer using the contact details included above in this Manual.

If you are unable to read or write you may make a verbal request the Fund's Information Officer.

When you complete your PAIA form you must:

- Provide sufficient detail on the request form to enable us to identify your record and the requestor (you, if you are the requestor).
- Indicate which form of access is required e.g. electronic, paper.
- Indicate if there is a particular manner (way) to be used to inform the requestor (e.g. email or post) and state the particulars needed to be informed this way (e.g. email address).
- Identify the right that the requestor is seeking to exercise or protect.
- Give an explanation of why the requested record is required for the exercise or protection of that right.
- If the request is being made on behalf of someone else - give proof of the capacity of the requestor (we will need to be satisfied of this).

Note: if you do not use the prescribed form or do not complete it properly, your request may be rejected, refused (if sufficient information is not provided) or delayed.

All PAIA requests that we receive are evaluated and carefully considered in accordance with PAIA. Sometimes we may have to refuse your request and sometimes we are required to refuse your request. For example, the Fund must protect the personal information of third parties.



How long will we take to decide about your request?

- We will, within 30 (thirty) days of receipt of your request or less, decide whether to grant or refuse the request and give you notice with reasons (if required) to that effect.
- The 30 (thirty) day period which we must decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large number of information, or the request requires a search for information held at another office of the Fund and the information cannot reasonably be obtained within the original 30 (thirty) day period. We will contact you if we need an extension.

Remedies available to you when the Fund refuses a request

Internal Fund remedies

The Fund does not have internal appeal procedures. The decision made by the Information Officer is final. You will have to exercise external legal remedies at your disposal if the request for information is refused, and you are not satisfied with the answer.

External remedies

If you are not satisfied by a decision made by the Fund, for example for refusing access, for imposing access fees, or for extending the time period in which the response is due, you may apply to court for relief within 180 days of receiving the decision. The decision of the Fund will be reviewed by a court and a decision will be made by the courts as to whether or not to provide access to the requested records.

Fees

- Generally, fees need to be paid both for making a request and to cover the cost of providing access to records in terms of a request. There are, however, some exceptions.
- If the requester is granted access to the records they requested and they are not exempted from paying any fees, the Fund can charge prescribed fees. The Fund may decide not to charge fees.



Information Regulator's contact details

You can contact or complain to the Information Regulator using the following contact details:

Information Officer and Chief Executive Officer	
Name	Mr. Mosalanyane Mosala
Contact person	Ms. Pfano Nenweli
Email address	PNenweli@justice.gov.za
Deputy Information Officer	
Name	Ms. Varsha Sewlal
Email address	VarSewlal@justice.gov.za
Contact details	
Physical address	JD House, 27 Stiemens Street Braamfontein Johannesburg 2001
Postal address	PO Box 31533 Braamfontein Johannesburg 2017
Telephone number	010 023 5200
Website	https://www.justice.gov.za/infoereg

Signed on this 15th day of December 2021.

Information Officer of the Fund