

MIDLANDS BUILDING INDUSTRY RETIREMENT FUND

40 Essex Terrace
P O Box 582
Westville 3630
Fax: (031) 266-6348
e.mail: Vishane@masterbuilders.co.za

PAIA MANUAL

COMPILED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000

read together with the

THE PROTECTION OF PERSONAL INFORMATION ACT, NO 4 OF 2013 ("POPIA")

1. AN INTRODUCTION TO PAIA AND POPIA

1.1 The Promotion of Access to Information Act, 2000 ("PAIA") came into operation on 9 March 2001, which, inter alia, among other things:

1.1.1 seeks to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights;

1.1.2 sets out the requisite procedural issues attached to information requests, including the obligation to compile a PAIA Manual;

1.1.3 obliges both public and private bodies to compile a PAIA manual, which sets out how a person who wants to request certain information, which they believe they have a right to, may go about requesting such information.

1.2 The Protection of Personal Information Act, 4 of 2013 ("POPIA"), which largely commenced on 1 July 2020, gives effect to a person's rights to privacy, including the rights to data privacy. The Act prescribes a series of conditions which have to be met when personal information is processed and used by another person and establishes the minimum requirements for the processing of personal information.

1.3 POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

1.4 POPIA has established the office of the Information Regulator who will oversee and ensure that POPIA and PAIA are complied with by all persons, including individuals, and public and private entities in South Africa.

1.5 Where a person wants to obtain information from a private and / or private body, including Personal Information, in terms of PAIA or POPIA, then such person must make a request for the required information by following the laid out PAIA procedure and using the prescribed forms, described under the PAIA Manual.

Principal Officer: J de Castro - FSB Number: 12/8/8279

1.6 On receipt of the request, the body receiving the request must decide if it is able to provide the requested information to the requester in accordance with the provisions of PAIA.

2. OUR PAIA MANUAL

2.1 This Manual is compiled in accordance with section 51 of PAIA, as amended by POPIA.

2.2 This Manual applies to all information held by the Midlands Building Industry Retirement Fund.

2.3 For purposes of this Manual, we refer to ourselves as “Fund”, “we”, “us” or “our”.

2.4 This Manual sets out how any person may:

2.4.1 Go about requesting information, including personal information, which they believe we hold and which they have a right to;

2.4.2 Which forms have to be completed by such person requesting the information;

2.4.3 Any fees and / or deposits that may have to be paid before the requested information is provided, should we agree to provide the requested information;

2.4.4 Lodge a withdrawal, objection or complaint against the processing of personal information by us in terms of POPIA;

2.4.5 Make or file a request for us to delete or destroy personal information in terms of POPIA.

3. FUND PROFILE

Formerly Pietermaritzburg and Northern Areas Building Industry Pension Scheme, Fund Registrar of Pension Fund Reference Number: 12/8/8279, Established 17 August 1970.

The Fund is a Defined Contribution Fund, as the benefit to the member is determined by the contributions made to the Fund and the investment returns earned on these contributions. If the investment grows, the value of the benefit increases. If the investment depreciates, the value of the benefit decreases. This means that members carry the investment risk. The objective of the Fund is to enable members to receive a benefit (Fund Credit) when they retire.

The Fund was established as a privately administered Fund, controlled by its Board of Management. The Board is made up of representatives of the employees and the employers of the Fund.

Alexander Forbes Financial Services provide consulting and actuarial services for the Fund.

The Fund is governed by a set of rules that have been registered with the Registrar of Pension Funds.

4. OUR CONTACT DETAILS

Principal Officer - Mr J de Castro

Postal Address - P O Box 582, Westville, 3630

Physical Address - 40 Essex Terrace, Westville, 3629

Telephone Number - 031 831 3217

Fax Number - 031 266 2369

Principal Officer: J de Castro - FSB Number: 12/8/8279

Electronic Mail Address - benefits@masterbuilders.co.za

Website - www.kznretirementfunding.co.za

5. DETAILS OF OUR INFORMATION OFFICER

5.1 The details of our Information Officer are as follows:

Name: Joao de Castro

Tel: 031 831 3217

Email: mdecastro1@telkomsa.net

6. PAIA GUIDE

6.1 In order to assist those who are not familiar with PAIA or POPIA, a Guide that contains information to assist one in understanding how to exercise their rights under PAIA ("the Guide") is available in all the South African official languages.

6.2 The Guide is currently available on the following site: Understanding PAIA - South African Human Rights Commission <https://www.sahrc.org.za/index.php/understanding-paia>

6.3 If you need a copy of the Guide, please contact us or the Information Regulator and submit the prescribed form housed under Annexure "A".

6.4 If you have any general queries, please contact the Information Regulator directly at:

- JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- P.O Box 31533, Braamfontein, Johannesburg, 2017
- Complaints email: PAIAComplaints@inforegulator.org.za
- General enquiries email: enquiries@inforegulator.org.za

7. INFORMATION THAT IS AUTOMATICALLY AVAILABLE WITHOUT A PAIA REQUEST

7.1 All information which is housed in the public area of our websites, is automatically available, subject to our website disclaimer, without having to go through the formal PAIA request process.

7.2 Automatically available information includes:

7.2.1 Fund details

7.2.2 Holiday Pay Stamp Scheme

7.2.3 Trustee details

7.2.4 Member booklets and information

7.2.5 Media releases, etc.

7.3 The aforesaid automatically available information is available on the Fund website www.kznretirementfunding.co.za.

8. RECORDS KEPT IN TERMS OF THE OTHER LEGISLATION

Principal Officer: J de Castro - FSB Number: 12/8/8279

8.1 The Fund is subject to many laws and regulations, some of which require us to keep certain records.

8.2 The following records are available in accordance with the following legislation:

- The registered rules of the Fund (including amendments);
- The last revenue account and the last balance sheet prepared in terms of section 15(1) of the Pension Funds Act, 1956.
- The fee for such access, is set out on page 10 of the Manual.
- The last report (if any) by a valuator prepared in terms of section 16 of the Pension Funds Act, 1956;
- The last statement (if any) and report thereon prepared in terms of section 17 of the Pension Funds Act, 1956;
- Any scheme which is being carried out by the Fund in accordance with the provisions of section 18 of the Pension Funds Act, 1956.
- Basic Conditions of Employment Act, 75 of 1997
- Pension Fund Act, 24 of 1956
- Income Tax Act, 58 of 1962
- Labour Relations Act, 66 of 1995
- Unemployment Insurance Act, 63 of 2001
- Other related documents

Circulars

Documentation sent to members of the Fund containing fund information, investment performance and other information that might affect members.

Communications

Correspondence sent and received by the Fund.

Operation Information

Various documents generated during the daily running and management of the Fund, such as member information, staff information, contract, financial statements, documentation regarding the activities of the Fund and general information.

Particulars in terms of Section 51(1)(f)

No other information is prescribed.

8.3 This list is not exhaustive.

9. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 52(2) OF THE ACT

Category of records	Types of Records	Available on Website	Available upon request
About Us	General information. Details of Fund and Trustees.	✓	
Fund Details	General information and description of benefit offerings.	✓	
Holiday Pay Scheme	Description of services offered	✓	
Resources	News and information	✓	

10. A DESCRIPTION OF SUBJECTS WE HOLD RECORDS ON AND CATEGORIES OF RECORDS WHICH INFORMATION IS NOT AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(1)(e) OF THE ACT

10.1 The following information and records are not automatically available, and a person has to request access to these records by completing a request for information in the prescribed manner using the prescribed “Request for Access” form held under Form 2.

Claims (Withdrawals, Retirements, Deaths & Disabilities)

- Claim Notification Forms
- Calculations (where available), or computerized statement of claim value
- Tax Application (where applicable)
- Tax Directive (where applicable)
- IT 88 notifications
- Tax Certificate (Duplicate – where applicable)
- Client / member payment instruction (where applicable)
- Section 37D deduction instruction (where applicable)
- Copy of any other court order against benefits
- Payment letter
- Copy of cheque (or cheque/EFT payment reference)
- Trustees’ Resolution – Disposal of benefit (deaths only)
- Insurance received – statement by insurer (deaths only)
- Copy of death certificate
- Statement by Employer (disability only)
- Statement by Employee (disability only)
- Acceptance / Declination Letter (disability only)

Principal Officer: J de Castro - FSB Number: 12/8/8279

Member Data

- New entrant data
- Contribution records
- Installation & Acquisition data
- Statement of member fund value
- Additional benefit / surplus / calculations

Section 14 Transfers / Liquidations

- Calculations
- Option forms (where applicable)
- Tax application forms (where applicable)
- Tax directives (where applicable)
- Tax certificates (duplicate – where applicable)
- Payment letter (liquidations only)
- Copy of S14 application lodged (transferor fund)
- Copy of S14 (1) (e) certificate (transferee and transferor funds)

Housing Loans: Direct (i.e. this does not apply to situations where the fund has merely stood guarantee for the loan)

- Application form
- Contribution records
- Finalised / settled claims record / calculation
- Partial settlement as a result of default – claim forms and approval for this payment.

Funeral Benefit Claims

- Claim form
- Copy of death certificate
- Payment letter

Disability

- Medical Reviews – correspondence (where applicable)
- COCD (certificate of continued disability)
- Escalator notification
- Payment / Benefit confirmation letter
- Recovery Documentation
- Letter of Suspension / Reinstatement from underwriter

Principal Officer: J de Castro - FSB Number: 12/8/8279

Accounting records

- Cashbooks and reconciliations to bank
- General Ledgers
- Trial Balances
- Annual financial statements
- Audit files with working papers
- Bank statements of fund bank accounts
- Deposit slips (where applicable)

Miscellaneous

- Copies of signed rules and amendments
- Minute books
- Trustee registers
- Original or copies of all policy documents relating to GLA, PHI dread disease, stated benefits, travel, funeral, fidelity, etc (where the fund has such a benefit)
- Documentation relating to the review of insurances on an annual basis as well as the quotations obtained from insurers to a rebroke exercise.
- Agendas for all meeting to be held (if applicable secretarial services are performed)
- Investment manager mandates or policies of insurance depending on the nature of the investment
- Copies of statements detailing the asset values for a fund.
- Copies of communication sent to members of the funds in respect of specific events e.g. Trustees' reports, changes to death benefit structure, changes to fund structure etc
- Copy of service agreement between fund and Administrator
- Correspondence to the trustees in respect of fund matters
- Correspondence to members / pensioners, where applicable
- Fund statutory valuation reports
- Confirmation as to appointment of Principal Officer and Actuary of Fund
- Copies of Pension Fund Adjudicator complaints lodged
- Certain communication with SARS and FSCA

11. INFORMATION RELATED TO POPIA

In terms of POPIA we are required to provide persons (legal entities and individuals – data subjects) with a description of the personal information we process, the reason why it is processed, and who we may share this information with. The details are described below:

Principal Officer: J de Castro - FSB Number: 12/8/8279

11.1.1 Personal information we process - the type of personal information that we process will depend on the purpose for which it is collected. We will disclose to you as to why the personal information is being collected and what the personal information will be used for. Below is a listing of the personal information that is processed by us, including the category of data subject that it belongs to. The information provided under this section refers to broad categories of information.

This list is not exhaustive.

- **Clients - Natural persons:** names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.
- **Clients – Juristic persons / entities:** names of contact persons; name of legal entity; physical and postal address and contact details; banking details; registration number; founding documents; tax related information.
- **Contracted Service Providers:** Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; tax related information; BEE Certificate.
- **Intermediary / Advisor:** Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; BEE Certificate.
- **Employees / Directors / Potential Personnel /Employees’ family members / Temporary Staff:** gender, marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children’s names; physical and postal address; contact details; criminal behaviour and/or criminal records; well-being; external commercial interests; medical information; Biometric data; banking details; confidential correspondence.
- **Website end-users / Application end-users:** names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data.

11.1.2 Sharing of personal information - we may supply personal information to the following potential recipients which sharing is related to the purpose or reason why we are using the personal information:

- Trustees, Management and Employees of the Administrator including Temporary Staff;
- Contractors, Service Providers or Business Partners;
- Operators example Capital Alliance, Safrican;
- Stakeholders
- Law Enforcement Agencies and Regulators; and
- Other recipients

11.1.3 General description of information security measures – Fund employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to, or unauthorised destruction of personal information and unlawful access to or processing of personal information. These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;

Principal Officer: J de Castro - FSB Number: 12/8/8279

- Secure setup of hardware and software making up our information technology infrastructure; and
- Outsourced service providers who are contracted to implement security controls.
- 3 Tier Password authentication
- Data Encryption

11.2 Any request for access to personal information as per the provisions of POPIA, must be made in accordance with the provisions of PAIA. This process is outlined in paragraph 12 below.

11.3 You have the right to request the correction, deletion, or destruction of your personal information, in the prescribed form, for which forms are available on our website. We have also attached the prescribed forms to this Manual for your convenience under Form 3.

11.4 You may object to the processing of your personal information by completing the prescribed form, which is available to you, on our website. We have also attached the prescribed form to this Manual for your convenience under Form 3.

12. REQUEST PROCEDURE

12.1 PAIA states that a requester must be given access to any record of a private body if - that record is required for the exercise or protection of any rights; that person complies with the procedural requirements in this Act 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 PAIA. A request contemplated includes a request for access to a record containing personal information about the requester or the person on whose behalf the request is made.

12.2 Any request for access to a record or to personal information in terms of PAIA or POPIA must be made on the form attached hereto marked Form 2 - called - Request for Access to Record of Private Body, or one which substantially corresponds with the form.

12.3 A request for access to information which is not housed under this form, or which does not comply with POPIA or PAIA will be rejected and returned to you.

13. PRESCRIBED FEES

13.1 Section 54 of PAIA entitles Fund to levy a request fee where records are requested under PAIA.

13.2 No request fee may be charged where a data subject in terms of POPIA asks a responsible party to confirm, (*which must be done free of charge), whether or not the responsible party holds personal information about the data subject.

13.3 Where personal records have to be produced or provided to a requester by Fund, in terms of either PAIA or POPIA, then certain prescribed fees may be levied by Fund, and such records will not be disclosed until the necessary deposits and / or fees have been paid in full, where applicable.

13.4 The Fees payable will depend on the type of information requested. These fees are described in the regulations under Annexure B - Fees in respect of Private Bodies.

Fees in Respect of Private Bodies

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable form on: (iii) Flash drive (to be provided by requestor) (iv) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requestor) (vi) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any."

14. PROOF OF IDENTITY

When requesting records or information under PAIA or POPIA, you will be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

15. TIMELINES FOR CONSIDERATION OF A REQUEST FOR ACCESS

15.1 Requests will be processed within 30 (thirty) days, from date of receipt thereof, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

15.2 Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary, which in most cases would be a further period of 30 (thirty) days.

16. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

16.1 There are various grounds upon which a request for access to a record may be refused. These grounds include:

- The protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- The protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in the breach of a duty of confidence owed to a third party;
- If disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- If the record was produced during legal proceedings, unless that legal privilege has been waived;
- If the record contains trade secrets, financial or sensitive information or any information that would put the Fund at a disadvantage in negotiations or prejudice it in commercial competition; and/or

- If the record contains information about research being carried out or about to be carried out on behalf of a third party or by Fund.

16.2 Section 70 of PAIA contains an overriding provision: disclosure of a record is compulsory if it would reveal:

- a substantial contravention of, or failure to comply with the law; or
- there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

16.3 If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

17. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

17.1 If the Information Officer decides to grant a requester access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

17.2 Where the Information Officer declines any requester access to the particular record, such decision will be relayed to the requester. There is no internal appeal procedure.

17.3 In the event that you are not satisfied with the outcome you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

17.4 Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

18. AVAILABILITY OF THIS MANUAL

Copies of this Manual are available on the Fund's website – www.kznretirementfunding.co.za and at the registered offices of KwaZulu Natal Master Builders and Allied Industries Fund – 40 Essex Terrace, Westville, 3629 (during business hours).

19. DEFINITIONS

The following words or expressions will bear the following meanings in this Manual:

“POPIA” or “the Act” means the Protection of Personal Information Act, No. 4 of 2013;

Information Officer; means the designated information officer/s described in this Manual;

Data Subject: means the person to whom the information relates;

Personal Information; means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person,

Processing; means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information.

Principal Officer: J de Castro - FSB Number: 12/8/8279

Operator; a person who processes personal information on behalf of the responsible party.

A Responsible Party is defined in POPIA as “a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information”.

20. RETENTION AND DESTRUCTION OF PERSONAL INFORMATION

Records of personal information are not retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:

- a) Retention of the record is required or authorised by law;
- b) The data subject, or a competent person where the data subject is a child, has consented to the retention of the record.

When personal information is no longer required for the purposes for which it was collected, it will either be destroyed in a manner appropriate for the form that it takes, or it will be stored for the remainder of the period legally required.

Electronic Records

The following methods are used to destroy or delete personal information in an electronic form stored on electronic media. Electronic media includes computers, servers, USBs, CDs, portable devices and the like. Personal information stored electronically is erased in line with best practices. Documents are deleted using a secure utility that ensures that the information cannot be retrieved.

In terms of the business smartphones or tablets are concerned, all data will be wiped remotely:

- a) As soon as possible upon termination of employment or contract; and
- b) As soon as possible after the device is known to be lost or stolen.

Paper Records

All paper records are destroyed utilizing the secure services of an appropriate service provider.

Member Records

The board has agreed to retain member records indefinitely due to possible pay outs of future surplus and or reverted benefits.