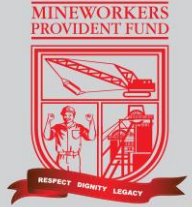


# **MINeworkERS PROVIDENT FUND**



Registration no: 12/8/23053/1

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## **PAIA MANUAL**

**Prepared in terms of section 51 of the  
Promotion of Access to Information Act  
2 of 2000 (as amended)**

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## 1. DEFINITIONS AND ABBREVIATIONS OF TERMS

This section includes definitions for all terms used within this policy

<b>Client</b>	Any natural (i.e., an individual) or juristic (e.g., a company, fund, or other legally recognized entity) person that receives services from Mineworkers Provident Fund.
<b>Employee</b>	Includes all permanent staff members, volunteers, and third-party contractors (product suppliers) who work for the Fund.
<b>Information Officer</b>	A person or persons acting on behalf of the Fund and who is responsible for discharging the duties and responsibilities assigned to the Information Officer or Chief Executive Officer of the Fund as prescribed in terms of PAIA and POPIA and will include a Deputy Information Officer as per the mentioned legislation.
<b>MWPF</b>	<b>Mineworkers Provident Fund</b>
<b>Other Requester</b>	Any requester other than a personal requester.
<b>Personal Requester</b>	A requester who is seeking to access a record containing personal information about themselves
<b>Requester</b>	Any person making a request for access to a record that is under the control of the Fund
<b>Third party</b>	Any natural or juristic person other than the requester, or, such party acting on behalf of the requester, or the Fund

## 2. LIST OF ACRONYMS AND ABBREVIATIONS

<b>“CEO”</b>	Chief Executive Officer
<b>“DIO”</b>	Deputy Information Officer;
<b>“IO”</b>	Information Officer;
<b>“Minister”</b>	Minister of Justice and Correctional Services;
<b>“PAIA”</b>	Promotion of Access to Information Act No. 2 of 2000(as Amended;
<b>“POPIA”</b>	Protection of Personal Information Act No.4 of 2013.
<b>“Regulator”</b>	Information Regulator; and
<b>“Republic”</b>	Republic of South Africa

### **3. WHO ARE MINEWORKERS PROVIDENT FUND?**

The Mineworkers Provident Fund was established with the main objective of providing benefits for dependents of members who die while in service.

The Fund has its own legal identity and is governed by the Pension Funds Act ('Act'), 1956. The Fund is a defined contribution Fund. This means that the member's retirement benefit is dependent on the contributions made and the investment growth thereon.

### **4. INTRODUCTION**

This Manual is developed in accordance with Section 51 of the Promotion of Access to Information Act, 2 of 2000 and Section 23 of the Protection of Personal Information Act, 4 of 2013.

In accordance with the Constitution of South Africa, everyone has the right to access any of their information in the possession of the State and/or in the possession of any other person for the purpose of protection of their personal information, the Promotion of Access to Information Act (PAIA) was enacted specifically for the purpose to achieve this right as included in the Constitution.

Together with the Promotion of Access to Information Act, the Protection of Personal Information Act (POPI) was enacted to give effect to the constitutional right to privacy and to everyone's right to have access to their private information.

### **5. PURPOSE**

The Purpose of this Manual is to assist the public to:

- 5.1 check the categories of records held by the Mineworkers Provident Fund which are available without a person having to submit a formal PAIA request;
- 5.2 have a sufficient understanding of how to make a request for access to a record of the Fund, providing categories of the subjects on which MWPF holds records;
- 5.3 know which records of the Fund which are available in accordance with any other legislation;

- 5.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist with the records to accessed;
- 5.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 5.6 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;
- 5.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 5.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 5.9 know if the Fund has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 5.10 know whether the Fund has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

## **KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE MINEWORKERS PROVIDENT FUND**

### **Information Officer**

Name: Frans Phakgadi  
Tel: +27 (0)10 100 3000  
Email: fphakgadi@mineworkers.co.za

### Access to information general contacts

Email: clientservices@mineworkers.co.za

## **National or Head Office**

Postal Address: 26 Ameshoff Street , Braamfontein, 2001

Physical Address: 26 Ameshoff Street , Braamfontein, 2001

Telephone: +27 (0)10 100 3000

Email: [clientservices@mineworkers.co.za](mailto:clientservices@mineworkers.co.za)

Website: [www.mwpcf.co.za](http://www.mwpcf.co.za)

The Manual is not only developed to comply with the provisions of PAIA and POPI, but also with the purpose of achieving the following:

- to ensure a culture of accountability and openness by providing for the effectiveness of the right to exercise the protection of any right
- to promote a suitable environment where all stakeholders of the Fund can have access to their personal information to enable them to protect and exercise these rights

## **6. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

The Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available the revised Guide on how to use PAIA (“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.

The Guide is available in each of the official languages and in braille. The aforesaid Guide contains the description of-

- the objects of PAIA and POPIA;

- the postal and street address, phone, and fax number and, if available, electronic mail address of-
  - ❖ the Information Officer of every public body, and
  - ❖ every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;

the manner and form of a request for:

- access to a record of a private body contemplated in section 50;
- the assistance available from the IO of the Fund in terms of PAIA and POPIA;
- the assistance available from the Regulator in terms of PAIA and POPIA;

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-

- ❖ an internal appeal;
- ❖ a complaint to the Regulator; and
- ❖ 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;

PAIA grants any person requesting access to their records that the Fund holds, if the request of the information is for the purpose of protecting their rights, specifically regarding their personal information as discussed and enshrined in POPIA. The Guide can also be obtained-

- upon request to the Information Officer;
- from the website of the MWPF ([https:// www.mwpf.co.za](https://www.mwpf.co.za)).

A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours.



## 7. CATEGORIES OF RECORDS OF THE MINeworkERS PROVIDENT FUND WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The Fund has the following records which are available without a request for access by completing Form C. These records are available on the website and may be downloaded or request telephonically or by sending an email or a letter.

Category of records	Types of the Record	Available on Website	Available upon request
Financials	Annual Financial Statements	X	X
Disclosures	Privacy notices	X	
Manuals	PAIA Manual	X	X
Regulatory	Rules of the Fund	X	X
Strategies	Investments	X	X

## 8. APPLICABLE LEGISLATION

<u>No</u>	<u>Ref</u>	<u>Act</u>
1	No 24 of 1956	Pension Funds Act
2	No 9 of 2017	Financial Sector Regulation Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 4 of 2013	Protection of Personal Information Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 7 of 1979	Divorce Act
10	No 2 of 2000	Promotion of Access to Information Act
11	No 30 of 1996	Unemployment Insurance Act
12.	No 108 of 1996	Constitution of the Republic of South Africa
13.	No 68 of 2008	Consumer Protection Act

## 9. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE MINEWORKERS PROVIDENT FUND

The Fund by way of its various business units have in their possession records.

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
Finance	Annual Reports, Strategic Plan, Annual Performance Plan, Annual Financial Statements, Risk and Financial Policies
Human Resources	<ul style="list-style-type: none"> <li>- HR policies and procedures</li> <li>- Advertised posts</li> <li>- Employees records</li> </ul>
Secretariat	- Board Meeting Minutes, Codes of Conduct, Policies and Procedures, Lease Agreements
Information Technology	- Data Security Policy, Contracts with service providers and developers, IT Systems processes and Manuals
Business Development	- Policies and procedures, contractual agreements, Service level agreements

## 10. PROTECTION OF PERSONAL INFORMATION

The Fund processes personal information for the purpose of providing retirements, insurance, and investments to employees within the mining sector. The processing of personal information is done prior to service level agreements and any contractual agreements being finalised. Any personal information is also processed in respect of recruitment, employee contracts, performance management, disciplinary action, and training.

The Fund may also use personal information in respect of audits, market research and for the Fund to comply with all legal obligations of the Fund in respect of regulatory requirements or for the purposes of any investigations and/or court proceedings including any other businesses aligned with

the Fund's business functions. The personal information that the Fund processes includes, but is not limited to the following in respect of members, trustees, beneficiaries, and employees:

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Members and Beneficiaries	Name and Surname, South African Identity number and/or passport number, Date of birth, Age, Marital Status, Contact numbers, Physical and postal address, Financial information ( these include benefit statements), Banking information; Information of minors listed as beneficiaries; Income Tax information
Trustees	Name and Surname; Identity numbers; Occupation; Employer; Business and residential addresses; Email Addresses; Contact numbers
Employees	Name and Surname; South African identity number or any other identifying number; Contact details; Physical and postal address; Date of Birth; Age; Marital Status; Race; Disability; Employment history; Criminal checks; Fingerprints; CV's; Qualification history; Banking details; Income Tax Reference Number; Remuneration and benefit information; Performance or disciplinary action information; Credit checks

The Fund shares personal information with third parties such as services providers to fulfil obligations in terms of service level agreements signed. The Fund also shares personal information with Medical Aid companies, retirement Funds and Recruitment agencies when applicable, regulators and law enforcement agencies and The South African Revenue Services (SARS).

## 11. PROCESS TO REQUEST ACCESS TO PERSONAL INFORMATION

A requester is any person making a request for access to any record held by the Fund. There are two types of requesters namely, a personal requester and other requesters.

A personal Requester is a member of the Fund and is seeking access to a record containing personal information about themselves. In this instance all the member's information pertaining to the Fund is available to them upon request, including:

- Fund Rules, Rule Amendments and Certificate of registration
- Financial Statements of the Fund
- The last statutory valuation of the Fund (unless the Fund is exempt)
- Policy documents relating to the Fund's fidelity Cover
- Risk Cover (if any is applicable to their participating employer of which they are employed)

A personal requester can obtain information and records from the Fund in the following ways:

- By writing a letter or sending an email or fax(if available) to the Fund or;
- By accessing the Fund's website

The Fund will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. No fees will be charged in respect of information requested by a personal requester.

The second type of requester is known as a other requester or third party. This requester is someone who is not a member of the Fund and can be regarded as third parties. In instances where the Fund receives a third-party request, the Fund is not obliged to grant access voluntarily.

The other requester must comply with the requirements for access in terms of PAIA by completing the request form and paying the fee. The said form is available as Annexure B to this manual or can be accessed on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za).

The request should be addressed to the Information Officer of the Fund the Requester should provide sufficient details to enable the Fund to determine the record of records requested and the identity of the person requesting the information and/or any person acting on behalf of any person where applicable The Fund has a prescribed period of 30 days within which to process the request received, unless the request contains details that will require an extension from the 30-day period.

Should the Fund require an extension of the 30-day time limit, the individual should be informed whether the access to the information is granted or denied. The third party must be advised of both the decision taken and their right to appeal against the decision by way of Application to court within 30-days after the notice.

Should the Fund decide to grant the access to the requested information the Fund should stipulate the applicable access fee that should be paid by the individual or any other party including any processes that should be followed if the individual wishes to appeal the fee that needs to be paid.

Should the Fund decide to decline a request for access to personal information, the Information officer should provide adequate reasons as why the decision was made to decline and provide the process to be followed in terms of PAIA should an appeal be lodge to a court of law against the decision to decline access to the requested information. Should the Information officer not provide a decision within the 30-day period it can be deemed as a refusal to grant the request.

## **12. GROUNDS FOR REFUSAL TO GRANT ACCESS TO INFORMATION**

The Fund may refuse a request for information based on the following grounds:

- The Fund has a duty to protect personal information as per POPIA and if granting access to the requested information will involve unreasonable disclosure of such personal information, the Fund can refuse access to such requested information
- Should the Fund be required to provide information regarding a third party, such as a service provider, and such information is protected in term of a signed service level agreement the Fund may refuse to grant access to the requested information
- Should the request for personal information be illegitimate, trivial or involve an unreasonable use of resources to acquire such information then the Fund should refuse to grant such a request for access of information.

This PAIA Manual will be available on the website of the Mineworkers Provident Fund, at [www.mwpf.co.za](http://www.mwpf.co.za) and copies of the Manual will also be available at the offices of the Mineworkers Provident Fund situated at 26 Ameshoff Street, Braamfontein, Johannesburg, Gauteng, South Africa

## **“ANNEXURE A : FEES”**

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access to records, the only charge that may be levied for obtaining such records will be a fee for reproduction of the requested record. The applicable fees for the reproduction are as follows

For every photocopy of an A4- size page or part thereof	<b>R1.10</b>
For every printed copy of an A4-size page or part thereof	<b>R0,75</b>
For a copy in a computer-readable form on flash drive	<b>R70</b>
A transcription of visual images per A4 Page	<b>R40</b>
A transcription of an audio record per A4 Page	<b>R20</b>
For a copy of an audio recording	<b>R30</b>
To search for a record that must be disclosed, or a part of an hour reasonably required for such search	<b>R30 per hour</b>

### **REQUEST FEES**

Where a request is made for access to information on a person other than that Requester, a request fee in the amount of R50,00 is payable up-front before The Fund will further process the request received.

### **ACCESS FEES**

An access fee is payable in all instances where access is granted, unless payment of an access fee is specifically excluded in terms of PAIA or an exclusion is determined by the Minister in terms of Section 54(8)

