

**CAPE MUNICIPAL PENSION FUND (“THE FUND”)
(P.F. 12/8/909)**

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, NO.2 OF 2000 (“THE PAIA” or “THE ACT”)**

Compiled & updated May 2021

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1. Introduction

The Cape Municipal Pension Fund (“the Fund”) is a pension fund registered under the Pension Funds Act, No.24 of 1956.

2. Purpose and objective of the Fund

The purpose of the Fund is to provide retirement, resignation, death and, if applicable, disability benefits for its members according to rules agreed with participating employers. The objective of the Fund is to provide employers with a good value for money employee benefit retirement solution.

3. Contact details

Principal Officer and Information Officer – Ms Layla Savahl

Fund’s registered physical address – 18th Floor, Towers South, The Towers, 2 Heerengracht, Cape Town, South Africa

Telephone – 021 418 4140

E-mail – info@capefund.com

Fund website – www.capefund.com

4. **The Promotion of Access to Information Act and The Human Rights Commission Guide**

The Act grants a requester access to records of a private body, if the record exists and is required for the exercise or protection of any right, unless access is refused under the provisions in the Act.

If the requester is a public body, it must show that it is acting in the public interest.

Details of the prescribed procedures for requests in terms of the Act are available at the Department of Justice website, <https://www.justice.gov.za/paia/paia.htm>.

The South African Human Rights Commission (“SAHRC”) has issued a guide to help a person wishing to exercise any right contemplated in the Act. The contact details of the SAHRC are as follows: Postal address: Private Bag 2700, Houghton, 2041; Telephone Number: 011 877 3600; Website: www.sahrc.org.za.

With effect from 1 July 2021, oversight functions under the Act will be managed by the Information Regulator under the Protection of Personal Information Act (“the POPIA”). The contact details of the Information Regulator are as follows: Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017; Website: www.inforegulator.org.za.

5. **Records held by the Fund**

Category	Subject	Availability
Public matters	<ul style="list-style-type: none">• Rules of the Fund	Rules available on request, at the Fund’s registered address, or on the Fund’s website.
Financial	<ul style="list-style-type: none">• Financial statements• Actuarial valuation reports• Investment policy statement	Available on request, at the Fund’s registered address, or on the Fund’s website.
Member information	<ul style="list-style-type: none">• A wide range of member data is held by the Fund as required for the Fund to record contributions, accumulate savings and process benefits payable to members. Further details are provided below.	For members in the Fund’s Defined Contribution section, the member’s benefit statement, Member Share value, investment channels and related information are available to the member via a password protected page on the Fund’s website, the Fund administrator’s website or on request. Any member may ask for specified details regarding their Fund benefits from the Fund. These records are private to the member and any other access to these records must be requested by a requester making application

Miscellaneous	<ul style="list-style-type: none"> • Trustee registers, agendas, minute books, investment and insurance contracts, other service provider contracts, investment statements and reports, correspondence relating to the business of the Fund. • Communication sent to members of the Fund. 	<p>in terms of the PAIA and in compliance with POPIA.</p> <p>These records are not in the public domain and a requester seeking access to these records must submit an application in terms of the PAIA and in compliance with POPIA.</p> <p>Recent member communication is available on the Fund's website.</p>
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6. Pertaining to the Protection of Personal Information Act

(i) *The purpose of the information processing:*

Retirement funds, and by extension service providers to those funds, are required to process Personal Information under the Pension Funds Act of 1956 (including all subsequent Amendments, Regulations, associated Circulars, or Conduct Standards), in order to give effect to the rights of members or their dependents to benefits in terms of the rules of the fund. The processing of Personal Information may be required, amongst other aspects, in order to allocate contributions made by or on behalf of members, the facilitation of benefit payments, the issuance of benefit statements and other correspondence, the completion of Annual Financial Statements, the completion of actuarial statutory valuations, the completion of annual audits, the resolution of queries or complaints, and the calculation of actuarial projections or other calculations, and to carry out the necessary record-keeping in support of these actions.

(ii) *A description of the categories of data subjects and of the information or categories of information relating thereto;*

- The Fund – The Fund, as a registered retirement fund, is itself a data subject. Information relating thereto includes contractual agreements, Fund Rules, meeting agendas, meeting minutes, any correspondence related to the Fund and its actions, reporting of any nature prepared for the Fund including financial statements and actuarial reports, any Board appraisal, any advice received by the Fund, or any other such detail which exists as a function of the Fund's legal existence and the relevant legal requirements.
- Fund in-service members – These data subjects are members of the Fund, as defined by the Fund Rules, for whom contributions are received into the Fund. Information relating to these members includes:
 - All static information which will include names, ID number, date of birth, member numbers, employee numbers, gender, pensionable service date, and normal retirement date.
 - Relevant Fund information which will include Fund membership category, pensionable salary information, risk salary information, cost to company information, Member's Share value in the case of Defined Contribution

members and calculated benefit entitlements in the case of Defined Benefit members, contribution options, investment choice options where relevant, dependants and nominated beneficiaries, worksite address, and past transfer information.

- Contact information.
- Fund paid-up/deferred retirement members – These data subjects are members of the Fund, as defined by the Fund Rules, for whom contributions are no longer received into the Fund, but who retain a retirement fund interest in the Fund. Information relating to these members includes:
 - All static information which will include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, and normal retirement date,
 - Relevant Fund information which will include Fund membership category, Member Share value or calculated benefit entitlement, investment choice options where relevant, dependants and nominated beneficiaries, worksite address (if applicable), and past transfer information.
 - Contact information.
- Fund pensioners (some of whom may be minors), including living annuitants – These data subjects are members of the Fund, as defined by the Fund Rules, who are receiving a pension from the Fund. Information relating to these members includes:
 - All static information which will include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, and actual retirement date.
 - Relevant Fund information which will generally include past Fund membership category, Member Share value and investment choice options in the case of living annuitants, periodic pension details and pension history, dependants and nominated beneficiaries, and past transfer information.
 - Contact information.
- Beneficiaries – These data subjects include all individuals who may still have an interest in the Fund as a result of a benefit payable, an unclaimed benefit, or a benefit due to them as a result of a relationship to a former member of the Fund in accordance with Section 37C of the Pension Funds Act (including children classed as dependants). Information relating to these persons includes:
 - In the case of former members of the Fund, all static information which may include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date and date of exit.
 - In the case of former members of the Fund, relevant Fund information which may include past Fund membership category, benefit amount and tax deducted, history of their benefit accumulation, dependants and nominated beneficiaries, and past transfer information.
 - Contact information of the former member in question.

- In the case of dependants and nominated beneficiaries (who may be minors), contact information, the nature of the relationship to the former member, and any other such information to assist with the decision making as required by Section 37C of the Pension Funds Act (e.g. names, ID numbers, date of births, dependency level, health and financial status, etc).
- Former members – These data subjects include all individuals who at one stage formed part of the membership of the Fund, be it in the capacity of an active member, a paid-up/deferred retirement member, a beneficiary, or a living annuitant. Information relating to these would include historic information as outlined for these categories above.
- Board Members – These data subjects are the appointed Board Members to the Fund in accordance with Section 7A of the Pension Funds Act of 1956. Information relating to these includes names, contact information, ID numbers, occupation, qualifications, and training attended.
- Principal Officer – The Principal Officer is the appointed executive officer to the Fund in accordance with Section 8 of the Pension Funds Act of 1956. Information relating to these includes name, citizenship, contact information, ID number, qualifications, training attended, and current and historic remuneration details as well as relevant HR information.
- Other employees of the Fund – information relating to these includes name, citizenship, contact information, ID number, qualifications, training attended, and current and historic remuneration details as well as relevant HR information.
- Participating Employer – information held includes employer’s corporate details, responsible individuals, contractual agreements, contact information, and any other such information as required for successful participation in the Fund.
- Service Providers – These data subjects are those parties who have been appointed by the Board of the Fund either in accordance with the requirements of the Pension Funds Act of 1956 or with the intent to perform a necessary duty to fulfil Board objectives and duties as contemplated under Section 7C and Section 7D of the Pensions Fund Act of 1956. These parties perform necessary functions for the Fund and, where applicable, are remunerated for their services – they include the Fund’s administrator, auditor, actuary and consultant, the insurers of the insured benefits provided to Fund members, and the investment managers or investment product providers. Information relating to these includes company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed duties to the Fund and good governance of the service provider relationships.

(iii) The recipients or categories of recipients to whom the personal information may be supplied;

Recipients of personal information (both in relation to the Fund and in relation to the various categories of Fund members and other individuals described above) may include:

- The Fund itself;
- Participating Employers;
- Board Members;
- Principal Officer;
- The regulator (Financial Sector Conduct Authority); and
- Service providers as described above.

noting that all information supplied to the above parties is done so for a specific, explicitly defined and lawful purpose related to a function or activity of the Fund. The Fund seeks to ensure that personal information is only shared with service providers to the extent necessary for the functions that they perform for the Fund.

(iv) Planned transborder flows of personal information:

In certain circumstances, there may be transborder flows of Personal Information. The most likely such circumstance is the storage of Personal Information on service provider servers which may be based outside of the Republic (e.g. cloud based storage of information). In such cases, the Fund requires the service providers to ensure that suitable security measures are in place and that the storage of such information accords with both South African data protection laws as well as any foreign laws which may apply. In all cases the Fund seeks to comply with the POPIA requirements relating to transborder data flows.

(v) A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

Under Section 7D (2)(a), the Board may delegate functions and duties to other parties so as to ensure the successful completion of these. These service providers are referred to as Operators under POPIA. The Board obtains commitments from all such parties in respect of information security, and concludes formal data security agreements with such parties in order to ensure that appropriate references to data confidentiality, integrity, and availability of information are included. Furthermore, all operator agreements are expected to incorporate the principles related to POPIA, declarations are required by all operators in terms of whether any breaches were experienced, and all service providers are required to have suitable data protection policies and procedures in place.

The above also applies to the staff employed by the Fund, who are subject to the Fund's confidentiality policy. The Fund Office has its own data protection policies and procedures in place.

Certain service providers to the Fund will be classified as Responsible Parties under POPIA, which means that they are required in their own right to comply in full with the POPIA requirements. The Fund has obtained their commitments to do so.

Additionally, besides this manual, the Fund has established the following policies:

- Confidentiality policy;
- Board Member Code of Conduct; and

- Privacy policy which outlines the required practices and processes of the Fund and the privacy standards to which the Fund seeks to hold its service providers, Board Members, and others who may collect, hold, or process personal information as referred to above.

7. Rights of Fund members and other stakeholders under the Protection of Personal Information Act

The rights of “data subjects” whose Personal Information is processed are set out in Section 5 of the POPIA and include the following:

- The right to be informed that your Personal Information is being collected and processed;
- The right to be notified of any “data breaches” (when your Personal Information falls into the hands of an unauthorized party);
- The right to be told what Personal Information is held for you.

The Fund’s Confidentiality Policy is available on request from the Fund and its Information Officer - this encapsulates the Fund’s commitment to respecting the privacy rights of each data subject for whom or which the Fund collects, holds and/or processes personal information.

Should you want more information on the Personal Information which the Fund holds for you, or specific additional information on how the Fund complies with PAIA and POPIA (beyond what is set out in this manual), please contact the Fund or its Information Officer.

8. Requesting a record from the Fund in terms of the PAIA

A requester must:

- Use the prescribed form (Form 2), available on the website of the Information Regulator at <https://info regulator.org.za/paia-forms/> and also attached to this Manual (see below).
- Provide full details of the requester’s capacity (individual requester or agent acting for a requester) and contact details (postal address and e-mail address).
- Address the request to the Information Officer.
- State whether the request is (a) for a copy of a record, or (b) the right to inspect the record (which, if granted, will be at the registered address of the Fund).
- Provide sufficient details to enable the Fund to identify the record(s).
- The form of access required. A requester who is granted access to a record and who asks for access in a particular form, will ordinarily be given access in the manner that has been asked for, unless this would interfere unreasonably with the running of the Fund or damage the record, or infringe a copyright. If for practical reasons access cannot be given in the requested form but in another way, the fee must be calculated according to the way that the requester asked for it.
- State the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

9. Decisions and appeals

The Fund will consider the application for access to a record(s) sought, and will

- (a) Establish if the record(s) exist(s); and
- (b) If the record(s) exist(s), must grant access to the record if the requester has complied with the procedural requirements for a request unless the Fund decides to refuse access to the record(s) on one or more of the grounds set out in Sections 62 to 69 of the Act read with the provisions of Section 70 of the Act .

A requester whose application is refused by the Fund may make an application to Court as set out in the Act.

10. Fees payable in terms of the PAIA:

Where a copy of a record is of a record that the Fund routinely makes available to a member at no cost or at a prescribed rate, no PAIA fee is payable. Where a request is for a record of the personal information of the requester, no fee is payable.

Where a requester applies for a copy of any other record for the exercise of a right, the requester must

- Pay the prescribed requester fee (R50) before a request will be processed;
- If the preparation of a copy of the record in the form requested is expected to require more than six hours' work, pay a deposit of not more than one third of the access fee which would be payable if the request were granted;

Records may be withheld until the fees have been paid.

The fee structure is available on the website of the SAHRC at www.sahrc.org.za.

L Savahl

Layla Savahl
Information Officer of the Cape Municipal Pension Fund
May 2021

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer