# INCWADI YE-PAIA

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| **Isihloko:** | I-OPFA: INcwadi YE-PAIA |
| **Umgcini:** | UmNtu oNika uluNtu uLwazi /iSekela IomNtu oNika uluNtu uLwazi |
| **Ilungiswe Ngu:** | TBA |
| **Iyilwe ngo:** | Februwari 2021 |
| **Inombolo yeNguqulelo:** | V2 |
| **INombolo yoNgqinisiso** | TBA |
| **Umhla wokuVunywa:** | TBA |
| **UMhla wokuQala ukuSebenza:** | TBA |
| **Ivunywe Ngu:** | TBA |

## IPhepha lokuVunywa loXwebhu

### UMnini woXwebhu:

| IGAMA | ISIKHUNDLA | USAYINO | UMHLA |
|---|---|---|---|
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### Uxwebhu lucetyiswe ngu:

| IKOMITI | USihlalo | USAYINO | UMHLA |
|---|---|---|---|
| IKomiti yabaLawuli | MA Lukhaimane UMlamli weeNgxowamali zoMhlalaphantsi | | |
| IKomiti yemiNgcipheko kwezeMali | USihlalo | | |

### UkuVunywa loXwebhu:

| IKOMITI | USihlalo | USAYINO | UMHLA |
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| UGunyaziwe onoXanduva | UMkomishinala we-FSCA | | |

### Ithuba loQwalaselo Kwakhona eliNyanzelekileyo

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| Iza kuqwalaselwa kwakhona qho kunyaka wesibini okanye xa kusenzeka utshintsho olubalulekileyo |

**IPhepha loLawulo lweNguqulelo**

**Eli phepha kufuneka linike imbali yeenguqulelo zangaphambili zomgaqonkqubo kunye notshintsho olwenziweyo:**

| Inguqulelo | Umhla | Umbhali | Isimo | Uluvo/utshintsho |
|---|---|---|---|---|
| 1 | 1/7/2021 | I-OPFA ManCo | Itshintshiwe | |
| 2 | 13/12/2022 | I-OPFA ManCo | Itshintshiwe | Utshintsho lucetyiswe nguMlawuli oBeka iLiso aze aNyanzele ukuThobela kulandela utyelelo lohlolo. |
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# I-OPFA
# INCWADI YE-PAIA

## 1. INKCAZO YOMSEBENZI WE-OPFA / IINKONZO EZINIKIWEYO

IOfisi yoMlamli weeNgxowamali zoMhlalaphantsi (Office of the Pension Funds Adjudicator) (“OPFA”) ngugunyaziwe osemthethweni osekwe ngokweCandelo 30B lomThetho weeNgxowamali zoMhlalaphantsi, wama-24 ka-1956 (Pension Funds Act, 24 of 1956). Injongo engundoqo yoMlamli kukwenza izigqibo ngezikhalazo ezinxulumene nengxowamali ezifakwe ngokwecandelo lama-30A(3) lomThetho weeNgxowamali zoMhlalaphantsi, kunye nezikhalazo ezo uMlamli onyulelwe zona ngokwecandelo lama-211 lomThetho woLawulo lweCandelo lezeMali, 2017 (Financial Sector Regulation Act, 2017), ngendlela ehamba ngenkqubo efanelekileyo, enoqoqosho kwaye ekhawulezayo. I-OPFA liziko likarhulumente leShedyuli ye-3A njengoko kubhekiselwe kulo kumThetho woLawulo lweMali kaRhulumente, ka-1999 (Public Finance Management Act, of 1999).

## 2. INCWADI YOFIKELELO KULWAZI

Njengoko kufunwa liCandelo le-14 lomThetho wokuKhuthazwa koFikelelo kuLwazi wesi-2 ka-2000) (Promotion to Access of Information Act No 2 of 2000) (PAIA).

Le ncwadi ikunceda ukuba ufikelele kulwazi oluvela kwi-OPFA.

Le ncwadi iza kukunceda ukuba ufikelele kulwazi enalo i-OPF. I-OPFA kufuneka ngokwe-PAIA yenze ukuba le ncwadi ifumaneke kuwe ukuze ubone ukuba hlobo luni lolwazi enalo i-OPFA, ngokunjalo nokuba ungacela njani ukuba nofikelelo kulo.

## 3. IINKCUKACHA ZE-OPFA

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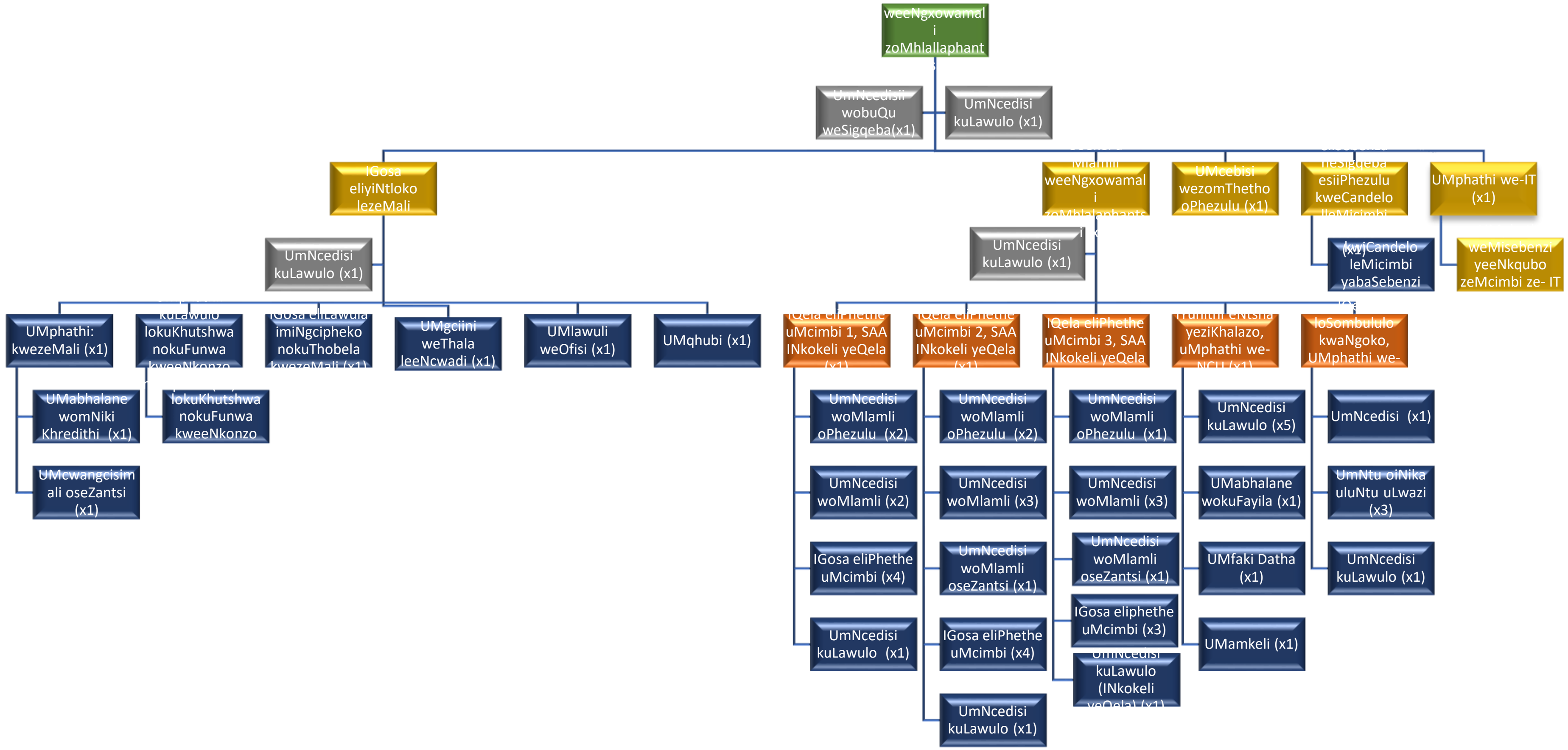
| **IGama elisemThethweni** | IOfisi yoMlamli weeNgxowamali zoMhlalaphantsi |
| **INombolo yoBhaliso** | Akukho nombolo kagunyaziwe osemthethweni ifunekayo |
| **IDilesi yeSitalato** | 4th Floor Riverwalk Office Park, Block A, 41 Matroosberg Road, Ashlea Gardens, PRETORIA |
| **IDilesi yePosi** | P.O. Box 580, MENLYN, 0063 |
| **INombolo yomNxeba** | 0123461738 |
| **INombolo yeFeksi** | 0866937472 |
| **Idilesi yeimeyile jikelele** | enquiries@pfa.org.za |
| **UmNtu oNika uluNtu uLwazi** | Muvhango Lukhaimane – muvhango.lukhaimane@pfa.org.za |
| **ISekela lomNtu oNika uluNtu uLwazi:** | Naheem Essop – naheem.essop@pfa.org.za |
| **INombolo yomNxeba** | 012 348 4000 |
| **Idilesi yewebhusayithi** | www.pfa.co.za |

## 4. ULWAKHEKO LWEQUMRHU



## 5. ISIKHOKELO SOMLAWULI OBEKA ILISO AZE ANYANZELE UKUTHOBELA

UMlawuli oBeka iLiso aze aNyanzele ukuThobela uqulunqe isikhokelo esixelwe kwiCandelo le-10 lomThetho. Esi sikhokelo siqulethe ulwazi olunjalo njengoko lunokufunwa ngokufanelekileyo ngumntu onqwenela ukusebenzisa naliphi ilungelo elixelwe kumThetho. Nayiphi na imibuzo ephathelene nesi sikhokelo kufuneka isiwe ku:

**The Information Regulator (South Africa)**

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

Umnxeba: 010 023 5200

I-imeyile: enquiries@inforegulator.org.za

Unokufumana ikopi yesikhokelo kananjalo ngokuqhagamshelana neSekela lomNtu oNika uluNtu uLwazi onkcukacha zakhe zivela ngentla.

## 6. IIREKHODI EZIGCINWE YI-OPFA

**Ulwazi olufumaneka ngaphandle kwesicelo se-PAIA**

ICandelo lama-30L lomThetho weeNgxowamali zoMhlalaphantsi libonelela ngokuba:

> ***30L. Irekhodi leenkqubo. —(***1*) UMlamli uya kugcina okanye enze ukuba kugcinwe, nokuba kungokubhaliweyo okanye ngendlela yobuchwepheshe okanye ye-eletroniki, irekhodi elisisigxina leenkqubo ezinxulumene nesigqibo ngesikhalazo kunye nobungqina obunikiweyo.*
>
> *(2) Naliphi na ilungu loluntu linokufumana ikopi efundekayo yerekhodi yentlawulo yemali ehlawulwayo emiselwe nguMlamli.*

Ngokufanelekileyo, unokucela ikopi efundekayo yerekhodi yeenkqubo ezinxulumene nesigqibo kwisikhalazo ngaphandle kwesicelo se-PAIA.

**Okuchazwe ngezantsi ziirekhodi esizigcinileyo, kwaye ngeke zikhululwe ngaphandle kwesicelo se-PAIA, zohlulwe ngokweendidi ukwenza lula ungqinisiso:**

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| IiRekhodi zoBuqu | Ulwazi lobuqu olunikwe ngabasebenzi.<br>Iirekhodi ezinikwa liqela lesithathu ngokunxulumene nabasebenzi.<br>Iimeko zengqesho kunye nolunye ulwazi lwabasebenzi olunxulumene noko.<br>Uhlolo lwangaphakathi kunye nezinye iirekhodi zangaphakathi.<br>Imbalelwano enxulumene nabasebenzi.<br>Iishedyuli nemathiriyeli yoqeqesho. |
| | |
| IiRekhodi zeNkampani | Iirekhodi zemali<br>Iirekhodi zokusebenza<br>Oovimba beenkcukacha<br>Ubuchwepheshe bonxibelelwano nge-eletroniki<br>Imbalelwano yangaphakathi<br>Iirekhodi zomthetho<br>IMigaqonkqubo neenkqubo zangaphakathi<br>Iirekhodi ezinxulumene nonoNdyebo<br>Iirekhodi ezigcinwe ngamagosa eNkampani |
| Iirekhodi zokufunwa nokukhutshwa kwempahla neeenkonzo | Iirekhodi zeqela lesithathu |

**UMTHETHO:**

QAPHELA: ImiThetho edwelisiweyo inika imisebenzi kunye namaxanduva athile kwi-OPFA, ukuba yeyiphi imisebenzi namaxanduva anxulumene nokukwazi kwe-OPFA ukusebenzisa igunya layo ngempumelelo. Uluhlu ayiloluhlu lubanzi lwayo yonke imithetho ekunokwenzeka ibe neempembelelo kwi-OPFA kodwa kukholelwa ukuba yimathiriyeli eninzi.

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| | **IYUNITHI YOLAWULO LWEMICIMBI** |
| 1. | Pension Funds Act, 24 of 1956 |
| 2. | Financial Sector Regulation Act, 7 of 2017 |
| 3. | Protection of Personal Information Act, 4 of 2013 |
| 4. | Promotion of Access to Information Act, 2 of 2002 |
| 5. | Promotion of Administrative Justice Act, 3 of 2002 |
| 6. | The Use of Official Languages Act, 12 of 2012 |
| | |
| | **IYUNITHI ENXULUMENE NEMICIMBI YABASEBENZI** |
| 7 | Labour Relations Act, 66 of 1995 |
| 8 | Occupational Health and Safety Act, 85 of 1993 |
| 9 | Employment Equity Act, 55 of 1998 |
| 10 | Skills Development Act, 97 of 1998 |
| 11 | Basic Conditions of Employment Act, 75 of 1997 |
| 12 | Compensation for Occupational Injuries and Diseases Act, 130 of 1993 |
| 13 | Unemployment Insurance Act, 63 of 2001 |
| 14 | Protected Disclosures Act, 26 of 2000 |
| | |
| | **IYUNITHI YEZEMALI** |
| 15 | Public Finance Management Act, 1 of 1999 |
| 16 | Preferential Procurement Policy Framework Act, 5 of 200 |
| 17 | Prevention and Combating of Corrupt Activities Act, 12 of 2004 |
| 18 | Broad Based Black Economic Empowerment Act, 53 of 2003 |
| 19 | Income Tax Act, 58 of 1963 |
| 20 | Prevention of Organised Crime Act, 121 of 1998 |
| | |

| | IYUNITHI YOBUCHWEPHESHE BOLWAZI NONXIBELELWANO |
|---|---|
| 21 | Electronic Communications and Transactions Act, 25 of 2002 |
| | |

**OLUNYE ULWAZI NJENGOKO LUNOKUMISELWA:**

I-OPFA iza kwenza kufumaneke naluphi na olunye ulwazi njengoko kumiselwe nguMphathiswa wezobuLungisa noPhuhliso loMgaqo-siseko ngokwemimiselo ngokomThetho.

## 7. INDLELA YOKUCELA UFIKELELO

Ukuthobela izibophelelo zethu ngokwe-PAIA, i-OPFA igunyazise kwaye yonyula umNtu oNika uluNtu uLwazi we-OPFA ukuba ajongane nemicimbi enxulumene ne-PAIA kunye ne-POPIA. Ukucela ufikelelo kwirekhodi nceda ugcwalise iFom yeSicelo soFikelelo ehlonyelwe ekupheleni kwale ncwadi efumaneka kananjalo ku-https://inforegulator.org.za/ uze uyingenise kwinkampani kwidilesi yayo yesitalato, okanye kwidilesi yeimeyile yoqhagamshelwano jikelele enikwe ngentla.

*I-OPFA inokulwala ufikelelo ukukhusela abanye*

Ngokwe-PAIA i-OPFA ivumelekile ukuba ilwale ufikelelo kumaxwebhu athile. Imihlaba yokwala kukukhusela –

- ubucala bomnye umntu;
- ulwazi lorhwebo lwenye inkampani;
- ulwazi oluyimfihlo lomnye umntu;
- ukhuselo lomntu kunye nepropati;
- iirekhodi ezivela ekuveliseni kwiinkqubo zomthetho; kunye
- nolwazi lophando.

Uya kwaziswa ngokubhalwe phantsi ukuba ingaba isicelo sakho sivunyiwe okanye sikhatyiwe na kwiintsuku ezingama-30 zekhalenda emva kokuba sifumene iFom yeSicelo soFikelelo egcwalisiweyo. Ukuba ngaba naliphi irekhodi le-OPFA elicelwe nguwe alifumaneki okanye alikho, i-OPFA, ngendlela yengxelo efungelweyo, iza kukwazisa ukuba ngeke kwenzeke ukufikelela kwelo rekhodi.

*Loluphi uhlobo eza kukunika ngalo ufikelelo i-OPFA*

Ukuba ngaba sivunyiwe isicelo sakho sofikelelo kwirekhodi ze-OPFA, i-OPFA iza kumisela ukuba iza kukunika njani ufikelelo, ngaphandle kokuba ucele ufikelelo ngohlobo oluthile.

## 8. IINDLEKO ZOKUFUMANA ULWAZI

Icandelo le-15(3) lixela ukuba imali ehlawulwayo yofikelelo kwiirekhodi kufuneka imiselwe. Imali ehlawulwayo emiselweyo ibekwe kwiShedyuli yeMali eHlawulwayo efumaneka ku-https://inforegulator.org.za/.

## 9. UKUSEBENZA NGOLWAZI LOBUQU

Ngokwe-POPIA i-OPFA kufuneka ichaze ngokweenkcukacha ukuba iza kusebenza kwaye iloluphi ulwazi eza kusebenza ngalo. Iinkcukacha zoku zifumaneka kwiwebhusayithi ye-OPFA phantsi koMgaqonkqubo wewebhusayithi ye-POPIA.

I-OPFA ayicebi kudlulisela lwazi lobuqu ngaphaya kwemida yase-SA, kodwa inokukwenza oko ukufumana kunye nokuxhasa idatha, okanye ngezizathu zobuchwepheshe. Uhlobo lwe-cloud computing luthetha ukuba idatha ethile inokudluliselwa ngaphaya kwemida. Apho kukulawulo lwe-OPFA, iza kudlulisela kuphela idatha kwamanye amazwe anemithetho yobucala nokhuselo lwedatha efanayo neyawo.

**Ilukhusela njani ulwazi lobuqu i-OPFA?**

I-OPFA izibophelele ekuqinisekiseni ukuba ulwazi lwakho lukhuselwe kwaye yamkele imigaqonkqubo ngokubhekisele ekuhlangabezaneni nale njongo. Ukuthintela

ufikelelo okanye ukuxelwa okungagunyaziswanga siye senza kwasebenza iinkqubo ngqo, eze-eletroniki nezolawulo ukukhusela kunye nokugcina ulwazi esiluqokelelayo.

Iinkonzo ezisebenzisayo i-OPFA  zisebenzisa ubuchwepheshe obukhuselekileyo bokuhanjiswa kunye nokugcinwa kwedatha ukukhusela ngokufanelekileyo ulwazi lwakho lobuqu ekubeni luxelwe ngokungagunyaziswanga kunye nokugcina ingqibelelo yolwazi lwakho lobuqu.

## 10. UNCEDO OLUFUMANEKAYO XA I-OPFA ISALA ISICELO SOLWAZI

### 10.1 UNCEDO LWANGAPHAKATHI

I-OPFA ayinazo iinkqubo zesibheno sangaphakathi. Ke ngoko, isigqibo esenziwe ngumNtu oNika uluNtu uLwazi sesokugqibela, kwaye abantu abacela ulwazi okanye amaqela esithathu kuza kufuneka basebenzise uncedo lwangaphandle olunjalo abanalo ukuba ngaba saliwe isicelo solwazi, kwaye umntu ocela ulwazi okanye iqela lesithathu alonelisekanga yimpendulo enikwe ngumNtu oNika uluNtu uLwazi.

### 10.2 UNCEDO LWANGAPHANDLE

Ngokwecandelo lama-77A(2) le-PAIA, umntu ocela ulwazi okanye nawuphi umntu onesikhalazo unokufaka isikhalazo ngokubhekisele kwisigqibo somNtu oNika uluNtu uLwazi kuMlawuli oBeka iLiso aze aNyanzele ukuThobela kwiintsuku ezili-180 zokufumana isigqibo ngendlela nohlobo olumiselweyo ngoncedo olufanelekileyo.

Ukuba ngaba i-OPFA iyasilela ukuthobela amagatya e-PAIA, umntu ocela ulwazi okanye nawuphi umntu onesikhalazo, ngokungqinelana necandelo lama-78 le-PAIA kunye nomThetho woKhuthazo lokuGcina imiThetho wesi-3 ka-2000 (PAJA), unokuya eNkundleni enolawulo ngoncedo olufanelekileyo.

Ukuba umceli wolwazi okanye iqela lesithathu alonwabanga ngesigqibo soMlawuli oBeka iLiso aze aNyanzele ukuThobela ngendlela yokufaka isicelo kunye nakwintsuku ezili-180, linokufaka isicelo enkundleni ngoncedo olufanelekileyo ngokwecandelo lama-82 le-PAIA.

## 11. AMAZWE ESEBENZA KUWO

I-OPFA isebenza eMzantsi Afrika.

## 12. UKUFUMANEKA KWENCWADI

Le Ncwadi yenziwe yafumaneka ngokoMmiselo oyiNombolo R. 187 wowe-15 Februwari 2002.

Incwadi ye-OPFA iza kufumaneka kananjalo kwiwebhusayithi yayo ku-www.pfa.co.za, nakwiiofisi ze-OPFA ngokwazo.