



# PAIA MANUAL

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<b>Custodian:</b>	Information Officer/Deputy Information Officer
<b>Prepared By:</b>	TBA
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## Document Approval Page

### Document owner:

NAME	POSITION	SIGNATURE	DATE

### Document recommended by:

COMMITTEE	Chairperson	SIGNATURE	DATE
Management Committee	MA Lukhaimane Pension Funds Adjudicator		
Risk Committee	Chairperson		

### Document Approval:

COMMITTEE	Chairperson	SIGNATURE	DATE
Accounting Authority	FSCA Commissioner		

### Mandatory Review period:

To be reviewed every second year or when significant changes occur

**Version Control Page**

This page should provide a history of previous versions of the policy and changes made:

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment / changes</b>
1	1/7/2021	OPFA ManCo	Amended	
2	13/12/2022	OPFA ManCo	Amended	Amendments suggested by Information Regulator pursuant to assessment visit.

# OPFA PAIA MANUAL

## 1. DESCRIPTION OF FUNCTION OF OPFA / SERVICES PROVIDED

The Office of the Pension Funds Adjudicator (“OPFA”) is a statutory body established in terms of section 30B of the Pension Funds Act, 24 of 1956. The main objective of the Adjudicator is to dispose of pension fund related complaints lodged in terms of section 30A(3) of the Pension Funds Act, and complaints for which the Adjudicator is designated in terms of section 211 of the Financial Sector Regulation Act, 2017, in a procedurally fair, economical and expeditious manner. The OPFA is a schedule 3A public entity as referred to in the Public Finance Management Act, of 1999.

## 2. ACCESS TO INFORMATION MANUAL

As required by Section 14 of the Promotion to Access of Information Act No 2 of 2000 (PAIA).

This manual helps you get access to information from the OPFA.

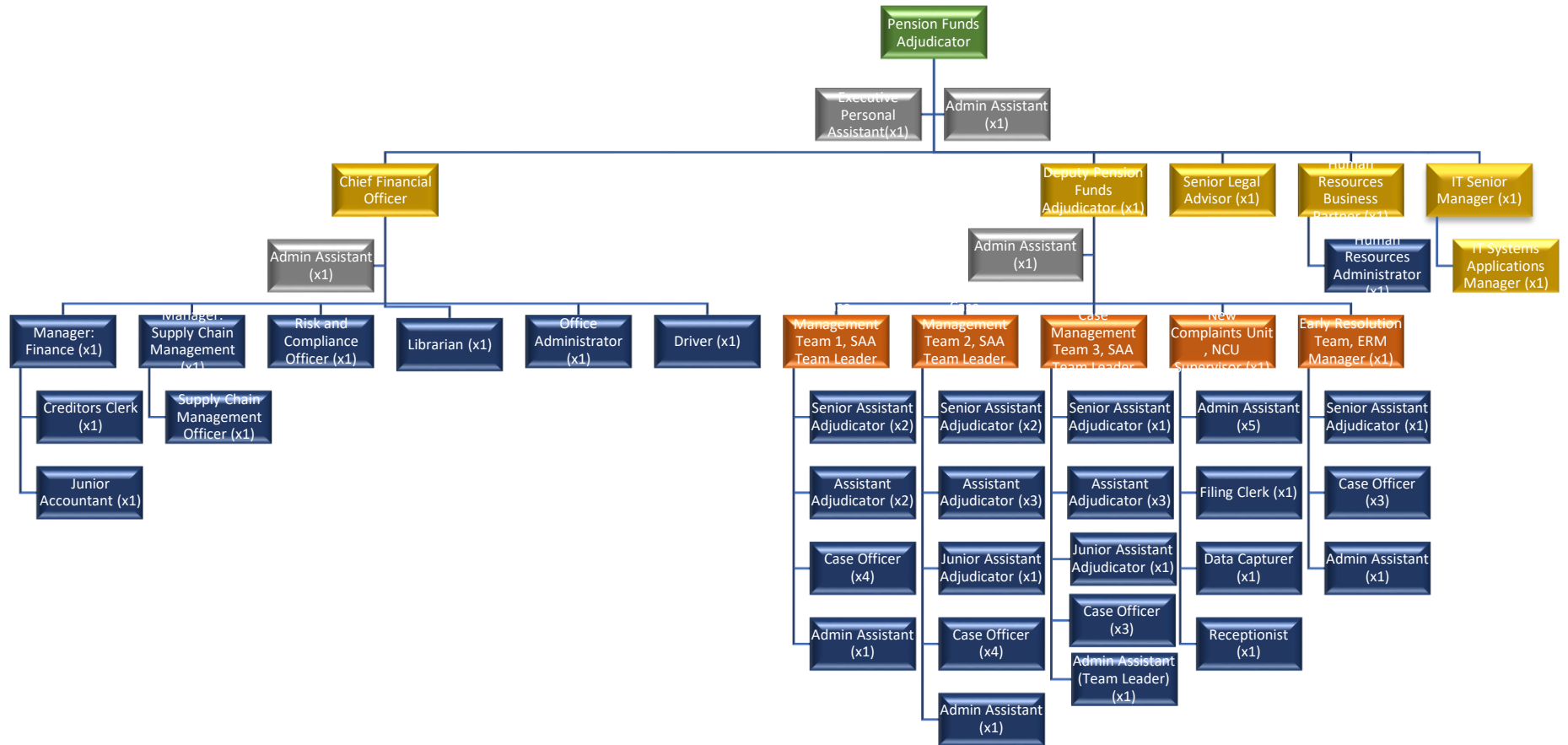
This manual will help you get access to information the OPFA holds. The OPFA is required in terms of PAIA to make this manual available to you so you can see what type of information the OPFA has, as well as how you can request to get access to it.

## 3. THE OPFA DETAILS

<b>Statutory Name</b>	Office of the Pension Funds Adjudicator
<b>Registration Number</b>	No registration number of statutory body required
<b>Physical Address</b>	4th Floor Riverwalk Office Park, Block A, 41 Matroosberg Road, Ashlea Gardens, PRETORIA
<b>Postal Address</b>	P.O. Box 580, MENLYN, 0063
<b>Telephone Number</b>	0123461738
<b>Fax Number</b>	0866937472

<b>General e-mail address</b>	enquiries@pfa.org.za
<b>Information Officer</b>	Muvhango Lukhaimane – muvhango.lukhaimane@pfa.org.za
<b>Deputy Information Officer</b>	Naheem Essop – <a href="mailto:naheem.essop@pfa.org.za">naheem.essop@pfa.org.za</a>
<b>Telephone Number</b>	012 348 4000
<b>Website address</b>	www.pfa.co.za

## 4. ORGANISATIONAL STRUCTURE



## 5. GUIDE BY INFORMATION REGULATOR

The Information Regulator has compiled the guide contemplated in Section 10 of the Act. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

### **The Information Regulator (South Africa)**

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

Phone: 010 023 5200

Email: [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za)

You may also obtain a copy of the guide by contacting our Deputy Information Officer whose details appear above.

## 6. THE RECORDS THE OPFA HOLDS

### **Information that is automatically available without a PAIA request**

Section 30L of the Pension Funds Act provides:

**30L. Record of proceedings.** —(1) *The Adjudicator shall keep or cause to be kept, whether in writing or by mechanical or electronic means, a permanent record of the proceedings relating to the adjudication of a complaint and the evidence given.*

(2) *Any member of the public may obtain a readable copy of the record on payment of a fee determined by the Adjudicator.*

Accordingly, you may request a readable copy of the record of the proceedings relating to the adjudication of a complaint without a PAIA request.

**Described below are the records which we hold, and will not be released without a PAIA request, divided into categories for ease of reference:**

Personnel Records	<p>Personal information provided by personnel.</p> <p>Records provided by a third party in relation to personnel.</p> <p>Conditions of employment and other similar personnel related information.</p> <p>Internal evaluation and other internal records.</p> <p>Correspondence relating to personnel.</p> <p>Training schedules and material.</p>
Company Records	<p>Financial records</p> <p>Operational records</p> <p>Databases</p> <p>Information technology</p> <p>Internal correspondence</p> <p>Statutory records</p> <p>Internal Policies and procedures</p> <p>Treasury-related records</p> <p>Records held by officials of the Company</p>
Procurement Records	Third party records

#### LEGISLATION:

NOTE: The Acts listed are Acts that impose specific duties and responsibilities on the OPFA, which duties and responsibilities relate to the ability of the OPFA to effectively execute its mandate. The list is not a comprehensive list of all legislations that may possibly impact on the OPFA but is believed to be the most material.

CASE MANAGEMENT UNIT	
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
	<b>HUMAN RESOURCES UNIT</b>
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
	<b>FINANCE UNIT</b>
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
	<b>INFORMATION AND COMMUNICATION TECHNOLOGY UNIT</b>
21	Electronic Communications and Transactions Act, 25 of 2002

**OTHER INFORMATION AS MAY BE PRESCRIBED:**

The OPFA will make available any other information as prescribed by the Minister of Justice and Constitutional Development in terms of the regulations in terms of the Act.

## 7. HOW TO REQUEST ACCESS

In order to comply with our obligations in terms of PAIA, the OPFA has authorised and designated the OPFA Information Office to deal with all matters relating to PAIA and POPIA. To request access to a record please complete the Request for Access Form which is attached to the end of this manual and also available at <https://inforegulator.org.za/> and submit it to the company at its physical address, or general contact email address provided above.

### *The OPFA may refuse you access to protect others*

In terms of PAIA the OPFA is allowed to refuse access to certain documents. The grounds for refusal are to protect –

- the privacy of another person;
- commercial information of another company;
- confidential information of another person;
- the safety of individuals and property;
- records privileged from production in legal proceedings; and
- research information.

You will be notified in writing whether your request has been approved or denied within 30 calendar days after we have received a completed Request for Access Form. Should any record of the OPFA requested by you not be found or not exist, the OPFA will, by way of affidavit, notify you that it is not possible to give access to that particular record.

### *In what form the OPFA will give you access*

If your request for access to records of the OPFA is approved, the OPFA will determine how it will provide access to you, unless you have requested access in a specific form.

## **8. COST TO OBTAIN INFORMATION**

Section 15(3) states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Fee Schedule which is available at <https://info regulator.org.za/>.

## **9. PROCESSING PERSONAL INFORMATION**

In terms of POPIA the OPFA is required to detail how and what personal information it processes. The details of this is available on the OPFA website under the website's POPIA Policy.

The OPFA does not plan to transfer personal information across borders out of SA, but it may do so to secure or backup the data, or for technical reasons. The nature of cloud computing means that some data may be transferred across borders. Where it is within the OPFA's control, it will only transfer data to other countries who have similar privacy and data protection laws as our own.

### **How the OPFA protects personal information?**

The OPFA is committed to ensuring that your information is secure and has adopted internal policies towards meeting this objective. In order to prevent unauthorised access or disclosure we have put in place suitable physical, electronic and managerial procedures to safeguard and secure the information we collect.

The services the OPFA uses make use of relatively secure data transmission and storage technologies to reasonably protect your personal information from unauthorised disclosure and maintain your personal information's integrity.

## **910. REMEDIES AVAILABLE WHEN THE OPFA REFUSES A REQUEST FOR INFORMATION**

### **10.1 INTERNAL REMEDIES**

The OPFA does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors or third parties will have to exercise external remedies at their disposal if the request for information is refused, and the

requestor or third party is not satisfied with the answer supplied by the Information Officer.

## **10.2 EXTERNAL REMEDIES**

In terms of section 77A(2) of PAIA, the requestor or any aggrieved person may lodge a complaint against a decision by the Information Officer to the Information Regulator within 180 days of receipt of the decision in the prescribed manner and form for appropriate relief.

If the OPFA fails to comply with the provisions of PAIA, the requestor or any aggrieved person may, in accordance with section 78 of PAIA and the Promotion of Administrative Justice Act 3 of 2000 (PAJA), approach the Court with jurisdiction for appropriate relief.

If the requestor or third party is aggrieved by the decision of the Information Officer, he or she may, by way of an application and within 180 days, apply to a court for appropriate relief in terms of section 82 of PAIA.

## **11. COUNTRIES OF OPERATION**

The OPFA operates in South Africa.

## **12. AVAILABILITY OF THE MANUAL**

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

The OPFA's manual will also be available on its website [www.pfa.co.za](http://www.pfa.co.za), and at the OPFA's offices itself.