

# **MANUAL**

**As required in terms of section 51 of the  
PROMOTION OF ACCESS TO INFORMATION ACT**

**No. 2 of 2000**

**(“the ACT”)**

**and**

**The Protection of Personal Information Act, 4 of 2013 (“POPIA”)**

**This manual contains information required  
to request access to the records of:**

**OLD MUTUAL SUPERFUND DEFINED BENEFIT PROVIDENT FUND**

**(Fund registration no: 12/8/38112)**

**(“the Fund”)**

Last updated: June 2021

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## 1. INTRODUCTION

The Old Mutual SuperFund Defined Benefit Provident Fund is a pension fund as defined in the Pension Funds Act, 24 of 1956. It is a private body as defined in the ACT.

## 2. FUND CONTACT DETAILS

1.	Principal Officer of the Fund	<b>Mrs Karen Louise Quinlan</b>
2.	Information Officer of the Fund	<b>Mrs Karen Louise Quinlan</b>
3.	Registered address of the Fund	<b>Mutualpark Jan Smuts Drive Pinelands, 7405</b>
4.	Postal address of the Fund	<b>Old Mutual SuperFund P.O. Box 167 Cape Town 8000</b>
5.	Contact telephone number for the Fund	<b>Tel: +27 (0)21 509 4500</b>
6.	E-mail address of the Information Officer of the Fund	<a href="mailto:kquinlan@oldmutual.com"><u>kquinlan@oldmutual.com</u></a>

## 3. THE ACT

3.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Regulations to the ACT.

3.3 Requesters who wish to exercise any rights in terms of the ACT and POPIA are referred to the Guide in terms of Section 10 of the ACT, which must be made available by the Information Regulator and which will contain information for the purposes of exercising Constitutional Rights. The Guide

must be available from the Information Regulator as prescribed. The contact details of the Information Regulator are:

**Postal Address:** P.O Box 31533, Braamfontein, Johannesburg, 2017

**Email:** [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

**Website:** <https://justice.gov.za/infoereg/contact.html>

#### **4. LEGISLATION IN TERMS OF WHICH RECORDS MAY BE AVAILABLE**

<b><u>No</u></b>	<b><u>Ref</u></b>	<b><u>Act</u></b>
1	1996	Constitution of the Republic of South Africa
2	No 51 of 1977	Criminal Procedure Act
3	No 70 of 1979	Divorce Act
4	No 9 of 2017	Financial Sector Regulations Act
5	No 52 of 1998	Long Term Insurance Act
6	No 58 of 1962	Income Tax Act
7	No 18 of 2017	Insurance Act
8	No 99 of 1998	Maintenance Act
9	No 24 of 1956	Pension Funds Act
10	No 2 of 2000	Promotion of Access of Information Act
11	No 4 of 2013	Protection of Personal Information Act

#### **5. RECORDS AVAILABLE IN TERMS OF THE PENSION FUNDS ACT**

(a) **The following records of the Fund are available on demand by a member of the Fund:**

- (i) the registered rules of the Fund (including amendments);
- (ii) the last revenue account and the last balance sheet prepared in terms of section 15(1) of the Pension Funds Act.

(b) **The following records are available for inspection at the registered address of the Fund (provided above):**

- (i) the documents referred to in 5(a) above;
- (ii) the last report (if any) by a valuator prepared in terms of section 16 of the Pension Funds Act;

- (iii) the last statement (if any) and report thereon prepared in terms of section 17 of the Pension Funds Act;
  - (iv) any scheme which is being carried out by the Fund in accordance with the provisions of section 18 of the Pension Funds Act.
- (c) In terms of section 30L of the Pension Funds Act **any member of the public** may obtain a readable copy of the record of the proceedings relating to the adjudication of a complaint and the evidence given on payment of a fee determined by the Adjudicator.
- (d) In terms of section 22 of the Pension Funds Act, **any person** (upon payment of prescribed fees) may inspect at the office of the Financial Sector Conduct Authority any record referred to in (a) and (b) above and make a copy thereof or take extracts therefrom, or obtain from the Financial Sector Conduct Authority a copy thereof or extract therefrom. The Financial Sector Conduct Authority may be contacted at:

**Address: Riverwalk Office Park, Block B, 41 Matroosberg  
Road, Ashlea Gardens, PRETORIA, 0081**

**Telephone: (012) 428-8000**

**Facsimile: (012) 346-6941**

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

## **6. DESCRIPTION OF RECORDS HELD BY THE FUND**

### **GENERAL RECORDS**

- Rules and Rule amendments
- FSCA Certificate of Registration
- SARS letter of Approval
- Fund Register in terms of regulation 31 of the Pension Funds Act
- Minute Book and agenda packs for meetings of Trustees
- Valuation Reports

- FSCA letters of any exemption and extensions granted in terms of the Pension Funds Act and the Financial Sector Regulations Act

### **MEMBER RECORDS**

- Membership details
- Participating employer details
- Contribution records
- Member Benefit Statements
- Tax applications, directives and certificates (where applicable)
- Member choice forms
- Member claim forms

### **DETAILS OF DEPENDANTS AND NOMINEES**

- Beneficiary nomination details
- Information furnished to the Fund at death claim stage to execute the duties in terms of section 37C of the Pension Funds Act

### **CONTRACTS**

- All contracts entered into by the Fund such as contracts with service providers, investment contracts and policies of insurance including the fidelity and indemnity insurance policy

### **FINANCIAL RECORDS**

- Annual Financial Statements
- Reports from the auditor
- Bank statements
- Investment statements
- Invoices issued to the Fund

**7. SECTION 13 OF THE PROTECTION OF PERSONAL INFORMATION ACT:  
COLLECTION OF INFORMATION FOR A SPECIFIC PURPOSE**

Personal information must be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the Fund. In this instance the purpose of the personal information is for the disposition of benefits provided by the Fund for the members (and, where applicable, beneficiaries upon the death of a member), in terms of the Fund rules and the applicable legislation.

**8. AVAILABILITY OF MANUAL**

This Manual is available on the Fund's website at [www.oldmutual.co.za/Superfund](http://www.oldmutual.co.za/Superfund)

A copy of this Manual has been dispatched to the Information Regulator.

This Manual is, subject to different arrangements during the Covid-19 pandemic, available for public inspection, during normal office hours and upon prior request, at the Fund's registered address provided above.

This Manual is also available to any person upon request and upon the payment of a reasonable amount.

**9. PROCEDURE TO BE FOLLOWED TO REQUEST ACCESS TO RECORDS**

A person requesting access to a record ("the requester") must complete the prescribed **FORM C (annexed)** as contained in the Regulations to the ACT.

The completed Form C must either be **posted** or **emailed** to the Fund's Information Officer at the address provided in section 2 above.

For the request to be processed, Form C must be completed thoroughly to enable the Fund to identify:

- The records requested;

- The requester (and if an agent is lodging the request, proof of capacity);
- The form of access required;
- The postal address, email address or fax number of the requester in the Republic; and
- 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.

The Information Officer will, where required, render reasonable assistance to the requester to comply with the prescribed process and will process the request and inform the requester of the fees (if any) that he/she must pay (**fee schedule attached**) and of the further steps that will follow in the processing of the request.

**Please note:** *Access to certain records may/must be denied on the grounds set under the ACT.*

## 10. PROTECTION OF PERSONAL INFORMATION IN TERMS OF SECTION 51(1)(c) OF THE ACT

### **PURPOSE OF PROCESSING PERSONAL INFORMATION**

The Fund (and its service providers) collect and use Personal Information to administer membership, receive contributions, make investments and dis-investments, allocate and pay benefits to the Fund's members and their beneficiaries. Personal Information is also used for the following specific purposes:

- Providing retirement benefit counselling
- Maintaining and enhancing technological and administrative systems
- Communication with members and their beneficiaries
- Fraud prevention and detection

- Member and beneficiary tracing for purposes of the Fund's administration and payment of benefits
- General compliance with legal, operational and regulatory requirements
- Support to members in relation to Fund membership
- Verification of identity
- Market research and statistical analysis
- Administering financial transactions
- Maintaining accounts and records

### **CATEGORIES OF DATA SUBJECTS<sup>1</sup> AND RELATED INFORMATION**

#### Data Subjects

- Board Members
- Members
- Potential members
- Former members
- Nominees
- Dependants
- Employees
- Officials
- Consultants
- Complainants
- Witnesses
- Advisors / Independent Brokers
- Retail Clients
- Institutional Clients
- Banking Institutes
- External/ Internal companies and contractors
- Service providers and administrators
- Policyholders and individuals

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<sup>1</sup> Means a person to whom the Personal Information relates.

- Credit agencies

#### **RELATED INFORMATION**

- Personal details
- Financial details
- Lifestyle and social circumstances
- Business activities
- Family relations
- Personal view, preferences and opinions
- Goods and services provided
- Education and employment details
- Religious beliefs
- Race, ethnicity, gender
- Trade union membership
- Offences and alleged offences
- Physical and mental health details
- Criminal proceedings, sentences and records

#### **WHO THE INFORMATION MAY BE SHARED WITH**

The personal information processed by the Fund may be shared with the individual themselves (data subject) and also with other organisations. Where this is necessary the Fund will comply with all aspects of POPIA. What follows is a description of the types of organisations that the Fund may need to share some of the personal information with for one or more reasons.

#### **WHERE NECESSARY OR REQUIRED THE FUNDS SHARES INFORMATION WITH**

- Current, past and prospective employers

- Family, associates, a person acting under a power of attorney and representatives of the person whose personal information we are processing
- Employment and recruitment agencies
- Educators and examining bodies
- Financial organisations and banking institutions
- Claims investigators
- Credit reference agencies
- Suppliers and service providers
- Healthcare, social and welfare organisations
- Credit reference agencies
- Pension fund administrators
- Private investigators and tracing agents
- Persons making an enquiry or complaint
- Claimants, beneficiaries, assignees and payees
- Professional advisors, brokers and consultants
- Any person (natural or juristic) who has a legal right to such personal information.

#### **TRANSBORDER FLOWS OF PERSONAL INFORMATION**

The Fund may from time to time need to share or store personal information of data subjects with third parties in data centres in other countries. When doing so the Fund will comply with the provisions of POPIA. Such sharing will only be done if one of the following requirements are met:

1. the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:
  - effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in POPIA; and

- includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- 2. the data subject consents to the transfer;
- 3. the transfer is necessary for the performance of a contract between the data subject and the company in question, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- 4. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party; or
- 5. the transfer is for the benefit of the data subject, and
  - it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
  - if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

**GENERAL**

A responsible party that accesses personal information must comply with relevant security measures to ensure the confidentiality, integrity and availability of that personal information as required by the ACT.

.....  
**PRINCIPAL OFFICER**

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**CHAIRMAN**

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**BOARD MEMBER**