TFG RETIREMENT FUND (“the Fund”) – Access to Information Manual

We respect your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA) and section 23 of the Protection of Personal Information Act 4 of 2013 (POPIA).

Contents

1. Dates

- Date of Compilation: **1 May 2021**

2. Introduction

We are **TFG Retirement Fund** ("the Fund") registered in terms of the Pension Funds Act 24 of 1956, as amended, ("the PFA"). We are established with the object of providing annuities or lump sum payments for members or former members of the fund upon their reaching their retirement dates, or for the dependants of such members or former members upon the death of such members or former members. This is our 'Access to Information Manual'. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

3. Our details

Our details are as follows:

- Fund name: **TFG Retirement Fund**
- Financial Sector Conduct Authority Registration number: **12/8/10150**
- Postal address: **PO BOX 6020, PAROW EAST, 7501**
- Registered address: **Stanley Lewis Center, 340 Voortrekker road, Parow East**
- Phone number: **021 938 7134**
- Information officer: **Caron Harris**
- Information officer email: **caronh@tfg.co.za**
- Information officer phone number: **021 938 7134**
- Information officer fax number: **N/A**
- Contact email: **caronh@tfg.co.za**
- Website: **N/A**

4. Further guidance

If you would like further guidance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission or the Information Regulator to find out more information about PAIA. They have a guide in each official language of South Africa on how to exercise any right under PAIA. Their contact details are as follows:

	SA Human Rights Commission	**Information Regulator (SA)**
Address:	Braampark Forum 3, 33 Hoofd Street Braamfontein	33 Hoofd Street Forum III, 3rd Floor Braampark P.O Box 31533 Braamfontein, Johannesburg, 2017
Phone number:	(011) 877 3600	Mr Marks Thibela (CEO) Tel No. +27 10 023 5200 Cell No. +27 82 746 4173
Facsimile:	(086) 410 0149	n/a
Website:	http://www.sahrc.org.za	https://justice.gov.za/inforeg/
Email:	tsebulela@sahrc.org.za	inforeg@justice.gov.za

5. Records we hold

We hold the following subjects and categories of records:

➢ **The following records of the Fund are available on demand by a <u>member</u> of the Fund**

• Registered rules of the Fund (including amendments)	Fund's website/registered address
• The last set of Annual Financial Statements prepared in terms of section 15(1) of the PFA	Fund's website/registered address

➢ **The following records (if applicable) are available for inspection at the registered address of the Fund at no charge**

• Registered rules of the Fund (including amendments)	Fund's registered address
• The last set of Annual Financial Statements prepared in terms of section 15(1) of the PFA	Fund's registered address
• The last report (if any) by a valuator prepared in terms of section 16 of the PFA	Fund's registered address
• The last statement (if any) and report thereon prepared in terms of section 17 of the PFA	Fund's registered address
• Any scheme which is being carried out by the Fund in accordance with the provisions of section 18 of the PFA	Fund's registered address

Note – in terms of section 22 of the PFA, <u>any person</u> (upon payment of prescribed fees) may inspect at the office of the Financial Sector Conduct Authority ("the FSCA") any record referred to above and make a copy thereof or take extracts therefrom, or obtain from the FSCA a copy thereof or extract therefrom. The FSCA may be contacted at:

Address: *Riverwalk Office Park, Block B*
41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads) Ashlea Gardens, Extension 6
Menlo Park
Pretoria
South Africa
0081
Telephone: *(012) 428 8000 or 0800 20 37 22*
Website: ***<u>http://www.fsca.co.za</u>***.

We have listed below further examples of the records we hold. This list is not exhaustive.

➢ **Claims records**

• Claim Notification Forms (Note: from 2013 these are generally submitted electronically)	Not automatically available
• Calculations (where available), or computerised statement of claim value	Not automatically available
• Tax Directive Application (where applicable)	Not automatically available
• Tax Directive (where applicable)	Not automatically available
• IT 88 notifications	Not automatically available
• Tax Certificate (Duplicate - where applicable)	Not automatically available

• Client / broker payment instruction (where applicable)	Not automatically available
• Section 37D deduction instruction (where applicable)	Not automatically available
• Copy of any other court order against benefits	Not automatically available
• Payment letter	Not automatically available
• Copy of cheque or EFT payment reference	Not automatically available
• Trustees' Resolution - Disposal of benefit (deaths only)	Not automatically available
• Insurance received – statement by insurer (deaths only)	Not automatically available
• Copy of death certificate	Not automatically available
• Statement by Employer (disability only)	Not automatically available
• Statement by Employee (disability only)	Not automatically available
• Acceptance / declination letter (disability only)	Not automatically available

➢ **Member data**

• New entrant data	Not automatically available
• Contribution records	Not automatically available
• Member Investment Choice investment option / switch forms (where applicable)	Not automatically available
• Installation, acquisition & transfer-in data	Not automatically available
• Statement of member fund value	Not automatically available
• Additional benefit / surplus / demutualization / bulking calculations	Not automatically available
• Flexible benefit member option forms (where applicable)	Not automatically available

➢ **Section 14 Transfers and Liquidations**

• Calculations	Not automatically available
• Copy of S14(1)(e) certificate (transferee and transferor funds	Not automatically available
• Option forms (where applicable)	Not automatically available
• Tax application forms (where applicable)	Not automatically available
• Tax directives (where applicable)	Not automatically available
• Tax certificates (duplicate - where applicable)	Automatically available on request
• Payment letter (liquidations only)	Not automatically available
• Copy of S14 application lodged (transferor fund)	Not automatically available

➢ **Housing Loans**

• Application form	Not automatically available
• Partial settlement as a result of default - claim forms and approval for this payment	Not automatically available
• Contribution records	Not automatically available
• Finalised / settled claims record / calculation	Not automatically available

➢ **Funeral Benefit Claims**

• Claim form	Not automatically available

• Copy of death certificate	Not automatically available
• Payment letter	Not automatically available

➢ **Pensioners**

• Special tax directives, including IT 88's, garnishees, etc.	Not automatically available
• Commutation of pensions - calculations	Not automatically available
• Pension increase notification	Not automatically available
• Certificates of existence (COE)	Not automatically available
• Confirmation of continued studies beyond age 18 years	Not automatically available
• Death certificates	Not automatically available
• Annuity option forms	Not automatically available
• Trustee resolution regarding payments	Not automatically available

➢ **Disability**

• Medical Reviews - correspondence only (where applicable)	Not automatically available
• COCD (certificate of continued disability)	Not automatically available
• Escalator notification	Not automatically available
• Payment / benefit confirmation letter	Not automatically available
• EFT payment reference	Not automatically available
• Recovery documentation	Not automatically available
• Letter of suspension / reinstatement from underwriter	Not automatically available

➢ **Accounting records**

• Deposit slips (where applicable)	Not automatically available
• EFT files (ACB whilst still applied)	Not automatically available
• Bank statements of fund bank accounts	Not automatically available
• Audit files with working papers	Not automatically available
• Annual financial statements	Not automatically available
• General Ledgers	Not automatically available
• Trial balances	Not automatically available
• Cashbooks and reconciliations to bank account	Not automatically available

➢ **General records**

• Copies of signed rules and amendments	Not automatically available
• Certain communication with SARS and FSCA	Not automatically available
• Copies of Pension Fund Adjudicator complaints lodged	Not automatically available
• Confirmation of the appointment of Principal Officer and Actuary of Fund	Not automatically available
• Quarterly Financial Reviews (where the fund is valuation exempt)	Not automatically available
• Correspondence to members or former members, where applicable	Not automatically available
• Correspondence to the trustees in respect of fund matters	Not automatically available
• Copy of service agreements between the fund and its service providers	Not automatically available

• Copies of communication sent to members of the funds in respect of specific events e.g. Trustees' reports, Member level Investment Choice, changes to death benefit structure, changes to fund structure, etc.	Not automatically available
• Minute books	Not automatically available
• Trustees registers	Not automatically available
• Original or copies of policy documents relating to insurance, GLA, PHI, dread disease, stated benefits, travel, funeral, fidelity cover, etc. (as applicable to the Fund)	Not automatically available
• Documentation relating to the review of insurances on an annual basis as well as the quotations obtained from insurers to a rebroke exercise	Not automatically available
• Copies of statements detailing the asset values for a fund	Not automatically available
• Agendas for all meetings to be held Investment manager mandates or policies of insurance, depending on the nature of the investment (if applicable secretarial services are performed)	Not automatically available

6. Information we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Constitution of the Republic of South Africa;
- Consumer Protection Act 68 of 2008;
- Divorce Act 70 of 1979;
- Financial Advisory and Intermediary Services Act 37 of 2002;
- Financial Intelligence Centre 38 of 2001;
- Financial Services Board Act 97 of 1990;
- Income Tax Act 58 of 1962;
- Long-Term Insurance Act 52 of 1998;
- National Credit Act 34 of 2005;
- Pension Funds Act 24 of 1956;
- Prescription Act 68 of 1969;
- Promotion of Access to information Act 2 of 2000;
- Protection of Personal Information Act 4 of 2013;
- Short Term Insurance Act 53 of 1998;
- Value Added Tax Act 89 of 1991.

7. How to request access

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA. To request access to a record, please complete Form C which is available from:

- the SAHRC website at **www.sahrc.org.za** at this link: **http://www.sahrc.org.za/home/21/files/Form%20C.doc**); or
- the Department of Justice and Constitutional Development website at **www.justice.gov.za** at this link: **http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf**).

We have attached an example of this "Form C" for reference purposes only. It is your responsibility to ensure you use the correct standard form.

Please submit the completed form to our information officer together with the relevant request fee (details here: **http://www.sahrc.org.za/home/21/files/FEES.pdf**) at our information officer's email address, our physical address, or by fax in terms of our details provided above. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and which form of access you require;
- specifies your email address, postal address, or fax number;
- describes the right that you seek to exercise or protect;
- explains why you need the requested record to exercise or protect that right;
- provides any other way you would like to be informed of our decision other than in writing; and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form we may:

- we may reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- delay it.

8. Grounds for refusal

We may have to refuse you access to certain records in terms of PAIA to protect:

- someone else's privacy;
- another company's commercial information;
- someone else's confidential information;
- the safety of individuals and property;
- records privileged from production in legal proceedings; or
- research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

9. How we will give you access

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

10. How much it will cost you

You must pay us a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out in the Fee Schedule which is available from **www.sahrc.org.za** at this link: **http://www.sahrc.org.za/home/21/files/FEES.pdf**. You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

11. Protection of personal information

We process the personal information of various categories of people for various purposes as set out in this clause, as prescribed by the Protection of Personal Information Act 4 of 2013.

➢ **Categories of people**

We process the personal information of the following categories of people:

- members or former members;
- pensioners;
- spouses and former spouses of members or former members;
- children of members and former members;
- beneficiaries, dependents and nominees;
- service providers;
- participating employers; and
- Fund officials.

➢ **Purposes**

We process the personal information to:

- provide Fund benefits;
- better understand our members' needs when doing so;
- keep our member records up-to-date;
- manage members in general;
- manage service provider contracts in general;
- manage fund officials in general;
- comply with regulatory and statutory requirements.

➢ **Categories of personal information**

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- demographic details, such as races and age groups;
- information of children;
- health information;
- biometric information;
- account numbers;
- background information;
- contract information;
- credit information;

- debt and debtor information.

- **Third-party disclosures**

  We give the following people personal information that we process in the ordinary course of business to fulfil our obligations to our customers or clients:

- contractors, vendors, or suppliers;
- agents, distributors, or other resellers;
- operators, other responsible parties, or co-responsible parties; and
- third party vendors (such as software developers) to help us maintain our services.

- **Cross-border transfers**

  We send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

- **Information security**

  We secure our data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration and destruction, and ensure that our third parties do too. We also take reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

12. Other prescribed information

The Minister of Justice and Constitutional Development has not made any regulations prescribing any other information that needs to appear in this manual.

13. Availability of this Manual

This manual is available in English and will be available on our website, and at our registered offices.

14. Updates to this Manual

This manual will be updated whenever we make material changes to the current information.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

Name of head of private body:	
Designation:	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Identity number	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

Capacity in which request is made, when made on behalf of another person.

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:	
Identity number	

D. Particulars of record

(a) 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.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folio's.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(c) 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.
(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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………

………

F. Form of access to records

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: ______________________ Form in which record is required: _____________________

Mark the appropriate box with an **X**.

NOTES:

(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1.	**If the record is in written or printed form:**				
	copy of record*		inspection of record		
2.	**If record consists of visual images – (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):**				
	view the images		copy of the images*		
3.	**If record consists of recorded words or information which can be reproduced in sound:**				
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4.	**If record is held on computer or in an electronic or machine-readable form:**				
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attached it to this form.

The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

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

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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…

Signed at ………………………………………… this day ………….. of ……………………………….. year …………….

………………………………………………………………

SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST IS MADE