



**PROMOTION OF ACCESS TO INFORMATION ACT
MANUAL**

FOR

**ACA EMPLOYEE BENEFITS (PTY) LTD
("ACA")**

**(Prepared in accordance with Section 51 of the Promotion of Access to
Information Act, 2 of 2000)**

RGT

INDEX

- 1. INTRODUCTION**
- 2. CONTACT DETAILS OF ACA**
- 3. ACCESS TO THE GUIDE ON HOW TO USE PAIA**
- 4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY ACA**
- 5. HOW TO ACCESS RECORDS HELD BY ACA**
- 6. FEES**
- 7. DECISION**
- 8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**
- 9. AVAILABILITY OF THE MANUAL**

1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("PAIA") was enacted on 3 February 2000. The purpose of the legislation is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of any rights.

Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA or other legislation expressly provides that the information may or must not be released.

As a private body defined in PAIA, ACA is required to compile a manual to provide a reference as to the records held and the process which needs to be followed to access such records.

This manual is intended to foster a culture of transparency, accountability and good governance, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

2. CONTACT DETAILS OF SIMEKA

Name of private body	ACA Employee Benefits (Pty) Ltd
Registration number	1961/001434/07
Street address	2 Strand Road, Bellville, South Africa, 7530
Postal address	P O Box 1, Sanlamhof, 7532
Telephone number	+27 21 947 9111
Fax number (if available)	N/A
Website	www.sanlam.co.za
Call Centre	N/A
Contact person	Jocelyn Hathaway
E-mail address	Jocelyn.Hathaway@sanlam.co.za

3. ACCESS TO THE GUIDE ON HOW TO USE PAIA

The South African Human Rights Commission has compiled a guide to help a person who wishes to exercise any rights granted in PAIA. The guide is available from the South African Human Rights Commission who can be contacted at:

The South African Human Rights Commission
PAIA Unit: The Research and Documentation Department

Postal address:	Private Bag 2700, Houghton, 2041
Telephone:	+27 11 877 3627
Facsimile:	+27 11 484 0582
Website:	www.sahrc.org.za
E-mail:	tsebulela@sahrc.org.za

4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY SIMEKA

- Pension Funds Act, 24 of 1956
- Long-term Insurance Act, 52 of 1998
- Financial Advisory and Intermediary Services Act, 37 of 2002
- Income Tax Act, 58 of 1962

This list is not exhaustive.

5. HOW TO ACCESS RECORDS HELD BY ACA

A **requester** is any person making a request for access to a record of ACA. There are two types of requesters, a personal requester and other requesters:

PERSONAL REQUESTER

A retirement fund member is a personal requester. A personal requester is a requester who is seeking access to a record containing personal information about themselves.

All the member's information pertaining to ACA is available to him/her upon request, as well as:

- ACA certificate of registration
- Financial statements of ACA (latest revenue account and balance sheet)
- The last statutory valuation of ACA (unless ACA is valuation exempt)
- Policy documents relating to fidelity cover and risk cover (death, disability benefits and funeral cover)

Procedure to obtain this information and/or records from ACA

The information can be obtained in one of the following ways:

- By writing a letter or sending an email or fax (if any) to ACA; or
- By accessing the Sanlam website.

ACA will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. No fees will be charged in respect of information relating to the personal requester (member).

OTHER REQUESTER (THIRD PARTY)

This requester (someone other than an ACA member) is entitled to request access to information on third parties. However, ACA is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of PAIA by completing the request form and paying the fee.

RECORDS HELD BY ACA WHICH MUST BE FORMALLY REQUESTED VIA THE PAIA REQUEST FORM BEFORE THE INFORMATION IS SUPPLIED TO A MEMBER AND/OR A THIRD PARTY

(The below list is not exhaustive. Access to records not listed below may be requested from the contact person in point 2 above.)

Claims (withdrawals, retirements, deaths and disabilities)
• Claim forms (for exits from ACA) and payment instructions
• Benefit calculations/statements
• Tax applications
• Tax directives
• IT 88 notifications
• Duplicates of tax certificates
• Section 37D instructions
• Copy of any other court order against benefits
• Letter of confirmation of payment
• Copy of cheque (or cheque/EFT payment reference)
• Beneficiary nomination form (death claims)
• Declaration of qualifying partner (death claims)
• Board of management's resolution on distribution of death benefits
• Insurance benefit statement by insurer (death claims)
• Copy of death certificate

<ul style="list-style-type: none"> • Statement by employer and employee (disability claims) • Acceptance/declination letter (disability claims)
Member data
<ul style="list-style-type: none"> • Membership data • Contribution records • Member individual investment choice option forms • Flexible benefit member option forms
Section 14 transfers/liquidations
<ul style="list-style-type: none"> • Calculations • Option forms (where applicable) • Tax application forms • Tax directives • Tax certificates (Duplicate - where applicable) • Letter of confirmation of payment (liquidation only) • Copy of section 14 application lodged • Copy of section 14 certificate
Pensioners
<ul style="list-style-type: none"> • Special tax directives, including IT 88's, garnishee orders, etc. • Calculations of commutation of pensions • Letter of pension increase • Certificate of existence of pensioner • Death certificates • Annuity option forms • Board of management instruction regarding payments • Contracts of outsourcing of pensioners • Proof of study of beneficiaries
Disability
<ul style="list-style-type: none"> • Medical records and opinions (where applicable) • Certificate of continued disability • Escalator notification • Letter of confirmation of payment • EFT payment reference • Proof of recovery documentation • Letter of suspension/reinstatement from underwriter
Accounting records
<ul style="list-style-type: none"> • Cashbooks and bank reconciliations • General ledgers • Trial balances • Documentation of audit and working papers • Bank statements • EFT files (ACB whilst still applied) • Deposit slips (where applicable)
General records
<ul style="list-style-type: none"> • Minute books • Board of management registers • Board of management details • Policy documents relating to GLA, PHI, dread disease, stated benefits, funeral, etc. • Documentation relating to the review of insurance • Agendas of all meetings

• Investment manager mandates or policies of insurance depending on the nature of the investment
• Statements detailing the asset values for ACA
• Communication sent to members of ACA
• Contracts with service providers
• Correspondence to board of management members regarding ACA matters
• Correspondence to members/pensioners
• Confirmation as to appointments of ACA
• Copies of Pension Fund Adjudicator complaints lodged against ACA and ACA's response thereto
• Communication with SARS and FSCA
• Participating employer details
• Housing loan forms, record of payments, settled claims and approvals
• Investment strategy documents
• Claim forms and confirmation letters for funeral benefit
• Surplus apportionment exercise documents

Request procedure

- The requester must use the prescribed form in terms of PAIA and submit it to ACA. This request must be made to the address, e-mail address of ACA. The form needed to apply for access to information can be found on the website www.sahrc.org.za or attached hereto.
- The requester must provide sufficient detail on the request form to enable ACA to identify the record and the requester. The requester should also indicate which form of access is required (for instance if the requester is blind, the access will not be via email).
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of ACA.

6. FEES

- 6.1 PAIA provides for two types of fees namely:
- 6.1.1 A request fee, which will be a standard fee; and
- 6.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 6.2 When the request is received by ACA, it will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 6.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, ACA will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 6.4 ACA will withhold a record until the requester has paid the fees as prescribed.
- 6.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 6.6 If a deposit has been paid in respect of a request for access, which is refused, then ACA must repay the deposit to the requester.

7. DECISION

- 7.1 ACA will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 7.2 The 30 day period within which ACA has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information and the information cannot reasonably be obtained within the original 30 day-period. ACA will notify the requester in writing should an extension be sought.
- 7.3 Should ACA decline access to the information requested, the requester may lodge an internal appeal to the board of management of ACA.

8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for ACA to refuse a request for information relates to the –

- 8.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 8.2 mandatory protection of the commercial information of a third party, if the record contains:
 - 8.2.1 trade secrets of that third party;
 - 8.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 8.2.3 information disclosed in confidence by a third party to ACA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 8.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 8.4 mandatory protection of the safety of individuals and the protection of property;
- 8.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
and
- 8.6 the financial activities of ACA.


Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, will be refused.

Should, after a diligent search, the record requested not be found, ACA will by way of affidavit give notification that it is not possible to give access to that record.

9. AVAILABILITY OF THE MANUAL

A copy of this manual is available for inspection free of charge at ACA's registered office and, if applicable, on the Sanlam website.

Copies are also available from the SAHRC.

Title	ACA PAIA Manual
Approval Date	22 December 2020
Approver	ACA Managing Director: Mr. RG Tyler
Signature	

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

The Head:

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

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: _____

C. 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 folios.***

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

2. Reference number, if applicable: _____

3. Any further particulars of record: _____

D. Fees

<p>(a) <i>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.</i></p> <p>(b) <i>You will be notified of the amount required to be paid as the request fee.</i></p> <p>(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></p> <p>(d) <i>If you qualify for exemption of the payment of any fee, please state the reason therefor.</i></p>
--

Reason for exemption from payment of fees: _____

E. Form of access to record

<p>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 hereunder, state your disability and indicate in which form the record is required.</p>	
<p>Disability:</p> <hr/> <hr/>	<p>Form in which record is required:</p> <hr/> <hr/>

Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends 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* Transcription of images*
3. If record consists of recorded words or information which can be reproduced in sound -			
	Listen to 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)

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.</p>	<p>YES</p>	<p>NO</p>
---	------------	-----------

F. Particulars of right to be exercised or protected

*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 folios.***

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

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

G. 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? _____

Signed at _____ this _____ day of _____
20____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS
MADE

LS-2000/35