



**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)**

06 December 2021

**Mr M O' Donovan  
Chief Operating Officer**

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## 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: ACA

<b>Name of private body</b>	ACA Employee Benefits (Pty) Ltd
<b>Registration number</b>	1961/001434/07
<b>Street address</b>	2 Strand Road, Bellville, South Africa, 7530
<b>Postal address</b>	P O Box 1, Sanlamhof, 7532
<b>Telephone number</b>	+27 21 947 9111
<b>Fax number (if available)</b>	N/A
<b>Website</b>	<a href="http://www.sanlam.co.za">www.sanlam.co.za</a>
<b>Call Centre</b>	N/A

## 3. CONTACT DETAILS: INFORMATION OFFICER

<b>Information Officer</b>	Mike O’Donovan
<b>Street address</b>	2 Strand Road, Bellville, South Africa, 7530
<b>Postal address</b>	P O Box 1, Sanlamhof, 7532
<b>Telephone number</b>	+27 21 947 1125
<b>Fax number (if available)</b>	N/A
<b>E-mail address</b>	<a href="mailto:Mike.O'Donovan@sanlam.co.za">Mike.O'Donovan@sanlam.co.za</a>

## 4. ACCESS TO THE GUIDE ON HOW TO USE PAIA

The guide on how to exercise any rights granted in PAIA is available free of charge from both the Information Regulator and/or the Information Officer of the ACA.

### The Information Regulator:

The guide is available in all 11 official languages from the office of the Information Regulator and on its website.

The Information Regulator can be contacted at:

The Information Regulator (South Africa)  
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001  
P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)

Website: [www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg)

### The Information Officer:

The guide is also available in English and Afrikaans from the office of the Information Officer (details above).

## 5. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY ACA

- 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
- Medical Schemes Act, 131 of 1998

This list is not exhaustive.

## 6. 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 and the process that needs to be followed by the two types of requesters differ. It is as follows:

### 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). A fee may be payable for copies of the information as listed hereunder.

### 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**

**(UNLESS THE RECORDS PERTAINS TO THE PERSONAL INFORMATION OF A PERSONAL REQUESTER)**

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

<b>Claims (withdrawals, retirements, deaths and disabilities)</b>
• 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
• Statement by employer and employee (disability claims)
• Acceptance/declination letter (disability claims)
<b>Member data</b>
• Membership data
• Contribution records
• Member individual investment choice option forms
• Flexible benefit member option forms
<b>Section 14 transfers/liquidations</b>
• 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
<b>Pensioners</b>
• 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
<b>Disability</b>
• 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
<b>Accounting records</b>
• 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)
<b>General records</b>
• 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 Information Officer of ACA. The Information Officer must assist any requester with his or her request for information if necessary and assist with completion of the request form if the requester is disabled or illiterate. 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.

## 7. FEES

- 7.1 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.
- 7.2 When the request is received by the Information Officer, he/she 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.
- 7.3 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 6 (six) hours prescribed in the regulations for this purpose, the Information Officer will notify the requester on the official form to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted. (No more than a 1/3)
- 7.4 The Information Officer will withhold a record until the requester has paid the fees as prescribed.
- 7.5 A requester whose request for access to a record has been granted, must pay an access fee as listed in Annexure to the PAIA Regulations 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.
- 7.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

## 8. DECISION

- 8.1 The Information Officer must, 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 on the official form.
- 8.2 The 30-day period within which Information Officer 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. The Information Officer will notify the requester in writing should an extension be sought.

## 9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

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

- 9.1 mandatory protection of the privacy of a third party who is a natural person, which would involve a contravention of the provisions of the Protection of Personal Information Act or such other legislation as may become applicable to the protection of personal information in South Africa;
- 9.2 mandatory protection of the commercial information of a third party, if the record contains:
  - 9.2.1 trade secrets of that third party;
  - 9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 9.2.3 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;
  - 9.2.4 if the information results in a contravention of the Protection of Personal Information Act or such other legislation as may become applicable to the protection of personal information in South Africa;
- 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, the Information Officer will by way of affidavit give notification that it is not possible to give access to that record.

## 10. COMPLAINTS

Requesters who are aggrieved by a decision of the Information Officer of the ACA may submit a complaint to the Information Regulator on the prescribed form.

The address of the Information Regulator is as follows:

The Information Regulator (South Africa)

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

P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## 11. AVAILABILITY OF THE MANUAL

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

## 12. PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

ACA collects and processes personal information in respect of all stakeholders of ACA. POPIA stipulates that personal information may be collected and processed in accordance with a lawful obligation. ACA is established in accordance with the Financial Advisory and Intermediary Services Act, with the purpose of providing financial services. To do so, it must collect some personal information to fulfil the contracted services.