

# **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

**For**

**SANLAM TRUST BENEFICIARY FUND**

(Prepared in terms of section 51 of the Promotion of Access to Information Act, No.2  
of 2000, as amended)

## 1. INTRODUCTION

The Sanlam Trust Beneficiary Fund was registered with the Financial Services Board (now the Financial Services Conduct Authority) under reference number 12/8/37900 in 2008 and started operating in 2009. The Fund accepts lump-sum death benefits due to beneficiaries of deceased members of retirement funds in terms of Section 37C of the Pension Funds Act and also accepts assets from Trusts and Group Life Schemes. The beneficiary fund acts as a surrogate parent, by administering the funds and taking care of the financial well-being of the beneficiaries. The Sanlam Trust Beneficiary Fund is administered by Sanlam Trust (Pty) Ltd and is governed by a Board of Trustees. The fund has an independent Principal Officer and two independent Trustees.

The Promotion of Access to Information Act, No 2 of 2000, as amended (the Act) was enacted on 3 February 2000 and gives effect to the constitutional right of access to information. The purpose of the Act, amongst others, is to give effect to the constitutional right of access to information held by Private Bodies ( Private industries and services owned or controlled by an individual person) for the exercise of or protection of rights and to establish the procedures to give effect to that right, as swiftly and inexpensively as reasonably possible.

Section 51 of the Act requires a private body to compile a manual (the Manual) which details the requisite procedural issues attached to a request for information, the prescribed rates, the requirements which such request must meet as well as the grounds for refusal or partial refusal of such request. Please refer to the sections below for more information.

Sanlam Trust (Pty) Ltd, the Administrator of the Sanlam Trust Beneficiary Fund, is part of the Sanlam Group (Herein referred to as Sanlam) and its structure. In view of this, any request for information will need to comply with the Sanlam Group requirements, please visit [www.sanlam.co.za](http://www.sanlam.co.za)

## **2. PURPOSE OF THIS MANUAL**

The purpose of this manual is to facilitate any request for information; a requester may have under the Act, required for the protection or exercise of any right. Such a request may however be subject to justifiable limitations (Please see section 4).

## **3. WHO MAY REQUEST ACCESS TO THE INFORMATION HELD**

3.1 This Manual is designed to facilitate any request for information from a requester (which includes a data subject as defined in the Protection of Personal Information Act, No. 4 of 2013). In terms of section 50 of the Act a requester must be given access to any record held by a private body where:

- That record is required for the exercise or protection of any rights;
- The requester complies with the procedural requirements in terms of the Act pertaining to a request for access; and
- Access to that record is not refused in terms of any of the grounds for refusal listed in the Act.

3.2 The above-mentioned request includes access to a record containing personal information of the requester or the person on whose behalf the request is being made.

3.3 A requester has the right to ask Sanlam Trust Beneficiary Fund to confirm whether they hold personal information of the requester, free of charge. Additionally, a requester may request that Sanlam Trust Beneficiary Fund provide a record or description of the personal information of the requester held by them, as well as the information regarding the identity of all third parties or categories of third parties, who have, or have had, access to the personal information:

- Within a reasonable time;
- At the prescribed fee, if any;
- In a reasonable manner and format; and

- In a form that is generally understandable.

3.4 A requester, in relation to a private body, means:

- Any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- A person acting on behalf of the person contemplated above.

3.5 Should a request be made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making a request, to the satisfaction of Sanlam and the Sanlam Trust Beneficiary Fund.

3.6 Where a public body requests access to information from the Sanlam Trust Beneficiary Fund, for the exercise or protection of any rights, other than its rights, it must be acting in good faith and in the interest of the public.

#### **4. LIMITATIONS**

Notwithstanding the above, section 9 of the Act aims to give effect to the constitutional right of access to information, subject to justifiable limitations, including but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

in a manner that balances the right of access to information with any other rights, including the rights in the Constitution of the Republic of South Africa, 1996 – Chapter 2: Bill of Rights.

#### **5. GROUNDS FOR REFUSAL**

5.1 The grounds for refusal are set out in the Act. These grounds for refusal include:

- That access would result in the unreasonable disclosure of personal information about a third party;
- That it is necessary to protect the commercial information of a third party or of the Sanlam Trust Beneficiary Fund itself;
- That it is necessary to protect the confidential information of a third party;
- That it is necessary to protect the safety of individuals or property;
- That a record constitutes privileged information for the purposes of legal proceedings; or
- That it is necessary to protect the research information of a third party or the Sanlam Trust Beneficiary Fund itself.

5.2 Information, which does not fall within the ambit of a recognised ground for refusal, must be disclosed.

5.3 If all reasonable steps have been taken to find a record and such a record cannot be found or if the records do not exist, then the Principal (Information) Officer will notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

## **6. TYPES OF RECORDS HELD**

6.1 Records are held and made available in terms of the legislation listed in Annexure “A” as applicable to the entities listed herein.

6.2 In line with section 52(1) of the Act Sanlam Trust Beneficiary Fund has voluntarily deemed the following categories of records automatically available, if the applicant is entitled to the requested information:

### **Products and services subjects-**

- |                                      |                               |
|--------------------------------------|-------------------------------|
| • Registered Fund Rules              | • Insurance Information       |
| • Latest Annual Financial Statements | • Transferor Fund Information |
| • Income Tax Information             | • Latest Valuation Report     |

- Investment Information
- Personal Information of the requester
- Member Data
- Section 14 Transfer Records
- Register of Fixed Assets
- Fund Records
- Financial Records
- Reward programme benefits
- Trustees Resolutions & Minutes
- Medical Reports
- Acceptance/Declination Letters
- Stock Inventories
- Communication
- Legal Records

## **7. PRESCRIBED FEES**

7.1 The tariffs relating to a request are dealt with in Annexure “B” of this Manual respectively. In order to access any records the requester must complete the prescribed form/s with sufficient detail.

7.2 The completed form must be forwarded to the Principal (Information) Officer whose details are provided below (see section 9).

7.3 Once the completed form has been submitted the Principal (Information) Officer will advise the requester if any fees will be payable.

7.4 The Act provides for four types of fees, namely:

- A request fee, which will be a standard fee;
- An access fee, which will be calculated by taking into account the reproduction costs, search and preparation time and cost, as well as any other costs;
- A reproduction fee, which is payable with respect to all records that are automatically available; and
- A deposit, which is payable if the Sanlam Trust Beneficiary Fund receives a request for access to information held on a person, where the preparation for the record will take more than 6 (six) hours. The deposit amount will be equal to one third of the applicable access fee.

7.5 Please note that a request will not be processed until the request fee and the deposit (where applicable) has been paid.

7.6 Once a request has been received, the Principal (Information) Officer shall by notice request the requester to pay the prescribed fee, before processing of the request further.

## **8. DECISION**

8.1 The Principal (Information) Officer will, as soon as reasonably possible, but within 30 days, after the request has been received or after the requisite information pertaining to the request has been received:

- decide, in accordance with the Act, whether to grant the request;
- inform the requester of their right to correct any personal information; and
- notify the requester of the aforementioned decision.

8.2 Where the request is granted, the notice must contain the access fee applicable, the form in which access will be given; and outline the requisite dispute resolution procedures available to the requester should they be dissatisfied with the outcome.

## **9. CONTACT DETAILS**

A request for information must be directed to:

The Principal Officer	:	Mr Johan Hein
Telephone No.		(021) 551 6566
Mobile No.		082 908 7331
Email		<a href="mailto:jh.ml@mweb.co.za">jh.ml@mweb.co.za</a>

Please direct a copy to the Administrator:

For Attention	Mrs Cynthia Williams
Telephone No.	(021) 947 8635
Email	STBF@Sanlam.co.za

Fund Address (street) Sanlam Trust Beneficiary Fund  
2 Strand Street  
Bellville  
7530

Fund Address (postal) Sanlam Trust Beneficiary Fund  
PO Box 1  
Sanlamhof  
7532

## **10. AVAILABILITY**

This Manual, or any updated version hereof, is available:

- for public inspection, during normal business hours, at the principal place of business of the Administrator (located at 2 Strand Street, Bellville, 7532);
- to any person upon request and upon the payment of the fee as communicated; and
- from the Principal Officer of the Sanlam Trust Beneficiary Fund upon request.

## **11. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION INFORMATION REGULATOR**

In terms of section 10 of the Act, the South African Human Rights Commission (SAHRC) has published a guide in all the official languages of the Republic of South Africa. The guide contains information on how to make use of the Act and to access information held by Private Bodies, which impacts on a person's rights. The guide can be obtained from the SAHRC or from their website. Their contact details are as follows

Attention : The South African Human Rights Commission

Postal Address : Private Bag X2700

Houghton

2041

Telephone No. : (011) 877 3803  
Fax No. : (011) 403 0652  
Email : paia@sahrc.org.za  
Website : [www.sahrc.org.za](http://www.sahrc.org.za)

## **12.PURPOSE AND DESCRIPTION OF THE PROCESSING OF PERSONAL INFORMATION**

Sanlam Trust Beneficiary Fund will process and protect personal information as required by relevant laws and the constitution of the RSA. The Sanlam complete privacy policy is available on [www.sanlam.co.za](http://www.sanlam.co.za)

We collect, process, collate, store, analyse and disclose personal information for the following purposes:

- To open trust accounts and verify information
- To invest, redeem or purchase assets in the trust
- To attend to the ongoing administration of the trust
- To distribute income or capital to the Guardians, beneficiaries or third-parties
- To transfer funds or assets to the trust beneficiaries
- To engage with the transferor fund as is required
- To comply with legal and regulatory requirements
- To protect the legitimate interests of Sanlam Trust
- Any purposes related to the above

Any member has the right to do the following:

- To opt out and object to us sharing their information with anyone else
- To request a copy of their personal information held by Sanlam Trust
- To update and or correct their Personal Information at any stage

**Annexure A - Records held in accordance with the following legislation:**

Administration of Estates Act (No. 66 of 1965)	Long-Term Insurance Act (No. 52 of 1998)
Employment Equity Act (No. 55 of 1998)	Inspection of Financial Institutions Act (No. 80 of 1998)
Skills Development Levies Act (No. 9 of 1999)	National Credit Act (No. 35 of 2002)
Labour Relations Act (No. 66 of 1995)	Pension Funds Act (No. 24 of 1956)
Basic Conditions of Employment Act (No. 75 of 1997)	Financial Markets Act (No. 19 of 2012)
Unemployment Insurance Act (No. 63 of 2001)	Financial Intelligence Centre Act (No. 38 of 2001)
Compensation of Occupational Injuries and Diseases Act (No. 130 of 1993)	Financial Advisory and Intermediary Services Act (No. 37 of 2002)
Occupational Health and Safety Act (No. 85 of 1993)	Collective Investment Schemes Act (No. 45 of 2002)
Income Tax Act (No. 58 of 1862)	Trade Marks Act (No. 194 of 1993)
Value Added Tax Act (No. 89 of 1991)	Participation Bonds Act (No. 55 of 1981)
Insolvency Act (No. 24 of 1936)	National Payment Systems Act (No. 78 of 1998)
Companies Act (No. 61 of 1973)	Financial Institutions Protection of Funds Act (No. 28 of 2001)
Companies Act (No. 71 of 2008)	Regulation of Interception of Communications and Provision of Communications-related Information Act (No. 70 of 2002)
Competition Act (No. 89 of 1998)	Protection of Personal Information Act (No. 4 of 2013)
Consumer Affairs (Unfair Business Practices Act) (No. 71 of 2008)	Prevention of Organised Crime Act (No. 121 of 1998)
Consumer Protection Act (No. 68 of 2008)	Short-term Insurance Act (No. 54 of 1998)
Trust Property Control Act (No. 57 of 1998)	Prevention and Combating of Corrupt Activities Act (No. 12 of 2014)
Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)	South African Reserve Bank Act (No. 90 of 1989)
Insurance Act (No. 18 of 2017)	
Financial Sector Regulation Act (No. 9 of 2017)	
Protection of Constitutional Democracy Against Terrorist and Related Activities Act (No. 33 of 2004)	
Medical Schemes Act (No. 131 of 1998)	
Copyright Act (No. 98 of 1978)	
Arbitration Act (No. 42 of 1965)	

## Annexure B

### Reproduction Fees

The applicable reproduction fees payable are as follows:

	<b>R</b>
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
For a copy in a computer-readable form on	
• Stiffy disc	7.50
• Compact disc	70
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

### Request fees

Where a requester submits a request for access to information held by the Sanlam Trust Beneficiary Fund, a request fee of R50.00 is, payable up-front before Sanlam will further process the request received.

### Access fees

An access fee is payable in all instances where a request for access to information is granted, except in the instances where payment of an access fee is specifically excluded in terms of the Act or the Minister.

The applicable access fees payable are as follows:

For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
For a copy in a computer-readable form on	
• Stiffy disc	7.50
• Compact disc	70.00

A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
To search for a record that must be disclosed (- per hour or part of an hour reasonably required for such a search.)	30.00
Where a copy of a record needs to be posted the actual postal fee is payable.	

In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.