

**METAL INDUSTRIES PROVIDENT FUND'S MANUAL
PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

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TABLE OF CONTENTS

<u>No.</u>	<u>Clause Heading</u>	<u>Page</u>
1.	LIST OF ACRONYMS, ABBREVIATIONS AND DEFINITIONS	3
2.	PURPOSE OF THIS MANUAL.....	3
3.	KEY CONTACT DETAILS FOR ACCESS TO THE MIPF'S INFORMATION.....	4
4.	GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE.....	4
5.	CATEGORIES OF RECORDS OF THE MIPF WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS	7
6.	DESCRIPTION OF THE MIPF'S RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION	7
7.	DESCRIPTION OF THE SUBJECTS ON WHICH THE MIPF HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE MIPF	8
8.	PROCESSING OF PERSONAL INFORMATION	9
9.	AVAILABILITY OF MANUAL.....	14
10.	UPDATING THIS MANUAL.....	14

1. LIST OF ACRONYMS, ABBREVIATIONS AND DEFINITIONS

In this Manual, unless the context requires otherwise:

- 1.1 **Guide** means the Guide on How to Use PAIA promulgated in terms of section 10 (1) of PAIA and updated by the Regulator;
- 1.2 **FSCA** means the Financial Services Conduct Authority;
- 1.3 **Information Officer** means the MIPF's information officer appointed in terms of POPIA;
- 1.4 **Manual** means this manual for access to information as required by section 51 of PAIA;
- 1.5 **MIBFA** means the Metal Industries Benefit Fund Administrators NPC;
- 1.6 **MIPF, we, us or our** means the 'Metal Industries Provident Fund';
- 1.7 **PAIA** means the Promotion of Access to Information Act, 2000 and the regulations promulgated in terms of that act;
- 1.8 **POPIA** means the Protection of Personal Information Act, 2013 and the regulations promulgated in terms of that act;
- 1.9 **Regulator** means the Information Regulator;
- 1.10 **SARS** means the South African Revenue Service;
- 1.11 **South Africa** means the Republic of South Africa; and
- 1.12 **Stakeholders** means collectively, MIPF's members, participating employers, banks, SARS, courts and tribunals and other regulators.

2. PURPOSE OF THIS MANUAL

This Manual is useful for the public to:

- 2.1 check the categories of records held by the MIPF which are available without a person having to submit a formal PAIA request;
- 2.2 understand how to request access to a record of the MIPF, by providing a description of the subjects on which the MIPF holds records and the categories of records held on each subject;

- 2.3 know the description of the MIPF's records which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer who will assist the public with the records they wish to access;
- 2.5 know the description of the Guide and how to obtain access to it;
- 2.6 know if the MIPF will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.8 know if the MIPF transfers or processes personal information outside South Africa; and
- 2.9 a general description allowing a preliminary assessment of the suitability of the MIPF's information security measures to be implemented to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. **KEY CONTACT DETAILS FOR ACCESS TO THE MIPF'S INFORMATION**

Postal Address	P O Box 7507, Johannesburg, 2000
Street Address	42 Anderson Street, Johannesburg, 2001
Landline Number	011 870 2000
Fax Number	011 870 2384
Email	popia.officer@mibfa.co.za

4. **GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

- 4.1 In terms of section 10 (1) of PAIA the Regulator has revised, updated and made available the Guide, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2 The Guide is available in each of the official languages and in braille.
- 4.3 The Guide describes:
 - 4.3.1 the objects of PAIA and POPIA;

- 4.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of:
- 4.3.2.1 the Information Officer of every public body, and
- 4.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17 (1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3 the manner and form of a request for:
- 4.3.3.1 access to a record of a public body contemplated in section 11³; and
- 4.3.3.2 access to a record of a private body contemplated in section 50⁴;
- 4.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 4.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
- 4.3.6.1 any internal appeal, if applicable;
- 4.3.6.2 a complaint to the Regulator; and
- 4.3.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA - *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.7 the provisions of sections 14⁵ and 51⁶ of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8 the provisions of sections 15⁷ and 52⁸ of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9 the notices issued in terms of sections 22⁹ and 54¹⁰ of PAIA regarding fees to be paid in relation to requests for access; and
- 4.3.10 the regulations made in terms of section 92¹¹ of PAIA.
- 4.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5 The Guide can also be obtained:
- 4.5.1 upon request to the Information Officer;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4.3 above.

⁶ Section 51(1) of PAIA - The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5.2 from the website of the Regulator (<https://info regulator.org.za>).

4.6 A copy of the Guide is also available in English for public inspection during normal office hours at the MIPF's head office.

5. **CATEGORIES OF RECORDS OF THE MIPF WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

Category of records	Types of the record	Available on the MIPF's administrator's website	Available upon request
This Manual	Electronic	Yes	Yes
MIPF's rules and approved rule amendments	Hard copy/electronic	Yes	
Privacy policy	Electronic	Yes	Yes

6. **DESCRIPTION OF THE MIPF'S RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH AN OTHER LEGISLATION**

No	Category of Record	Ref	Act
1.	Tax records	95 of 1967	Income Tax Invoice
2.	Tax records and source	28 of 2011	Tax Administration Act
3.	Tax records and source documents	89 of 1991	Value Added Tax
4.	Know Your Client records	38 of 2001	Financial Intelligence Centre Act
5.	This Manual	2 of 2000	Promotion of Access of Information Act
6.	Privacy policy and other records required for compliance with POPIA	4 of 2013	Protection of Personal Information Act
7.	Statutory records including member, pensioner, beneficiary and dependent records, contribution, benefit and payment records, trustee meeting	24 of 1956	Pension Funds Act

	packs and minutes, reports and returns		
8.	Statutory records	66 of 1995	Labour Relations Act
9.	Scorecard Records	53 of 2003	Broad-Based Black Economic Empowerment Act

7. **DESCRIPTION OF THE SUBJECTS ON WHICH THE MIPF HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE MIPF**

Subjects on which the MIPF holds records	Categories of records
The creation, existence, and operation of the MIPF	MIPF rules, rule amendments, authorizations, regulatory reports, advice, and records, the MIPF's business and security records, communication with MIPF stakeholders, service information
The MIPF's assets and financial position	Asset and financial records including annual financial statements, audit records, statutory actuarial valuation records and actuarial projection records
Member records	Identity and citizenship records, Members' employment records including employee numbers, remuneration, employment duration, work address, membership records including normal retirement date, Fund joining date, tax records, contact information records, records of communications with the MIPF including questions and complaints, records of bank account details, records of financial information, including contribution and investment options and choices, records of previous membership of other retirement funds, health records, records of Members' dependents and beneficiaries, marital, alive/deceased status records
Participating Employers	Identity records including registration numbers, contact information records, financial records and records in respect of contributions and contribution returns

Trustees/Board Members	Identity and citizenship records, contact information records, communication records, education and employment records, training registers and records, records of credit and criminal record checks, business and financial information including information relating to conflicts of interest.
Principal Officer	Identity and citizenship records, contact information records, education and employment records, training registers and records
Suppliers and service providers	Identity records, contact information records, tax, and VAT records, BBBEE scorecard records, licences and other verification records, insurance records and bank account records
Regulatory records	Returns, reports and communication with regulators

8. PROCESSING OF PERSONAL INFORMATION

8.1 PURPOSE OF PROCESSING PERSONAL INFORMATION

- 8.1.1 The MIPF processes personal information in relation to the MIPF's active, paid up and former members and members' beneficiaries, dependents and pensioners (**Member Information**) to register members of the MIPF, to record members' beneficiary nominations, to receive and allocate member contributions and transfers from other retirement funds, to make transfers to other retirement funds, to invest and manage funds and allocate returns, to issue benefit statements, to record security undertakings for housing loans against member benefits, to prepare annual financial statements, for annual audits, for statutory actuarial valuations and calculating actuarial projections, to verify identity, alive/deceased status, contact and bank details, to receive and process claims and deductions and pay benefits, to resolve questions and complaints, to ensure the security of MIPF's business and systems, to comply with the law including the Pension Funds Act, 1956, tax laws, any applicable collective agreement and the requirements of the Pension Funds Adjudicator (**PFA**), the Financial Sector Conduct Authority (**FSCA**), SARS and other regulators (collectively Applicable Laws), to keep records including backups of the MIPF's IT systems, to communicate with and manage the MIPF's contracts and relationships with the MIPF's administrator, other suppliers and the MIPF's Stakeholders and to securely and properly manage the MIPF.
- 8.1.2 The MIPF processes personal information in relation to participating employers (**Employer Information**) to register members of the MIPF, to receive,

reconcile and allocate contributions, to pay surpluses, to manage the MIPF and report to the FSCA, SARS and any other regulatory authority, to deal with disputes and claims by, against or involving the MIPF, including legal proceedings in any forum.

- 8.1.3 The MIPF uses the personal information which is provided to the MIPF through its administrator's website for the purposes for which the personal information was provided and to communicate with the person who provided it.
- 8.1.4 The MIPF uses the personal information which is provided to the MIPF through SMS, WhatsApp, E-mail and postal services, for the purposes for which the personal information was provided and to communicate with the person who provided it.
- 8.1.5 The MIPF processes personal information in relation to the MIPF's trustees or board members (**Trustee Information**) in relation to the appointment of trustees or board members, to their registration with the FSCA, to their management of the MIPF including arranging, attending and recording board meetings and their decisions, to communicate with the FSCA and other regulators and to comply with the law including Applicable Laws, to deal with disputes and claims by, against or involving the MIPF, including legal proceedings in any forum.
- 8.1.6 The MIPF processes personal information relating to the MIPF's principal officer (**Principal Officer Information**) in relation to the appointment, conclusion and management of the MIPF's contract with the principal officer, to register the principal officer with the FSCA, to manage the MIPF, and to deal with disputes and claims by, against or involving the MIPF, including legal proceedings in any forum.
- 8.1.7 The MIPF processes personal information relating to the MIPF's potential and actual suppliers of goods and services (**Supplier Information**) in relation to the selection and appointment of suppliers, to conclude and manage contracts with them, to comply with the Applicable Laws and the management of the MIPF and to deal with disputes and claims by, against or involving the MIPF, including legal proceedings in any forum.
- 8.1.8 The MIPF processes personal information about enquiries (**Enquiry Information**) it receives for the purposes of responding to them.
- 8.1.9 The MIPF processes personal information in communications (**Communication Information**) to communicate with Stakeholders and

members in relation to the MIPF, to comply with Applicable Laws, and to keep records and provide responses.

- 8.1.10 The MIPF processes personal information to investigate, assess, establish, exercise or defend legal claims in any forum (**Claims Information**), for audits, for asset valuations including statutory valuations, to prepare annual financial statements, to obtain expert advice, to identify, mitigate and manage risks and to maintain and claim under insurance cover and to deal with disputes and claims by, against or involving the MIPF, including legal proceedings in any forum (**Audit and Risk Information**).

8.2 **DESCRIPTION OF THE CATEGORIES OF DATA SUBJECTS AND OF THE INFORMATION OR CATEGORIES OF INFORMATION RELATING THERETO**

Categories of Data Subjects	Personal Information that may be processed
Members including active, paid-up, and former members, beneficiaries, dependents and pensioners	Name, identity or passport numbers, employee number, citizenship, date of birth and age, gender, normal retirement date, Fund joining date, tax number, contact information including phone numbers, email and other addresses, information in communications relating to the MIPF, bank account details, salary information, financial information including contribution and investment options and choices, previous membership of other retirement funds, employment information including remuneration, employment duration and work address, health information, information about marital status and dependants including children
Participating employers	Name, identity, passport, and registration numbers, contact information including phone numbers, email, and other addresses and financial and other information in respect of contributions and contribution returns
Trustees or board members	Name, identity, or passport numbers, contact information including phone numbers, email, and other addresses, information in communications, education and employment information, training attended, race and gender, credit and criminal record checks and business or financial information including relating to conflicts of interest

Principal Officer	Name, identity and passport numbers, citizenship, contact information including phone numbers, email, and other addresses, education and employment information, training attended, race and gender
Potential and actual suppliers	Name, identity, passport, or registration numbers, contact information including phone numbers, email and other addresses, tax and VAT numbers, Broad-Based Black Economic Empowerment verification certificates and other licences, authorisations and accreditation relevant to their services and bank account details

8.3

THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED

Category of personal information	Third party recipients or categories of recipients to whom the personal information may be supplied
Any and all of the personal information listed in paragraph 8.2 as applicable	The MIPF's sub-operators or service providers who need to process that personal information to provide services to the MIPF, banks, retirement benefit funds when transferring member benefits, SARS, relevant Courts of Law, participating employers (Section 37D), FSCA
Insurance and investment information to maintain insurance cover, manage risk, manage the MIPF's assets, to get advice or establish, exercise, or defend the MIPF's rights	Underwriters, auditors, actuaries, investment managers and other professional advisors.
All personal information which the MIPF is required to provide by law such as information required to identify, contact, and verify the identity of a person, and tax and financial information of the MIPF	Applicable regulators including the Stakeholders (including SARS and the Department of Labour) and other regulators including tribunals and the courts

8.4 **TRANSBORDER FLOWS OF PERSONAL INFORMATION**

MIPF may send personal information offshore as follows:

- 8.4.1 where necessary to facilitate offshore investments, the MIPF may send trustee and principal officer information to service providers situated outside of South Africa including to investment managers, asset managers and brokers;
- 8.4.2 where information is published on the MIPF's administrator's website or where someone requires the MIPF to use an online platform for communication and that online platform transfers personal information offshore the personal information in that publication or communication may be available in foreign countries where that platform operates or stores data and may be available through the Internet around the world;
- 8.4.3 where the MIPF is obliged by law to use an online platform which transfers personal information offshore such as when reporting COVID information to the Department of Health on the platform operated by the National Institute for Communicable Diseases;
- 8.4.4 to the United States of America where the MIPF's administrator's website is backed up;
- 8.4.5 to Europe where the MIPF's administrator's servers and file servers are hosted and where backups of these servers are held;
- 8.4.6 if a Microsoft Teams meeting with the MIPF is recorded on its administrator's platform, that recording may be stored on Microsoft OneDrive which is backed up in the European Union; and
- 8.4.7 where the MIPF is permitted to do so in terms of section 72 of POPIA to a data subject in relation to the performance of a contract with a data subject or in performing a contract in a data subject's interest.

8.5 **GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RESPONSIBLE PARTY TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION**

The MIPF takes appropriate and reasonable technical and organisational steps to protect personal information against unauthorized access or disclosure including ensuring that the MIPF's administrator's website, email system, call centre, WhatsApp or SMS facilities, post or other hard copy reception facilities or other

infrastructure (and the MIPF's other operators' infrastructure on which personal information is processed) are protected by physical and electronic access control, encryption where applicable, appropriate firewalls and malware and virus protection.

9. AVAILABILITY OF MANUAL

A copy of this Manual is available:

- 9.1 to members on the MIPF's administrator's website at www.mibfa.co.za;
- 9.2 at the MIPF's principal place of business set out in paragraph 3;
- 9.3 upon request and payment of a reasonable amount;
- 9.4 to the Information Regulator on request.

10. UPDATING THIS MANUAL

The MIPF will regularly update this Manual.

Issued by

METAL INDUSTRIES PROVIDENT FUND