

**METAL AND ENGINEERING INDUSTRIES PERMANENT DISABILITY SCHEME'S
MANUAL PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2000**

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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 **Information Officer** means the PDS' information officer appointed in terms of POPIA;
- 1.3 **Manual** means this manual for access to information as required by section 51 of PAIA;
- 1.4 **MIBFA** means the Metal Industries Benefit Fund Administrators NPC;
- 1.5 **PAIA** means the Promotion of Access to Information Act, 2000 and the regulations promulgated in terms of that act;
- 1.6 **PDS, we, us or our** means the Metal and Engineering Industries Permanent Disability Scheme;
- 1.7 **POPIA** means the Protection of Personal Information Act, 2013 and the regulations promulgated in terms of that act;
- 1.8 **Regulator** means the Information Regulator;
- 1.9 **SARS** means the South African Revenue Service;
- 1.10 **South Africa** means the Republic of South Africa; and
- 1.11 **Stakeholders** means collectively, PDS' 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 PDS 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 PDS, by providing a description of the subjects on which the PDS holds records and the categories of records held on each subject;

- 2.3 know the description of the PDS' 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 PDS 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 PDS transfers or processes personal information outside South Africa; and
- 2.9 a general description allowing a preliminary assessment of the suitability of the PDS' 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 PDS'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 PDS' head office.

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

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

6. **DESCRIPTION OF THE PDS'S RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY 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 to 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 PDS HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE PDS

Subjects on which the PDS holds records	Categories of records
The creation, existence, and operation of the PDS	PDS rules, rule amendments, authorizations, regulatory reports, advice, and records, record of decision of trustees or board members, the PDS' business and security records, communication with PDS stakeholders, service information
The PDS' assets and financial position	Asset and financial records including annual financial statements, audit records, statutory actuarial valuation records and actuarial projection records
Participating employers	Identity records, contact information records, financial records, bank account records, regulatory reports and records
Member records	Identity and citizenship records of members, credit bureau tracing reports used for verification purposes, contact information records, members' employment records including employee numbers, remuneration, employment duration, work address and contact information records, records of members' dependence and beneficiaries, membership records including records of PDS joining date and normal retirement date, contribution records including continuation contribution records, benefit and grant records, tax records, records of communication with the PDS including questions and complaints, records of bank account details, records of health information
Participating Employers	Identity records including registration numbers, contact information records, financial records and records in respect of contributions and contribution returns

Trustees/Board Members	Recruitment records including curriculum vitae and employment history, identity and citizenship records, contact information records, communication records relating to the PDS, fees and expense reimbursement records, code of conduct, meeting minutes, regulatory reports and records, training registers and records, records of credit and criminal record checks, business and financial information including information relating to conflicts of interest.
Suppliers and service providers	Identity records, tax records, contracts, licences and other authorizations, bank account records, contact information, BBBEE scorecard records, insurance records, employee and agent records, advice, reports and valuations, as applicable, communication records, regulatory reports and 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 PDS processes personal information in relation to the PDS' active members at date of disability or continuation members (**Member Information**) of the Metal industries Provident Fund and the Engineering Industries Pension Fund (**Funds**) to receive and allocate member contributions from the Funds, invest and manage PDS funds and assets, prepare annual financial statements for annual audits, statutory actuarial valuations and calculating actuarial projections, to verify identity, contact and bank details, to receive, verify and deal with disability claims and deductions, pay disability grants to members and continuation contributions to the Funds, deal with questions and complaints, to ensure the security of our business and systems including information processed using the Infrastructure, to comply with the law including tax laws, any applicable collective agreement and the requirements of the Pension Funds Adjudicator (**PFA**), Financial Sector Conduct Authority (**FSCA**), South African Revenue Service (**SARS**), Department of Labour and other regulators (**Applicable Laws**), to keep records including backups of PDS' IT systems, to communicate with and manage PDS' contracts and relationships with its administrator, other suppliers and stakeholders and to securely and properly manage PDS, paid up and former members and members' beneficiaries, dependents and pensioners (**Member Information**) to register members of the PDS, 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, contact and bank details, to receive and process claims and deductions and pay benefits, to resolve questions and complaints, to ensure the security of PDS' 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 PDS' IT systems, to communicate with and manage the PDS' contracts and relationships with the PDS' administrator, other suppliers and the PDS' Stakeholders and to securely and properly manage the PDS.

- 8.1.2 The PDS processes personal information in relation to participating employers in relation to verifying Member Information and to deal with and verify member disability claims.
- 8.1.3 PDS processes personal information relating to its trustees (**Trustee Information**) in relation to the selection and appointment of trustees, their management of PDS including arranging, attending and recording board meetings and their decisions, in communication with the FSCA and other regulators and in compliance with the law including Applicable Laws.
- 8.1.4 We process personal information relating to PDS' potential and actual suppliers of goods and services (**Supplier Information**) in relation to the selection and appointment of suppliers, concluding and managing contracts with them, compliance with laws including the Applicable Laws and the management of PDS. The PDS processes personal information about enquiries (**Enquiry Information**) it receives for the purposes of responding to them.
- 8.1.5 PDS also processes personal information as necessary to open accounts and receive and process payments through banks to comply with money laundering and terrorist financing laws including the Financial Intelligence Centre Act, 2001, to receive and make payments, and communicate with members and the bank in relation to such payments.
- 8.1.6 PDS processes information about enquiries it receives for the purposes of responding to that enquiry.

8.1.7 PDS processes information in communications (**Communication Information**) to communicate with various person, to comply with the law including Applicable Laws and to keep records.

8.1.8 PDS processes personal information to investigate, assess, establish, exercise or defend legal claims in any forum, for audits, for asset valuations including statutory valuations, to prepare annual financial statements, to obtain expert advice, to identify, mitigate and manage risks.

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 members or continuation members	Name, identity or passport numbers, employee numbers, citizenship, date of birth and age, gender, normal retirement date, PDS joining date, tax number, contact information (phone numbers, email and other addresses), information in communications, bank account details, employment information (including remuneration, employment duration and work address) and health information
Participating employers	Name, contact information including phone numbers, email and other addresses and date of registration with the Metal and Engineering Industries Bargaining Council
Trustees or board members	Name, identity, or passport numbers, contact information including phone numbers, email, and other addresses, information in communications relating to the PDS, 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
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, health practitioners' practice numbers and other relevant licences, authorisations and accreditation, 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 PDS' administrator and its sub-operators or service providers who need to process that personal information to provide services to the PDS and representatives of members
Benefit statements and benefit values	When required by law, participating employers
Personal information relating to trustee decisions	PDS' trustees and when required by law, enforcement agencies
All personal information which the PDS is required to provide by law such as information required to identify and verify the identity of a person, Member Information, benefit statements, nomination forms and other beneficiary or dependent information, tax and financial information of the PDS and current and former members	Law enforcement agencies, the PFA, FICA, SARS and the Department of Labour and other regulators including tribunals and the courts

8.4 TRANSBORDER FLOWS OF PERSONAL INFORMATION

PDS may send personal information offshore as follows:

- 8.4.1 where information is published on the PDS' administrator's website or where someone requires the PDS 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;

- 8.4.2 where the PDS 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;
- 8.4.3 to the United States of America where the PDS' administrator's website is backed up;
- 8.4.4 to Europe where the PDS' administrator's servers and file servers are hosted and where backups of these servers are held;
- 8.4.5 if a Microsoft Teams meeting with the PDS on its administrator's platform is recorded, that recording may be stored on Microsoft OneDrive which is backed up in the European Union; and
- 8.4.6 where the PDS 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 PDS takes appropriate and reasonable technical and organisational steps to protect personal information against unauthorised access or disclosure including ensuring that the PDS' administrator's website, email system, call centre, WhatsApp or SMS facilities, post or other hard copy reception facilities or other infrastructure (and the PDS' other operators' infrastructure on which personal information is processed) is 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 PDS' administrator's website at www.mibfa.co.za;
- 9.2 at the PDS' 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 PDS will regularly update this Manual.

Issued by

THE METAL AND ENGINEERING INDUSTRIES PERMANENT DISABILITY SCHEME