

**METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL SICK PAY FUND'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 SPF's 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 **SPF, we, us or our** means the Metal and Engineering Industries Bargaining Council Sick Pay Fund;
- 1.6 **PAIA** means the Promotion of Access to Information Act, 2000 and the regulations promulgated in terms of that act;
- 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, SPF's members, participating employers, banks, SARS, the Department of Labour, 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 SPF which are available without a person having to submit a formal PAIA request;
- 2.2 understand how to request access to a record of SPF, by providing a description of the subjects on which SPF holds records and the categories of records held on each subject;
- 2.3 know the description of SPF'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 SPF 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 SPF transfers or processes personal information outside South Africa; and
- 2.9 a general description allowing a preliminary assessment of the suitability of SPF'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 SPF'S INFORMATION**

Postal Address	P O Box 6539, 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;
- 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

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.*

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.*

- 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;
- 4.5.2 from the website of the Regulator (<https://infoforegulator.org.za>).
- 4.6 A copy of the Guide is also available in English for public inspection during normal office hours at the SPF's head office.

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.”

5. CATEGORIES OF RECORDS OF SPF WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the record	Available on SPF's website	Available upon request
This Manual	Electronic	Yes	Yes
SPF's collective agreement, rules and approved rule amendments	Hard copy/electronic	Yes	Yes
Privacy policy	Electronic	Yes	Yes
SPF Contribution Rates and Fund membership Circulars	Electronic	Yes	Yes
Summary of SPF's benefits	Electronic	Yes	Yes

6. DESCRIPTION OF SPF'S RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

No	Category of records	Ref	Act
1.	Tax records	95 of 1967	Income Tax Act
2.	Tax records and source documents	28 of 2011	Tax Administration Act
3.	Tax records and source documents	89 of 1991	Value Added Tax Act
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	66 of 1995	Labour Relations Act
8.	Scorecard records	53 of 2003	Broad-Based Black Economic Empowerment Act

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

Subjects on which SPF holds records	Categories of records
The creation, existence, and operation of SPF	SPF rules, rule amendments, collective agreements, authorizations, regulatory reports, advice and records, records of decisions of trustees or management committee members, SPF's business and security records, communication with SPF's Stakeholders, service information
SPF's assets and financial position	Asset and financial records including annual financial statements and audit records
Participating employers	Identity records, contact information records, financial records, bank account records, regulatory reports and records and contribution records
Member Records	Identity and citizenship records of members and 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' dependents and beneficiaries, membership records including records of SPF joining date and normal retirement date, contribution records, benefit records, tax records, records of communications with SPF including questions and complaints, records of bank account details, records of health information
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, communication records, regulatory reports and records
Board of Trustees and	Recruitment records including curriculum vitae

Management Committee	and employment history, identity and citizenship records, contact information records, communication records relating to SPF, 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
Regulatory records	Returns, reports and communication with regulators

8. PROCESSING OF PERSONAL INFORMATION

8.1 PURPOSE OF PROCESSING PERSONAL INFORMATION

- 8.1.1 SPF processes personal information in relation to SPF's active members and deceased members and dependents (**Member Information**) to register members of SPF, receive and allocate member contributions, invest and manage SPF 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 process claims and pay benefits, 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, South African Revenue Service (**SARS**), Department of Labour and other regulators (collectively **Applicable Laws**), to keep records including backups of SPF's IT systems, to communicate with and manage SPF's contracts and relationships with its administrator, other suppliers and Stakeholders and to securely and properly manage SPF.
- 8.1.2 SPF processes personal information relating to participating employers (**Employer Information**) in relation to registering members of SPF, receiving reconciling and allocating contributions and verifying Member Information.
- 8.1.3 SPF uses the personal information which is provided to SPF 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 SPF processes personal information relating to its Board of Trustees and Management Committee (**Board Information**) in relation to the selection and appointment of board members, their management of SPF including arranging,

attending and recording board meetings and their decisions, in communication with Stakeholders to comply with the law including Applicable Laws.

- 8.1.5 SPF processes personal information relating to SPF's 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 SPF.
- 8.1.6 SPF 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, pay refunds, and communicate with members and the bank in relation to such payments or refunds.
- 8.1.7 SPF processes information about enquiries (**Enquiry Information**) it receives for the purposes of responding to them.
- 8.1.8 SPF processes information in communications (**Communication Information**) to communicate with various person, to comply with the law including Applicable Laws and to keep records.
- 8.1.9 SPF 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 (**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 members or deceased members and their dependants	Name, identity or passport numbers, employee numbers, citizenship, date of birth and age, gender, normal retirement date, SPF 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), financial information (including contributions), health

	information, and marital status and dependents information
Participating employers	name, identity and passport or registration numbers, contact information (including phone numbers, email and other addresses), financial information and information in respect of contributions and contribution returns
Potential and actual suppliers and service providers	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 and bank account details
Potential and actual Trustees and Management Committee members	name, identity or passport numbers, contact information (including phone numbers, email and other addresses), information in communications relating to SPF, education and employment information, training attended, race and gender, credit and criminal record, business or financial information including relating to conflicts of interest

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	SPF's administrator and its sub-operators or service providers who need to process that personal information to provide services to SPF and to representatives of members
Personal information relating to board decisions	SPF's board members and when required by Applicable Laws and relevant regulators
All personal information which SPF is required to provide by law such as information required to identify and verify the identity of a person, Member Information, and	Applicable regulators including the Stakeholders and other regulators including tribunals and the courts

financial information of SPF and current and former members	
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8.4 **TRANSBORDER FLOWS OF PERSONAL INFORMATION**

SPF may send personal information offshore as follows:

- 8.4.1 where information is published on the SPF's administrator's website or where someone requires SPF 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 SPF 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 SPF's administrator's website is backed up;
- 8.4.4 to Europe where SPF's administrators email servers and file servers are hosted and where backups of these servers are held;
- 8.4.5 if a Microsoft Teams meeting with SPF on its administrator's platform is recorded, that recording may be stored on Microsoft OneDrive which is backed up in the European Union;
- 8.4.6 where SPF is permitted to do so in terms of section 72 of POPIA to a member, 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**

SPF takes appropriate and reasonable technical and organisational steps to protect personal information against unauthorised access or disclosure including ensuring that SPF's administrator's website, email system, call centre, WhatsApp or SMS facilities, post or other hard copy reception facilities or other infrastructure (and SPF's other operators' infrastructure on which personal information is

processed) is protected by physical and electronic access control, encryption, appropriate firewalls and malware and virus protection.

9. AVAILABILITY OF MANUAL

A copy of this Manual is available:

- 9.1 to members on MIBFA's website at www.mibfa.co.za;
- 9.2 at our 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

SPF will regularly update this Manual.

Issued by

**THE METAL AND ENGINEERING INDUSTRIES
BARGAINING COUNCIL SICK PAY FUND**