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MUNICIPAL GRATUITY FUND
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Website: www.mymgf.co.za • FSCA Reg. No: 12/8/29256/2

# PAIA MANUAL

# OF

# MUNICIPAL GRATUITY FUND

**Registration No. 12/8/29256/2**

**Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2 of 2000.**

## 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, the Fund 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 OF THE FUND (as per Section 51(1)(a) of the Act)

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|---|---|
| **Name of fund** | **Municipal Gratuity Fund** |
| **Registration number of fund** | 12/8/29256/2 |
| **Street address** | 3 Riley Road, 14 Bedfordview Office Park, Bedfordview |
| **Postal address** | PO Box 1190, Bedfordview, 2008 |
| **Telephone number** | (011) 4501224 |
| **E-mail address** | Christine.seierlein@mgfund.co.za |
| **Fund's website** | www.mymgf.co.za |
| **Call Centre** | 0861 223 646 |
| **Information Officer name** | Ms Christine Seierlein |
| **Information Officer e-mail address** | Christine.seierlein@mgfund.co.za |

## 3. ACCESS TO THE GUIDE ON HOW TO USE PAIA (as per Section 51(1)(b) of the Act)

The guide on how to exercise any rights granted in PAIA, as per Section 10 of the Act, is available free of charge from both the Information Regulator and/or the Information Officer of the Fund.

### 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
Website: www.justice.gov.za/inforeg

### The Information Officer:

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

## 4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY THE FUND

Records are kept in accordance with such other legislation as is applicable to the Fund, which includes, but is not limited to, the following:

- Divorce Act, 70 of 1979
- Maintenance Act, 99 of 1998
- Pension Funds Act, 24 of 1956
- Basic Conditions of Employment Act, 75 of 1997
- Labour Relations Act, 66 of 1995
- Skill Development Levies Act, 9 of 1999
- Income Tax Act, 58 of 1962
- Unemployment Insurance Act, 63 of 2001
- Value Added Tax Act, 89 of 1991

## 5. HOW TO ACCESS RECORDS HELD BY THE FUND

A **requester** is any person making a request for access to a record of the Fund. 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:

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| **(A) PERSONAL REQUESTER**<br><br>**A retirement fund member is a personal requester.** A personal requester is a requester who is seeking access to a record containing personal information about themselves.<br><br>**All the members' information pertaining to the Fund is voluntarily disclosed and automatically available to him/her upon request, as well as:**<br>• The Fund rules and certificate of registration<br>• Financial statements of the Fund (latest revenue account and balance sheet)<br>• The last statutory valuation of the Fund<br>• Policy documents relating to fidelity cover and funeral cover<br><br>**Procedure to obtain this information and/or records from the Fund**<br>The information can be obtained in one of the following ways:<br>• At the Fund's office<br>• By writing a letter or sending an email to the Fund<br>• By accessing the Fund's website<br><br>The Fund will voluntarily provide the requested information or give access to any record regarding 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 listed hereunder. |
| **(B) OTHER REQUESTER (THIRD PARTY)**<br><br>This requester (someone other than a Fund member) is entitled to request access to information on third parties. However, the Fund 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 THE FUND 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)**

| **Claims (withdrawals, retirements, deaths and disabilities)** |
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| • Claim forms (for exits from the Fund) 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) |

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| • | Declaration of qualifying partner (death claims) |
| • | Board of management's resolution on distribution of death benefits |
| • | Copy of death certificate |
| • | Statement by employer and employee (disability claims) |
| • | Acceptance/declination letter (disability claims) |
| **Member data** | |
| • | Membership data |
| • | Contribution records |
| • | Member individual investment choice option forms |
| • | Benefit statements |
| **Section 14 transfers/liquidations** | |
| • | Calculations |
| • | Option forms (where applicable) |
| • | Tax application forms |
| • | Tax directives |
| • | Tax certificates (Duplicate - where applicable) |
| • | Copy of section 14 application lodged |
| • | Copy of section 14 certificate |
| **Disability** | |
| • | Medical records and disability application form |
| • | Letter of confirmation of payment |
| • | EFT payment reference |
| **Accounting records** | |
| • | 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) |
| **General records** | |
| • | Minute books |
| • | Board of Fund registers |
| • | Board of Fund details |
| • | Policy documents relating to risk benefits, ie funeral cover |
| • | Documentation relating to the review of insurance |
| • | Agendas of all meetings |
| • | Investment manager mandates |
| • | Statements detailing the asset values for the Fund |
| • | Communication sent to members of the Fund |
| • | Contracts with service providers |
| • | Correspondence to board of management members regarding Fund matters |
| • | Correspondence to members |
| • | Confirmation as to appointments of Fund |

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| • | Copies of Pension Fund Adjudicator complaints lodged against the Fund and Fund's response thereto |
| • | Communication with SARS and FSCA |
| • | Participating employer details |
| • | Housing loan application forms, record of payments, settled claims and approvals |
| • | Investment strategy documents |
| • | Surplus apportionment exercise documents |

### Request procedure

- The requester must use the prescribed form in terms of PAIA and submit it to the Fund. This request must be made to the Information Officer of the Fund. The Information Officer must assist any requester with his/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 the Fund 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 the Fund.

## 6. FEES

6.1 PAIA provides in Annexure B to the PAIA regulations, for two types of fees namely:

6.1.1 A request fee, which will be a standard fee (currently R140 per request); 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.

| Item | Cost per A4-size page or part thereof/ item |
|---|---|
| Request fee | R140 |
| Photocopy | R2 per page or part thereof |
| Printed copy | R2 per page or part thereof |
| For a copy in a computer-readable form on:<br>(i) Flash drive<br>• To be provided by requestor<br>(ii) Compact disc<br>• If provided by requestor<br>• If provided to the requestor | <br><br><br>R40.00<br><br>R40.00<br>R60.00 |
| For a transcription of visual images per A4-size page | Service to be outsourced. Will depend on the quotation of the service provider. |
| Copy of visual images | |
| Transcription of an audio record, per A4-size | R24.00 |

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| Copy of an audio record<br>(i) Flash drive<br>• To be provided by requestor<br>(ii) Compact disc<br>• If provided by requestor<br>• If provided to the requestor | <br><br>R40.00<br><br>R40.00<br>R60.00 |
| Postage, e-mail or any other electronic transfer. | Actual costs |

6.2 When the request is received by the Information Officer, she will by notify the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.

6.3 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 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.

6.4 The Information Officer will withhold a record until the requester has paid the fees as prescribed.

6.5 A requester whose request for access to a record has been granted, must pay an access fee as listed in Annexure B 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.

6.6 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.

## 7. DECISION

7.1 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

7.2 The 30-day period within which the 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.

## 8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

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

8.1 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;

8.2 mandatory protection of the commercial information of a third party, if the record contains:

- 8.2.1 trade secrets of that third party;
- 8.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 8.2.3 information disclosed in confidence by a third party to the Fund, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition; or
- 8.2.4 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 the Fund.

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.

## 9. COMPLAINTS

Requesters who are aggrieved by a decision of the Information Officer of the Fund 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
General enquiries email: inforeg@justice.gov.za

## 10. AVAILABILITY OF THIS MANUAL

A copy of this manual is available for inspection free of charge at the Fund's registered office and, if applicable, on the Fund's website.

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

The Fund collects and processes personal information in respect of all members participating in the Fund.

POPIA stipulates that personal information may be collected and processed in accordance with a lawful obligation (in other words there is a law, like the Pension Funds Act, that requires it). The Fund is established in accordance with the Pension Funds Act, with the purpose of providing retirement benefits to its members. To do so, it must collect some of its members' personal information to effectively administer member records, to ensure that monthly contributions to the Fund is correctly allocated to member records, that benefit statement data is correct, and also to ensure that when a member resigns or retires, their fund benefit is paid out to them in accordance with their choice.

**Chairperson of the Board**