



INVESTMENTS

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PROFESSIONAL PROVIDENT SOCIETY RETIREMENT ANNUITY FUND

INFORMATION AND PRIVACY STANDARD

as prescribed in terms of the

**PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
AND PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013**

1 Introduction

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

(1) *Everyone has the right of access to –*

Any information held by the state; and

Any information that is held by another person and that is required for the exercise or protection of any rights.

(2) *National legislation must be enacted to give effect to this right and may provide for reasonable measures to alleviate the administrative and financial burden on the state.*

Section 32 of the Constitution affords everyone the right to access information held by the State or any other person. The Constitution requires that national legislation be enacted to give effect to this right. The Promotion of Access to Information Act, 2 of 2000 (PAIA), gives effect to this constitutional right of access as required in terms of sub-section (2).

PAIA provides that a person must be given access to any record of a private body if the record is required for the exercise of any right¹ and the procedural requirements relating to a request have been complied with. PAIA applies to any recorded information, regardless of form or medium, under the control of the private body, and whether or not the private body created it.

Where a request is made in terms of PAIA, the private or public body to which the request is made is obliged to release the information, except where PAIA expressly provides that the information must not be released. PAIA sets out the requisite procedural issues attached to such request.

The Professional Provident Society Retirement Annuity Fund ('the Fund'), has confirmed its status as a private body in terms of the definition in PAIA as well as a responsible party in terms of the definition in the Protection of Personal Information Act, 4 of 2013 (POPIA).

The Fund respects and values data privacy rights, and ensures that all personal data collected from you is processed in adherence to the general principles of transparency, legitimate purpose, and proportionality.

¹ After the Fund has satisfied itself that the requester is seeking to exercise or protect a right and not an interest, the Fund is then required to ascertain whether the information requested will assist the requester in exercising or protecting the right. The requester is therefore required to establish a nexus, or causal link between the right alleged and the information requested. It does not follow from the mere establishment of the right by the requester that he or she is automatically entitled to the information requested. The requester must establish that the information sought will assist him or her in exercising or protecting his or her right

2 Key definitions

“Biometrics” means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprint, DNA analysis, retinal scanning and voice recognition;

“Conditions for Lawful Processing” means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;

“Consent” means any voluntary, specific and informed expression of will in terms of which permission is given for the processing personal information;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Customer” refers to any natural or juristic person that received or receives services from the Fund, and includes a member of the Fund;

“Data Subject” means the natural or juristic person to whom personal information relates, such as an individual member, employee or an entity that provides the Fund with products or services;

“Deputy Information Officer” means the person to whom any power or duty conferred or imposed on an Information Officer in terms of POPIA has been delegated to assist the requester in their information request. PAIA does not provide for private bodies to designate a Deputy Information Officer, however it is recommended by the Information Regulator that they do so for efficiency and convenience;

“Information Officer” means the head of a private body. Once appointed the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties which include handling requests for information amongst others. Deputy Information Officers can also be appointed to assist the Information Officer;

“Information Regulator” means the Regulator established in terms of section 39 of POPIA;

“Person” means a natural person or a juristic person;

“Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;

- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person and;
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

"Personal Requester" means a requester seeking access to a record containing personal information about the requester;

"Personnel" refers to any person who provides services to or on behalf of the Fund and any other person who assists in carrying out or conducting the business of the Fund. This includes, without limitation, the trustees, principal officer, deputy principal officer, administrator, insurer, and employees and contractors of the sponsor;

"POPIA Regulations" mean the regulations promulgated in terms of section 112(2) of POPIA;

"Processing" means any operation or activity or any set of operations, whether by automatic means or not, concerning personal information, including-

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or products and legal matters relating to those products; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

"Record" means any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from a public or private body would refer to a record that was in that body's possession regardless of whether that body created the record;

"Request Fee" means the cost to be paid for making an access to information request;

"Requester" means the natural or juristic person making an access to information request. A requester also refers to the person who is making the information request on behalf of somebody else;

“Request for Access” in relation to a private body, means a request for access to a record of a private body in terms of section 50 of PAIA;

“Responsible Party” means a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information;

“Standard” means this Information and Privacy Standard prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;

“Third Party” refers to any natural or juristic person who is not the requester of the information, nor the body to whom the information request is made.

Capitalised terms used in this Standard have the meanings ascribed thereto in section 1 of POPIA and section 1 of PAIA as the context specifically requires, unless otherwise defined herein.

3 Purpose

The purpose of the Standard is to provide an outline of the types of records held by the Fund, inform you of our data protection and security measures, serve as a guide in exercising rights in terms of POPIA and explain how one may submit requests for access to these records in terms of PAIA. POPIA and PAIA give effect to everyone’s constitutional rights to privacy and access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requester’s rights.

4 Contact details

Information Officer: Principal Officer of the Fund

Physical address: PPS House, Boundary Terraces, 1 Mariendahl Lane, Newlands, 7700

Postal address: PO Box 44507, Claremont, 7735

E-mail: retirementfunds@pps.co.za

Client services tel: 0860 468 777

5 A guide on how to access information via PAIA

The South African Human Rights Commission has compiled a guide as required in terms of section 10 of the South African Human Rights Commission Act, 2013 on how to access information. This guide is available to the public at no cost and contains information on:

- understanding and how to use the Act,

- the objectives of the Act,
- particulars of every public and private body,
- the manner and form for requests, and
- contents of the Regulations promulgated under the Act.

Any queries regarding this guide should be directed to:

The South African Information Regulator:

Postal Address	PO Box 31533, Braamfontein, Johannesburg, 2017.
Website	www.justice.gov.za/inforeg/
Complaints Email Address	complaints.IR@justice.gov.za
General Enquiries Email	inforeg@justice.gov.za.

6 Records available in terms of other legislation

Certain legislation mandates the Fund to allow any person access to specified information, upon request, irrespective of who that person may be. Access to information may be granted in terms of such other legislation if the manner of request is not more onerous than a request under PAIA and POPIA.

This would include the following legislation, amongst others:

1. Pension Funds Act 24 of 1956;
2. Income Tax Act 58 of 1962;
3. Prevention of Organised Crime Act 121 of 1998;
4. Financial Intelligence Centre Act 38 of 2001;
5. Constitution of South Africa 108 of 1996.

7 Access to records held by private body in question

I. Records/information which are automatically available to a person without the requirement of a formal request or the person having to request access in terms of this Act:

- Address, email and telephone details of the Fund's registered office;

- Names of board of trustees, principal officer and other fund officials:
- Names and contact details of the administrator, auditor, actuary and insurer;
- Fund rules;
- Fund governance policies.

II. List of records per subject:

Information in the categories below is not available without a formal request as per the instructions of the request procedure, and may be declined by the Fund to protect the body's own, commercial or research information.

Category	Description of record kept
Membership records	Member details: <ul style="list-style-type: none"> ○ personal details (indicative details); ○ medical history and reports; ○ financial details (banking details, income, assets and liabilities); ○ education and qualification details; ○ financial adviser details (name and contact details); ○ application and transaction forms completed by the member; ○ police records, court orders, government records and any other information pertaining to a death claim, divorce claim, maintenance claim or an allowable deduction from benefits; ○ tax and SARS records; ○ beneficiary and dependant details (personal, medical, employment and financial details).
Fund's financial records	<ul style="list-style-type: none"> ○ Financial statements of the Fund; ○ Financial documents compiled by administrators ○ Financial documents compiled by auditors; ○ Financial documents compiled by investment advisors; ○ Financial documents compiled by actuaries; ○ Financial documents compiled by insurers; ○ Banking facilities, bank account numbers; ○ Tax details.
Investment records	<ul style="list-style-type: none"> ○ Details of investments and assets held by the Fund; ○ Investment performance; ○ Documents compiled by investment advisers and asset managers; ○ Any other related documents.

Category	Description of record kept	
Fund records	<ul style="list-style-type: none"> ○ FSCA and SARS Registration details; ○ Policies and procedures; ○ Products; ○ Strategy; ○ Business directives; ○ Suppliers' contracts; ○ Minutes of meetings of board of trustees; ○ Resolutions passed by the board of trustees. 	
Legal records	<ul style="list-style-type: none"> ○ Documents compiled by attorneys; ○ Records of legal cases and Pension Fund Adjudicator determinations; ○ Appeal records; ○ Cancellation/termination of membership legal records. 	
Fund official's records	<ul style="list-style-type: none"> ○ Any personal records provided to the Fund by its fund officials; ○ Any records a third party has provided to the Fund about any of its fund officials ○ Other internal records and correspondence. 	
Member-related records	<ul style="list-style-type: none"> ○ Any records a member or beneficiary has provided to a third party acting for or on behalf of the Fund; ○ Any records a third party has provided to the Fund; ○ Records generated by or within the Fund pertaining to the member, including transactional records. 	
Private body records	<ul style="list-style-type: none"> ○ Financial records; ○ Operational records; ○ Databases; ○ Information technology; ○ Marketing records; ○ Internal correspondence; 	<ul style="list-style-type: none"> ○ Statutory records; ○ Internal policies and procedures; ○ Treasury-related records; ○ Securities and equities; ○ Records held by officials of the private body. and ○ Product records.
Records in the possession of or pertaining to other parties	<ul style="list-style-type: none"> ○ Personnel, customer or private body records which are held by another party as opposed to being held by the Fund; and ○ Records held by the Fund pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers. 	

The following details are available without a formal request, but must be accompanied by written consent from the member if the requester of the information (third party) is not the official financial adviser of the member as per the Fund records:

- Member details;
- Address details;
- Telephone details;

- Product categories and contributions paid.

Granting/declining of information:

Within 30 days (normal calendar days) after receipt of a request, the Fund will advise the requester whether the request has been granted or declined. If declined, reasons will be given. Furthermore, if the record pertains to a third party, the Act requires the Fund to notify the third party of the request, and be given an opportunity to either consent to the release, or make representations in favour of or declining the request. A dissatisfied requester or third party is entitled to an appeal process by way of application to court.

8 Compulsory declining of requests for information

A request for a record must be declined to protect:

- The privacy of a third party;
- Commercial information of a third party;
- Confidential information of a third party;
- The safety of individuals and the protection of property;
- Records privileged from production in legal proceedings;
- Research information of a third party.

Discretionary declining of requests:

A request may be refused to protect the commercial or research information of the Fund.

9 Request procedure

Details of submitting a formal request:

Submit Request Form (Annexure A) for the attention of the appropriate Information Officer to the address, fax number or electronic mail address provided in this Standard.

Ensure that the right you wish to protect or exercise is fully described in the Request Form.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request.

The Information Officer will assess the request and advise the requestor within 30 calendar days of the decision made.

The information, if granted, will be supplied to the requester in a format applicable to the request. If declined the requestor will be notified in writing and will be provided with the reasons for the decision.

If you have any questions about our use of your Personal Information you can contact the appropriate Information Officer of the Fund in accordance with the contact details provided in this Standard.

10 Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [*section 54(1)*].
- The fees (if any) that the requester must pay to a private body will depend on the format of the information being requested (The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee [*section 54(3)(b)*]. For a complete fee schedule please visit the Information Regulator at www.justice.gov.za/infoereg/.
- After the Information Officer has decided on the request, the requester must be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [*section 54(6)*].

POLICY ADOPTED BY THE BOARD OF TRUSTEES ON 22 JUNE 2021.

ANNEXURE A

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

This annexure must accompany the cover letter addressed to the relevant Information Officer

A. Particulars of private body

The Information Officer of the Fund

B. Particulars of person requesting access to the record

- a) The particulars of the person who requests access to the record must be given below.*
- b) The address and/or fax number in the Republic to which the information is to be sent must be given.*
- c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

.....

C. Particulars and approval of person/data subject on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

Signed atthis day of 202

Data subject signature

D. Particulars of record

a) *Provide full particulars of the record to which access is requested, including the reference number that is known to you, to enable the record to be located.*
b) *If the provided space is inadequate, please continue a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:

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.....
.....
.....
.....

2. Reference number, if available:

3. Any further particulars of record:

.....
.....

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee*
- (c) *The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record*
- (d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption*

Reason for exemption from payment of fees:

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.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 here under, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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*Mark the appropriate box with an **X**.*
NOTES:
*a) Compliance with your request in the specified form may depend on the form in which the record is available.
b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*
*Mark the appropriate box with an **X***

1. If the record is in written or printed form:	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):	

	view the images		copy of the images*		transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:						
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)			
4. If record is held on computer or in an electronic or machine-readable form:						
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (compact disc)	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?					YES	NO
Postage is payable.						

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the right:

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F. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....
.....

Signed atthis day of 202.....

.....
SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF
REQUEST IS MADE