

**INDEPENDENT SCHOOLS ASSOCIATION OF SOUTHERN AFRICA PENSION  
SCHEME AND PROVIDENT FUND (The Funds)**

**Registration Number 12/8/11388/1 AND 12/8/20855/1**

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2/2000 (the "ACT")**

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**MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS  
TO INFORMATION ACT 2 OF 2000**  
**("The Act")**

**1. Introduction**

The objective of the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund is to provide retirement and ancillary benefits for the members and dependents, as described in the Fund Rules.

The promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as "the Act") gives effect to Section 32(1) (a) & (b) of the Constitution of the Republic of South Africa, Act 108 of 1996, which provides for the right of access to information held by public and private bodies when such information is requested for the exercise or protection of any rights. The Act, inter alia, sets out the requisite procedural requirements in relation to a request for information, the requirements to be met by the requester and grounds for refusal of the request.

The Act recognises that the right to any information may be limited to the extent that such limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

**2. Details of the Head of Private Body (S51(1)(a))**

Name of Private Body	Independent Schools Association of Southern Africa Pension Scheme and Provident Fund
Head of Private Body	Mr John Rollason (Principal Officer)
Monitoring Person	Mr John Rollason (Principal Officer)
Registration Address of the Fund	1 Mutual Place 107 Rivonia Road Sandton 2146
Postal Address	PO Box 2444 Saxonwold 2132
Telephone	+27 (0)11 217 000
E-mail	John@Rollason.co.za

**3. The South African Human Rights Commission Guide to the Act (S51(1)(b))**

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

The Act requires the South African Human Rights Commission (SAHRC) to compile a guide to be available in each official

language, in order to assist the public in understanding how to exercise their rights conferred by the Act. The guide describes the objects of the Act and generally how to practically use its provisions. The SAHRC guide forms part of this manual and may be obtained from the SAHRC website.

Any queries regarding the guide can be addressed directly to the SAHRC at:

The South African Human Rights Commission  
Private Bag 2700  
Houghton 2041

Tel	+27 (0)11 877 3645
Website	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
E-mail	Tshepang Sebulela <a href="mailto:tsebulela@sahrc.org.za">tsebulela@sahrc.org.za</a>

#### **4. Records that are automatically available without having to make a request in the prescribed form (S51(1)(c))**

A member's information pertaining to the Fund is available to him/her upon request as a personal requester.

The following records are available for inspection by any member of the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund at the registered address of the Fund at no charge:

- Registered rules of the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund
- The last annual financial statements
- The last statutory valuation report
- The last Investment Policy Statement
- Risk benefit policies
- Manual in terms of Section 51 (PAIA)
- Annual reports/member newsletters

#### **5. Applicable legislation Section (S 51 (1) (d))**

All records are available in terms of the following primary legislation:

- Pension Funds Act, 24 of 1956
- Income Tax Act no 58 of 1962
- Promotion of Access to Information Act 2 of 2000
- Divorce Act, 70 of 1979
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Maintenance Act, 99 of 1998
- Long-term Insurance Act, 52 of 1998
- Financial Advisory and Intermediary Services Act, 37 of 2002
- Basic Condition of Employment Act no 75 of 1997

#### **6. Schedule of Records (s51(1)(d))**

The Independent Schools Association of Southern Africa Pension Scheme and Provident Fund keeps records in the conduct of its day-to-day business and as a matter of standard practice. The subjects

and the categories of records held by the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund, which may be provided for a prescribed fee, are listed below:

**Claims (withdrawals, retirements, deaths and disability)**

- Claim Notification Forms
- Calculations or computerised statement of claim value
- Tax applications Tax directives IT88 notifications Tax certificates
- Client payment instructions
- Section 37D deduction instructions
- Copy of any other court orders against benefits
- Payment letters
- Copy of cheque (or cheque/EFT payment references)
- Trustees' resolutions- disposal of benefits (deaths only)
- Letter in respect of insured benefits (insurer)
- Copy of death certificates
- Declaration by qualifying partner
- Beneficiary nomination form (death claims)
- Claim forms and confirmation letters for funeral benefit
- Statement by Employer (disability only)
- Statement by Employees (disability only)
- Medical reports (disability only)
- Certificate of continued disability, escalator notification (disability only)
- Proof of rehabilitation/recovery (disability only)
- Acceptance / Regret/Suspension/Reinstatement letters (disability only)

**Member Data**

- Membership data
- Contribution records
- Benefit statements

**Section 14 transfers**

- Calculations
- Option forms
- Tax application forms
- Tax directives
- Tax certificates
- Copy of S14 application and certificate

**Fund records**

- Trustee Board registers
- Trustee Board details
- Agendas and minutes for all meetings held
- Investment manager mandates or policies of insurance depending on the nature of the investment
- Asset values
- Contracts with service providers
- Copies of Pension Fund Adjudicator complaints lodged against the Fund and Fund's response
- Correspondence to the trustees in respect of fund matters
- Correspondence to members, where applicable
- Communication with South African Revenue Services and FSCA
- Housing loan forms, record of payments, settled claims and approvals

- FSCA policies and directives
- Insurance policies /contracts
- Documentation relating to review of insurance
- Surplus apportionment exercise documents reflecting a nil scheme submission

## **7. Making a request in terms of the Act**

7.1. The first step in making a request for a record is to obtain the Request Form. The form together with a list of the applicable prescribed fees (if any) or fees as determined by the Board of Trustees that are payable may be obtained from the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund, at the address listed above.

The form may also be obtained from the website of the Department of Justice and Constitutional Development:

[https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf)

7.2. The requester must complete the prescribed form supplied on request, and submit this to the persons at the postal or physical address, or electronic mail address under 2 above.

7.3. The prescribed form must be completed with sufficient details to enable the following to be identified:

- The records requested
- The identity of the requester
- Which form of access to the records is required, should the request be granted
- The postal address or contact details of the requester

7.4. The requester must explain what other right is being protected or exercised.

7.5. The requester must indicate if the requester, in addition to being informed in writing, whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner.

7.6. If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Principal Officer.

7.7. Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Principal Officer.

7.8. The Independent Schools Association of Southern Africa Pension Scheme and Provident Fund will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request. The 30-day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund.

7.9. Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

## **8. Grounds for Refusal**

8.1. A request for access to a record may be refused on any of the following grounds:

- i. The record or information sought is not required for the exercise or protection of a right;

- ii. The protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- iii. The protection of commercial information of a third party (such as trade secrets, or financial, commercial, scientific or technical interests of a third party);
- iv. It would result in the breach of a duty of confidence owed by the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund to a third party;
- v. It would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- vi. The record is privileged from production during legal proceedings, unless the legal privilege has been waived;
- vii. The record contains trade secrets, financial or sensitive information or any information that would put the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund at a disadvantage in negotiations or prejudice it in commercial competition;
- viii. The record contains information about research being carried out or about to be carried out on behalf of a third party or by the Independent Schools Association of Southern Africa Pension Scheme and Provident Fund; or
- ix. If the request fails to comply with the prescribed procedure, or the prescribed fees are not paid.

## **9. Mandatory disclosure in certain circumstances**

Disclosure is compulsory if it would reveal a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.

## **10. Fees**

The following applies to third party requests:

- 10.1. A requestor is required to pay the prescribed fees before a request will be processed. A reasonable access fee may be levied in addition to the standard request fee. This should be reflecting the cost of making a copy of the record, of transcribing the content of a record into the required format and the time reasonably required to search for the record and prepare the record for disclosure to the requester.
- 10.2. If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted); if such request is subsequently declined, the Fund shall refund the requestor.
- 10.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 10.4. Records may be withheld until the fees have been paid.

## **11. Other information**

A copy of this manual is available for inspection free of charge at the Fund's registered office and will be lodged with the South African Human Rights Commission.




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Mr J Rollason  
Principal Officer  
The Independent Schools Association of Southern Africa Pension Scheme and Provident Fund