LA RETIREMENT FUND

Securing your retirement • Verseker jou aftrede • Ukukhusela umhlala-phantsi wakho

MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

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MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

("the Act")

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.

The object of the LA Retirement Fund is to provide retirement and ancillary benefits for the members and dependents as described in the Fund rules.

1. Details of the Head of Private Body (s51(1)(a))

Name of Private Body	LA Retirement Fund, Registration number: 12/8/1278/2
Head of Private Body	Mrs IT Hartlief Principal Officer
Registered Address of the fund	Belmont Office Park Twist Street Bellville Cape Town
Postal Address	Belmont Office Park Twist Street Bellville Cape Town
Telephone	+27 21 943 5403
Fax	+27 21 917 4114
Email	Ilse@laretirementfund.co.za
Call-centre	+27 21 943 5305

2. The South African Human Rights Commission Guide to the Act (s51(1)(b))

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 11 877 3627
Fax	+27 11 484 0582
Website	www.sahrc.org.za
Email	Tshepang Sebulela: tsebulela@sahrc.org.za

3. Records that are automatically available without having to make a request in the prescribed form (s51(1)(c))

The Minister of Justice has not yet published a notice contemplated in the Act prescribing records or categories of records that are automatically available without a formal request having to be made in terms of the Act. The LA Retirement Fund does not have in its possession any such records, save for what is set out below.

4. Records that are available in terms of other legislation (s51(1)(d))

The records kept by the LA Retirement Fund in terms of legislation and the acts in terms of which they are kept, are listed in Annexure "A" hereto. Certain documents may be inspected at no cost at the registered office of the Fund. Copies of certain documents, as required by the Pension Funds Act, may be provided for a fee to be determined by the Board of Trustees. Copies of other documents may be provided for a prescribed fee.

5. Other Records kept (s51(1)(e))

The LA Retirement 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 LA Retirement Fund are listed in Annexure "B" hereto. Copies of these documents may be provided for a prescribed fee.

6. Making a request in terms of the Act

6.1 The first step in making a request for a record is to obtain the Request Form. You will be able to obtain the form from the Fund's website. A list of the applicable prescribed fees (if any) or fees as determined by the board of trustees that are payable by you to the LA Retirement Fund, may be obtained at the address listed above.

6.2 Once you have completed the form, you must submit it to the Head of Body at the postal address, fax number or electronic mail address listed above.

6.3 You will be informed of the amount of your fees once you have submitted your request.

6.4 If the record you have requested exists and allowing access to it does not affect a third party, you will be informed within 30 days whether or not your request is granted.

6.5 This period may be extended ONCE for a further 30 days if:

6.5.1 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 LA Retirement Fund;

6.5.2 Consultation with another private body is necessary or desirable to decide upon the request and this consultation cannot reasonably be completed within the original period;

6.5.3 More than one of the circumstances contemplated in paragraphs 6.5.1 and 6.5.2 exist in respect of the request making compliance with the original period not reasonably possible; or

6.5.4 You, as the requester, consent in writing to such extension.

6.6 If your request is granted, you will be informed of the access fee payable by you and the form of access to the record.

6.7 If your request is refused, you will be informed of the reasons for the refusal.

6.8 If no decision is given within the period of 30 days and there is no extension of that period, the Head of Body is deemed to have refused your request.

7. Grounds for Refusal

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

7.1.1 The record or information which you seek is not required for the exercise or protection of a right held by you;

7.1.2 The protection of personal information of a third person (who is a natural person) from unreasonable disclosure;

7.1.3 The protection of commercial information of a third party (such as trade secrets, or financial, commercial, scientific or technical interests of a third party);

7.1.4 It would result in the breach of a duty of confidence owed by the LA Retirement Fund to a third party;

7.1.5 It would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;

7.1.6 The record is privileged from production during legal proceedings, unless the legal privilege has been waived;

7.1.7 The record contains trade secrets, financial or sensitive information or any information that would put the LA Retirement Fund at a disadvantage in negotiations or prejudice it in commercial competition;

7.1.8 The record contains information about research being carried out or about to be carried out on behalf of a third party or by the LA Retirement Fund; or

7.1.9 If in making the request you fail to comply with the prescribed procedure or fail to pay the prescribed fees.

7.1.10 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, will be refused.

7.1.11 Should, after a diligent search, the record requested not be found, the Fund will by way of an affidavit give notification that it is not possible to give access to that record.

8. 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.

9. Information that relates to a third party

9.1 If your request relates to a third party, then the LA Retirement Fund will first need to inform the third party of your request within 21 days of the Fund receiving your request.

9.2 The third party then has 21 days to make representations and/or submissions regarding the granting of access to the record.

9.3 Once the Head of Body has heard all of the submissions and within 30 days after every affected third party has been informed, the Head of Body will make a decision as to whether or not access to the record will be granted and will inform you of the decision.

9.4 If the Head of Body does not grant you access to the record, you will be given reasons for the refusal. You are entitled to appeal the decision in the High Court.

9.5 If the Head of Body grants you access to the record, you must then be given access within 30 days of being informed of the decision. The third party that has been affected has 30 days in which to lodge an appeal in the High Court. If no appeal is lodged within 30 days, you will be granted access to the record.

10. Other information

Should you have any queries regarding the use of this manual, please contact the Head of Body.

11. Availability and updating of the PAIA manual

A copy of this manual is available for inspection free-of-charge at the Fund's registered office and may also be obtained from the Fund's website. Copies are also available from the SAHRC.

The LA Retirement Fund will update this PAIA manual at such intervals as may be deemed necessary.

Mr Danie Carstens
Chairperson of the Board of Trustees
The LA Retirement Fund

RECORDS KEPT BY LA RETIREMENT FUND

In terms of other Legislation
Section 51(1)(d)

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1. THE PENSION FUNDS ACT 24 OF 1956 (and regulations thereto)

- Application for registration
- Certificate of registration
- Notice of name of Principal Officer
- Notice of name of Auditor
- Registered Rules of the Fund
- Register containing:-
  - Full details of the trustees
  - Minute book recording all resolutions passed by trustees at meetings
  - List of members
  - Postal address of the registered office of the fund
  - Particulars of-
    - The administrator of benefits
    - The administrator of investments
    - The valuator
- Books of account, comprising:
  - Annual Financial Statements and Statistics
  - Auditor's report to the trustees
  - Trustees' report
  - Statement of funds and net assets
  - Revenue account
  - Notes to the financial statements
  - Auditor's report to the Registrar and schedules to the financial statements
  - Auditor's reports to the Registrar on issues which, in the opinion of the auditor, may be of concern to the Registrar
- Special reports by the fund's auditor relating to the activities of the fund during each financial year
- Statements presented by the fund to members relating to the activities of the fund during each financial year
- Annual reports issued by the fund to members
- Contribution statements
- Valuator's certificate relating to the apportionment of actuarial surplus
- Reports of valuator regarding the financial condition of the fund
- Valuation reports
- Application for approval of administrator
- Agreement between the fund and administrator

- Copies of the following records are available on demand by a member of the LA Retirement Fund, for a fee determined by the board of trustees:
  - The registered rules of the LA Retirement Fund
  - The last revenue account and balance sheet prepared in terms of section 15(1)
- These records may also be inspected by any person at the Financial Sector Conduct Authority's office on payment of the prescribed fee.
- The following records are available for inspection by any member of the LA Retirement Fund at the registered address of the Fund at no charge:

  -The registered rules of the LA Retirement Fund

  -The last revenue account and balance sheet

  -The last valuation report

  -The last statement of assets and liabilities
- The Financial Sector Conduct Authority (FSCA) may be contacted at:

Physical Address:	Riverwalk Office Park, Block B, 41 Matroosberg Road, Ashlea Gardens, Pretoria, South Africa 0081
Postal Address:	PO Box 35655, Menlo Park 0102
Telephone:	+27 12 428 8000 (toll free: 0800 110 443 or 0800 202 087)
Website:	https://www.fsca.co.za
E-mail:	info@fsca.co.za

- Records of proceedings relating to the adjudication of complaints may be obtained from the offices of the Pension Funds Adjudicator.

2. INCOME TAX ACT 58 OF 1962

- All ledgers, cash books, journals, cheque books, bank statements, deposit slips, pay cheques, invoices, stock lists and all other books of account
- Signed copy of annual financial statements including annual accounts, directors report, auditor report
- Investment schedules and documents
- Invoices - issued and received
- Register of fixed assets
- Stock inventories
- Supporting schedules to books of account
- Taxation returns, schedules and assessments
- Register of mortgages and debentures

RECORDS KEPT BY LA RETIREMENT FUND

In terms of other Legislation Section 51(1)(e)

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1. FUND DOCUMENTS AND RECORDS

- **Claims** (withdrawals, retirements, deaths and disability)
  - o Claim Notification Forms
  - o Calculations or computerised statement of claim value
  - o Tax applications Tax directives IT88 notifications Tax certificates
  - o Client/broker payment instructions
  - o Section 37D deduction instructions
  - o Copy of any other court orders against benefits
  - o Payment letters
  - o Copy of cheques (or cheque EFT payment references)
  - o Trustees' resolutions- disposal of benefits (deaths only)
  - o Copy of death certificates
  - o Statement by Employer (disability only)
  - o Statement by Employees (disability only)
  - o Medical reports (disability only)
  - o Trustee resolutions (disability only)
  - o Acceptance / Declination letters (disability only)

- **Member Data**
  - o New entrant data
  - o Contribution records
  - o Member choice investment option forms
  - o Installation and acquisition data
  - o Statement of member share value
  - o Additional benefit/surplus/calculations
  - o Member choice investment switch forms
  - o Flexible benefit member option forms

- **Section 14 transfers**
  - o Calculations
  - o Option forms
  - o Tax application forms
  - o Tax directives
  - o Tax certificates
  - o Copy of application for transfer of business (transferor fund)
  - o Copy of S14(1)(e) certificate relating to transfer of business (transferee and transferor funds)

- **Pensioners**
  - Special tax directives, including IT88's, garnishees, etc.
  - Commutation of pensions - calculations
  - Pensioner increase notifications
  - Certificates of existence
  - Study certificates
  - Death certificates
  - Trustee instructions regarding payments
  - Medical aid deductions

- **Miscellaneous**
  - Original or copies of all policy documents
  - Agendas and minutes for all meetings held (if applicable secretarial services are performed)
  - Investment manager mandates or policies of insurance depending on the nature of the investment
  - Correspondence to the trustees in respect of fund matters
  - Correspondence to members, where applicable
  - Certain communication with South African Revenue Services
  - Financial Services Board Fund policies and directives
  - Names of the Trustees
  - Insurance policies

2. PROPERTY RECORDS

- Title deeds
- Lease agreements

3. COMMUNICATION

- Internal correspondence and memos
- Correspondence to members
- Correspondence to persons outside of the fund

4. FINANCIAL AND ACCOUNTING RECORDS

- As set out in Annexure A

5. LEGAL RECORDS

- Rental agreements