



South African Road Passenger Bargaining Council Retirement Fund

("Fund")

PAIA MANUAL (PART A)

&

POPIA & PRIVACY POLICY (PART B)

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PART A- PAIA MANUAL

1. LIST OF DEFINITIONS, ACRONYMS AND ABBREVIATIONS

1. **“Administrator”** Such company, registered as an administrator in terms of section 13B of the PFA, as may be appointed by the Board from time to time to administer the Fund;
2. **“Board”** Board of Trustees of the body of the Fund appointed in terms of Rule B1.2;
3. **“Employer”** An organisation which:
 - (i) is a party to SARPBAC, or falls within the registered scope of SARPBAC; and
 - (ii) does not already participate in a retirement fund for its Category 1 Employees (as defined in the rules and/or the schedules to the rules); and
 - (iii) comes to participate in the Fund by arrangement with the Fund,
 and where the context so requires, “Employer” shall mean, for any Member, the employer employing the Member;
4. **“Fund”** South African Road Passenger Bargaining Council Retirement Fund;
5. **“Industry”** Road Passenger Transport Industry as defined in SARPBAC’s scope;
6. **“LRA”** Labour Relations Act, 66 of 1995;
7. **“Member”** A person who is a Member of the Fund in terms of Rule A.1;
8. **“PAIA”** Promotion of Access to Information Act, 2 of 2000;
9. **“PFA”** Pension Funds Act, 24 of 1956;
10. **“POPIA”** Protection of Personal Information Act, 4 of 2013;
11. **“Regulation” / “prescribed”**

GNR.757 of 27 August 2021: Regulations relating to the Promotion of Access to Information, 2021 (Government Gazette No. 45057); or

GNR.1383 of 14 December 2018: Regulations relating to the Protection of Personal Information (Government Gazette No. 42110);

GNR.98 of January 1962: Regulations, Government Notice R.98 in Government Gazette 162 of 26 January 1962;

- (as the case may be)
12. **“Regulator”** Information Regulator;
 13. **“SAHRC”** South African Human Rights Commission;
 14. **“SARPBAC”** South African Road Passenger Bargaining Council;
 15. **“Schedule”** The schedule of benefits described in the Rules;
 16. **“The Fund’s Rules / Rule”**
The Rules of the Fund and any amendment thereto from time to time; and
 17. **“Trade Union”** Means a registered Trade Union, as defined by the LRA, which that is a party to SARPBAC.

2. INTRODUCTION

1. This manual is compiled in accordance with sections 14 and 51 of PAIA and to address the requirements of POPIA.
2. PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information, and should be read in conjunction with POPIA, which gives effect to the right to privacy and includes the right to protection against the unlawful processing of personal information. PAIA aims to underline the importance of access to information in a democratic society by, *inter alia*, requiring public and private bodies to create a manual describing the type of records they hold, and procedures for others to access that information. PAIA also provides for certain limitations on the types of information that can be accessed under various circumstances.
3. The Fund may, in one instance be considered a public body and in another instance be considered a private body, depending on whether the requested record relates to the exercise of a power, performance or function by the Fund as a public or a private body.¹
4. This manual is made available in English to all potential requestors of information held by the Fund, and the translated versions in two other official languages will also be made available on request. Requesters may contact the Information Officer for assistance when requesting records from the Fund in terms of this manual.
5. This manual will be updated, if and when necessary, or on an annual basis. This manual is accessible on SARPBAC’s website at www.sarpbac.org.za, and at the Fund’s registered premises.

¹ **Section 8 of PAIA:** “Part applicable when performing functions as public or private body.—(1) For the purposes of this Act, a public body referred to in paragraph (b) (ii) of the definition of “public body” in section 1, or a private body— (a) may be either a public body or a private body in relation to a record of that body; and (b) may in one instance be a public body and in another instance be a private body, depending on whether that record relates to the exercise of a power or performance of a function as a public body or as a private body. (2) A request for access to a record held for the purpose or with regard to the exercise of a power or the performance of a function— (a) as a public body, must be made in terms of section 11; or (b) as a private body, must be made in terms of section 50. (3) The provisions of Parts 1, 2, 4, 5, 6 and 7 apply to a request for access to a record that relates to a power or function exercised or performed as a public body. (4) The provisions of Parts 1, 3, 4, 5, 6 and 7 apply to a request for access to a record that relates to a power or function exercised or performed as a private body.”

3. THE FUND'S PROFILE²

1. The Fund is established as a defined contribution fund which provides benefits to its Members on their retirement, resignation, death or disability, and family funeral needs.
2. The Fund is registered with the Registrar of Pension Funds/under the Pension Funds Adjudicator by the Financial Sector Conduct Authority and approved by the South African Revenue Services.
3. The Board of the Fund, assisted by the Principal Officer, is responsible for the governance of the Fund.
4. The Fund is a separate legal entity from SARPBACK and must be managed and controlled by the Trustees in accordance with the Rules of the Fund, the PFA and all other relevant legislation.
5. For more information on the Fund, kindly see the Member Information Booklet which is available in five different South African languages on SARPBACK's website at www.sarpbac.org.za/retirement-fund/.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION³

1. Information Officer

Information Officer	Gary Wilson
The Fund's registered postal address	PO Box 13238, Mowbray, Cape Town, South Africa, 7705
The Fund's registered physical address	Ground Floor, Stone House, Stonefountain Terrace, 95 Klipfontein Road, Rondebosch, Cape Town, South Africa, 7700
Telephone number	021 686 4281 / 081 417 9721
Fax number	021 685 8048
Email Address	gary@sarpbac.org.za
Website links	www.sarpbac.org.za (link to main website); www.sarpbac.org.za/retirement-fund/ (link to the Fund's page on the main website)

2. Deputy Information Officer

Deputy Information Officer	Nezaam Davids
The Fund's registered postal address	PO Box 13238, Mowbray, Cape Town, South Africa, 7705
The Fund's registered physical address	Ground Floor, Stone House, Stonefountain Terrace, 95 Klipfontein Road, Rondebosch, Cape Town, South Africa, 7700
Telephone number	021 686 4281 / 081 417 9721
Fax number	021 685 8048
Email Address	nezaam@sarpbac.org.za
Website links	www.sarpbac.org.za (link to main website); www.sarpbac.org.za/retirement-fund/ (link to the Fund's page on the main website)

² Section 14(1)(a)(i) of PAIA.

³ Section 14(1)(a)(ii) of PAIA; section 51(a)(a)(i) of PAIA.

3. The Fund's contact details

The Fund's Head Office- Cape Town	
Physical address	Ground Floor, Stone House, Stonefountain Terrace, 95 Klipfontein Road, Rondebosch, Cape Town, South Africa, 7700
Postal address	PO Box 13238, Mowbray, Cape Town, South Africa, 7705
Telephone number	021 686 4281 / 081 417 9721
Fax number	0866 102 401 / 021 685 8048

5. **THE HUMAN RIGHTS COMMISSION GUIDE TO PAIA⁴**

1. The SAHRC guide contains information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and can be accessed from the SAHRC's website:⁵

<u>South African Human Rights Commission:</u> Promotion of Access to Information Act (PAIA) Unit The Research and Documentation Department	
Website	http://www.sahrc.org.za/www.sahrc.org.co.za
Email address	PAIA@sahrc.org.za
Postal address	Private Bag 2700, Houghton, Jhb., 2041
Telephone number	(+27) 011 877 3600
Fax number	(+27) 11 403 0625

2. Requesters are referred to this guide, which contains information in relation to how a requestor can access records held by the Fund in terms of the PAIA and information for the purposes of exercising Constitutional rights.

6. **REQUEST FOR ACCESS IN TERMS OF PAIA⁶**

1. A request for access to records held by the Fund must be addressed to the Information Officer or Deputy Information Officer and be made by completing Form 2 of Annexure A to the Regulations relating to PAIA (attached below),⁷ and against payment at the prescribed rates.

⁴ Section 14(1)(b)(i) of PAIA; Section 51(1)(b)(i) of PAIA.

⁵ Updated: March 2022.

⁶ Section 14(1)(b)(ii) of PAIA; Section 51(1)(b)(iv) of PAIA.

⁷ Regulation 7 of the Regulations relating to PAIA: "Request for access to information.—(1) A request for access to a record contemplated in section 18 (1) or 53 (1) of the Act, must be made on a form that corresponds substantially with Form 2 of Annexure A to the Regulations, to the information officer.(2) The information officer must—(a) assist a requester with any request with regards to a request for access to information; and (b)if a request for access to a record is made orally as a result of illiteracy or a disability of a requester, complete Form 2 of Annexure A to the Regulations on behalf of the requester and provide a copy thereof to the requester, as contemplated in section 18 (3) of the Act. (3) The request fee payable by every requester referred to in section 22 (1) or 54 (1) of the Act is prescribed in item 1 of Annexure B to the Regulations."

Section 18(1) of PAIA: "Form of requests.- (1) A request for access must be made in the prescribed form to the information officer of the public body concerned at his or her address or fax number or electronic mail address."

Section 53(1) of PAIA: "Form of request.- (1) A request for access to a record of a private body must be made in the prescribed form to the private body concerned at its address, fax number or electronic mail address."

2. To facilitate the processing of your request, you must provide sufficient details to enable the Fund to attend thereto. If a request is made on behalf of another person, the requester must submit reasonable proof of the capacity in which the requester is making the request. 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 must pay the required request fee (as may be amended from time to time).⁸
3. The following applies to requests, other than personal requests:
- 3.1. A requestor is required to pay the prescribed request fee of R100.00 to the Fund acting as a public body, or R140.00 to the Fund acting as a private body, before a request will be processed; and
- 3.2. Records may be withheld until the fees have been paid in full.
4. The following fees are payable in respect of certain requests:⁹

	Private body fee	Public body fee
Request fee	R140.00	R100.00
Printed copy of A4-size page	R2.00 per page or part thereof	R1.50 per page or part thereof
Photocopy of A4-size page	R2.00 per page or part thereof	R1.50 per page or part thereof
For a copy in a computer-readable form on:		
(i) flash drive (to be provided by requestor)	R40.00	R40.00
(i) Compact disc:		
• If provided by requestor	R40.00	R40.00
• If provided to the requestor	R60.00	R60.00
Transcription of visual images per A4-size page or part thereof	Service to be outsourced. Will depend on quotation from service provider.	
Copy of visual images		
Transcription of an audio record per A4-size page or part thereof	R24.00	R24.00
Copy of an audio record on:		
(i) Flash drive (to be provided by requestor)	R40.00	R40.00
(ii) Compact disc:		
• If provided by requestor	R40.00	R40.00
• If provided to the requestor	R60.00	R60.00
To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00	R100.00
To not exceed a total cost of:	R435.00	R300.00

⁸ **Section 22(1) of PAIA:** "Fees: (1) The information officer of a public body to whom a request for access is made, must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request."

Section 54(1) of PAIA: "Fees: (1) The head of a private body to whom a request for access is made must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request."

⁹ Updated: March 2022.

Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
Postage, email or any other electronic transfer	Actual expense, if any.

3. The full fee structure is also available on the website of the SAHRC at www.sahrc.org.za. The latest legislated fee structure will at all times be applicable.

7. DESCRIPTION OF ALL REMEDIES AVAILABLE¹⁰

A complainant may, where appropriate, take such steps as provided for in sections 74 to 82 of PAIA in respect of an act or a failure to act in terms of PAIA. If a data subject holds the view that information has been dealt with contrary to PAIA, the data subject should, however, first approach the Fund to afford the Fund the opportunity to deal with and resolve any issues where appropriate.

8. SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE FUND¹¹ IN RELATION TO DATA SUBJECTS¹²

1. The records held by the Fund in relation to data subjects include, but are not necessarily limited to the following and should be formally requested by using the request procedure contained in PAIA.
2. It is recorded that all records held by the Fund which are not displayed on SARPBAC'S website, shall only be made available to a requestor subject to the provisions of PAIA and POPIA. These documents may at any time be changed or updated.

Subjects on which the Fund holds records	Categories of records held on each subject and in relation to data subjects
Governance records	<ul style="list-style-type: none"> • The Fund's Rules • As required by legislation or otherwise.
Administration records	<ul style="list-style-type: none"> • A wide range of information relating to the Board of Trustees, chairperson, vice-chairperson, Principal Officer, Administrator, Registrar, Valuator (an actuary approved as a valuator by the Registrar), Auditor, and other information for the Fund to perform its obligations, which may include: names, contact information, ID numbers, citizenship, occupation, qualifications, etc. • A wide range of Member data for the Fund to record contributions and process benefits payable, which may include: general contact information, names, ID number, date of birth, member numbers, employee numbers, gender, pensionable service date, and normal retirement date, membership category, pensionable salary information, risk salary information, cost to company information, fund credit, contribution options, investment choice options, dependants

¹⁰ Section 14(1)(a)(iii) of PAIA.

¹¹ Section 14(1)(b)(ii) of PAIA; section 51(1)(b)(iv).

¹² Section 14(1)(c)(ii) of PAIA; section 51(1)(c)(ii) of PAIA.

	<p>and nominated beneficiaries, worksite address, and past transfer information etc.</p> <ul style="list-style-type: none"> • Information relating to Fund's preservation members, which may include: general contact information, names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, and normal retirement date, membership category, Fund Credit, investment choice options, dependants and nominated beneficiaries, worksite address (if applicable), and past transfer information. • Information relating to life and living annuitants, which may include: general contact information, names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, actual retirement date, qualifying spouse's date of birth, minimum period for which the life annuity is to be paid, percentage spouse's pension payable on the death of the retiree and where applicable children's date of birth membership category, Fund Credit applied to secure a life and/or living annuity, periodic pension details, minimum period for which the life annuity is to be paid, percentage spouse's pension payable on the death of the retiree, investment choice options (living annuity only) and dependants and nominated beneficiaries (living annuities only). • Information relating to beneficiaries, which may include: general contact information of the former member of the Fund, names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date and date of exit, membership category, benefit amount, investment choices previously made, dependants and nominated beneficiaries, and past transfer information, and in the case of dependants and nominated beneficiaries (who may be minors), contact information, the nature of the relationship to the former member, and any other such information to assist with the decision making as required by Section 37C of the Pension Funds Act (e.g. names, ID numbers, date of births, dependency level, health and financial status, etc.) • Information relating to former Members concerning historic information as outlined for the categories above. • Information relating to participating employers, which may include: company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed duties to the Fund. • Information relating to service providers, which may include: company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed duties to the Fund.
The Fund's Financial Management Records	<ul style="list-style-type: none"> • Financial statements • Actuarial valuation reports • Investment details
Miscellaneous	<ul style="list-style-type: none"> • Trustee registers, agendas, minute books, investment and

	<p>insurance contracts, other service provider contracts, investment statements and reports, correspondence relating to the business of the Fund.</p> <ul style="list-style-type: none"> • Website content • Other communications sent to member of the Fund.
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3. Although the Fund has used its best endeavours to supply a list of records held by it, it is possible that this list may be incomplete. If a requester believes that a record exists, the requester is required to indicate as such to the Information Officer who will then consider and make an assessment in relation to such request.
4. The above table of subjects/categories of records does not imply that a request for access to such records will be honoured or create a right or entitlement (contractual or otherwise) to such records. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

9. AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

1. The following records which are held by the Fund are automatically available on SARPBAC's website, and in certain instances at the Fund's registered head office during normal office hours, if requested on notice. These documents may at any time be changed or updated.

Category	Document Type
Information pertaining to the Fund	Contact information of the Fund
	The Fund's Member Information Booklet

10. SERVICES AVAILABLE TO THE PUBLIC FROM THE FUND AND HOW TO GAIN ACCESS TO THOSE SERVICES¹³

1. The services provided by the Fund are inextricably linked to the powers and duties of the Board and Fund as set out in the Rules of Fund and are primarily available to persons who fall within SARPBAC's its registered scope.
2. The services provided by the Fund relate, *inter alia*, to the payment of contributions, administration of the Fund, annual review, Fund accounting, statutory and tax compliance, and benefit management (withdrawal, retirement and death claims).

11. PUBLIC INVOLVEMENT RELATING TO THE FUND¹⁴

The exercise of the Fund's powers and the performance of its duties and the public involvement pertaining thereto are regulated by the Rules of Fund.

¹³ Section 14(1)(b)(iv) of PAIA.

¹⁴ Section 14(1)(b)(v) of PAIA.

12. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD¹⁵

1. The Fund may hold records relating to, *inter alia*, the following legislation:
 - 1.1. Pension Funds Act, 24 of 1956
 - 1.2. Trust Property Control Act, 57 of 1988
 - 1.3. Long-term Insurance Act, 52 of 1998
 - 1.4. Financial Advisory and Intermediary Services Act, 37 of 2002
 - 1.5. Income Tax Act, 58 of 1962
 - 1.6. Insolvency Act No 24 of 1936
 - 1.7. National Credit Act No. 34 of 2005
 - 1.8. Value Added Tax Act, 89 of 1991
 - 1.9. Administration of Estates Act, 66 of 1965
 - 1.10. Divorce Act, 70 of 1979
 - 1.11. Maintenance Act, 99 of 1998
 - 1.12. Labour Relations Act No. 66 of 1995
 - 1.13. Basic Conditions of Employment Act, 75 of 1997
 - 1.14. Broad-Based Black Economic Empowerment Act No. 53 of 2003
 - 1.15. Occupational Health and Safety Act, 85 of 1993
 - 1.16. Compensation for Occupational Injuries and Diseases Act, 130 of 1993
 - 1.17. Unemployment Insurance Act, 63 of 2001
 - 1.18. Unemployment Insurance Contributions Act No. 4 of 2002
 - 1.19. Civil Proceedings Evidence Act, 25 of 1965
 - 1.20. Civil Union Act, 17 of 2006
 - 1.21. Companies Act, 71 of 2008
 - 1.22. Constitution of the Republic of South Africa, 1996
 - 1.23. Consumer Protection Act, 68 of 2008
 - 1.24. Copyright Act, 98 of 1978
 - 1.25. Criminal Procedure Act No. 51 of 1977
 - 1.26. Customs and Excise Act, 91 of 1964
 - 1.27. Electronic Communications and Transactions Act No. 25 of 2002 and regulations thereto
 - 1.28. Employment Equity Act, 55 of 1998
 - 1.29. Financial Advisory and Intermediaries Services Act, 37 of 2002
 - 1.30. Financial Advisory and Intermediary Services Act No. 52 of 2001 (FAIS)
 - 1.31. Financial Institutions (Protection of Funds) Act, 28 of 2001
 - 1.32. Financial Intelligence Centre Act No. 38 of 2001
 - 1.33. Financial Markets Act, No. 19 of 2012
 - 1.34. Financial Sector Code
 - 1.35. Foreign Account Tax Compliance Act of 2009
 - 1.36. Promotion of Access to Information Act 2 of 2000
 - 1.37. Promotion of Information Amendment Act 54 of 2002
 - 1.38. Prevention of Organised Crime, 1998 (POCA)
 - 1.39. Promotion of Access to Information Act No. 2 of 2000 (PAIA)
 - 1.40. Promotion of Administrative Justice Act, 3 of 2000
 - 1.41. Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
 - 1.42. Protected Disclosures Act No. 26 of 2000

¹⁵ Section 51(1)(b)(iii) of PAIA.

- 1.43. Protection from Harassment Act, 2011
 - 1.44. Protection of Personal Information Act, 4 of 2013 and the regulations.
 - 1.45. Regulation of Interception of Communication and Provision of Communication
 - 1.46. Related Information Act No.70 of 2002 (RICA) and regulations thereto
 - 1.47. Securities Services Act No. 36 of 2004
 - 1.48. Skills Development Act No. 97 of 1998
 - 1.49. The Prevention and Combating of Corrupt Activities Act No. 12 of 2004
 - 1.50. The Regulation of Interception of Communications and Provisions of Communication
 - 1.51. The Securities Transfer Act, 25 of 2007
 - 1.52. The Securities Transfer Tax Administration Act No. 26 of 2007
 - 1.53. The Transfer Duty Act No. 40 of 1949
 - 1.54. Tobacco Products Control Act No. 83 of 1993
 - 1.55. Trademarks Act, 194 of 1994
2. This list is not exhaustive.

ANNEXURE A (FORM 2)
REQUEST FOR ACCESS TO RECORD

In terms of section 18(1) or section 53(1) of the Promotion of Access to Information Act 2 of 2000 ("PAIA") read with Regulation 7 of the Regulations relating to PAIA

1. **NOTE**

- Proof of identity must be attached by the requester.
- If the request is made on behalf of another person, proof of such authorization must be attached to this form.

2. **PARTICULARS OF PUBLIC BODY**

Name of company: _____
 Information Officer: _____
 Email address: _____
 Fax number: _____

Mark with an "X":	Request is made in my own name	Request is made on behalf of another person
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3. **PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

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: _____

4. **PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE**

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

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: _____
 Physical Address: _____

5. **PARTICULARS OF RECORD REQUESTED**

Provide full particulars of the record to which access is requested, including the reference number if available. If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

6. **FEES**

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after the request fee has been paid.
- You will be notified of the amount required to be paid as the request fee.
- The fee is 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.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption.
- Reason for exemption from payment of fees: _____

7. **TYPE OF RECORD** (Underline answer)

- Record is in written or printed form.
- Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)
- Record consists of recorded words or information which can be reproduced in sound
- Record is held on a computer or in an electronic, or machine-readable form

8. **FORM OF ACCESS TO RECORD** (Underline answer)

- Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)
- Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)
- Transcription of soundtrack (written or printed document)
- Copy of record on flash drive (including virtual images and soundtracks)
- Copy of record on compact disc drive (including virtual images and soundtracks)
- Copy of record saved on cloud storage server.

9. **MANNER OF ACCESS** (Underline answer)

Please indicate the relevant form of access: _____

- Personal inspection of record at registered address of public/private body (*including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form*)
- Postal services to postal address
- Postal services to street address
- Courier service to street address
- Facsimile of information in written or printed format (*including transcriptions*)
- Email of information (*including soundtracks if possible*)
- Cloud share/file transfer
- Depending on availability, indicate whether the record is preferred in a particular language. If the record does not exist in the language requested or no preference

is indicated, then the record will be provided in any language that the record exists in.

Preferred choice of language: _____

10. **PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

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

-
- Indicate which right is to be exercised or protected: _____
- Explain why the records requested is required for the exercise or protection of the aforementioned right: _____

11. **NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

- You will be notified in writing whether your request has been approved or denied, and if approved the costs relating to your request, if any.
- 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 at _____ this _____ day of _____ 20____.

**SIGNATURE OF REQUESTED /
PERSON ON WHOSE BEHALF REQUEST IS MADE.**

FOR OFFICIAL USE

- Reference number: _____
- Request received by: _____
(state rank, name and surname of information officer)
- Date received: _____
- Access fees: _____
- Deposit (if any): _____

SIGNATURE OF INFORMATION OFFICER

PART B- POPIA & PRIVACY POLICY

POLICY TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

1. LIST OF DEFINITIONS, ACRONYMS AND ABBREVIATIONS

These acronyms and abbreviations are in addition to those prescribed for the PAIA Manual. These definitions, acronyms and abbreviations shall be read to have the below mentioned meanings assigned to them regardless of the use of a capital letter or not in this policy.

1. “Data subject”

Means the person to whom personal information relates.

2. “Information”

Means both personal information and special personal information (as defined below).

3. “Operator”

Means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party. Reference in this policy to operator should also be read as a reference to an operator who the Fund has appointed to process information.

4. “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, well-being, 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 particular 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.

5. “Processing”

Means any operation or activity or any set of operations, whether or not by automatic means, 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 (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.

6. “Record”

Means any recorded information- (a) regardless of form or medium, including any of the following— (i) Writing on any material; (ii) information produced, recorded or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from

information so produced, recorded or stored; (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; (iv) book, map, plan, graph or drawing; (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; (b) in the possession or under the control of a responsible party; (c) whether or not it was created by a responsible party; and (d) regardless of when it came into existence.

7. **“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.

8. **“Special personal information”**

Means information which relates to a data-subject's: (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or (b) the criminal behaviour of a data subject to the extent that such information relates to- (i) the alleged commission by a data subject of any offence; or (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2. INTRODUCTION

1. The purpose of this policy is to give effect to the provisions of POPIA and set out how a data subject's information will be used by the Fund.
2. The protection of personal information is important to the Fund, and it strives to comply with all applicable laws and regulations related thereto.
3. This policy should be read in conjunction with the PAIA manual and the Fund reserves the right to amend all policies and/or procedures related to PAIA, POPIA and/or information in its sole discretion. **Data subjects are accordingly required to check this document frequently to make themselves aware of any such amendments.**
4. To the extent that any provision hereof contradicts or is inconsistent with POPIA or PAIA and such contradiction or inconsistency is not permissible in terms of POPIA or PAIA, the provisions of POPIA and PAIA apply.
5. Members of the Fund are obliged to provide the Fund with information that enables the Fund to perform its lawful, legislative and contractual obligations in terms of the PFA, the LRA, the Rules of the Fund, SARPBAC's agreements and other applicable legislation. **The law accordingly, permits the processing of information without the data subject's consent. In circumstances where consent is needed for the Fund to collect information, by providing the information to the Fund, the data subject consents to the provisions of this policy. Should the data subject not consent, he/she/it should expressly advise the Fund as such in writing when the information is submitted.**
6. POPIA enumerates the rights of data subjects and sets down eight conditions for the lawful processing of personal information to be followed by the responsible party, namely: accountability of the responsible party; the processing limitation; the purpose specification; the further processing specification; information quality; openness; security safeguards; and data subject participation.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE FUND

1. The details of the Fund's Information Officer are the same as those set out above in the PAIA Manual.

Information Officer	Gary Wilson
The Fund's registered postal address	PO Box 13238, Mowbray, Cape Town, South Africa, 7705
The Fund's registered physical address	Ground Floor, Stone House, Stonefountain Terrace, 95 Klipfontein Road, Rondebosch, Cape Town, South Africa, 7700
Telephone number	021 686 4281 / 081 417 9721
Fax number	021 685 8048
Email Address	gary@sarpbac.org.za
Website links	www.sarpbac.org.za (link to main website); www.sarpbac.org.za/retirement-fund/ (link to the Fund's page on the main website)

Deputy Information Officer	Nezaam Davids
The Fund's registered postal address	PO Box 13238, Mowbray, Cape Town, South Africa, 7705
The Fund's registered physical address	Ground Floor, Stone House, Stonefountain Terrace, 95 Klipfontein Road, Rondebosch, Cape Town, South Africa, 7700
Telephone number	021 686 4281 / 081 417 9721
Fax number	021 685 8048
Email Address	nezaam@sarpbac.org.za
Website links	www.sarpbac.org.za (link to main website); www.sarpbac.org.za/retirement-fund/ (link to the Fund's page on the main website)

4. LAWFUL PROCESSING OF PERSONAL INFORMATION

The Fund aims to process the information of its data subjects in accordance with POPIA, which includes its processing the information in the manner set out below:

Condition 1: Accountability¹⁶

The Fund aims to ensure that the conditions set out in this chapter 3 of PAIA and all measures that give effect to such conditions are complied with.¹⁷

¹⁶ Section 8 of POPIA.

¹⁷ Condition 1: Section 8 of POPIA.

Condition 2: Processing limitation¹⁸

1. When the Fund deals with personal information and special personal information it aims to do so in compliance with the law.¹⁹
2. The Fund aims to process information of data subjects:
 - 2.1. lawfully and in a reasonable manner that does not infringe the privacy of the data subject;²⁰
 - 2.2. that is adequate, relevant, and limited to the purpose for which the information is processed;²¹
 - 2.3. to comply with its obligations imposed on it by contract, the PFA and other legislation;²²
 - 2.4. to protect a legitimate interest of the data subject;²³
 - 2.5. in a manner which allows it to properly perform its public law duties;²⁴ and
 - 2.6. in a manner which allows it to pursue the legitimate interests of the Fund and/or of a third party to whom the information is supplied.²⁵
3. Information may be provided to the Fund directly or indirectly. The Fund will as far as possible, as a measure of first resort, collect information directly from the data subject or from a **Member's employer**, but may in certain instances collect information from another source when the collection of the information from another source will not prejudice a legitimate interest of the data subject.²⁶ **The Fund may also collect information from the Fund's auditors, attorneys, tracing agents, SARPBAC and/or third parties appointed by the Fund to assist with its obligations, which a data subject consents to, unless expressly advised otherwise in writing.**
4. Information processing by the Fund may, in certain instances, be necessary for the proper performance by it of its lawful, legislative, contractual and public law duties. If not, **the data subject consents to the processing thereof in terms of this policy by providing the information to the Fund, unless specified otherwise in writing when the information is provided.** Such information may also have already been made public by the data subject.²⁷

Condition 3: Purpose specification²⁸

1. The Fund, or an operator appointed by the Fund, processes information for, *inter alia*, the following purposes:

¹⁸ Sections 9-12 of POPIA.

¹⁹ Section 27(1)(b) of PAIA.

²⁰ Condition 2: Section 9 of PAIA.

²¹ Condition 2: Section 10 of POPIA.

²² Condition 2: Section 11(1)(c) of POPIA.

²³ Condition 2: Section 11(1)(d) of POPIA.

²⁴ Condition 2: Section 11(1)(e) of POPIA.

²⁵ Condition 2: Section 11(1)(f) of POPIA.

²⁶ Condition 2: Section 12(2)(c) of POPIA.

²⁷ Condition 2: Section 12(2)(a) of POPIA.

²⁸ Sections 13-14 of POPIA.

- 1.1. to enforce and give effect to the PFA (including all subsequent amendments, Regulations, associated Circulars, or Conduct Standards) including but not limited to determining contributions owing;
 - 1.2. to enforce and give effect to the rights of its members to benefits in terms of the Rules of the Fund;
 - 1.3. to allocate contributions made by or on behalf of members,
 - 1.4. to facilitate benefit payments, the issuance of benefit statements and other correspondence,
 - 1.5. to determine monies owing to the Fund by members and their employers;
 - 1.6. to enforce payment of contributions or other monies owing to the Fund and to enforce provision of schedules to the Fund;
 - 1.7. dealing with disputes referred to/against/by the Fund or to which the Fund is joined;
 - 1.8. enforcing and giving effect to the provisions of the Labour Relations Act, 66 of 1995, SARPBAC's constitution or SARPBAC's agreements;
 - 1.9. to update SARPBAC's website to inter alia include information which is in the Fund's and/or the data subjects/the public's legitimate interests;
 - 1.10. to resolve queries or complaints;
 - 1.11. to calculate actuarial projections or other calculations;
 - 1.12. to complete Annual Financial Statements, actuarial statutory valuations, and annual audits;
 - 1.13. to carry out the necessary record-keeping in support of its functions;
 - 1.14. to allow the Fund to make lawful decisions in relation to the data subjects;
 - 1.15. to protect the legitimate interests of a data subject;
 - 1.16. to pursue the legitimate interests of the Fund or of a third party to whom the information is supplied; and
 - 1.17. as otherwise permitted in terms of POPIA or other legislation.
2. The Fund primarily processes information with the object of complying with the obligations imposed upon it in terms of the PFA, the Fund's Rules and SARPBAC's agreements, which purpose is ordinarily apparent, explicitly or implicitly, at the time that the information is collected.²⁹
 3. The Fund retains records as long as:
 - 3.1. a member remains a member of the Fund and as long as the record is needed to administer the Fund;
 - 3.2. the retention thereof is necessary to achieve the purpose for which the information was collected;³⁰

²⁹ Condition 3: Section 13 of POPIA.

³⁰ Condition 3: Section 14(1) of POPIA.

- 3.3. the retention thereof is required or authorised by law or the Rules of the Fund;³¹
- 3.4. the Fund reasonably needs to retain the record for longer for lawful purposes related to its functions or activities;³² and/or
- 3.5. the retention of the record is required by a contract between the parties thereto.³³
4. The destruction or deletion of a record of information held by the Fund is done in a manner that prevents its reconstruction in an intelligible form.³⁴

Condition 4: Further processing limitation³⁵

1. The Fund primarily processes a data subject's information for the purpose for which it was originally collected, unless otherwise permitted in terms of POPIA or this policy.
2. **By providing the information to the Fund, the data subject consents to it being further processed by the Fund in performing its functions set out under condition 3, as prescribed by law, the Fund's Rules and for use in enforcing legislation and SARPAC's agreements.**
3. Without limiting the Fund's rights to further process personal information in terms of POPIA, it is hereby recorded that the Fund may also further processes information:³⁶
 - 3.1. when the information has deliberately been made public by the data subject;³⁷ and/or
 - 3.2. when the information is necessary for the conduct of proceedings in a court or tribunal that has commenced or is reasonably contemplated.³⁸

Condition 5: Information quality³⁹

1. **Data subjects that provide information to the Fund must ensure that information is accurate, up to date, not misleading and complete in all respects. The data subject must immediately advise the Fund of any change to his/her/its information. The Fund will, if notified, assist where possible in this regard, having regard to the purpose for which the information is processed or further processed.**⁴⁰
2. The data subject indemnifies and holds the Fund harmless from any loss, damages or injury that it may incur as a result of the provision of incorrect information to the Fund.
3. A data subject has the right, subject to certain limitations, to ask the Fund to update, correct or delete his/her/its information. We will require proof of identity and/or authority, where appropriate, before making changes to information.

³¹ Condition 3: Section 14(1)(a) of POPIA.

³² Condition 3: Section 14(1)(b) of POPIA.

³³ Condition 3: Section 14(1)(c) of POPIA.

³⁴ Condition 3: Section 14(5) of POPIA.

³⁵ Section 15 of POPIA.

³⁶ Condition 4: Section 15 of POPIA.

³⁷ Condition 4: Section 15(3)(b) of POPIA.

³⁸ Condition 4: Section 15(c)(iii) of POPIA.

³⁹ Section 16 of POPIA.

⁴⁰ Condition 5: Section 16 of POPIA.

Condition 6: Openness⁴¹

1. The Fund as far as reasonably possible maintains the documentation of all processing operations under its responsibility as referred to in sections 14 and 51 of PAIA.⁴²
2. When data subjects provide the Fund with information and such information is collected by the Fund, data subjects are deemed to have read this policy and consented to the Fund's non-compliance with section 18 of POPIA,⁴³ and agree that such non-compliance would not prejudice the legitimate interests of the data subject.⁴⁴
3. The Fund hereby informs the data subject of the following rights, subject to the limitations prescribed in POPIA:
 - 3.1. the right of access to and the right to rectify the information collected;⁴⁵
 - 3.2. the right to object to the processing of information as referred to in section 11(3);⁴⁶ and
 - 3.3. the right to lodge a complaint to the Information Regulator, the contact details of which are set out below:⁴⁷

Contact details of the Information Regulator	
Website	https://info regulator.org.za https://info regulator.org.za/complaints/
Email address	enquiries@info regulator.org.za
Telephone number	010 023 5200 / 010 023 5241/42
Fax number	086 500 3351

4. Notwithstanding a data subject's right to contact the Information Regulator, if a data subject holds the view that information has been dealt with contrary to POPIA, the data subject should, however, first approach the Fund to afford the Fund the opportunity to deal with and resolve any issues where appropriate.

Condition 7: Security safeguards⁴⁸

1. The Fund aims to take reasonable measures in compliance with POPIA to secure the integrity and confidentiality of information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction or unlawful access or processing of information.⁴⁹
2. The Fund endeavours to obtain commitments from all service providers/operators in respect of information security to ensure that appropriate references to data confidentiality, integrity, and availability of information are included, as well as suitable data protection policies and procedures. This is an ongoing process.

⁴¹ Sections 17-18 of POPIA.

⁴² Condition 6: Section 17 of POPIA.

⁴³ Condition 6: Section 18(4)(a) of POPIA.

⁴⁴ Condition 6: Section 18(4)(b) of POPIA.

⁴⁵ Condition 6: Section 18 (1)(h)(iii) of POPIA.

⁴⁶ Condition 6: Section 18 (1)(h)(iv) of POPIA.

⁴⁷ Condition 6: Section 18 (1)(h)(v) of POPIA.

⁴⁸ Condition 7: Sections 19-22 of POPIA; Section 14(1)(c)(v) of PAIA; Section 51(1)(c)(iv) of PAIA.

⁴⁹ Condition 7: Section 19(1)(a)-(b) of POPIA an section 20(a)-(b) of POPIA.

3. Where there are reasonable grounds to believe that the information of a data subject has been accessed or acquired by any unauthorised person, the Fund will, as soon as reasonably possible after the discovery of the compromise, notify the Regulator and the data subject, unless the identity of such data subject cannot be established.⁵⁰
4. A data subject who provides his/her/its information to the Fund, however, holds the Fund harmless from any loss, damages or injury that he/she/it has or may incur as a result of an unauthorised person accessing or acquiring the information.

Condition 8: Data subject participation⁵¹

1. A data subject, having provided adequate proof of identity, has the right:
 - 1.1. to request the Fund to confirm, free of charge, whether or not the Fund holds personal information about the data subject; and
 - 1.2. to request from the Fund the record or a description of the personal information about the data subject held by the Fund, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information- within a reasonable time; at a prescribed fee (if any); in a reasonable manner and format; and in a form that is generally understandable.⁵²
2. The Fund may or must, as the case may be, refuse to disclose any information so requested, to which the grounds for refusal of access to records set out in the applicable sections of chapter 4 of part 2 and chapter 4 of part 3 of PAIA apply.⁵³
3. A data subject may, in the prescribed manner, and subject to the limitations prescribed in PAIA and POPIA, request the Fund to:
 - 3.1. correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
 - 3.2. destroy or delete a record of personal information about the data subject that the responsible party is no longer authorised to retain in terms of section 14 of POPIA.⁵⁴
4. The provisions of sections 18 and 53 of PAIA, read with Regulation 7 of the Regulations relating to PAIA, apply to requests made in terms of section 23 of POPIA.⁵⁵

5. CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED⁵⁶

1. The Fund may in certain instances share information with third parties.

⁵⁰ Condition 7: Section 20(a)-(b) of POPIA.

⁵¹ Sections 23 - 25 of POPIA.

⁵² Condition 8: Section 23(1)(a)-(b) of POPIA.

⁵³ Condition 8: Section 23(4)(a) of POPIA.

⁵⁴ Condition 8: Section 24(1)(a)-(b) of POPIA.

⁵⁵ Condition 8: Section 25 of POPIA.

⁵⁶ Section 14(1)(c)(iii) of PAIA; Section 51(1)(c)(iii) of PAIA.

2. By data subjects providing information to the Fund, he/she/it consents that the Fund may supply information to the following categories of recipients:
 - 2.1. The Fund and its Board;
 - 2.2. Participating Employers;
 - 2.3. Principal Officer;
 - 2.4. SARPBAC agents;
 - 2.5. The Regulator (Financial Sector Conduct Authority);
 - 2.6. The Administrator;
 - 2.7. The Fund's valuator and/or actuary;
 - 2.8. Asset managers;
 - 2.9. Tracing agents;
 - 2.10. Service providers, such as attorneys, law firms, tax advisors, accountants and/or auditors;
 - 2.11. The Information Regulator; and
 - 2.12. Any courts or tribunal including but not limited to SARPBAC and the CCMA, SARS, SAPS and law enforcement agencies.

3. In the event that consent is not deemed to be present or is expressly refused, the Fund discloses personal information to third parties on the following grounds:
 - 3.1. to achieve a lawful purpose related to a function or activity of the Fund.
 - 3.2. to comply with the obligations imposed on it by the law;
 - 3.3. to protect a legitimate interest of the data subject;
 - 3.4. to process information which is necessary for it to properly perform a public law duty;
 - 3.5. to process information which is necessary for pursuing the legitimate interests of the Fund and/or of a third party to whom the information is supplied; and/or
 - 3.6. to comply with a judicial proceeding, court order, or other legal obligation, or regulatory or government inquiry.

6. PLANNED TRANSBORDER FLOWS OF INFORMATION⁵⁷

The Fund may transfer data trans-border and will do so in accordance with POPIA. The Fund, *inter alia*, utilises third party cloud storage providers outside of South Africa in accordance with POPIA.

⁵⁷ Section 14(1)(c)(iv) of PAIA; Section 51(1)(c)(iv) of PAIA.

7. PROVISION OF INFORMATION OF THIRD PARTIES TO THE FUND

Where a data subject provides or has provided the Fund with another data subject's information, the data subject must only provide such information to the Fund in compliance with POPIA which should preferably include such data subject's consent. The data subject sending the information to the Fund indemnifies and holds the Fund harmless against any liability or loss which may be incurred by the Fund or its employees as a result of a data subject breaching this undertaking.

8. AUTHORITY

Where a data subject provides information to the Fund on behalf of a juristic person, he/she warrants that he/she has the necessary authority to do so.

9. CCTV & RECORDINGS

All data subjects who enter on any of the Fund's premises or premises from where the Fund operates consent to the release of and processing by the Fund of CCTV footage in which they appear or recordings of their voices, regardless of whether such footage/recordings is/are the property of the Fund or otherwise. The footage/recordings in question may be used to monitor compliance with the Fund's Rules, SARPBAC's agreements, the law, the relevant regulations, procedures and for security purposes.

10. LIMITATION AND DISCLAIMER

1. The PAIA manual and POPIA policy was prepared for the sole and exclusive use of the Fund.
2. It has been prepared for general information purposes only, and it should not be considered a substitute for specific professional advice.
3. The PAIA manual and POPIA policy may not be reproduced or distributed to any other party, whether in whole or in part, without prior written permission of the Information Officer, except as required by law.
4. In the absence of an express written agreement to the contrary, the Fund accepts no responsibility and will not be liable for any consequences whatsoever arising from any use of or reliance on the PAIA manual and POPIA policy or any of its contents.
5. If any provision of this policy is held to be invalid, illegal, or unenforceable for any reason, such provision shall be severed and the remainder of the provisions of this policy shall continue in full force and effect as if this policy had been executed with the invalid, illegal or unenforceable provision eliminated.

Gary Wilson
Information Officer

South African Road Passenger Bargaining Council Retirement Fund