



July 2019

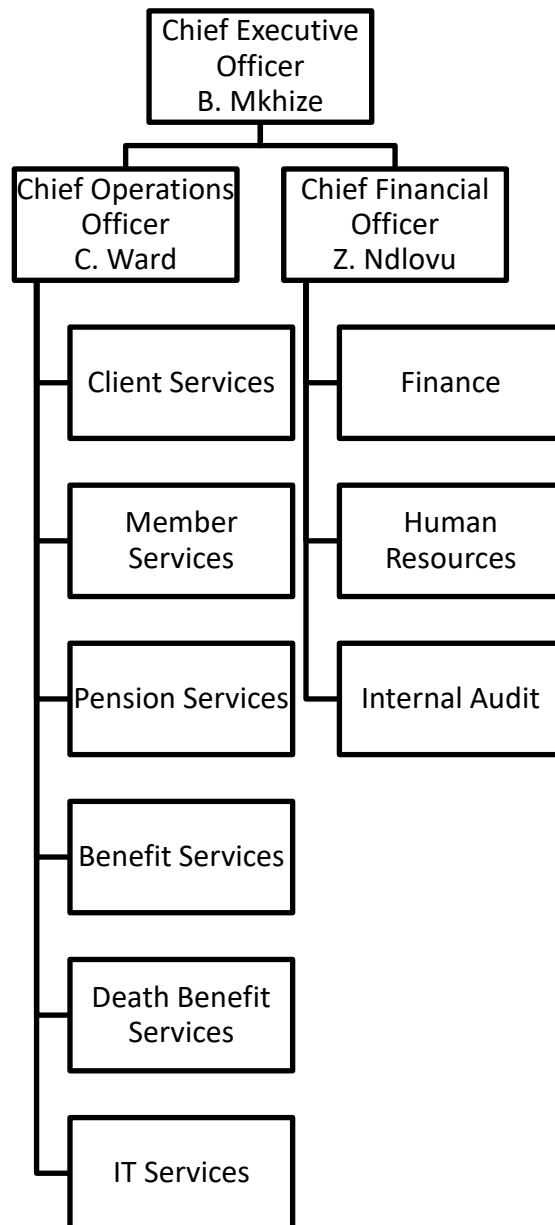
PAIA – Promotion of Access to Information Act

INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 IN RESPECT OF NATAL JOINT MUNICIPAL PENSION FUNDS:

- KwaZulu-Natal Joint Municipal Pension Fund (Superannuation) – Registration Number 12/8/553/2
- KwaZulu-Natal Joint Municipal Pension Fund (Retirement) – Registration Number 12/8/6676/2
- KwaZulu Natal Joint Municipal Provident Fund – Registration Number 12/8/32588/1

OVERVIEW OF NATAL JOINT MUNICIPAL PENSION FUNDS (NJMPF)

The NJMPF is primarily a selection of pension funds for KwaZulu Natal municipal workers. We aim to serve the best interests of the members by ensuring a high standard of retirement services to provide financial security in retirement. The Funds responsibilities include administration, collection and reconciliation of contributions, payment of pensions / benefits and investment of contributions in accordance with Regulation 28 of the Pension Funds Act 24 of 1956.



INTRODUCTION

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, 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 (including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance), 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.

PART 1: INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(a) OF THE ACT

Name of Entity : KwaZulu Natal Joint Municipal Pension / Provident Funds
Physical Address : 5 Derby Downs, University Road, Westville, South Africa
Postal Address : P.O. Box 33, Westwood, 3633
Head of Entity / Principal Officer : Mr Bonginkosi Mkhize
Telephone Number : 086 106 5673
Facsimile : (031) 266 6715
Information Officer : Zama Dube
Electronic mail : info@njmpf.co.za

PART 2: THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

The South African Human Rights Commission (hereinafter referred to as “the SAHRC”) has compiled a guide. It sets out information which would be reasonably required of any person wishing to exercise any right set out in the Act. The guide is available in all of the official languages, and is available for inspection at:

29 Princess of Wales Terrace Private Bag 2700
Cnr York and St Andrews Streets Houghton
Parktown Johannesburg
Johannesburg 2041
Telephone number : (011) 484 8300, Facsimile number: (011) 484 1360

PART 3: NOTICE IN TERMS OF SECTION 51(1)(c)

At this stage no notices have been published on the categories of records automatically available without a person having to request access thereto in terms of the Act.

The following records are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of the Act:

1. Annual Financial Statements
2. All other information freely available on the NJMPF website at www.njmpf.co.za

PART 4: RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(d)

All records are available in terms of the following legislations:

- Pension Funds Act, 24 of 1956
- Income Tax Act no 58 of 1962
- Value-Added Tax Act no 89 of 1991
- Basic Condition of Employment Act no 75 of 1997
- Occupational Health and Safety Act, 85 of 1993
- Skills Development Act, 97 of 1998
- Unemployment Insurance Act, 63 of 2001
- Compensation for Occupational Injury and Diseases Act, 130 of 1993

PART 5: INFORMATION REQUIRED IN TERMS OF SECTION 51(1) (subject to Part 6 and Appendix 1 to this manual)

NJMPF keeps, inter alia, the following records in terms of various regulatory requirements having an impact on its operations:

Pension Fund Act records

1. Statement of Responsibility by the Trustees
2. Statement of Responsibility by the Principal Officer
3. Financial Statements
4. Records relating to the appointment of
 - 4.1 Directors
 - 4.2 Auditors
 - 4.3 Principal Officer
 - 4.4 Trustees

Income Tax

1. Pay-as-you-earn (PAYE) records
2. Documents issued to employees for income tax purposes
3. Records of payments made to South African Revenue Services on behalf of employees
4. All or any statutory compliance
5. Value Added Tax
6. Skills development levies
7. Unemployment Insurance Fund

Labour relations records

1. Personnel documents and records
2. Employment contracts
3. Medical aid records
4. Pension Fund records
5. Disciplinary records
6. Salary records
7. Disciplinary code and / or procedures
8. Leave records
9. Training records
10. Training manuals
11. Address lists
12. Internal telephone lists

Records of clients

1. Records provided by the client
2. Records provided by the client to a third party acting for or on behalf of NJMPF

Finance

1. Receipts and payments
2. Bank statements
3. Budgets
4. Management accounts
5. Asset registers
6. Orders, quotes and invoices
7. Minutes of meetings
8. Correspondence
9. Fund policies (security awareness, fraud and corruption plan, purchasing, human resources, fixed assets)

All information shall only be made available subject to the provisions of the Act

PART 6: PROCEDURE FOR REQUEST FOR ACCESS (SECTION 53 TO 57 AND 60 OF THE ACT)

1. The requester must comply with all the procedural requirements as set out in the Act, relating to the request for access to a record
2. The requester must complete the prescribed form supplied on request, and submit to the Information Officer at the postal or physical address, facsimile number or electronic mail address under PART 1 above
3. The prescribed form must be completed with sufficient details so as to enable the Information Officer to identify:
 - 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 facsimile number of the requester
4. The requester must explain what other right is being protected or exercised
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
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 Information Officer
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 Information Officer

6.1 APPLICABLE TIME-PERIODS

1. NJMPF will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request
2. 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 NJMPF or the records are not located at NJMPF

6.2 THE OUTCOME OF A REQUEST (GRANTING OR REFUSING)

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.

6.3 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT)

In terms of Section 62 to 69 of the Act access granted to a record may be refused on one or more of the following grounds:

- Protection of privacy to a third party who is a natural person
- Protection of the commercial information of a third party
- Protection of certain confidential information of a third person
- Protection of the safety of individuals and the protection of property
- Protection of records privileged from production and legal proceedings
- The commercial information of the NJMPF
- The protection of research information of a third party

Despite any provisions of the Act, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated (section 70 of the Act).

6.4 REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT)

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

PART 7: THE AVAILABILITY OF THIS MANUAL

The manual is available for inspection at the offices of the NJMPF.

The manual can also be accessed on the website of the South African Human Rights Commission at the offices of the KwaZulu Law Society and as published in the Government Gazette

A copy of the manual may also be inspected on the NJMPF web page
www.njmpf.co.za



Bonginkosi Mkhize

CEO / Principal Officer

Disclaimer: The content of this manual is subject to changes that might emanate as a result of the proposed POPI Act implementation