



MANUAL PREPARED IN ACCORDANCE WITH SECTIONS 14 AND 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002 AND THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 FOR THE KWAZULU-NATAL JOINT MUNICIPAL PENSION FUND –

**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)**

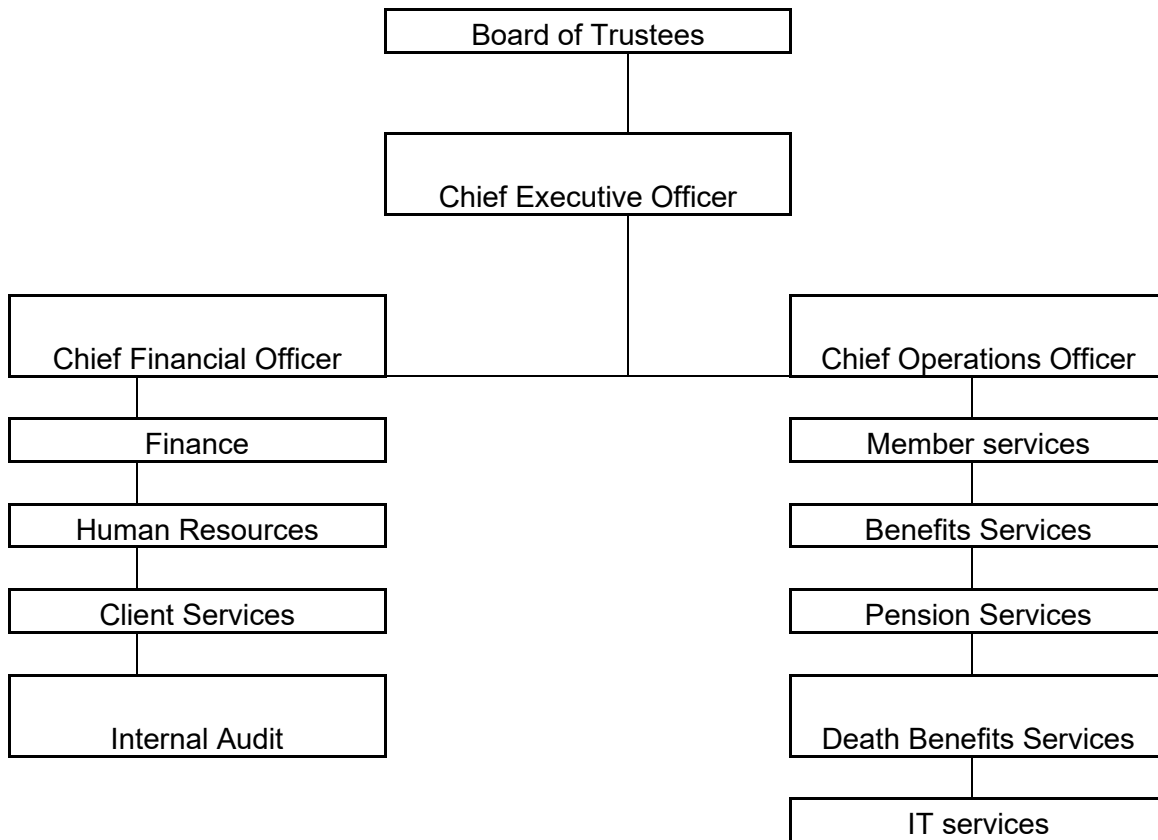
1 INTRODUCTION

- 1.1 This manual is published pursuant to sections 14 and 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to, mechanisms and procedures that empower and educate all persons.
- 1.2 PAIA requires organisations to compile a manual as a guide to requesters of information. The Manual also serves to indicate the types of records held by the KwaZulu-Natal Joint Municipal Pension/ Provident Fund ("**NJMPF**") and the availability of such records from the NJMPF.

- 1.3 In addition, the manual explains how to access, or object to, or request correction or deletion of, personal information held by the NJMPF, in terms of sections 23, 24 and 25 of the Protection of Personal Information Act 4 of 2013 ("**POPIA**"), and the Regulations Relating to the Protection of Personal Information, 2017 ("**POPIA Regulations**").
- 1.4 This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to the NJMPF in terms of these Acts. However, in terms of section 19 of PAIA, and Regulations 2 and 3 of the POPIA, the NJMPF will provide such assistance as is required in completing the necessary forms, by parties applying for access to information or personal information.
- 1.5 The NJMPF makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requestor is complete or accurate, or that such information is fit for any purpose. All users of any such information use such information entirely at their own risk, and the NJMPF will not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by the NJMPF or from any error therein.

2 OVERVIEW OF THE NJMPF

The NJMPF manages pensions and related benefits on behalf of local municipal employees in the province of KwaZulu-Natal ("**KZN**"). We aim to serve the best interests of our 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 the Pension Funds Act 24 of 1956, which is fulfilled by the following operational structure -



3 INFORMATION OFFICER AND CONTACT DETAILS OF THE NJMPF

- 3.1 The Information Officer of the NJMPF is Ms. Zama Dube whose contact details are as follows –

Name	Contact details
Ms. Zama Dube Internal Auditor/Information Officer	Telephone no: (031) 279 5355 Email: Zama.Dube@njmpf.co.za

- 3.2 The contact details for the Head Office of the NJMPF are as follows –

Physical address Head office	5 Derby Place Derby Downs Office Park University Road Westville 3630
Postal address Head office	P.O. Box 33 Westwood 3633

4 GUIDE ON HOW TO USE PAIA

- 4.1 As of 1 July 2021, the Information Regulator assumed the functions of the South African Human Rights Commission (“**SAHRC**”) and is now responsible for PAIA and POPIA queries.
- 4.2 As part of its functions, the Information Regulator published a guide on how to use PAIA and POPIA in the new dispensation.
- 4.3 The Information Regulator (IR) has developed a guide, with information on how to use PAIA. This guide is available on the IR website <https://info regulator.org.za/>.
- 4.4 Any information or queries related to the guide, or to PAIA or POPIA should be directed to –

Information Regulator

Woodmead North Office Park
54 Maxwell Drive
Woodmead
Johannesburg
2191

Telephone number: 08000 17 160 | 010 023 5200
Contact IR via: i-support platform
Website: <https://info regulator.org.za/>
E-mail: enquiries@info regulator.org.za

5 NOTICE IN TERMS OF SECTION 51(1)(C)

- 5.1 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 PAIA.
- 5.2 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 PAIA –

- 5.2.1 annual financial statements of the NJMPF; and
- 5.2.2 all other information freely available on the NJMPF website at www.njmpf.co.za.

6 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(D)

All records are available in terms of the following legislation –

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

7 INFORMATION REQUIRED IN TERMS OF SECTION 51(1)

- 7.1 The following table contains a description of the subjects on which the NJMPF holds and the categories of records held on each subject –

Subject	Description
Pension Fund Act records	• Statement of Responsibility by the Trustees • Statement of Responsibility by the Principal Officer • Financial Statements • Records relating to the appointment of • Directors • Auditors • Principal Officer • Trustees

Income Tax	• Pay-as-you-earn (PAYE) records • Documents issued to employees for income tax purposes • Records of payments made to South African Revenue Services on behalf of employees • All or any statutory compliance • Skills development levies • Unemployment Insurance Fund
Labour relations records	• Personnel documents and records • Employment contracts • Medical aid records • Pension Fund records • Disciplinary records • Salary records • Disciplinary code and/or procedures • Leave records • Training records • Training manuals • Address lists • Internal telephone lists • Fund policies (HR, Fraud and corruption prevention plan, Security awareness, Purchasing etc)
Records of members	• Records provided by the member • Records provided by the client to a third party (Operator) acting for or on behalf of NJMPF • New member data • Personal information form • Contribution records • Beneficiary nomination forms (in service members) • Beneficiary nomination forms (deferred pensioners) • Changes to personal information form

	• Member Benefit Statement • Additional benefit / surplus / calculations
Finance	• Receipts and payments • Bank statements • Budgets • Management accounts • Asset registers • Orders, quotes and invoices • Correspondence to 3rd parties
Claims (Withdrawals, Retirement, Death and Disability)	• Claim Notification Forms • Calculations (where available), or computerized statement of claim value • Tax Application (where applicable) • Tax Directive (where applicable) • IT 88 notifications • Tax Certificate (where applicable) • Client / member payment instruction (where applicable) • Section 37D deduction instruction (where applicable) • Copy of any other court order against benefits • Payment letter • Copy of cheque (or cheque/EFT payment reference) • Trustees' Resolution – Disposal of benefit (deaths only) • Copy of death certificate • Medical records (where applicable) • Will (where applicable) • Statement by Employer (if the application is made by employer) (disability only) • Statement by Employee (disability only) • Acceptance / Declination Letter (disability only)

Funeral benefit claims	• Not applicable
Risk and compliance	• Contracts and SLA • Policies and procedures • Risk assessment • Compliance records

7.2 The above records shall only be made available subject to the provisions of PAIA.

8 PROCESSING OF PERSONAL INFORMATION

8.1 POPIA

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

8.1.2 The NJMPF processes personal information in accordance with POPIA. In terms of our Privacy Policy, the NJMPF will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. The NJMPF processes personal information of both living and juristic persons.

8.2 Purpose for processing of personal information by the NJMPF

The NJMPF processes personal information for the following purposes, amongst others, –

8.2.1 to assess and process claims;

8.2.2 to provide products or services, to carry out the transactions requested and maintain relationships;

8.2.3 to provide members with the information about products and services that will support and enhance their retirement benefits;

8.2.4 providing on-going administration for the duration of the membership to the funds (including resolving complaints) with members;

8.2.5 to conduct credit checks;

- 8.2.6 to confirm and verify the identity of members and their beneficiaries;
- 8.2.7 for the detection and prevention of fraud, crime, money laundering or any other malpractice;
- 8.2.8 to conduct customer satisfaction research or for statistical analysis;
- 8.2.9 process requests for the collection, updating, access or deletion of personal information;
- 8.2.10 for audit and record keeping purposes;
- 8.2.11 in connection with legal proceedings; and
- 8.2.12 comply with applicable laws, regulatory requirements or industry codes to which we subscribe or which apply to use.

8.3 Categories of data subjects

The NJMPF processes personal information relating to the following categories of data subjects –

- 8.3.1 members;
- 8.3.2 beneficiaries of members, which include children and spouses;
- 8.3.3 juristic entities (i.e. suppliers, contractors and consultants);
- 8.3.4 employees and job applicants; and
- 8.3.5 visitors to premises.

8.4 Types of information (and special personal information) processed

As stated in our privacy policy, the NJMPF processes the following types of personal information, amongst others, –

- 8.4.1 full names and surnames;

- 8.4.2 contact details including, cell phone numbers, telephone numbers, fax numbers and emails;
- 8.4.3 addressees
- 8.4.4 birth dates;
- 8.4.5 identity numbers and registration numbers in the case of a company;
- 8.4.6 financial information;
- 8.4.7 medical information;
- 8.4.8 information relating to beneficiaries (including spouses and children);
- 8.4.9 employment details; and
- 8.4.10 tax information.

8.5 *Disclosure of your personal information*

- 8.5.1 We may disclose your personal information to third parties who are involved in the delivery of products and services to you such as –
 - 8.5.1.1 third parties for giving effect to the above purposes, for example credit checks and fraud prevention agencies, law enforcement agencies and tracing agents;
 - 8.5.1.2 other insurers or pension funds to prevent fraudulent claims; and
 - 8.5.1.3 your broker, where applicable.
- 8.5.2 Where the NJMPF discloses your personal information to the above parties, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed for. To this end, we have agreements in place with these third parties to ensure this.

- 8.5.3 The NJMPF may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights.

8.6 Trans-border/Cross border flows of personal information

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. The NJMPF currently has no planned transborder flows of personal information. Insofar as the transborder flow of Personal Information may become applicable in future, the NJMPF will comply with the conditions set out in section 72 of POPIA.

8.7 General description of information security measures

- 8.7.1 The NJMPF takes reasonable and appropriate technical and organisational measures to ensure that personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration disclosure or access.
- 8.7.2 The NJMPF, on a regular basis, reviews the security controls and related to processes to ensure that personal information is secure.

9 **PROCEDURE FOR REQUEST FOR ACCESS**

- 9.1 In terms of PAIA, the following persons may request access to records held by the NJMPF –
- 9.1.1 a person requesting information about him/herself;
 - 9.1.2 an agent requesting information on behalf of someone else;
 - 9.1.3 a third party requesting information about someone else; or
 - 9.1.4 public body requesting information for the exercise or protection of its rights or in the public interest.
- 9.2 For requests to access information or personal information, the request must be made in writing on the prescribed **Form 2** which is attached to this Manual as **Annexure A**.

- 9.3 For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed (correction or deletion form), which are available on the NJMPF's website under POPIA tab (under legal).
- 9.4 The request form must be addressed to the Information Officer using the contact details set out in clause 3.2 above.
- 9.5 The request must contain the name and contact details of the requester and it must provide sufficient details to enable the NJMPF to identify the record requested. The requestor should also indicate the form in which access to the record is requested.
- 9.6 The request must contain the name and contact details of the requester and it must provide sufficient details to enable the NJMPF to identify the record requested. The requestor should also indicate the form in which access to the record is requested.
- 9.7 Where the request is made on behalf of another person, the requestor must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requestor is making the request to the satisfaction of the NJMPF's Information Officer. In the case of personal information, we may take additional steps to confirm the identity of the affected data subject.
- 9.8 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 but must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requestor is making the request to the satisfaction of the NJMPF's Information Officer.

10 PAYMENT OF FEES

- 10.1 The Act provides for two types of fees, namely –
- 10.1.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

- 10.1.2 an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2 Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 10.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the NJMPF will request the Requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 10.4 The NJMPF may withhold a record until the requester has paid the fees as indicated in **Annexure B**.
- 10.5 A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

11 APPLICABLE TIME-PERIODS

- 11.1 The NJMPF will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
- 11.2 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.

12 OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

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

13 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

13.1 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 –

- 13.1.1 protection of privacy to a third party who is a natural person;
- 13.1.2 protection of the commercial information of a third party;
- 13.1.3 protection of certain confidential information of a third person;
- 13.1.4 protection of the safety of individuals and the protection of property;
- 13.1.5 protection of records privileged from production and legal proceedings;
- 13.1.6 the commercial information of the NJMPF;
- 13.1.7 the protection of research information of a third party.

13.2 Despite any provisions of PAIA, 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 PAIA).

14 REMEDIES FOR REFUSAL

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.

15 AVAILABILITY OF THE MANUAL

This manual is available in electronic and hard copies in English. The hard copies are available at the offices of NJMPF. The electronic version of this manual is available on the NJMPF's website (www.njmpf.co.za).

16 UPDATING OF THIS MANUAL

This manual will be reviewed and updated, if necessary, on a periodic basis but no less than once each year.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

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Mark with an "X"
☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made <i>(when made on behalf of another person)</i>				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made <i>(if applicable)</i> :				

Identity Number	
Postal Address	

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED <i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
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Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
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	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(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)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	

E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a) <i>A request fee must be paid before the request will be considered.</i> b) <i>You will be notified of the amount of the access fee to be paid.</i> c) <i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i> d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

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. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>
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Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8] Note:

1. *If your request is granted the—*
 - (a) *amount of the deposit, (if any), is payable before your request is processed; and*
 - (b) *requested record/portion of the record will only be released once proof of full payment is received.*
2. *Please use the reference number hereunder in all future correspondence.*

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body <i>(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)</i> is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

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

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60. 00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]**

Note:

Affidavits or other documentary evidence in support of the request must be attached.

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

Mark the appropriate box with an "x".

Request for:

☐

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
Contact number(s):	
FAX number:	
E-mail address:	
Name of public or private body	

