

**TRANSNET SECOND DEFINED BENEFIT FUND (“THE FUND”)  
MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT,  
NO.2 OF 2000 (“THE PAIA” or “THE ACT”)**

Compiled & updated June 2021

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**1. Introduction**

The Transnet Second Defined Benefit Fund (“the Fund”) is a closed (pensioner only) pension fund established in terms of the Transnet Pension Fund Act, (Act 62 of 1990, as amended).

**2. Purpose and objective of the Fund**

The purpose of the Fund is to provide annuity and death benefits for its members according to rules agreed with participating employers.

**3. Contact details**

Information Officer – Mr Jaco Neale

Fund's registered physical address – The Marc - Tower 2, Upper Retail, 129 Rivonia Road, Sandton, 2146

Telephone – 011 587 8575

E-mail – [Jaco.Neale@Transnetfunds.co.za](mailto:Jaco.Neale@Transnetfunds.co.za)

**4. The Promotion of Access to Information Act and The Human Rights Commission Guide**

The Act grants a requester access to records of a private body, if the record exists and is required for the exercise or protection of any right, unless access is refused under the provisions in the Act.

If the requester is a public body, it must show that it is acting in the public interest.

Details of the prescribed procedures for requests in terms of the Act are available at the Department of Justice website, <https://www.justice.gov.za/paia/paia.htm>.

The South African Human Rights Commission ("SAHRC") has issued a guide to help a person wishing to exercise any right contemplated in the Act. The contact details of the SAHRC are as follows: Postal address: Private Bag 2700, Houghton, 2041; Telephone Number: 011 877 3600; Website: [www.sahrc.org.za](http://www.sahrc.org.za).

With effect from 1 July 2021, oversight functions under the Act will be managed by the Information Regulator under the Protection of Personal Information Act ("the POPIA"). The contact details of the Information Regulator are as follows: Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017; Website: [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/).

**5. Records held by the Fund**

| <b>Category</b>    | <b>Subject</b>                                                                                                                                                                                                                                                                                                 | <b>Availability</b>                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Public matters     | <ul style="list-style-type: none"><li>• Rules of the Fund</li></ul>                                                                                                                                                                                                                                            | Rules available on request, at the Fund's registered address, or on application to the Fund's Information Officer.                                                                                                                                                                                                                                                                                  |
| Financial          | <ul style="list-style-type: none"><li>• Financial statements</li><li>• Actuarial valuation reports</li><li>• Investment policy statement</li></ul>                                                                                                                                                             | Available on request, at the Fund's registered address, application to the Fund's Information Officer.                                                                                                                                                                                                                                                                                              |
| Member information | <ul style="list-style-type: none"><li>• A wide range of member data is held by the Fund as required for the Fund to record and process benefits payable to members. Further details are provided below.</li></ul>                                                                                              | Any member may ask for specified details regarding their Fund benefits from the Fund and could be obtained from <a href="mailto:MRA.TSDBFDOCS@Momentum.co.za">MRA.TSDBFDOCS@Momentum.co.za</a> or 0860 222260. These records are private to the member and any other access to these records must be requested by a requester making application in terms of the PAIA and in compliance with POPIA. |
| Miscellaneous      | <ul style="list-style-type: none"><li>• Trustee registers, agendas, minute books, investment and insurance contracts, other service provider contracts, investment statements and reports, correspondence relating to the business of the Fund.</li><li>• Communication sent to members of the Fund.</li></ul> | <p>These records are not in the public domain and a requester seeking access to these records must submit an application in terms of the PAIA and in compliance with POPIA.</p> <p>Recent member communication is available on application to the Fund's Information Officer.</p>                                                                                                                   |

**6. Pertaining to the Protection of Personal Information Act**

*(i) The purpose of the information processing:*

The Fund, and by extension its service providers, are required to process Personal Information under the Transnet Pension Fund Act of 1990 (as amended) and the Fund Rules, in order to give effect to the rights of members or their dependents to benefits in terms of the rules of the Fund. The processing of Personal Information may be required, amongst other aspects, in order to the facilitation of benefit payments, the issuance of monthly pension pay slips and other correspondence, the completion of Annual Financial Statements, the completion of actuarial statutory valuations, the completion of annual audits, the resolution of queries or complaints, and the calculation of actuarial projections or other calculations, and to carry out the necessary record-keeping in support of these actions.

*(ii) A description of the categories of data subjects and of the information or categories of information relating thereto;*

- The Fund – The Fund, as a legal entity, is itself a data subject. Information relating thereto includes contractual agreements, Fund Rules, meeting agendas, meeting minutes, any correspondence related to the Fund and its actions, reporting of any nature prepared for the Fund including financial statements and actuarial reports, any Board appraisal, any advice received by the Fund, or any other such detail which exists as a function of the Fund's legal existence and the relevant legal requirements.
- Pensioners of the Fund – These data subjects are members of the Fund, as defined by the Fund Rules, for whom monthly pensions are being paid. Information relating to these members includes:
  - All static information which will include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, past pensionable salary, service history, banking account details and tax recovered.
  - Contact information.

- Beneficiaries of the Fund – These data subjects are members of the Fund (spouses, children or person other than the pensioner) as defined by the Fund Rules, for whom monthly pensions are being paid. Information relating to these members includes:
  - All static information which will include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date, past pensionable salary, service history, banking account details, tax recovered,
  - Contact information.
- Other Beneficiaries – These data subjects include all individuals who may still have an interest in the Fund as a result of a benefit payable, an unclaimed benefit, or a benefit due to them as a result of a relationship to a former member of the Fund in accordance with the Fund Rules (including children classed as dependants). Information relating to these persons includes:
  - In the case of former members of the Fund, all static information which may include names, ID number, date of birth, past member numbers, past employee numbers, gender, pensionable service date and date of exit.
  - In the case of former members of the Fund, relevant Fund information which may include past Fund membership category, benefit amount and tax deducted, history of their benefit accumulation, dependants and nominated beneficiaries, and past transfer information.
  - Contact information of the former member in question.
  - 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 the Fund Rules (e.g. names, ID numbers, date of births, dependency level, health and financial status, etc).
- Former members – These data subjects include all individuals who at one stage formed part of the membership of the Fund, be it in the capacity of a pensioner or a beneficiary. Information relating to these would include historic information as

outlined for these categories above.

- Board Members – These data subjects are the appointed Board Members of the Fund in accordance with the Fund Rules. Information relating to these individuals include names, contact information, ID numbers, banking details (where applicable) occupation and previous occupation, qualifications, and training attended.
- Principal Officer and Fund Secretary – Information relating to these includes name, citizenship, contact information, ID number, qualifications, training attended, and current and historic remuneration details as well as relevant HR information.
- Other employees and officials of the Fund – information relating to these includes name, citizenship, contact information, ID number, qualifications, training attended, and current and historic remuneration details as well as relevant HR information.
- Participating Employers – information held includes employers' corporate details, responsible individuals, contractual agreements, contact information, and any other such information as required for successful participation in the Fund.
- Service Providers – These data subjects are those parties who have been appointed by the Board of the Fund (or Transnet where applicable) with the intent to perform a necessary duty to fulfil Board objectives and duties as per the Transnet Pension Fund Act and the Fund Rules. These parties perform necessary functions for the Fund and, where applicable, are remunerated for their services – they include the Fund's administrator, auditor, actuary and consultant, investment consultant, the investment managers or investment product providers and any other service providers. Information relating to these includes 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 and good governance of the service provider relationships.

*(iii) The recipients or categories of recipients to whom the personal information may be supplied;*

Recipients of personal information (both in relation to the Fund and in relation to the various categories of Fund members and other individuals described above) may include:

- The Fund itself;
- Participating Employers;
- Board Members;
- Principal Officer, Fund Secretary, and other Fund employees and officials;
- The regulator (Financial Sector Conduct Authority); and
- Service providers as described above;

noting that all information supplied to the above parties is done so for a specific, explicitly defined and lawful purpose related to a function or activity of the Fund. The Fund seeks to ensure that personal information is only shared with service providers to the extent necessary for the functions that they perform for the Fund.

*(iv) Planned transborder flows of personal information:*

In certain circumstances, there may be transborder flows of Personal Information. The most likely such circumstance is the storage of Personal Information on service provider servers which may be based outside of the Republic (e.g. cloud based storage of information). In such cases, the Fund requires the service providers to ensure that suitable security measures are in place and that the storage of such information accords with both South African data protection laws as well as any foreign laws which may apply. In all cases the Fund seeks to comply with the POPIA requirements relating to transborder data flows.

*(v) A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.*

The Board may delegate functions and duties to other parties so as to ensure the successful completion of these. These service providers are referred to as Operators under POPIA. The Board obtains commitments from all such parties in respect of information security, and concludes formal data security agreements with such parties

in order to ensure that appropriate references to data confidentiality, integrity, and availability of information are included. Furthermore, all operator agreements are expected to incorporate the principles related to POPIA, declarations are required by all operators in terms of whether any breaches were experienced, and all service providers are required to have suitable data protection policies and procedures in place.

The above also applies to the staff employed by the Fund, who are subject to the Fund's confidentiality policy. The Fund Office has its own data protection policies and procedures in place and Personal Information in respect of Trustee registers, agendas, minute books, investment and insurance contracts, other service provider contracts, investment statements and reports, correspondence relating to the business of the Fund, communication sent to members of the Fund are stored offsite as well as electronically. The offsite storage service provider provided assurance that suitable security measures are in place and that the storage of the above information accords with South African data protection laws.

Certain service providers to the Fund will be classified as Responsible Parties under POPIA, which means that they are required in their own right to comply in full with the POPIA requirements. The Fund has obtained their commitments to do so.

Additionally, besides this manual, the Fund has established the following policies:

- Confidentiality policy;
- Board Member Code of Conduct; and
- A Privacy Statement, which outlines the required practices and processes of the Fund and the privacy standards to which the Fund seeks to hold its service providers, Board Members, and others who may collect, hold, or process personal information as referred to above.

**7. Rights of Fund members and other stakeholders under the Protection of Personal Information Act**

The rights of “data subjects” whose Personal Information is processed are set out in Section 5 of the POPIA and include the following:

- The right to be informed that your Personal Information is being collected and processed;
- The right to be notified of any “data breaches” (when your Personal Information falls into the hands of an unauthorised party);
- The right to be told what Personal Information is held for you.

The Fund’s Confidentiality encapsulates the Fund’s commitment to respecting the privacy rights of each data subject for whom or which the Fund collects, holds and/or processes personal information.

Should you want more information on the Personal Information which the Fund holds for you, or specific additional information on how the Fund complies with PAIA and POPIA (beyond what is set out in this manual), please contact the Information Officer.

## **8. Requesting a record from the Fund in terms of the PAIA**

A requester must:

- Use the prescribed form (Form C), available on the website of the Information Regulator at <https://www.justice.gov.za/inforeg> and also attached to this Manual (see below).
- Provide full details of the requester’s capacity (individual requester or agent acting for a requester) and contact details (postal address and e-mail address).
- Address the request to the Information Officer.
- State whether the request is (a) for a copy of a record, or (b) the right to inspect the record (which, if granted, will be at the registered address of the Fund).
- Provide sufficient details to enable the Fund to identify the record(s).
- The form of access required. A requester who is granted access to a record and who asks for access in a particular form, will ordinarily be given access in the manner that has been asked for, unless this would interfere unreasonably with the running of the Fund or damage the record, or infringe a copyright. If for practical

reasons access cannot be given in the requested form but in another way, the fee must be calculated according to the way that the requester asked for it.

- State the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## **9. Decisions and appeals**

The Fund will consider the application for access to a record(s) sought, and will

- (a) Establish if the record(s) exist(s); and
- (b) If the record(s) exist(s), must grant access to the record if the requester has complied with the procedural requirements for a request unless the Fund decides to refuse access to the record(s) on one or more of the grounds set out in Sections 62 to 69 of the Act read with the provisions of Section 70 of the Act.

A requester whose application is refused by the Fund may make an application to Court as set out in the Act.

## **10. Fees payable in terms of the PAIA:**

Where a copy of a record is of a record that the Fund routinely makes available to a member at no cost or at a prescribed rate, no PAIA fee is payable. Where a request is for a record of the personal information of the requester, no fee is payable.

Where a requester applies for a copy of any other record for the exercise of a right, the requester must

- Pay the prescribed requester fee (R50) before a request will be processed;
- If the preparation of a copy of the record in the form requested is expected to require more than six hours' work, pay a deposit of not more than one third of the access fee which would be payable if the request were granted;

Records may be withheld until the fees have been paid.

The fee structure is available on the website of the SAHRC at [www.sahrc.org.za](http://www.sahrc.org.za).

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Jaco Neale

Information Officer of the Transnet Second Defined Benefit Fund

June 2021

## **FORM C**

### **REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 10]

#### **A. Particulars of private body**

The Principal Officer / Information Officer: Retirement-On-Line Retirement Fund

#### **B. Particulars of person requesting access to the record**

- |     |                                                                                                     |
|-----|-----------------------------------------------------------------------------------------------------|
| (a) | The particulars of the person who requests access to the record must be given below.                |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | 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:

Capacity in which request is made, when made on behalf of another person:

### **C. Particulars of person on whose behalf request is made**

|                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------|
| This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person. |
|----------------------------------------------------------------------------------------------------------------------------|

Full names and surname:

Identity number:

### **D. Particulars of record**

- |                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) 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.</p> <p>(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.</p> <p style="text-align: center;">The requester must sign all the additional folios.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

### **E. Fees**

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Reason for exemption from payment of fees:

## F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Disability:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Form in which record is required: |
| <p>Mark the appropriate box (overleaf) with an X:</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p> |                                   |

|                                                                                                                                                  |                                            |  |                                                             |  |                                                    |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|--|-------------------------------------------------------------|--|----------------------------------------------------|----|
| <b>1. If the record is in written or printed form:</b>                                                                                           |                                            |  |                                                             |  |                                                    |    |
|                                                                                                                                                  | copy of record*                            |  | inspection of record                                        |  |                                                    |    |
| <b>2. If record consists of visual images</b><br>this includes photographs, slides, video recordings, computer-generated images, sketches, etc)  |                                            |  |                                                             |  |                                                    |    |
|                                                                                                                                                  | view the images                            |  | copy of the images"                                         |  | transcription of the images*                       |    |
| <b>3. If record consists of recorded words or information which can be reproduced in sound:</b>                                                  |                                            |  |                                                             |  |                                                    |    |
|                                                                                                                                                  | listen to the soundtrack<br>audio cassette |  | transcription of soundtrack*<br>written or printed document |  |                                                    |    |
| <b>4. If record is held on computer or in an electronic or machine-readable form:</b>                                                            |                                            |  |                                                             |  |                                                    |    |
|                                                                                                                                                  | printed copy of record*                    |  | printed copy of information<br>derived from the record"     |  | copy in computer readable form*<br>(e.g. PDF file) |    |
| *If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?<br>Postage is payable. |                                            |  |                                                             |  | YES                                                | NO |

**G Particulars of right to be exercised or protected**

## **H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/denied. 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 REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE