

DESTINY UMBRELLA PENSION FUND 12/8/37522
DESTINY UMBRELLA RETIREMENT FUND 12/8/36710
DESTINY RETIREMENT PRESERVATION PENSION FUND 12/8/38216
DESTINY RETIREMENT PRESERVATION PROVIDENT FUND 12/8/38217
DESTINY UNCLAIMED BENEFITS PENSION PRESERVATION FUND 12/8/37611
DESTINY UNCLAIMED BENEFITS PROVIDENT PRESERVATION FUND 12/8/37588
DESTINY RETIREMENT ANNUITY FUND 12/8/38116

(COLLECTIVELY CALLED THE “DESTINY RETIREMENT FUNDS”)

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

June 2021



TABLE OF CONTENTS

1. INTRODUCTION	2
2. CONTACT DETAILS (SECTION 52 (1) (A))	2
3. QUERIES AND COMPLAINTS: INFORMATION REGULATOR CONTACT DETAILS	3
4. RECORDS AVAILABLE WITHOUT MAKING A REQUEST IN THE PRESCRIBED FORM (SECTION 51(1) (C))	3
5. LEGISLATION APPLICABLE IN TERMS OF SECTION (SECTION 51 (1) (D))	4
6. SCHEDULE OF RECORDS (SECTION 51 (1) (D))	4
7. MAKING A REQUEST IN TERMS OF THE ACT	5
8. DECISION	6
9. GROUNDS FOR REFUSAL OF A REQUEST	6
10. MANDATORY DISCLOSURES	7
11. FEES	7
12. CONCLUSION	7

1. INTRODUCTION

This manual is prepared in terms of Section 51 (1) of the Promotion of Access to Information Act 2 of 2000 for the Destiny Retirement Funds.

The Destiny Retirement Funds have as its main objective the provision of retirement and ancillary benefits to its members and their dependents, as provided for in the Funds' Rules.

The Promotion of Access to Information Act No 2 of 2000 (The "Act") gives effect to Section 32 (1) (a) and (b) of the Constitution of The Republic of South Africa, Act 108 of 1996, which provides for rights of access to information held by a public and private institution where such information is requested for the exercise or protection of any rights. Destiny Retirement Funds are private bodies or institutions, thus the form applicable to request information is for private bodies (Form C). The Act clearly sets out the concise procedural requirements relating to a request for information, which includes the requirement to be met by the information requester and the grounds to refuse such a request.

The Act also recognizes and brings forth Section 36 of the Constitution of the Republic of South Africa, which section provides for the limiting of such rights of access to information which should be reasonable and justifiable in an open democratic society based on human dignity, equality and freedom.

This manual aims to inform the requesters of the procedure and other requirements which a requester of information must meet as per the prescripts of the Act.

The manual is available for inspection at no cost at the physical address of the Destiny Retirement Funds.

List of entities

This manual is applicable to the following entities:

- ▼ Destiny Umbrella Pension Fund 12/8/37522
- ▼ Destiny Umbrella Retirement Fund 12/8/36710
- ▼ Destiny Retirement Preservation Pension Fund 12/8/38216
- ▼ Destiny Retirement Preservation Provident Fund 12/8/38217
- ▼ Destiny Unclaimed Benefits Pension Preservation Fund 12/8/37611
- ▼ Destiny Unclaimed Benefits Provident Preservation Fund 12/8/37588
- ▼ Destiny Retirement Annuity Fund 12/8/38116

2. CONTACT DETAILS (SECTION 52 (1) (a))

Name of Private Body	Destiny Retirement Funds (Refer to List)
Head of Private Body	Alan Coomber (Chairman)
Information Officer	Alan Coomber (Chairman)
Principal Officer	Wayne Hiller van Rensburg

Monitoring Person	Diana Simpson
Registered address of the Fund	GIB House 3 West Street Houghton 2198
Postal Address	PO Box 3211 Houghton 2041
Telephone Number:	011 483 1212
E-mail	rfs@gib.co.za

3. QUERIES AND COMPLAINTS: INFORMATION REGULATOR CONTACT DETAILS

Any person who needs to lodge a complaint due to their information request being rejected can direct any queries and complaints to:

Postal Address:	P.O Box 31533, Braamfontein, Johannesburg, 2017
Email:	complaints.IR@justice.gov.za
Website:	https://www.justice.gov.za/infoereg/index.html

4. RECORDS AVAILABLE WITHOUT MAKING A REQUEST IN THE PRESCRIBED FORM (SECTION 51(1) (c))

A member has a right to make a request to access their Fund information without any costs.

Destiny Retirement Funds makes available the following information or record for a member without costs:

- ▽ Registered Fund Rules of Destiny Umbrella Retirement Funds,
- ▽ The Last Annual Financial Statements,
- ▽ The last statutory valuation report,
- ▽ The last Investment Policy Statement,
- ▽ Risk Benefit Statement,
- ▽ Annual Reports/ Member newsletter,
- ▽ PAIA Manual.

5. LEGISLATION APPLICABLE IN TERMS OF SECTION (SECTION 51 (1) (D))

All the records of the Destiny Retirement Funds are available in terms the following legislation:

- ❖ Pension Funds Act, Act No. 24 of 1956,
- ❖ Income Tax Act, Act No. 58 of 1962,
- ❖ Promotion of Access to Information Act, Act No.2 of 2000,
- ❖ Divorce Act, Act No. 70 of 1979,
- ❖ Financial Institutions (Protection of Funds) Act, Act No.28 of 2001,
- ❖ Maintenance Act, Act No.99 of 1998,
- ❖ Long – Term Insurance Act, Act No. 52 of 1998,
- ❖ Financial Advisory and Intermediary Services Act, Act No. 37 of 2002,
- ❖ Basic Conditions of Employment Act No. 75 of 1997.
- ❖ Financial Sector Regulation Act, Ac No. 9 of 2017.

6. SCHEDULE OF RECORDS (SECTION 51 (1) (D))

The Destiny Retirement Funds, in conducting its day-to-day business, keeps records in practice. The records are categorized as follows:

Claims (withdrawals, retirement, death and disability)

- ❖ Claim Notification Forms,
- ❖ Computerized statement of claim,
- ❖ Tax applications, Directives, IT88 notifications and Tax Certificates,
- ❖ Client payment instructions,
- ❖ Section 37 deductions instructions,
- ❖ Any other copy of a court order,
- ❖ Payment Letters,
- ❖ EFT Payment references and proof thereof,
- ❖ Trustees' decisions on disposal of death benefits,
- ❖ Insured benefits confirmation letters,
- ❖ Copy of death certificates,
- ❖ A declaration by a qualifying partner,
- ❖ Beneficiary Nomination Forms,
- ❖ Claim Forms,
- ❖ Confirmation letters for Funeral Benefit,
- ❖ Medical Reports (disability only),
- ❖ Statement by employer (on disability),
- ❖ Certificate of continued disability, escalator notification,
- ❖ Proof of rehabilitation,
- ❖ Approval, rejection, suspension, reinstatement letters (disability only)

Member Data

- ❖ Membership data,
- ❖ Contribution schedules,
- ❖ Benefit Statements,

Section 14 Transfer

- ❖ Calculations,
- ❖ Option Forms,
- ❖ Tax directives,
- ❖ Tax certificates,
- ❖ Copy of Section 14 applications and approval letters.

Fund Records

- ❖ Register of Board of Trustees,
- ❖ Details of the Board of Trustees,
- ❖ Agendas and minutes of all meetings,
- ❖ Investment managers mandates and, or investment policies,
- ❖ Asset Values,
- ❖ Service providers contracts,
- ❖ Copies lodged with the Pension Funds Adjudicator against the fund and fund's responses,
- ❖ Correspondence with Fund trustees in respect of the Fund,
- ❖ Correspondence with members,
- ❖ Correspondence with SARS and FSCA,
- ❖ FSCA policies and directives,
- ❖ Housing loans application forms, approval, settled claims and record of payments,
- ❖ Insurance policies and contracts,
- ❖ Re-broking documents,
- ❖ Surplus apportionment documents reflecting a Nil Surplus Scheme.

7. MAKING A REQUEST IN TERMS OF THE ACT

1. The Request Form and pay the fees payable (as determined by the Board of Trustees) can be obtained from the listed address above or on request by email to rfs@gib.co.za and via https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf
2. After completion of the form by the requester, it must be submitted to the Monitoring Person as per the above, either physically or electronically.
3. In terms of section 53 (2), the prescribed form should contain sufficient information to enable the Monitoring Person 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 requester's postal and physical address as well his or her contact details.
4. The requester is to provide the rights to be protected or exercised,
5. The requester must indicate if, in addition to being informed in writing, whether access to the records have been granted or not, wishes to be informed of the decision in any other manner.

6. If a request is made on behalf of another person, then the requester must provide proof of the capacity in which he/she makes such a request, to the satisfaction of the Monitoring Person.
7. A request may be submitted orally to the Monitoring Person if a requester is unable to do so in writing due to his or her illiteracy, disability and or any other acceptable reason.

8. DECISION

- ❖ The Destiny Retirement Funds have 30 days after receipt of the request, to decide whether to grant or decline a request and to provide reasons if so required to that effect. If the record does not exist, then the Monitoring Person must notify the requester in writing that such information is non-existent.
- ❖ The 30-day period for a decision may be extended but for a period not longer than 30 days if such a request is for a large record, and if compliance with the original period will interfere with the normal activities of the Destiny Retirement Funds.
- ❖ Adequate reasons may be provided should the request be declined, which will include the sections of the Act relied upon. Once a request has been declined, there are no internal appeals for the Requester. A Requester may then approach a Court in South Africa to lodge an Application against the refusal.

9. GROUNDS FOR REFUSAL OF A REQUEST

The following grounds may be used to refuse a request:

- ❖ That the record of information is not used to protect a right,
- ❖ Protecting a third party, a natural person's personal information from unreasonably being disclosed,
- ❖ Protection of a third party's commercial information (e.g. trade secrets, financial, commercial, scientific or technical interests of third party)
- ❖ Such disclosure will result in confidential breach of duty owed by Destiny Retirement Funds and its affiliates.
- ❖ Such a disclosure will jeopardize the individual and prejudice the safety of an individual or impair certain property rights of third parties,
- ❖ Such information is privileged from production during legal proceedings, unless the party so affected has waived its privilege,
- ❖ If such record contains trade secrets, financial or sensitive information or any information that would put the Destiny Retirement Funds together with its affiliates, at a disadvantage in negotiations or prejudice it in commercial competition,
- ❖ The record contains information about research being carried out or about to be carried out on behalf of a third party or by Destiny Retirement Funds.
- ❖ If the request does not comply with the prescribed procedure, or the prescribed fees are not paid.
- ❖ The record does not exist.

10. MANDATORY DISCLOSURES

A disclosure is mandatory if it would reveal a substantial contravention or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by the disclosure thereof.

11. FEES

The following fees are applicable to third party requests:

- ▽ A third party requester will be required to pay a prescribed fee before processing their request. Destiny Retirement Funds may levy a reasonable access fee in addition to the required prescribed fee. This may not be limited to the costs of making copies of the record, transcribing the content of the record into the required format and the reasonable time required to search for the record and preparation of the record to the requester.
- ▽ If when preparing the requested record, such preparation is more than the required hours, a deposit of not more than one third of the access fee will be payable if the request was granted. If the request is declined, then the requester will be refunded.
- ▽ A requester is allowed to lodge an application with the court against payment of the request fee or the deposit.
- ▽ Destiny Retirement Funds reserves the right to withhold the record until the fees have been paid.

12. CONCLUSION

A copy of this manual is available for inspection at the Destiny Retirement Funds physical address as provided above, free of charge and will be lodged with the SOUTH AFRICAN HUMAN RIGHTS ORGANISATION.