



ENIGMA SOLUTIONS (Pty) Ltd
Creative Employee Benefits Consulting

MANUAL ON ACCESS TO INFORMATION HELD BY

ENIGMA SOLUTIONS (PTY) LTD (“ENIGMA”)

Company Registration No: 2000/003098/07

Financial Services Provider no: 1731

COMPILED IN TERMS OF SECTION 14 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, NO 2 OF 2000 (AS AMENDED)

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1. INTRODUCTION

- 1.1. This manual is compiled in terms of the Promotion of Access to Information Act, No 2 of 2000 ("PAIA") and the Protection of Personal Information Act No 4 of 2013 ("POPIA").
- 1.2. The PAIA gives effect to the constitutional right of access to information contained in section 32 of the Constitution of the Republic of South Africa.

2. ENIGMA

- 2.1. ENIGMA is a private company which specializes in Employee Benefits in terms of the Pension Funds Act, 24 of 1956 ("PFA").
- 2.2. The objectives of ENIGMA are to:
 - 2.2.1. Provide retirement and risk benefits consulting services,
 - 2.2.2. Ensure transparency and proper communication with stakeholders,
 - 2.2.3. Provide appropriate benefit and investment structures,
 - 2.2.4. Reduce escalating costs, poor administration and claims disputes.

3. THE FUNCTIONS OF ENIGMA

- 3.1. To offer Employers and their Employees a range of retirement and associated risk benefits schemes.
- 3.2. To offer a very flexible benefit design structure to suit the needs of various employee groups within the same employer.
- 3.3. The functions of Enigma in terms of the Pension Fund Act ("PFA") are, but not limited to the following:
 - 3.3.1. Register the eFund in terms of the PFA and regulations,
 - 3.3.2. Appoint a Board of Trustees to manage the eFund in terms of the PFA and regulations,
 - 3.3.3. Appoint a Principal Officer who will oversee the management, administration and communication of the eFund in terms of the PFA and regulations,
 - 3.3.4. Appoint an Auditor to audit the financials of the eFund independently,
 - 3.3.5. Appoint a Valuator to have the financial condition of the eFund investigated and reported in terms of the PFA and regulations,
 - 3.3.6. Register the Rules and Amendments to the rules in terms of the PFA and regulations,
 - 3.3.7. Administer the collection of contributions and premiums,
 - 3.3.8. Process benefit claims in terms of the PFA and regulations,

3.3.9. Investigate complaints received from employers and members and provide the information and records necessary to solve the complaint, and

3.3.10. Provide educational communication to the employers and members.

4. INFORMATION OFFICER OF ENIGMA

4.1. The General Manager of Enigma, Mr. Kevin Clifford Ray, is the designated Information Officer of the Enigma. The contact details of the Information Officer are as follows:

Name	Contact numbers	Email address
Mr. Kevin Clifford Ray	+27 83 630 2577	enigma@enigasolutions.co.za

Physical Address	Postal Address
9 Lara Hof Station Road Birchleigh 1618	PO Box 8211 Birchleigh 1621

4.2. Enigma's website is www.enigasolutions.co.za

4.3. Requests for information and access to records not readily available, may be made by contacting the Information Officer.

5. A GUIDE ON HOW TO USE PAIA (S14 (1) (c) of the Act

5.1. The South African Human Rights Commission ("SAHRC") is responsible for and has developed a guide in each of the country's eleven languages, with information on how to use PAIA. This guide is available on the SAHRC website.

5.2. Any information or queries related to the guide should be directed to:

The South African Human Rights Commission

The Research and Document

Department PAIA Unit
Private Bag 2700
Houghton 2041
Telephone: +27 11 877 3600
Fax: +27 11 403 0625
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

6. RECORDS HELD BY ENIGMA:

- 6.1. Fund Rules
- 6.2. eFUND Certificate of Registration
- 6.3. SARS tax approval letter
- 6.4. Fund Register with Trustee and Principal Officer details
- 6.5. Fund Trustee Board minute book
- 6.6. Fund Membership Statements
- 6.7. Practice Notes
- 6.8. Trust Deeds
- 6.9. Investment Mandates
- 6.10. Investment Policy Statements
- 6.11. Risk Benefit Policies
- 6.12. Contracts with Service Providers
- 6.13. Client Contracts
- 6.14. Correspondence with Regulatory Authority ("FSCA")
- 6.15. Member Records with detailed information as allowed by PAIA
- 6.16. Contribution history
- 6.17. All the costs paid by the member
- 6.18. All instructions received from a member
- 6.19. Investment returns received by the member
- 6.20. Total Member Share
- 6.21. Nomination of Beneficiaries (in case the member dies)
- 6.22. Progress on the application of benefits
- 6.23. Investment performance
- 6.24. Details of Asset Managers
- 6.25. Member Communications, Newsletters and Brochures
- 6.26. Member's explanatory booklets
- 6.27. Member's contribution details

- 6.28. Medical records for underwriting purposes
- 6.29. Benefit Statements
- 6.30. New entrant statements
- 6.31. Recognition of Transfers
- 6.32. Dependant details
- 6.33. Historical benefits paid
- 6.34. Loan applications
- 6.35. Trustee Fidelity and Indemnity cover policies
- 6.36. Pension Fund Adjudicator complaints
- 6.37. FAIS Ombudsman complaints
- 6.38. Terminations, Liquidations and De-registrations
- 6.39. Transfers in terms of Section 14 of the PFA

7. PROCEDURE FOR PAIA REQUESTS

- 7.1. Any person may make a request for access to a record of Enigma.
- 7.2. A request must be made in writing addressed to the Information Officer using the contact details set out in clause 4 above.
- 7.3. The request must contain the name and contact details of the requester and it must provide sufficient details to enable Enigma to identify the record requested. The requester should also indicate the form in which access to the record is requested.
- 7.4. Where the request is made on behalf of another person, the requester must submit proof, in the form of an affidavit or letter of consent, of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

8. PAYMENT OF FEES (S 22 of PAIA)

- 8.1. A requester who seeks access to a record containing personal information about that requester is not required to pay a request fee. Every other requester, who is not a personal requester, must pay the required request fee as provided by the Information Officer. Upon receipt of the PAIA request, Enigma shall endeavour to consider and provide a response to each request within the prescribed thirty (30) days. When necessary, Enigma may extend the period of thirty (30) days for a further period of thirty (30) days in order to finalise the request.

9. CONSIDERING THE REQUEST

- 9.1. Requests for records for the purpose of criminal or civil proceedings are dealt with in terms of section 7 of the Act. Section 7(1) provides as follows:
“the Act does not apply to a record of a public body or a private body if
 - (a) that record is requested for the purpose of criminal or civil proceedings;*
 - (b) so requested after the commencement of such criminal or civil proceedings, as the case may be;*
 - (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided in law.”*
- 9.2. If section 7(1) applies to a request, then the requester must use the rules and procedures for discovery of information related to the particular legal proceedings.
- 9.3. Enigma may refuse access where requests are clearly frivolous and / or vexatious.

10. DECISION OF ENIGMA

- 10.1. As prescribed in section 25 of the Act, the Information Officer shall decide whether to grant the requested access to information and inform the requester accordingly. The requester shall be notified of the decision in the most expedient manner possible.
- 10.2. If the request for access to information is refused by the Information Officer, the requester shall be provided with written reasons for such refusal.

11. RIGHT TO CHALLENGE DECISION

- 11.1. ENIGMA is not a public body referred to in paragraph (a) of the definition of “public body” in section 1 of the Act. Therefore, no internal appeal lies against the decision of the Information Officer regarding access to information.
- 11.2. If a requester does not agree with the decision, the requester may apply, within 180 days of being advised of the Information Officer’s decision, to the High Court having jurisdiction, for an appropriate order.
- 11.3. A requester may also seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:
 - 11.3.1. The amount of fees required to be paid; and / or
 - 11.3.2. The extension of the period within which the information will be provided.

12. AVAILABILITY OF THE MANUAL

- 12.1. The manual is available in electronic and hard copy in English.

13. UPDATING OF THE MANUAL

This manual will be updated on a periodic basis but no less than once each year.

14. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013

- 14.1. ENIGMA must collect and use information, including personal information as defined in the Protection of Personal Information Act (“POPIA”), to the extent that it is necessary to properly perform the functions, obligations and duties referred to in paragraph 3.
- 14.2. The following entities process personal information of the data subjects provided in paragraph 6 on behalf of the ENIGMA:
 - 14.2.1. Supervised entity and persons. This includes financial organisations, investment institutions, collective investment schemes, retirement fund administrators, long term insurers, other financial services providers, as well as the managers and employees of these organisations.
 - 14.2.2. Third party suppliers
 - 14.2.3. Other regulatory bodies
- 14.3. The following categories of personal information are processed to fulfil the functions outlined in paragraph 3.
 - 14.3.1. Identifying number (employee number; retirement fund member number, ID number/Passport number)
 - 14.3.2. Email-addresses, physical address, telephone number
 - 14.3.3. Names, surname, marital status, age, physical health status, disability status, language, birthplace, date of birth.
- 14.4. Personal information is only disclosed if it is necessary to fulfil our legislative mandate as provided for in the Pension Funds Act(“PFA”), Long term Insurance Act and other applicable legislation for administrative purposes.
- 14.5. The recipients of information include ENIGMA service providers and other regulators.
- 14.6. Where appropriate, we request the third parties with whom we share information with, to take adequate measures and comply with applicable data protection laws and protect the

information we are disclosing to them. We do this through contractual arrangements with these third parties. We also take internal measures to ensure that the third parties we appoint have appropriate measures to protect the information we provide to them. The Administrator of the Retirement Funds employs security controls, electronic and physical that are designed to maintain confidentiality, prevent loss of, unauthorized access and damage to information by unauthorised parties. The cyber security strategy of the Administrator is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation. They conduct continuous security vulnerability assessments to improve their security posture and provide assurance to all their stakeholders.

14.7. Data subject have the following remedies where there's interference with the protection of their personal information by ENIGMA:

14.7.1. Lodge a complaint with the ENIGMA Information Officer, and where unsatisfied, lodge the complaint with the Information Regulator in the prescribed manner and form.

14.7.2. Institute civil action for damages in a court having jurisdiction.