



ELECTRICAL INDUSTRY KWA-ZULU NATAL PENSION FUND

PAIA MANUAL

OF THE

ELECTRICAL INDUSTRY KWA-ZULU NATAL PENSION FUND

REGISTRATION NO. 12/08/14479

**PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000**

JUNE 2021



ELECTRICAL INDUSTRY KWA-ZULU NATAL PENSION FUND

Registration No: 12/08/14479
23 Lennox Road, Greyville, Durban, 4001

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1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("PAIA") was enacted on 3 February 2000. The purpose of the legislation is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of any rights.

Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA or other legislation expressly provides that the information may or must not be released.

As a private body defined in PAIA, the Fund is required to compile a manual to provide a reference as to the records held and the process which needs to be followed to access such records.

This manual is intended to foster a culture of transparency, accountability, and good governance, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

2. CONTACT DETAILS

Fund Details/General Enquiries

Fund Name	Electrical Industry Kwa-Zulu Natal Pension Fund
Fund Registration Number	12/8/14479
Physical Address (Registered office)	23 Lennox Road, Greyville, Durban, 4001
Postal Address	23 Lennox Road, Greyville, Durban, 4001
Telephone Number	(031) 306 8100 or (031) 309 1325 / 1326 / 1307 / 1279
Fax Number	(031) 3091269
E-mail address	aca.queries@sanlam.co.za
Fund's website	www.sanlam.co.za
Call Centre (Sanlam)	086 111 3606

Information Officer

Full Name	Ms. Lizané van der Merwe
Contact number	073 350 8064
E-mail address	lizane@lvdmcconsulting.co.za

3. ACCESS TO THE GUIDE ON HOW TO USE PAIA

The South African Human Rights Commission has compiled a guide to help a person who wishes to exercise any rights granted in PAIA. The guide is available from the South African Human Rights Commission who can be contacted at:



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The South African Human Rights Commission (PAIA Unit): Research and Development Department

Physical address:	33 Hoofd Street, Braampark Forum 3, Braamfontein, Johannesburg, 2198
Postal address:	Private Bag X2700, Houghton, 2041
Tel:	011 877 3600
Fax:	011 403 0625
Website:	www.sahrc.org.za
E-mail address:	info@sahrc.org.za

The Information Regulator

The Information Regulator will take over the responsibilities for PAIA enforcement on 30 June 2021 and the Information Regulator can be contacted at:

Physical address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal address:	PO Box 31533, Braamfontein, Johannesburg, 2017
Tel:	010 023 5200
Fax:	086 500 3351
Website:	https://justice.gov.za/inforeg/
General enquiries:	inforeg@justice.gov.za
Complaints:	complaints.IR@justice.gov.za

4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY THE FUND

- Divorce Act, 70 of 1979
- Maintenance Act, 99 of 1998
- Pension Funds Act, 24 of 1956
- Trust Property Control Act, 57 of 1988
- Long-term Insurance Act, 52 of 1998
- Financial Advisory and Intermediary Services Act, 37 of 2002
- Income Tax Act, 58 of 1962

This list is not exhaustive.

5. HOW TO ACCESS RECORDS HELD BY THE FUND

A **requester** is any person making a request for access to a record of the Fund. There are two types of requesters, a personal requester, and other requesters:

PERSONAL REQUESTER

A retirement fund member is a personal requester. A personal requester is a requester who is seeking access to a record containing personal information about themselves. All the member's information pertaining to the Fund is available to him/her upon request. No fees will be charged in respect of information relating to the personal requester (member).



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OTHER REQUESTER (THIRD PARTY)

This requester (someone other than a fund member) is entitled to request access to information on third parties. However, the Fund is not obliged to voluntarily grant access. The requester must fulfill the prerequisite requirements for access in terms of PAIA by completing the request form and paying the fee.

RECORDS HELD BY THE FUND WHICH ARE AUTOMATICALLY AVAILABLE FOR INSPECTION BY MEMBERS AND PARTICIPATING EMPLOYERS

The records available for inspection may be requested by submitting a request to the Fund by either writing a letter (physical/postal address) or an email to aca.queries@sanlam.co.za:

- Rules of the Fund
- Last Revenue Account
- Statutory Valuation Report
- Investment Returns (Fund Fact Sheets)
- Annual Trustee Report (including benefits available)
- Member Booklet (including benefits available)

RECORDS HELD BY THE FUND WHICH MUST BE FORMALLY REQUESTED VIA THE PAIA REQUEST FORM (ANNEXURE A) BEFORE THE INFORMATION IS SUPPLIED TO A MEMBER AND/OR A THIRD PARTY

Claims (withdrawals, retirements, deaths, and disabilities)

- Claim forms (for exits from the Fund) and payment instructions
- Benefit calculations/statements
- Tax applications
- Tax directives
- IT 88 notifications
- Duplicates of tax certificates
- Section 37D instructions
- Copy of any other court order against benefits
- Letter of confirmation of payment
- Copy of cheque (or cheque/EFT payment reference)
- Beneficiary nomination form (death claims)
- Declaration of qualifying partner (death claims)
- Board of Trustee's resolution on distribution of death benefits
- Insurance benefit statement by insurer (death claims)
- Copy of death certificate
- Statement by employer and employee (disability claims)
- Acceptance/declination letter (disability claims)

Member data

- Membership data
- Contribution records
- Member individual investment choice option forms
- Flexible benefit member option forms



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Section 14 transfers/liquidations

- Calculations
- Option forms (where applicable)
- Tax application forms
- Tax directives
- Tax certificates (Duplicate - where applicable)
- Letter of confirmation of payment (liquidation only)
- Copy of section 14 application lodged
- Copy of section 14 certificate

Pensioners

- Special tax directives, including IT 88's, garnishee orders, etc.
- Calculations of commutation of pensions
- Letter of pension increase
- Certificate of existence of pensioner
- Death certificates
- Annuity option forms
- Board of Trustee's instruction regarding payments
- Contracts of outsourcing of pensioners
- Proof of study of beneficiaries

Disability

- Medical records and opinions (where applicable)
- Certificate of continued disability
- Escalator notification
- Letter of confirmation of payment
- EFT payment reference
- Proof of recovery documentation
- Letter of suspension/reinstatement from underwriter

Accounting records

- Cashbooks and bank reconciliations
- General ledgers
- Trial balances
- Documentation of audit and working papers
- Bank statements
- EFT files (ACB whilst still applied)
- Deposit slips (where applicable)

General records

- Minute books
- Board of Trustee's registers
- Board of Trustee's details
- Policy documents relating to GLA
- Documentation relating to the review of insurance
- Agendas of all meetings
- Investment manager mandates or policies of insurance depending on the nature of the investment



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- Statements detailing the asset values for the Fund
- Communication sent to members of the Fund
- Contracts with service providers
- Correspondence to Board of Trustees regarding Fund matters
- Correspondence to members/pensioners
- Confirmation as to appointments of the Fund
- Copies of Pension Fund Adjudicator complaints lodged against the Fund and Fund's response thereto
- Communication with SARS and FSCA
- Participating employer details
- Housing loan forms, record of payments, settled claims and approvals (if applicable)
- Investment strategy documents
- Surplus apportionment exercise documents

REQUEST PROCEDURE

- To facilitate the processing of a request the prescribed form (**Annexure A**) which is available on the Fund's website (eifunds.co.za) must be submitted to the Information Officer as per the contact details provided following which a PAIA request reference number will be allocated. The reference number must be used throughout all correspondence and the requester is required to do the same.
- The requester must provide sufficient detail on the request form to enable the Fund to identify the record and the requester.
- The requester should also indicate;
 - Which form of access is required (for instance if the requester is blind, the access will not be via email);
 - The right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Fund (Letter of Authorisation).

6. FEES

- 6.1 PAIA provides for two types of fees namely:
- A request fee (not applicable to personal requests) and
 - An access fee.
- 6.2 The requester will be required to pay the prescribed fees before the processing of the request.
- 6.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Fund will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 6.4 The Fund will withhold a record until the requester has paid the fees as prescribed.



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- 6.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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 requestform.
- 6.6 If a deposit has been paid in respect of a request for access, which is refused, then theFund must repay the deposit to the requester.

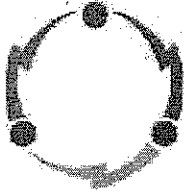
7. DECISION ON REQUEST AND NOTICE THEREOF

- 7.1 The Information Officer will, within 30 working days from the date of submission, decide whether to grant or refuse the request and notify the requester of the decision and, if the requester stated, that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner if it is reasonably possible.
- 7.2 The Information Officer may extend the period of 30 working days ('date of submission') once for a further period of not more than 30 working days if the;
- Request is for a large number of information or,
 - Requires a search for information or,
 - information cannot reasonably be obtained within the original 30 working days period or,
 - Request requires consultation amongst divisions.
- 7.3 The Information Officer will notify the requester in writing should an extension be sought.
- 7.4 Should the Information Officer refuse access to the information requested, the requester may lodge an internal appeal with the Board of Management of the Fund. If dissatisfied with the decision of the Board of Management an aggrieved party still has an opportunity to approach the courts.

8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Fund to refuse a request for information relates to the:

- 8.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 8.2 Mandatory protection of the commercial information of a third party, if the record contains:
- Trade secrets of that third party;
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - Information disclosed in confidence by a third party to the Fund, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 8.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 8.4 Mandatory protection of the safety of individuals and the protection of property;



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8.5 Mandatory protection of records which would be regarded as privileged in legal proceedings; and

8.6 The financial activities of the Fund.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, will be refused.

Should, after a diligent search, the record requested not be found, the Fund will by way of affidavit give notification that it is not possible to give access to that record.

9. AVAILABILITY OF THE MANUAL

A copy of the manual is available for inspection free of charge at the Fund's registered office and, if applicable, on the Fund's website (eifunds.co.za).

10. REVISION HISTORY

The manual shall be updated at least every twelve months or in the event of any material changes.

Date	Version	Author
February 2021	1	Simeka Consultants and Actuaries (Pty) Ltd
June 2021	2	Information Officer

11. APPROVAL AND SIGNATORIES

This manual has been formally adopted by the Board of Trustees. We the undersigned declare this to be the PAIA Manual of the Electrical Industry Kwa-Zulu Natal Pension Fund and that by establishing this manual, we have acted objectively and in the best interest of the Fund members.

Signed on this 30th day of June 20 21 via round robin

D W Alcock

(Mr Dave Alcock)
Chairperson

(Mr Deon van Deventer)
Deputy Chairperson

Bernard Carr

(Mr Bernie Carr)
Acting Chairperson: Governance, Risk,
Audit, and Investments Sub-Committee

(Ms Lizané van der Merwe)
Principal Officer



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ANNEXURE A (REQUEST FORM)

REFERENCE NUMBER: 2021/ECIKZN/_____



J752

REPUBLIC OF SOUTH AFRICA

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

B. Particulars of person requesting access to the record

- | |
|--|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|--|

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....)..... Fax number: (.....).....

E-mail address:

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



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REFERENCE NUMBER: 2021/ECIKZN/_____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

D. Particulars of record

(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.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:
.....
.....
.....
.....

2. Reference number, if available:
.....
.....
.....

3. Any further particulars of record:
.....
.....
.....



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REFERENCE NUMBER: 2021/ECIKZN/_____

E. Fees

- | |
|---|
| <p>(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(c) 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.</p> <p>(d) If you qualify for exemption of the payment of 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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(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.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer - generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)



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4. If record is held on computer or in an electronic or machine-readable form:		
printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? YES NO
Postage is payable.

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

.....
.....
.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....
.....
.....

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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE



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ANNEXURE B (PRESCRIBED FEES)

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041

Tel: (011) 877 3600

Fax: 011 403 0625



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible," [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L.M. Mushwana
Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity

Chairperson: M.L. Mushwana; Deputy Chairperson: P. Govender; Commissioners: L. Mokate, B. Matlaj, J. Love, D. Titus
Chief Executive Officer: K. Ahmed



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ANNEXURE C (DEFINITIONS)

Access fee	A fee prescribed for the purpose of reproduction, search and preparation time and cost of records and postal costs (if applicable).
Date of submission	The date on which the requester submits the PAIA request. The Information Officer must respond to the request within 30 days of this date.
Grounds for refusal	The Section(s) of PAIA referred to by the Information Officer in order to refuse a PAIA request.
Information Officer (IO)	The individual in the private body who is responsible for dealing with a PAIA request.
Inventory	A list of items in the custody of the private body.
Letter of authorisation	A letter from an individual who requires the requester to submit a PAIA request on their behalf in terms of PAIA. The letter must state that the individual authorises the requester (and other representatives from the requester's organisation, if necessary) to submit a request to access information in terms of PAIA on their behalf.
Other requester	Someone other than a personal requester requesting access to information on behalf of the personal requester.
PAIA	The Promotion of Access to Information Act, 2000 (Act No.2 of 2000).
PAIA request	The name given to the document(s) submitted to a private body
PAIA request reference number	The reference number allocated for a PAIA request (e.g., 2021/ECIKZN/0000). The reference number must be used throughout all correspondence with the requester, the requester is required to do the same.
Personal requester	A requester seeking access to a record containing personal information about themselves.
Private body	<ul style="list-style-type: none">• A natural person who carries or has carried on any trade, business or profession, but only in such capacity;• A partnership which carries or has carried on any trade, business or profession; or• Any former or existing juristic person, but excludes a public body;



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Public body

- Any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- Any other functionary or institution when;
 - Exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - Exercising a public power or performing a public function in terms of any legislation;

Records

Any information irrespective of form or medium.

Requester

An individual seeking or requesting access to records and/or information held by the private body.

Request fee

The fee that must be paid by the requester before a request can be processed (not applicable to personal requesters).

Working Days

Any days other than Saturdays, Sundays, or Public Holidays.