



MANUAL ON ACCESS TO INFORMATION HELD BY

FINANCIAL SECTOR CONDUCT AUTHORITY

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 ("the Act") and the Protection of Personal Information Act No 4 of 2013 ("POPIA").
- 1.2. The Act gives effect to the constitutional right of access to information contained in section 32 of the Constitution of the Republic of South Africa.
- 1.3. In terms of the Act, public bodies are required to compile a manual as a guide to requesters of information. This manual further serves to indicate the kind of records held by the Financial Sector Conduct Authority ("the FSCA") and the availability of such records from the FSCA, as a public body.

2. THE FSCA

- 2.1. The FSCA is a juristic entity established in terms of the Financial Sector Regulation Act 9 of 2017 ("FSR Act").
- 2.2. The objectives of the FSCA are to:
 - 2.2.1. Enhance the efficiency and integrity of financial markets,
 - 2.2.2. Promote fair customer treatment by financial institutions,
 - 2.2.3. Provide financial education and promote financial literacy and
 - 2.2.4. Assist in maintaining financial stability.

3. THE FUNCTIONS OF THE FSCA (S 14 (1) (a) PAIA)

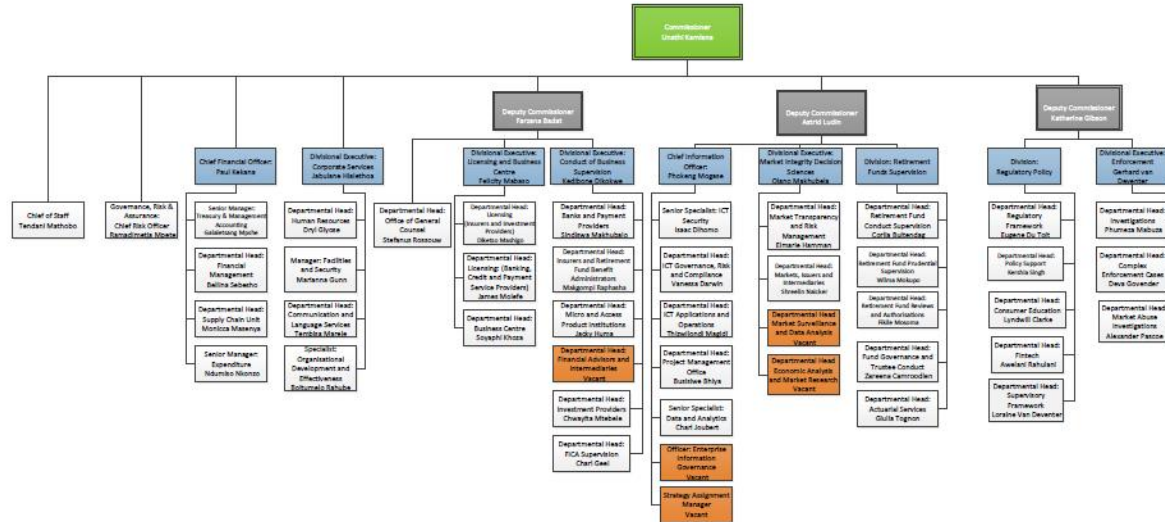
- 3.1. The FSCA is the dedicated market conduct regulator, having jurisdiction over all financial institutions in South Africa.
- 3.2. The FSCA has powers to make conduct standards under the FSR Act, in addition to powers under sector-specific laws.
- 3.3. The functions of the FSCA in terms of the FSR Act are as follows:
 - 3.3.1. Regulate and supervise, in accordance with the financial sector laws, the conduct of financial institutions,
 - 3.3.2. Co-operate with, and assist, the South African Reserve Bank, the Financial Stability Oversight Committee, the Prudential Authority, the National Credit Regulator, and the Financial Intelligence Centre, as required in terms of the FSR Act,
 - 3.3.3. Co-operate with the Council for Medical Schemes in the handling of matters of mutual interest,
 - 3.3.4. Promote, to the extent consistent with achieving the objective of the FSCA,

sustainable competition in the provision of financial products and financial services, including co-operating and collaborating with the Competition Commission,

- 3.3.5. Promote financial inclusion,
- 3.3.6. Regularly review the perimeter and scope of financial sector regulation, and take steps to mitigate risks identified to the achievement of its objective or the effective performance of its functions,
- 3.3.7. Administer the collection of levies and the distribution of amounts received in respect of levies,
- 3.3.8. Conduct and publish research relevant to its objective,
- 3.3.9. Monitor the extent to which the financial system is delivering fair outcomes for financial customers, with a focus on the fairness and appropriateness of financial products and financial services and the extent to which they meet the needs and reasonable expectations of financial customers, and
- 3.3.10. Formulate and implement strategies and programmes for financial education for the general public.

4. STRUCTURE OF THE FSCA - S 14(1)(a)(i) of the Act

The management structure of the FSCA is as follows:



5. INFORMATION OFFICER OF THE FSCA - S14(1)(a)(ii) of the Act

5.1. The Commissioner of the FSCA, Mr. Unathi Kamlana, is the designated Information Officer of the FSCA. The contact details of the Information Officer are as follows:

Name	Contact numbers	Email address
Mr. Unathi Kamlana	+2712 428 8029 (telephone)	Paia_popia@fscs.co.za

5.2. The Information Officer has, in terms of section 17 of the Act, delegated his powers under PAIA to the following Deputy Information Officers:

Name	Contact numbers	Email address
Ms. Kamcilla Naidoo	+2712 367 7882	Paia_popia@fscs.co.za
Ms. Ziyanda Mshunqane	+2712 367 7195	

5.3. The Information Officer has, in terms of section 56 of POPIA, delegated his powers under POPIA to the following Deputy Information Officer:

Name	Contact numbers	Email address
Ms. Rami Mpete	+2712 428 8066	Privacy@fscs.co.za

5.4. The FSCA's Information Officer and Deputy Information Officers share the same physical and postal address as below:

Physical Address	Postal Address
Block B, Riverwalk Office Park 41 Matroosberg Road (Corner Garsfontein and Matroosberg Roads) Ashlea Gardens, Ext 6 Menlo Park Pretoria 0081	P O Box 35655 Menlo Park 0102

5.5. The FSCA's website is www.fscs.co.za

5.6. Requests for information and access to records not readily available, may be made by contacting any of the Deputy Information Officers.

6. A GUIDE ON HOW TO USE PAIA - S14(1)(b) of the Act

6.1. The Information Regulator 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 Information Regulator's website.

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

The Information Regulator (South Africa)

P O Box 31533

Braamfontein

Johannesburg

2017

Website: www.inforegulator.org.za

Email: enquiries@inforegulator.org.za

7. CATEGORIES OF RECORDS HELD BY THE FSCA (S14(1)(b)(ii) of PAIA) AND ACCESS TO RECORDS (S14(1)(b)(iv) read with S15(1)(a) & (b) of PAIA)

- 7.1. Records held by the FSCA are generated through the administration of its core functions and processes as regulated by the laws that it administers. These records include strategic records and those of various support functions within the FSCA.
- 7.2. The functions and categories of records held by the FSCA are listed and classified in the columns "Functions" and "Category of Information held" in the table below according to the respective FSCA divisions, encompassing the cross-functional departments.
- 7.3. In terms of Section 15 of the Act, the FSCA is required to publish a list of information in its possession that is automatically available for disclosure to members of the public.
- 7.4. This information is listed in the column "Information readily available" in the table below. This information need not be requested in terms of PAIA and may be requested directly from the FSCA, using the FSCA Complaints and Queries Online Portal available: <https://www.fsca.co.za/CRM> Web Extensions/enquiry.aspx
- 7.5. The readily available information is available as follows:
 - 7.5.1. The Information Regulator,
 - 7.5.2. On the FSCA's website, under "Access to Information" link, and
 - 7.5.3. At the reception of the FSCA.
- 7.6. Access to any other records not listed in the Table, must be applied for in terms of the Act, and the request may be sent to this email address: paia_popia@fsca.co.za.
- 7.7. Access to records in terms of POPIA, must be applied for, and the request may be sent to this email address: Privacy@fsca.co.za

TABLE

DIVISION: LICENSING AND BUSINESS CENTRE			
Functions	Category of Information held	Information readily available	Contact details for readily available information
<ul style="list-style-type: none"> • Analysis and processing of all FSCA licence / registration applications as required by the various financial sector laws for which the FSCA is the responsible authority. • Acts as the “point of entry” for all external stakeholder inputs to the FSCA, including queries and complaints (from multiple sources), statutory submissions, licensing and other applications, and responses to regulatory information requests. • Ongoing assessment and improvement of the business processes used by the Licensing and Business Centre Division, as well as the FSCA’s operational areas. 	<ul style="list-style-type: none"> • Lists of and actual information, records and data pertaining to the prospective and current licence-holders, including personal information of natural persons who are applicants or part of the applications to be considered and authorised by the FSCA received from the applicants or other external third-party sources. • Lists of and actual information, records and data pertaining to the prospective and current licence-holders obtained from other bodies including regulatory and supervisory bodies pertaining to the prospective and current licence-holders • Lists of and actual information, records and data pertaining to the prospective and current licence-holders including personal information of natural persons who 	<ul style="list-style-type: none"> • List and status of: <ul style="list-style-type: none"> ○ Financial Services Providers. ○ Section 13B Retirement fund administrators. ○ Funeral administrators. ○ Investment providers. ○ CIS portfolios. ○ Local and foreign collective investment schemes. ○ List of key individuals and representatives of financial services providers. ○ List of compliance officers of authorised financial services providers. ○ Nominee companies. ○ Over-the-counter Derivative Providers; 	<p>Online portal: https://www.fsc.co.za/CRM_Web_Extensions/enquiry.aspx</p>

	<p>are applicants or part of the applications to be considered and authorised by the FSCA received from the applicants or other external third-party sources.</p> <ul style="list-style-type: none"> • Lists of and actual information, records and data pertaining to the prospective and current licence-holders obtained from other bodies, including regulatory and supervisory bodies, pertaining to the prospective and current licence-holders deemed necessary and relevant by the FSCA for purposes of considering the licence applications. • Information pertaining to the licensing processes. • Complaints and enquiries information. • Statutory returns information. • Applications for information sharing in terms of various sector laws. • Applications for recognition of qualifications. 	<ul style="list-style-type: none"> • List of all financial institutions reflecting the following: <ul style="list-style-type: none"> ○ Name of financial institution, ○ Trading name, ○ Reference number allocated by the FSCA, ○ Authorisation status, and ○ Approved financial products. • List of debarred persons; • List of all persons whom the FSCA has declined to approve as financial services providers. • New licence applications 	
DIVISION: REGULATORY POLICY			
Functions	Category of Information held	Information readily available	Contact details
<ul style="list-style-type: none"> • Ongoing review and development of regulatory frameworks (standards and 	<ul style="list-style-type: none"> • Regulatory instruments and other subordinate legislation, made 	<ul style="list-style-type: none"> • Regulatory instruments and other subordinate 	<p>Online portal: https://www.fsc.co.za/C</p>

<p>other relevant regulatory instruments and documents).</p> <ul style="list-style-type: none"> • domestic and international inter-regulatory liaison, including accountability for development and maintenance of inter-regulatory memorandums of understanding; compiling and submitting reports, submissions and information request responses to international forums; co-ordination of FSCA's participation in international forums. • Carrying out ongoing proactive research into and monitoring of financial sector trends and emerging market conduct risks. • Ongoing monitoring, research and assessment of technological trends and innovations to understand their external impact on financial sector business models, product and solution design and customer outcomes, in order to inform agile and appropriate regulatory and supervisory responses to technological innovations. • Delivery of the FSCA's consumer education mandate; and for the development of the FSCA's strategic approach to consumer education, including representing the FSCA in 	<p>under financial sectoral laws as defined in the Financial Sector Regulation 2017 (FSR Act);</p> <ul style="list-style-type: none"> • Documents referred to in section 98(1)(a) and 100(1)(a) of the FSR Act; • Documents referred to in section 104(1) and (2) of the FSR Act; • Requests for information made under section 131(1) of the FSR Act; • Guidance notices made under section 141 of the FSR Act (or under a similar section in a financial sector law); • Interpretation rulings referred to in section 142 of the FSR Act; • Compliance extensions referred to in section 279(1) of the FSR Act; • Information circulars/letters, information requests, general directives or similar documents before the FSR Act took effect; • Notices published by the FSCA in the Gazette and/or on the FSCA website, including legal notices regarding exemptions, determinations, declarations, directives and the like made under 	<p>legislation, made under financial sectoral laws as defined in the Financial Sector Regulation 2017 (FSR Act), published on the FSCA website;</p> <ul style="list-style-type: none"> • Documents referred to in section 98(1)(a) and 100(1)(a) of the FSR Act published on the FSCA website; • Documents referred to in section 104(1) and (2) of the FSR Act published on the FSCA website; • Requests for information made under section 131(1) of the FSR Act published on the FSCA website; • Guidance notices made under section 141 of the FSR Act (or under a similar section in a financial sector law) published on the FSCA website; • Interpretation rulings referred to in section 142 of the FSR Act published on the FSCA website; 	<p>RM_Web_Extentions/enquiry.aspx-</p>
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<p>broader financial literacy policy initiatives. It is also accountable for the operational implementation and delivery of the FSCA's consumer education activities.</p>	<p>financial sector laws;</p> <ul style="list-style-type: none"> • Industry communications and press releases or similar communications, relating to regulatory policy or framework developments; • Discussion, Position, Policy or Research papers; • Presentations made by the FSCA to external stakeholders/parties on public platforms in relation to policy and/or regulatory developments; • A draft version of any of the documents referred to above; • Insurer contact persons; • Memorandums of Understanding (MoUs) entered into between the FSCA and other regulators; • Information requests and responses; • Responses to surveys, questionnaires and other requests for information relating to research projects. • Results and final reports of research projects. • Contact information of participants in outreach workshops hosted by the department. 	<ul style="list-style-type: none"> • Compliance extensions referred to in section 279(1) of the FSR Act published on the FSCA website; • Information circulars/letters, information requests, general directives or similar documents published on the FSCA website before the FSR Act took effect; • Notices published by the FSCA in the Gazette and/or on the FSCA website, including legal notices regarding exemptions, determinations, declarations, directives and the like made under financial sector laws; • Industry communications and press releases or similar communications, relating to regulatory policy or framework developments, published on the FSCA website; • Discussion, Position, Policy or Research papers published on the FSCA 	
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	<ul style="list-style-type: none"> • Registers of attendees to consumer education activities • Minutes of meetings with stakeholders • List of contact details of local and international stakeholders in consumer education • Monitoring and evaluation reports of consumer education activities • Research data • Research reports 	<ul style="list-style-type: none"> website; • Presentations made by the FSCA to external stakeholders/parties on public platforms in relation to policy and/or regulatory developments published on the FSCA website; • A draft version of any of the documents referred to above published on the FSCA website. • List of Memorandums of Understanding (MoUs) entered into between the FSCA and other regulators. • Final approved research papers; • FSCA Financial Literacy Facilitator Course; • FSCA MyMoney Learning Series; • Consumer Education Articles and newsletters; • Consumer Education Social Media messages; • Consumer Education Resources; • Consumer Education 	
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Field Code Changed

		website www.fscamymoney.co.za <ul style="list-style-type: none"> Consumer Education Project Reports 	
DIVISION: CONDUCT OF BUSINESS SUPERVISION			
Functions	Category of Information held	Information readily available	Contact details
<ul style="list-style-type: none"> Supervising the business conduct of entities authorised to issue banking products and entities authorised to provide payment services. Supervising the provision of credit by banks; and supervising the advice and intermediary services offered by banks. Supervising the business conduct of entities authorised for issuing all insurance products Supervising the advice and intermediary services offered by insurers. Supervising the business conduct of micro-insurers and other financial services entities operating in the “micro” or “access product” space. “Access products” include micro-insurance policies, and products offered by friendly societies, co-operative banks and co-operative financial institutions. Supervising the business conduct of entities licensed to provide financial advice, and entities who are authorised for 	<ul style="list-style-type: none"> Directives, Guidelines, Notices, Conduct Standards and Joint Standards in terms of the Short-Term Insurance Act 53 of 1998, Long-Term Insurance Act 52 of 1998, Financial Sector Regulation Act 9 of 2017 and subordinate legislation); List of approved financial institutions with an insurance licence; List of approved financial institutions with CIS licences; List of approved financial institutions with FAIS licences; List of licensed Co-operative Banks and Co-Operative Financial Institutions; List of registered Friendly Societies; List of licensed Banks, branches of foreign banks and Mutual Banks; Details regarding enforcement 	<ul style="list-style-type: none"> Directives, Guidelines, Notices, Conduct Standards and Joint Standards in terms of the Short-Term Insurance Act 53 of 1998, Long-Term Insurance Act 52 of 1998, Financial Sector Regulation Act No. 9 of 2017 and subordinate legislation; List of approved financial institutions with an insurance licence; List of approved financial institutions with CIS licences; List of approved financial institutions with FAIS licences List of registered Friendly Societies; List of approved financial institutions with Banking 	Online portal: https://www.fsca.co.za/CRM_Web_Extensions/enquiry.aspx

<p>the activity of product sale and execution on a non-advice basis, where the entity is not also authorised for the actual issue of the products concerned.</p> <ul style="list-style-type: none"> • Supervising the business conduct of a range of financial institutions authorised for various activities in relation to investments. These include supervision of: <ul style="list-style-type: none"> ○ The business conduct of entities authorised to operate pooled investments that are structured as collective investment schemes; ○ The business conduct of discretionary investment managers; ○ The business conduct of entities that provide administration services in relation to investments; ○ The business conduct of entities authorised to operate professional investor hedge funds, and the hedge funds concerned, as well as hedge fund investment managers who manage professional investor hedge funds. • Carrying out the FSCA's supervisory functions under the Financial Intelligence Centre Act. 	<p>action taken by the FSCA against a licensed insurer, Bank, CIS Managers and Financial Services Providers, including administrative penalties and enforceable undertakings.</p> <ul style="list-style-type: none"> • Annexure Cs and Ds for 13B Benefit Administrators. • Notifications of new directors and shareholders for 13B Benefit Administrators. • Applications, requests and notifications relating to 13B Benefit Administrators and Insurers. • List of withdrawn licenses and reasons thereof, • List of suspended licenses and reasons thereof, • List of debarred persons and reasons thereof, • Debarment orders, • Handled complaints information, • Onsite inspection reports • Financial statements, • Documents relating to relationship meetings with regulated / supervised financial institutions. • Insurance Conduct of Business Returns. 	<p>licence, branches of foreign Banks and Mutual Banks with a Financial Services Provider (FSP) licence;</p> <ul style="list-style-type: none"> • Publications related to enforcement action taken by the FSCA against a licensed insurer or benefit administrator, Bank, CIS Manager and Financial Services Provider; including administrative penalties and enforceable undertakings; • Publications relating to an insurer, benefit administrator, Bank, CIS Manager, or Financial Services Provider, who has been granted an exemption from any provision of a financial sector law. • Publicly available curators' reports. 	
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	<ul style="list-style-type: none"> • Historical Compliance reports, • Irregularity reports, • All information gathered in terms of information requests sent by the FSCA. • Statutory returns include financial soundness reports, capital adequacy reports, quarterly holding reports. 		
DIVISION: MARKET INTEGRITY SUPERVISION			
Functions	Category of Information held	Information readily available	
<p><u>Market Integrity:</u></p> <ul style="list-style-type: none"> • Licensing and supervision of market infrastructures. • Establishing credible and transparent governance, oversight and accountability procedures for the benchmark determination process, including licensing and supervision of benchmark providers. • Supervising and licensing entities authorised to provide credit rating services. • Supervising and licensing OTC derivative providers who as a regular feature of their business originate OTC derivatives or make a market in OTC derivatives. <p><u>Specialist Support:</u></p> <ul style="list-style-type: none"> • Provide professional actuarial support to the other FSCA divisions. 	<ul style="list-style-type: none"> • List of licensed market infrastructures: <ul style="list-style-type: none"> ◦ JSE Limited ◦ JSE Clear (Pty) Ltd ◦ A2X (Pty) Limited ◦ Equity Express Securities Exchange (Pty) Ltd ◦ Cape Town Stock Exchange (Pty) Ltd ◦ ZARX (Pty) Ltd ◦ Strate (Pty) Ltd ◦ Granite CSD (Pty) Ltd • List of statutory submissions, licensing and other applications, and responses to regulatory information requests. • List of sanctions imposed against licensed market infrastructures and 	<ul style="list-style-type: none"> • List of persons who were issued with licences by the FSCA under the Financial Markets Act, 2012 (Act 19 of 2012);. • Online registration user guide for Credit Rating Agencies; • Notices of applications for registration as credit rating agency; • Application forms and registration certificates of registered credit rating agencies • List of registered Credit Rating agencies; • Details of Credit Rating 	<p>Online portal: https://www.fsc.co.za/CRM_Web_Extensions/enquiry.aspx</p>

<ul style="list-style-type: none"> • Supervision of specific sections of the Pension Funds Act, in particularly sections 15, 16 and 18 (essentially work performed by the pension fund valutors). • Provide support to other FSCA divisions, in analysing data submitted through market conduct statutory returns or other <i>ad hoc</i> data sets, in order to monitor market conduct risk indicators • Assists in the design of statutory returns or other information requests by the FSCA, to ensure that they will yield meaningful data, as well as the design and preparation of public reports summarizing industry statistics and benchmarking key conduct indicators. • Support other FSCA divisions, in analyzing business models and products of specific financial institutions. • Support the other FSCA divisions in reviewing the disclosure, advertising and marketing strategies of specific financial institutions. • Ongoing scanning of the media, and ongoing monitoring of new advertising and marketing approaches. • Support to the supervision functions through ongoing review and development of the FSCA's supervisory framework. 	<p>market participants that conducted unregulated activities.</p> <ul style="list-style-type: none"> • The FSCA will maintain a public register on its website that contains: <ul style="list-style-type: none"> ○ the identities of authorised or registered administrators located in the Republic; ○ the identities of administrators located in third countries who meet equivalence requirements and a list of their benchmarks that can be used in the Republic; ○ the identities of administrators located in third countries who have been recognised by the FSCA and a list of their benchmarks that can be used in the Republic; ○ a list of benchmarks provided by a third country administrator that have been endorsed by an administrator located in the Republic for use in the Republic; • A list of benchmarks provided by benchmark administrators located within the Republic which are determined to be critical 	<p>Agencies whose registration was suspended or cancelled:</p> <ul style="list-style-type: none"> • Directives issued by the FSCA on Credit Rating Agencies to ensure the protection of investors, potential investors or the public in general; • Exemptions Notices issued by the FSCA to Credit Rating Agencies which are of general application or applicable to specific types of registered credit rating agencies; • General Notices, media and press releases published by the FSCA on supervision and finalised investigations of market infrastructures; • Annual Reports of licenced market infrastructures; • List of licenced market infrastructures and market participants who have contravened the Financial Markets Act, 2012 (Act 19 of 2012); 	
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<ul style="list-style-type: none"> • Carries out ongoing research and monitoring of local and international supervisory standards and approaches. • Conduct mystery shopping exercises where relevant. • Conduct surveys to gather insights from regulated entities 	<p>benchmarks.</p> <ul style="list-style-type: none"> • Online registration user guide for Credit Rating Agencies; • Notices of applications for registration as Credit Rating Agency; • Application forms and registration certificates of registered Credit Rating Agencies • List of registered Credit Rating agencies; • Details of Credit Rating Agencies whose registration was suspended or cancelled: • Details of Board of Directors, Senior Management, Compliance Officer and Key Employees involved in the credit rating services of the registered Credit Rating Agencies; • Directives issued by the FSCA on Credit Rating Agencies to ensure the protection of investors, potential investors or the public in general; • Exemptions Notices issued by the FSCA to Credit Rating Agencies which are of general application or applicable to specific types of 	<ul style="list-style-type: none"> • Licences issued by the FSCA to market infrastructures; • Exemption notices issued by the FSCA to market infrastructures; • Application forms and Index for central counterparty applications. • List of survey respondents. • Research reports and documents relevant to the FSCA. • List of valuers. • List of retirement funds with Surplus or Nil Surplus Schemes 	
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	<p>registered credit rating agencies;</p> <ul style="list-style-type: none"> • General Notices, Media and Press releases published by the FSCA on supervision and investigations of Credit Rating Agencies; • Audited Annual Financial statements of the registered credit rating agencies; • Annual Reports of the registered credit rating agencies; • Annual Compliance Reports of registered credit rating agencies; • Maintain a public register on its market participants and any sanctions imposed against such market participants; • List of statutory submissions, licensing and other applications, and responses to regulatory information requests. <ul style="list-style-type: none"> • Retirement fund valuation reports • Details of valuers • Applications regarding sections 15 and 18 of the Pension Funds Act • Data (research reports) obtained from public sources. • Internal strategy and policy documents. 		
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	<ul style="list-style-type: none"> • Research documents from outside organisations that are publicly available. • Contact information of survey participants (natural and juristic contact details) • Research reports obtained from public sources such as media monitoring reports. • Research reports from surveys conducted. • Operating processes and procedures of some entities that participate in the research we conduct. • When analysing a complaint, names and email addresses of the complainants and sometimes contact details of the parties complained against. • Marketing plans of some regulated entities. 		
DIVISION: RETIREMENT FUND SUPERVISION			
Functions	Category of Information held	Information readily available	
<ul style="list-style-type: none"> • Supervision of retirement funds, including oversight of compliance with fund rules, conducting supervisory on-site inspections of funds, and oversight of conduct of trustees and other aspects of fund 	<ul style="list-style-type: none"> • Section 26 appointments • Curatorship information • On-site inspection reports • Regulatory Actions • Complaints 	<ul style="list-style-type: none"> • Section 26 appointment letters • Curatorship reports of a public nature • Last revenue account of 	<p>Online portal: https://www.fsca.co.za/CRM_Web_Extensions/enq</p>

<p>governance.</p> <ul style="list-style-type: none"> • Prudential supervision of all retirement funds. • The vetting and approval of new retirement funds, • The vetting and approval of amendments to the rules of already registered / licensed retirement funds (i.e. amendments to the rules of an existing fund), • Approval of exemptions & extensions • Termination of participating employers / cancellation of funds; • Evaluating, considering and implementing appropriate sanctions for trustees in cases where trustee conduct issues are detected; • Providing input into the establishment, maintenance and monitoring of trustee training and qualifications; • Proposing and assisting with drafting of regulatory instruments and guidance notices in terms of the FSRA; • Strategic monitoring of the conduct of trustees in relation to their ability to deliver on the six Treating Customers Fairly (TCF) outcomes; • Oversee funds' compliance with good governance principles of retirement funds. 	<ul style="list-style-type: none"> • Annual financial statements, statistics and reports • Liquidator information • Liquidation and distribution accounts (preliminary and final accounts) • Liquidation complaints only • Quarterly regulation 28 breach reports • Section 14 transfers • Data analysis and reports • Notices issued in terms of the Pension Funds Act • Pension fund circulars and information circulars • List of registered retirement funds • Copies of rules/rule amendments of registered retirement funds • Default regulation exemption approvals. • Trustee Toolkit completion certificates; • Exception and extension applications; • Exemptions; • Conduct standards; • Enforceable undertakings; • Interpretation rulings; • Registered office of funds; 	<p>registered retirement Fund</p> <ul style="list-style-type: none"> • Last balance sheet of registered retirement fund • Preliminary liquidation and distribution accounts open for inspection during the liquidation inspection period. • Notices issued in terms of the Pension Funds Act • Pension fund circulars and information circulars • List of registered retirement funds • Rules of registered retirement funds • Published exemptions in terms of the Financial Sector Regulation Act, 2017; • Conduct standards; • Enforceable undertakings; • Interpretation rulings; • Registered office of funds; • Principal officer name and email address and the fund's office number; • List of active liquidators; • Retirement funds 	<p>uiry.aspx-</p>
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<ul style="list-style-type: none"> • Strategic assessment of the operation and impact of the default regulations on retirement funds and members; • Oversee the processing and evaluation of default regulation exemption and extension applications; • Managing the dedicated inbox for enquiries relating to the default regulations; • Responsible for prescribing matters provided for in the default regulations; • Assisting the Retirement Funds Supervision Division with the implementation of appropriate enforcement actions provided for in Chapter 10 of the FSRA; • Supervision of Section 13B retirement benefit administrators; and • Providing support to the Retirement Funds Supervision Division in their work by providing opinions and guidance on the manner in which to deal with specific cases. 	<ul style="list-style-type: none"> • Principal Officer details; • Opinions. 	<p>aggregated data (non fund specific) based on the annual financial statements.</p>	
DIVISION: ENFORCEMENT			
Functions	Category of Information held	Information readily available	Contact details
<ul style="list-style-type: none"> • Conducting investigations and implementing administrative enforcement actions relating to possible contraventions of financial sector laws, as contemplated 	<ul style="list-style-type: none"> • Investigation reports and supporting documentation obtained during investigations. • Orders and determinations of the 	<ul style="list-style-type: none"> • Any administrative action taken that requires to be published. • Media releases relating to 	<p>Online portal: https://www.fsca.co.za/CRM_Web_Extensions/enquiry.aspx</p>

<p>in the Financial Sector Regulation Act, 2017.</p>	<p>FSCA related to investigation and enforcement matters dealt with by the Division.</p> <ul style="list-style-type: none"> • Standard operating manuals. • Investigation reports and supporting documentation obtained in exercise of investigation powers. • Details of claimants compensated as a result of being affected by insider trading. • Legally privileged material in respect of legal advice issued or obtained by the Division. • Legal pleadings drafted by the Division. • Documents relating to matters on which administrative action was taken or considered. • Administrative documents relating to the daily running of the Division e.g. budgets, business plans etc. 	<p>investigations and enforcement actions or interventions with reference to possible contraventions of financial sector laws.</p>	
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DIVISION: CORPORATE SERVICES

Functions	Category of Information held	Information readily available	Contact details
<ul style="list-style-type: none"> • Support to the human resources requirements and operations of all areas of the FSCA. • Provision of integrated facilities management services to maintain, improve and adapt the FSCA's work 	<ul style="list-style-type: none"> • Organogram. This is available in the FSCA's Annual report • Bursaries if any. • Recruitment related information; • Policies and Procedures; • Office Accommodation records; 	<ul style="list-style-type: none"> • Adverts in respect of vacancies advertised by the FSCA. • List of service providers • Media publications • Articles on various matters 	<p>Online portal: https://www.fsca.co.za/CRM_Web_Extensions/enquiry.aspx</p>

<p>environment, including by managing and coordinating the best use of space, building services and infrastructure, people and the provision of a range of supplies and services.</p> <ul style="list-style-type: none"> Developing and implementing the FSCA's strategy for internal and external communication. It is also responsible for the management of the reputation of the FSCA, including the development and implementation of the FSCA's general marketing and external communication activities (including the FSCA's website), and also accounts for the implementation and maintenance of the FSCA's language policy. 	<ul style="list-style-type: none"> OHS Records; Facilities Services; Media publications; FSCA's annual reports; Articles on various matters within the FSCA domain; Records of interviews of FSCA officials by various media institutions; FSCA internal publications; Awareness circulars issued by the FSCA. 	<p>within the FSCA's domain</p> <ul style="list-style-type: none"> Record of interviews of FSCA officials by various media institutions. Awareness circulars issued by the FSCA FSCA internal publications 	
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DIVISION: FINANCE AND SUPPLY CHAIN

Functions	Category of Information held	Information readily available	Contact details
<ul style="list-style-type: none"> Support all areas of the FSCA in the following areas: Effective management of working capital Managing cash-flows and investments Managing non-current assets Capital investment appraisals Preparation and management of investments and capex budgets Monthly management reporting, variance analysis and implementing corrective 	<ul style="list-style-type: none"> Published Financial Statements Finance Related Policies and Procedures of the FSCA. Monthly Management Accounts. Published Financial Statements Finance Related Policies and Procedures of the FSCA. FSCA Budget List of awarded Tenders List of Withdrawn Tenders 	<ul style="list-style-type: none"> Published annual financial statements FSCA Budget List of awarded tenders List of withdrawn tenders. 	<p>Online portal: https://www.fsc.co.za/CRM_Web_Extentions/enquiry.aspx</p>

<p>measures</p> <ul style="list-style-type: none"> • Preparation of annual financial statements • Ensuring good systems of internal controls • Supports all areas of the FSCA in the following key areas: <ul style="list-style-type: none"> • Effective management of Trade Payables • Effective management of working capital • Ensuring compliance with the PFMA and Treasury regulations regarding payments • Preparation and management of expenditure budgets • Monthly management reporting, variance analysis and implementing corrective measures • Preparation of annual financial statements • Ensuring good systems of internal controls • Supports all the divisions of the FSCA in the following key areas: <ul style="list-style-type: none"> • Effective management of levies and fees • Effective management of Payroll • Effective management of working capital • Preparation and management of income and personnel budgets • Monthly management reporting, variance analysis and implementing corrective measures • Preparation of annual financial statements 	<ul style="list-style-type: none"> • Bid Documents submitted by various bidders • Procurement Policies. • Service agreements entered into between the FSCA and third parties 		
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<ul style="list-style-type: none"> • Ensuring good systems of internal controls • Supports all the divisions of the FSCA in the following key areas: <ul style="list-style-type: none"> ○ Procurement of goods and services in line with the PFMA and Treasury Regulations ○ Managing the supply chain demand and disposal processes ○ Ensuring that procurement practices are fair, equitable, transparent, competitive and cost-effective ○ Managing tender processes ○ Managing supplier contracts ○ Ensuring good system of internal controls 			
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DIVISION: EXECUTIVE OFFICE

Functions	Category of Information held	Information readily available	Contact details
<ul style="list-style-type: none"> • Responsible for the FSCA's internal audit function, combined assurance and its business insurance portfolio. • Accountable for development of the FSCA's enterprise risk management framework. • Accountable for the FSCA's ability to continue business in the event of a disaster or other material disruption. • Accountable for the FSCA's compliance with all laws, including compliance with 	<p>Strategies:</p> <ul style="list-style-type: none"> • FSCA Strategic Plan; • FSCA Annual Performance Plan • FSCA Business Plans • Fraud & Corruption Prevention Strategy; <p>Policies:</p> <ul style="list-style-type: none"> • Enterprise Risk Management Framework; • Enterprise Risk Management 	<ul style="list-style-type: none"> • FSCA Annual Performance Plan • FSCA Strategic Plan 	<p>Online portal: https://www.fsca.co.za/CRM_Web_Extensions/enquiry.aspx</p>

<p>the FSCA's own internal policies</p> <ul style="list-style-type: none"> Accountable for monitoring, evaluation and reporting of the FSCA's performance against its strategic and business objectives. This function will also be responsible for corporate reporting, which entails the preparation, submission and co-ordination of the various corporate governance related reports that the FSCA is required to produce. Provision of secretariat services to the FSCA's Executive Committee, Governance Committees and other key management structures. Acts as the main point of contact between the FSCA and the media, and also acts as a media spokesperson on behalf of the Commissioners and Deputy Commissioners. Provision, through the Office of General Counsel of legal services to the FSCA in the areas of litigation support and management, legislative review, general corporate legal advice and services, Financial Services Tribunal liaison and Anti Money Laundering / Countering of Financing of Terrorism advice. 	<p>Policy</p> <ul style="list-style-type: none"> Risk Appetite and Tolerance Framework Internal Audit Charter Combined Assurance Framework Whistleblowing Policy Compliance Policy and Charter; Policy on Development and Review of Policies Business Continuity Management Policy and Policy Statement Performance Information Policy Insurance policy documents; Pandemic plan <p>Reports:</p> <ul style="list-style-type: none"> Governance Risk and Assurance Quarterly Reports National Treasury Quarterly Reports Internal Audit Reports Compliance Monitoring Reports Monitoring & Evaluation Reports Risk Review Reports Reports from Tip Offs; <p>Agendas and Minutes of Meetings:</p> <ul style="list-style-type: none"> Agendas and minutes of Executive Committee, Governance Committees of the FSCA, OPFA 		
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	<p>and FAIS Ombud Office, Minister's Committees and Operational Exco meetings.</p> <ul style="list-style-type: none">• General committee administration information• Terms of References (ToR) for committees		
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Requests for access to records of the FSCA may be made to the relevant persons listed in paragraph 5 above.

8. PROCEDURE FOR PAIA REQUESTS

- 8.1. Any person may make a request for access to a record of the FSCA.
- 8.2. A request must be made in writing on the prescribed Form 2. This form is available at the end of this Manual, and on the FSCA's website.
- 8.3. The request form must be addressed to the Deputy Information Officer using the contact details set out in paragraph 5 above.
- 8.4. The request must contain the name and contact details of the requester and it must provide sufficient details to enable the FSCA to identify the record requested. The requester should also indicate the form in which access to the record is requested.
- 8.5. 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 Officers.

9. PAYMENT OF FEES (S 22 of PAIA)

- 9.1. A request fee is payable for PAIA requests and proof of such payment must be sent to the Deputy Information Officer together with the request.
- 9.2. Once a decision is made to grant the requested access to information, access fees may be imposed by the FSCA to the requester, as provided for in the Regulations published in terms of PAIA.
- 9.3. The request fee is aligned to the Regulations published in terms of the Act for public bodies.
- 9.4. Bank deposit is the only accepted payment method for PAIA requests using the following FSCA's banking details:

First National Bank
Account No.: 62277426328
Branch Name: RMB Corporate Banking Johannesburg
Branch Code: 255005
Ref: PAIA request- NAME OF REQUESTER

- 9.5. A request is only received once a completed form and the prescribed request fee have been received by the Deputy Information Officer.
- 9.6. Upon receipt of the PAIA request, the FSCA shall endeavour to consider and provide a response to each request within the prescribed thirty (30) days. When necessary, the FSCA may extend the period of thirty (30) days for a further period of thirty (30) days in order to finalise request.

10. CONSIDERING THE REQUEST

- 10.1. Requests for records for the purpose of criminal or civil proceedings are dealt with in terms of section 7(1) of the Act which 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; and*
 - (c) the production of or access to that record for the purpose referred to in paragraph (a) is provided in law."*
- 10.2. 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.
- 10.3. The FSCA may refuse access where requests are clearly frivolous and / or vexatious.
- 10.4. The FSCA may refuse access where requests fall under any of the grounds for refusal as provided for in Chapter 4 of PAIA.

11. DECISION OF THE FSCA

- 11.1. 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.
- 11.2. If the request for access to information is refused by the Information Officer, the requester shall be provided with written reasons for such refusal.

12. RIGHT TO CHALLENGE DECISION

- 12.1. The FSCA 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.

- 12.2. If a requester does not agree with the decision, the requester may lodge a complaint to the Information Regulator within 180 days of being advised of the Information Officer's decision.
- 12.3. A requester may lodge a complaint to the Information Regulator in respect of the following decisions of the Information Officer:
 - 12.3.1. The amount of fees required to be paid; and / or
 - 12.3.2. The extension of the period within which the information will be provided.

13. AVAILABILITY OF THE MANUAL

- 13.1. This manual has been drafted in an effort to show the FSCA's commitment to leading by example in compliance with, our Constitution, laws and regulations of the Republic of South Africa. The availability of this manual is not only in compliance with the requirements of PAIA, but also is an effort to illustrate the FSCA's commitment to being a transparent institution which is compliant and promotes the constitutional right of access to information.
- 13.2. The manual is available in electronic and hard copies in English, isiZulu and Setswana. The hard copies are also made available at the FSCA's reception area of the FSCA for public inspection during business hours. The manual is also available on the website of the FSCA and can be made available to any person upon request.

14. UPDATING OF THE MANUAL

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

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

- 15.1. The FSCA must collect and use information, including personal information as defined in the Protection of Personal Information Act, to the extent that it is necessary to properly perform the functions, obligations and duties referred to in paragraph 3.
- 15.2. The FSCA processes personal information of the following data subject categories:

- 15.2.1. Supervised entities and persons. This includes financial institutions, including investment institutions, collective investment schemes, retirement funds, life and non-life insurers, other financial services providers, as well as the administrators, managers and employees of these organisations,
 - 15.2.2. FSCA employees and job applicants,
 - 15.2.3. Third party suppliers; and
 - 15.2.4. Other regulatory bodies.
- 15.3. The following categories of personal information are processed to fulfil the functions outlined in paragraph 3.
- 15.3.1. Identifying number (employee number; company registration numbers, ID number)
 - 15.3.2. Email-addresses, physical address, telephone number
 - 15.3.3. Names, surname, marital status, nationality, sexual orientation, age, physical health status, mental health status, well-being, disability status, language, birthplace, date of birth. Some of the information may be more prevalent in our employment processes than in the core business divisions.
 - 15.3.4. Biometric information such as fingerprinting.
 - 15.3.5. Information on race, ethnic or social origin, criminal recordings/proceedings of persons.
 - 15.3.6. Education, medical, financial, employment information of persons.
- 15.4. Personal information is only disclosed if it is necessary to fulfil the FSCA's legislative mandate as provided for in the FSR Act, for business purposes, where there is a legal obligation, or there is a public duty to disclose the information, or the legitimate interests of the data subject require disclosure or consent was provided by data subject to disclose the information. The disclosure of information, including personal information by the FSCA is subject to the provisions of section 251 of the FSR Act.
- 15.5. The recipients of information include FSCA service providers, other regulators (including foreign regulators), law enforcement agencies, and verification agents.
- 15.6. Personal information may be processed in other jurisdictions outside of South Africa for business purposes, sharing with foreign regulators for fulfilling a legislative mandate or law enforcement agencies for investigation purposes.
- 15.7. 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.

- 15.8. FSCA 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 FSCA is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation. We conduct continuous security vulnerability assessments to improve our security posture and provide assurance to all our stakeholders.
- 15.9. Data subjects have the following remedies where interference has occurred with the protection of their personal information by the FSCA:
 - 15.9.1. Lodge a complaint with the FSCA Information Officer, and where unsatisfied, lodge the complaint with the Information Regulator in the prescribed manner and form.
 - 15.9.2. Institute civil action for damages in a court having jurisdiction.
- 15.10. For more information on our processing activities, please visit the FSCA Privacy Policy on www.fsc.co.za



PAIA Request Form
2_2021.pdf