

## **PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

### **RECORDS OF AUTOMATICALLY AVAILABLE RECORDS OF THE FINANCIAL SECTOR CONDUCT AUTHORITY (FSCA)**

This is the FSCA's Notice or Description in terms of section 15(1) of the Promotion of Access to Information Act, 2000 (PAIA) of records that are automatically available without a person having to request access in terms of PAIA.

The Notice is demarcated according to the various divisions within the FSCA, outlining their respective functions, and the records within that division that are automatically available. Access to such records may be requested by sending a request to the email address provided in the Notice.

**DIVISION: LICENSING AND BUSINESS CENTRE**

<b>Functions</b>	<b>Information readily available</b>	<b>Contact details for readily available information</b>
<ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li><li>• Ongoing assessment and improvement of the business processes used by the Licensing and Business Centre Division, as well as the FSCA’s operational areas.</li></ul>	<ul style="list-style-type: none"><li>• List and status of:<ul style="list-style-type: none"><li>○ Financial advisers &amp; intermediaries</li><li>○ Banks, credit &amp; payment providers</li><li>○ Insurers</li><li>○ Retirement benefit administrators.</li><li>○ Funeral administrators.</li><li>○ Investment providers.</li><li>○ CIS portfolios.</li><li>○ Local and foreign collective investment schemes.</li><li>○ Financial services providers, and the list of key individuals, representatives and compliance officers of authorised financial services providers.</li><li>○ Retirement funds</li><li>○ Nominee companies.</li><li>○ Over-the-counter Derivative Providers;</li></ul></li><li>• List of all financial institutions reflecting the following:<ul style="list-style-type: none"><li>○ Name of financial institution,</li><li>○ Trading name,</li><li>○ Reference number allocated by the FSCA,</li><li>○ Authorisation status, and</li><li>○ Approved financial products.</li></ul></li><li>• List of debarred persons;</li><li>• List of all persons whom the FSCA has declined to approve as financial services providers.</li></ul>	enquiries@fsc.co.za

	<ul style="list-style-type: none"> <li>• New licence applications</li> </ul>	
<b>DIVISION: REGULATORY POLICY</b>		
<b>Functions</b>	<b>Information readily available</b>	<b>Contact details</b>
<ul style="list-style-type: none"> <li>• Ongoing review and development of regulatory frameworks (standards and other relevant regulatory instruments and documents).</li> <li>• 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.</li> <li>• Carrying out ongoing proactive research into and monitoring of financial sector trends and emerging market conduct risks.</li> <li>• 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.</li> <li>• 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 broader financial literacy policy initiatives. It is also accountable for the operational implementation and delivery of the FSCA's consumer education activities.</li> </ul>	<ul style="list-style-type: none"> <li>• Regulatory instruments and other subordinate legislation, made under financial sectoral laws as defined in the Financial Sector Regulation 2017 (FSR Act), published on the FSCA website;</li> <li>• Documents referred to in section 98(1)(a) and 100(1)(a) of the FSR Act published on the FSCA website;</li> <li>• Documents referred to in section 104(1) and (2) of the FSR Act published on the FSCA website;</li> <li>• Requests for information made under section 131(1) of the FSR Act published on the FSCA website;</li> <li>• 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;</li> <li>• Interpretation rulings referred to in section 142 of the FSR Act published on the FSCA website;</li> <li>• Compliance extensions referred to in section 279(1) of the FSR Act published on the FSCA website;</li> <li>• Information circulars/letters, information requests, general directives or similar documents published on the FSCA website before the FSR Act took effect;</li> <li>• Notices published by the</li> </ul>	<p>enquiries@fsc.co.za</p>

	<p>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;</p> <ul style="list-style-type: none"> <li>• Industry communications and press releases or similar communications, relating to regulatory policy or framework developments, published on the FSCA website;</li> <li>• Discussion, Position, Policy or Research papers published on the FSCA website;</li> <li>• 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;</li> <li>• A draft version of any of the documents referred to above published on the FSCA website.</li> <li>• List of Memorandums of Understanding (MoUs) entered into between the FSCA and other regulators.</li> <li>• Final approved research papers;</li> <li>• FSCA Financial Literacy Facilitator Course;</li> <li>• FSCA MyMoney Learning Series;</li> <li>• Consumer Education Articles and newsletters;</li> <li>• Consumer Education Social Media messages;</li> <li>• Consumer Education Resources;</li> <li>• Consumer Education</li> </ul>	
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	website <a href="http://www.fscamymoney.co.za">www.fscamymoney.co.za</a> <ul style="list-style-type: none"> <li>• Consumer Education Project Reports</li> </ul>	
<b>DIVISION: CONDUCT OF BUSINESS SUPERVISION</b>		
<b>Functions</b>	<b>Information readily available</b>	<b>Contact details</b>
<ul style="list-style-type: none"> <li>• Supervising the business conduct of entities authorised to issue banking products and entities authorised to provide payment services.</li> <li>• Supervising the provision of credit by banks; and supervising the advice and intermediary services offered by banks.</li> <li>• Supervising the business conduct of entities authorised for issuing all insurance products</li> <li>• Supervising the advice and intermediary services offered by insurers.</li> <li>• 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.</li> <li>• Supervising the business conduct of entities licensed to provide financial advice, and entities who are authorised for 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.</li> <li>• 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"> <li>○ The business conduct of entities authorised to operate pooled investments that are structured as collective investment schemes;</li> <li>○ The business conduct of discretionary investment managers;</li> <li>○ The business conduct of entities that provide administration services in</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• List of approved financial institutions with an insurance licence;</li> <li>• List of approved financial institutions with CIS licences;</li> <li>• List of approved financial institutions with FAIS licenses</li> <li>• List of registered Friendly Societies;</li> <li>• List of approved financial institutions with Banking licence, branches of foreign Banks and Mutual Banks with a Financial Services Provider (FSP) licence;</li> <li>• 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;</li> <li>• Publications relating to an insurer, benefit administrator, Bank, CIS Manager, or Financial</li> </ul>	enquiries@fsc.co.za

<p>relation to investments;</p> <ul style="list-style-type: none"> <li>○ 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.</li> <li>• Carrying out the FSCA's supervisory functions under the Financial Intelligence Centre Act.</li> </ul>	<p>Services Provider, who has been granted an exemption from any provision of a financial sector law.</p> <ul style="list-style-type: none"> <li>• Publicly available curators' reports.</li> </ul>	
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**DIVISION: MARKET INTEGRITY SUPERVISION**

<b>Functions</b>	<b>Information readily available</b>	
<p><u>Market Integrity:</u></p> <ul style="list-style-type: none"> <li>• Licensing and supervision of market infrastructures.</li> <li>• Establishing credible and transparent governance, oversight and accountability procedures for the benchmark determination process, including licensing and supervision of benchmark providers.</li> <li>• Supervising and licensing entities authorised to provide credit rating services.</li> <li>• Supervising and licensing OTC derivative providers who as a regular feature of their business originate OTC derivatives or make a market in OTC derivatives.</li> </ul> <p><u>Specialist Support:</u></p> <ul style="list-style-type: none"> <li>• Provide professional actuarial support to the other FSCA divisions.</li> <li>• Supervision of specific sections of the Pension Funds Act, in particularly sections 15, 16 and 18 (essentially work performed by the pension fund valuers).</li> <li>• 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</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• List of persons who were issued with licences by the FSCA under the Financial Markets Act, 2012 (Act 19 of 2012);</li> <li>• Online registration user guide for Credit Rating Agencies;</li> <li>• Notices of applications for registration as credit rating agency;</li> <li>• Application forms and registration certificates of registered credit rating agencies</li> <li>• List of registered Credit Rating agencies;</li> <li>• Details of Credit Rating Agencies whose registration was suspended or cancelled:</li> <li>• Directives issued by the FSCA on Credit Rating Agencies to ensure the protection of investors, potential investors or the public in general;</li> <li>• Exemptions Notices issued by the FSCA to Credit Rating Agencies which are of general application or applicable to specific types of registered credit rating</li> </ul>	<p>enquiries@fsc.co.za</p>

<p>benchmarking key conduct indicators.</p> <ul style="list-style-type: none"> <li>• Support other FSCA divisions, in analyzing business models and products of specific financial institutions.</li> <li>• Support the other FSCA divisions in reviewing the disclosure, advertising and marketing strategies of specific financial institutions.</li> <li>• Ongoing scanning of the media, and ongoing monitoring of new advertising and marketing approaches.</li> <li>• Support to the supervision functions through ongoing review and development of the FSCA's supervisory framework.</li> <li>• Carries out ongoing research and monitoring of local and international supervisory standards and approaches.</li> <li>• Conduct mystery shopping exercises where relevant.</li> <li>• Conduct surveys to gather insights from regulated entities</li> </ul>	<p>agencies;</p> <ul style="list-style-type: none"> <li>• General Notices, media and press releases published by the FSCA on supervision and finalised investigations of market infrastructures;</li> <li>• Annual Reports of licenced market infrastructures;</li> <li>• List of licenced market infrastructures and market participants who have contravened the Financial Markets Act, 2012 (Act 19 of 2012);</li> <li>• Licences issued by the FSCA to market infrastructures;</li> <li>• Exemption notices issued by the FSCA to market infrastructures;</li> <li>• Application forms and Index for central counterparty applications.</li> <li>• List of survey respondents.</li> <li>• Research reports and documents relevant to the FSCA.</li> <li>• List of valuers.</li> <li>• List of retirement funds with Surplus or Nil Surplus Schemes</li> </ul>	
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**DIVISION: RETIREMENT FUND SUPERVISION**

<b>Functions</b>	<b>Information readily available</b>	
<ul style="list-style-type: none"> <li>• 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 governance.</li> <li>• Prudential supervision of all retirement funds.</li> <li>• The vetting and approval of new retirement funds,</li> <li>• The vetting and approval of amendments to the rules of already registered /</li> </ul>	<ul style="list-style-type: none"> <li>• Section 26 appointment letters</li> <li>• Curatorship reports of a public nature</li> <li>• Last revenue account of registered retirement Fund</li> <li>• Last balance sheet of registered retirement fund</li> <li>• Preliminary liquidation and distribution accounts open for inspection during the liquidation inspection</li> </ul>	<p>enquiries@fsc.co.za</p>

<p>licensed retirement funds (i.e. amendments to the rules of an existing fund),</p> <ul style="list-style-type: none"> <li>• Approval of exemptions &amp; extensions</li> <li>• Termination of participating employers / cancellation of funds;</li> <li>• Evaluating, considering and implementing appropriate sanctions for trustees in cases where trustee conduct issues are detected;</li> <li>• Providing input into the establishment, maintenance and monitoring of trustee training and qualifications;</li> <li>• Proposing and assisting with drafting of regulatory instruments and guidance notices in terms of the FSRA;</li> <li>• Strategic monitoring of the conduct of trustees in relation to their ability to deliver on the six Treating Customers Fairly (TCF) outcomes;</li> <li>• Oversee funds' compliance with good governance principles of retirement funds.</li> <li>• Strategic assessment of the operation and impact of the default regulations on retirement funds and members;</li> <li>• Oversee the processing and evaluation of default regulation exemption and extension applications;</li> <li>• Managing the dedicated inbox for enquiries relating to the default regulations;</li> <li>• Responsible for prescribing matters provided for in the default regulations;</li> <li>• Assisting the Retirement Funds Supervision Division with the implementation of appropriate enforcement actions provided for in Chapter 10 of the FSRA;</li> <li>• Supervision of Section 13B retirement benefit administrators; and</li> <li>• 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.</li> </ul>	<p>period.</p> <ul style="list-style-type: none"> <li>• Notices issued in terms of the Pension Funds Act</li> <li>• Pension fund circulars and information circulars</li> <li>• List of registered retirement funds</li> <li>• Rules of registered retirement funds</li> <li>• Published exemptions in terms of the Financial Sector Regulation Act, 2017;</li> <li>• Conduct standards;</li> <li>• Enforceable undertakings;</li> <li>• Interpretation rulings;</li> <li>• Registered office of funds;</li> <li>• Principal officer name and email address and the fund's office number;</li> <li>• List of active liquidators;</li> <li>• Retirement funds aggregated data (non fund specific) based on the annual financial statements.</li> </ul>	
<b>DIVISION: ENFORCEMENT</b>		

<b>Functions</b>	<b>Information readily available</b>	<b>Contact details</b>
<ul style="list-style-type: none"> <li>• Carrying out investigations and enforcement actions as contemplated in the Financial Sector Regulation Act, 2017.</li> <li>• Carrying out market abuse investigations as contemplated in the Financial Sector Regulation Act, 2017 read with the Financial Markets Act, 19 of 2012.</li> <li>• Advising the FSCA on administrative action to be taken.</li> </ul>	<ul style="list-style-type: none"> <li>• Any administrative action taken that requires to be published.</li> <li>• Media releases relating to investigations conducted in terms of the Insider Trading Act, 1998; Inspection of Financial Institutions Act, 1998; Securities Services Act, 2004; Financial Markets Act, 2012 and the Financial Sector Regulation Act, 2017.</li> <li>• Media releases relating to enforceable undertakings in terms of section 151 of the Financial Sector Regulation Act, 2017.</li> <li>• Media releases relating to investigations conducted in terms of the Insider Trading Act, 1998; Financial Markets Act, 2012 and the Financial Sector Regulation Act, 2017.</li> <li>• Media releases relating to enforceable undertakings in terms of section 151 of the Financial Sector Regulation Act, 2017 in respect of Market Abuse cases.</li> </ul>	enquiries@fsca.co.za

**DIVISION: CORPORATE SERVICES**

<b>Functions</b>	<b>Information readily available</b>	<b>Contact details</b>
<ul style="list-style-type: none"> <li>• Support to the human resources requirements and operations of all areas of the FSCA.</li> <li>• Provision of integrated facilities management services to maintain, improve and adapt the FSCA's work 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.</li> <li>• Developing and implementing the FSCA's</li> </ul>	<ul style="list-style-type: none"> <li>• Adverts in respect of vacancies advertised by the FSCA.</li> <li>• List of service providers</li> <li>• Media publications</li> <li>• Articles on various matters within the FSCA's domain</li> <li>• Record of interviews of FSCA officials by various media institutions.</li> <li>• Awareness circulars issued by the FSCA</li> </ul>	enquiries@fsca.co.za

<p>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.</p>	<ul style="list-style-type: none"> <li>• FSCA internal publications</li> </ul>	
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**DIVISION: FINANCE AND SUPPLY CHAIN**

<b>Functions</b>	<b>Information readily available</b>	<b>Contact details</b>
<ul style="list-style-type: none"> <li>• Support all areas of the FSCA in the following areas:</li> <li>• Effective management of working capital</li> <li>• Managing cash-flows and investments</li> <li>• Managing non-current assets</li> <li>• Capital investment appraisals</li> <li>• Preparation and management of investments and capex budgets</li> <li>• Monthly management reporting, variance analysis and implementing corrective measures</li> <li>• Preparation of annual financial statements</li> <li>• Ensuring good systems of internal controls</li> <li>• Supports all areas of the FSCA in the following key areas:</li> <li>• Effective management of Trade Payables</li> <li>• Effective management of working capital</li> <li>• Ensuring compliance with the PFMA and Treasury regulations regarding payments</li> <li>• Preparation and management of expenditure budgets</li> <li>• Monthly management reporting, variance analysis and implementing corrective measures</li> <li>• Preparation of annual financial statements</li> <li>• Ensuring good systems of internal controls</li> <li>• Supports all the divisions of the FSCA in the following key areas:</li> <li>• Effective management of levies and fees</li> <li>• Effective management of Payroll</li> <li>• Effective management of working capital</li> </ul>	<ul style="list-style-type: none"> <li>• Published annual financial statements</li> <li>• FSCA Budget</li> <li>• List of awarded tenders</li> <li>• List of withdrawn tenders.</li> <li>• Bid Documents submitted by various bidders</li> <li>• Procurement Policies.</li> <li>• Service agreements entered into between the FSCA and third parties</li> </ul>	<p>enquiries@fsc.co.za</p>

<ul style="list-style-type: none"> <li>• Preparation and management of income and personnel budgets</li> <li>• Monthly management reporting, variance analysis and implementing corrective measures</li> <li>• Preparation of annual financial statements</li> <li>• Ensuring good systems of internal controls</li> <li>• Supports all the divisions of the FSCA in the following key areas: <ul style="list-style-type: none"> <li>○ Procurement of goods and services in line with the PFMA and Treasury Regulations</li> <li>○ Managing the supply chain demand and disposal processes</li> <li>○ Ensuring that procurement practices are fair, equitable, transparent, competitive and cost-effective</li> <li>○ Managing tender processes</li> <li>○ Managing supplier contracts</li> <li>○ Ensuring good system of internal controls</li> </ul> </li> </ul>		
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**DIVISION: EXECUTIVE OFFICE**

<b>Functions</b>	<b>Information readily available</b>	<b>Contact details</b>
<ul style="list-style-type: none"> <li>• Responsible for the FSCA's internal audit function, combined assurance and its business insurance portfolio.</li> <li>• Accountable for development of the FSCA's enterprise risk management framework.</li> <li>• Accountable for the FSCA's ability to continue business in the event of a disaster or other material disruption.</li> <li>• Accountable for the FSCA's compliance with all laws, including compliance with the FSCA's own internal policies</li> <li>• 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.</li> <li>• Provision of secretariat services to the</li> </ul>	<ul style="list-style-type: none"> <li>• FSCA Annual Performance Plan</li> <li>• FSCA Strategic Plan</li> </ul>	<p>enquiries@fsc.co.za</p>

<p>FSCA's Executive Committee, Governance Committees and other key management structures.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>		
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