



**Government Employees Pension Fund**  
**Board of Trustees**

**For approval**

**REQUESTS FOR ACCESS TO THE  
DATABASE OF THE GEPF**

Approved by: Board of Trustees

Date approved: \_\_\_\_\_

Effective date: \_\_\_\_\_

Signature: \_\_\_\_\_





GOVERNMENT EMPLOYEES PENSION FUND  
REPUBLIC OF SOUTH AFRICA

# Memo

23 August 2006

## THE BOARD OF TRUSTEES (BoT)

### REQUEST FOR ACCESS TO THE DATABASE OF THE GOVERNMENT EMPLOYEES PENSION FUND (GEPF)

#### 1. PURPOSE

To obtain approval from the Board of Trustees to adhere to the principles as set out in the recommendation regarding the provision of information to third parties.

#### 2. BACKGROUND AND DISCUSSION

- 2.1 As indicated previously to the BA-C the GEPF is inundated with requests for access to its address database by third parties.
- 2.2 The GEPF has in the past contracted various service providers to update and authenticate its address database.
- 2.3 The GEPF receives requests for information from two sources, namely **members/pensioners** and **third parties**.
- 2.4 In general there are no limitations to the provision of information in relation to specified queries where the member or pensioner asks for information in relation to him or her. The GEPF will not be contravening any law if it provides information to members and pensioners, as long as the information relates to the member or pensioner requesting the information.
- 2.5 In principle information may not be provided to third parties unless the third party has the necessary power of attorney or authority to request the information on behalf of the member or pensioner.

- 2.6 Personal information of members or pensioners is information that is to be treated as personal.
- 2.7 The right to access to the records of public bodies should be given to a requester in terms of the Promotion of Access to Information Act, 2 of 2000 (PROATIA), if:
- The requester complies with all the procedural requirements in the said Act relating to a request for access to that record; and
  - Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the said Act.
- 2.8 In terms of the Promotion of Access to Information Act, 2 of 2000, a request for access to information must be refused if its disclosure would involve the unreasonable disclosure of personal information or if the information is confidential information or requests that may be frivolous or vexatious or where the work involved in processing the request would substantially and unreasonably divert the resources of the public body.
- 2.9 What the phrase the *unreasonable disclosure of personal information* entails is not certain it has not yet been adjudicated upon by any court.
- 2.10 Even though it might be argued that the request for and access to an address database by for example a medical aid, is not unreasonable disclosure of personal information or confidential information, it is submitted that the body in possession of such information has a duty to safeguard such information especially if it has not been authorised to disclose such information and/or where the body has no control over what the information is to be used for.
- 2.11 The specific request alluded to at the previous Benefits and Administration Committee meeting was the request by GEMS requesting the GEPP to provide them with telephone and address information of members of the GEPP to "market GEMS under public service employees".
- 2.12 In terms of the request by GEMS the GEPP is not compelled to adhere to such request. Where a party wishes to compel a body to provide information the procedures as set out in the Promotion of Access to Information Act, 2 of 2000, must firstly be followed and secondly the requestor must show that he has a legitimate interest in the information, specifically so when the provision of information will cause an administrative burden on the body requested. As stated the request by GEMS is currently not such a request and as such the GEPP cannot be compelled to provide the information.

- 2.13 Should GEMS request such information in terms of PROATIA the request will have to be adjudicated in terms of the provisions of PROATIA.
- 2.14 Currently any decision to provide the information as requested by GEMS will be a purely business collegial decision.
- 2.16 It must however be noted that the GEPF currently has no authority to provide the personal information of members and/or pensioners to any other body who has not requested same in terms of the Promotion of Access to information Act, 2 of 2002.
- 2.16 It is however necessary to, in some instances evaluate the merits of a request for information to the database of the GEPF. The GEPF has in the past been requested to provide information in respect of its database to the South African Social Security Agency in order to correlate Social Grant Recipients with that of the GEPF in an effort to minimise payouts from two different mechanisms.
- 2.17 As such it will be necessary to, in instances where the merits of a request for access to the database of the GEPF justifies it, provide such information to a third party.
- 2.18 It is proposed that where it is in the interest of Government or the State or where the reason for requesting the information merits and justifies such, information may be provided with the approval of the Benefits & Administration Committee.
- 2.19 It is envisaged that such circumstances will be, but that it is not limited to, where a party requests such information for reasons of comparison to its own data base in order to ensure correctness of information, the elimination of fraud in respect of data and/or where information is required by an employer in respect of the management of pension matters of the members of such an employer or any other circumstance where a request for information to the database of the GEPF justifies the providing of such information in the opinion of the Benefits and Administration Committee.

### **3. RECOMMENDATION**

- 3.1 It is recommended that the GEPF adheres to the following principles regarding the provision of information to **third parties**:
- 3.1.1 That all requests for records held by the GEPF must be dealt with in terms of PROATIA;
- 3.1.2 That third parties requesting such information must submit proof of the capacity in which the requester is making the request;

- 3.1.3 That if the GEPF is satisfied that the third party has the necessary authority to request the information, the information may be supplied;
- 3.1.4 That information which may constitute the unreasonable disclosure of personal information, confidential information held by the GEPF or requests that may be frivolous or vexatious or where the work involved in processing the request would substantially and unreasonably divert the resources of the public body must be refused.
- 3.1.5 That exceptions to the above be allowed in instances where the merits of a request for access to the database of the GEPF justifies it i.e. where a party requests such information for reasons of comparison to its own data base in order to ensure correctness of information, the elimination of fraud in respect of data and/or where information is required by an employer in respect of the management of pension matters of the members of such an employer or any other circumstance where a request for information to the database of the GEPF justifies the providing of such information in the opinion of the Benefits and Administration Committee.
- 3.1.6 That the Head: GEPF may refer any such matter to the B&A-C for a decision in instances of uncertainty and that the B&A-C be authorised to make such a decision.
- 3.2 That in light of the above, the request by GEMS, to obtain access to the database of the GEPF for "marketing" purposes and other similar requests be refused.

  
**D DE WITT**

**CHAIRPERSON: BENEFITS AND ADMINISTRATION COMMITTEE**

**DATE:** 28/8/06

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**APPROVED/~~NOT APPROVED~~/COMMENTS**

  
**M KUSCUS**

**CHAIRPERSON: GEPF**

**DATE:** 30/8/06

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