



STATEMENT

Issued by A P Stemmet
On behalf of : The AMAGP
Cape Town

28 September 2018

CONFIDENTIALITY AND THE GEPF

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“PAIA”) came into operation on 9 March 2001, giving effect to the constitutional right of access to any information held by any public or private body that is required for the exercising or protection of any rights.

The PAIA requires public & private bodies to compile a Manual that would assist a person or organization to obtain access to information held by those bodies. NO SUCH MANUAL IS AVAILABLE ON THE GEPF WEBSITE. Direct enquiries to obtain such a manual have also resulted in failure.

The GEPF, the largest pension fund in South Africa with 1.2 million members and more than 400 000 beneficiaries, have been contravening the PAIA for the last 17 years, and have been getting away with it!

Since the end of last year, Solidarity has tried to obtain certain information using PAIA, but has been frustrated and have been compelled to turn to the courts to move the GEPF to honour the spirit of PAIA. <https://solidariteit.co.za/en/solidarity-welcomes-independent-probe-into-pic/>

The frustration as evident from Solidarity’s statement, is shared by individual members/pensioners who have also tried to get information from the GEPF in the absence of an operational PAIA framework. These requests have also resulted in failure and the standard reply that the matter is regarded as “confidential” in terms of the GEPF’s Confidentiality Policy. The fact that this “Confidentiality Policy” is also “Confidential” and not available just adds to the frustration. Also to be remembered, the majority of members and beneficiaries do not have the financial means to incur legal costs implied by court action.

But it is not only members who are frustrated. The SA Human Rights Commission (SAHRC) officials, who have the duty to police the PAIA, have already conveyed the non-compliance to the GEPF. However, in the continued absence of a PAIA Manual on the GEPF’s website, it appears as though the directives of the SAHRC are also ignored.

Through all of this, it does appear as though the GEPF Trustees have remained blissfully unaware that the GEPF is transgressing the PAIA. As recent as the GEPF 2017 Annual report, the Trustees' statement of responsibilities clearly indicate that "*The Board of Trustees (the Board) believes that, during the year under review, in the execution of its duties it:.....***Was not aware of non-compliance with any applicable legislation;**"

Considering the composition of the Board of Trustees is made up of individuals who have (or should have) dealt with legislation such as PAIA on a daily basis, the duration (17 years) of this non adherence to the law (PAIA) is both surprising and disturbing. Is this an isolated instance or are there other Laws which were not complied with but the Trustees individually and as a collective, was not aware of?

Whilst it is hoped that the GEPF will speed up the redress required to put in place the PAIA manual as a start, the real essence of this matter will only be addressed when the spirit of transparency replaces the secrecy mind-set displayed to date by GEPF officials and Trustees alike.

Only then will we be well on the way to achieve the GEPF's Vision
To be a global leading and reputable pension fund that delivers quality service to beneficiaries.

Adamus P Stemmet
Durbanville
082 320 9245
adamusp2602@gmail.com

This statement of course reveals a blatant conflict of or ignorance of the Constitution of the RSA.

**You are referred to
Sections 32(1)(a) and (b) as well as Section 38
of the
Constitution of the Republic of South Africa
[Act No. 108 of 1996]**