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Legal & industry update – April 2026

In this publication we look at:

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New rules for the Office of the Pension Funds Adjudicator

Trustees can expect a more structured and somewhat stricter complaints environment as new Rules for the Office of the Pension Funds Adjudicator (OPFA) come into effect. These Rules were published by the Ombud Council in March 2026 to:

- Clarify how complaints must be handled,
- Reinforce funds' internal processes and
- Strengthen the Adjudicator's enforcement toolkit.

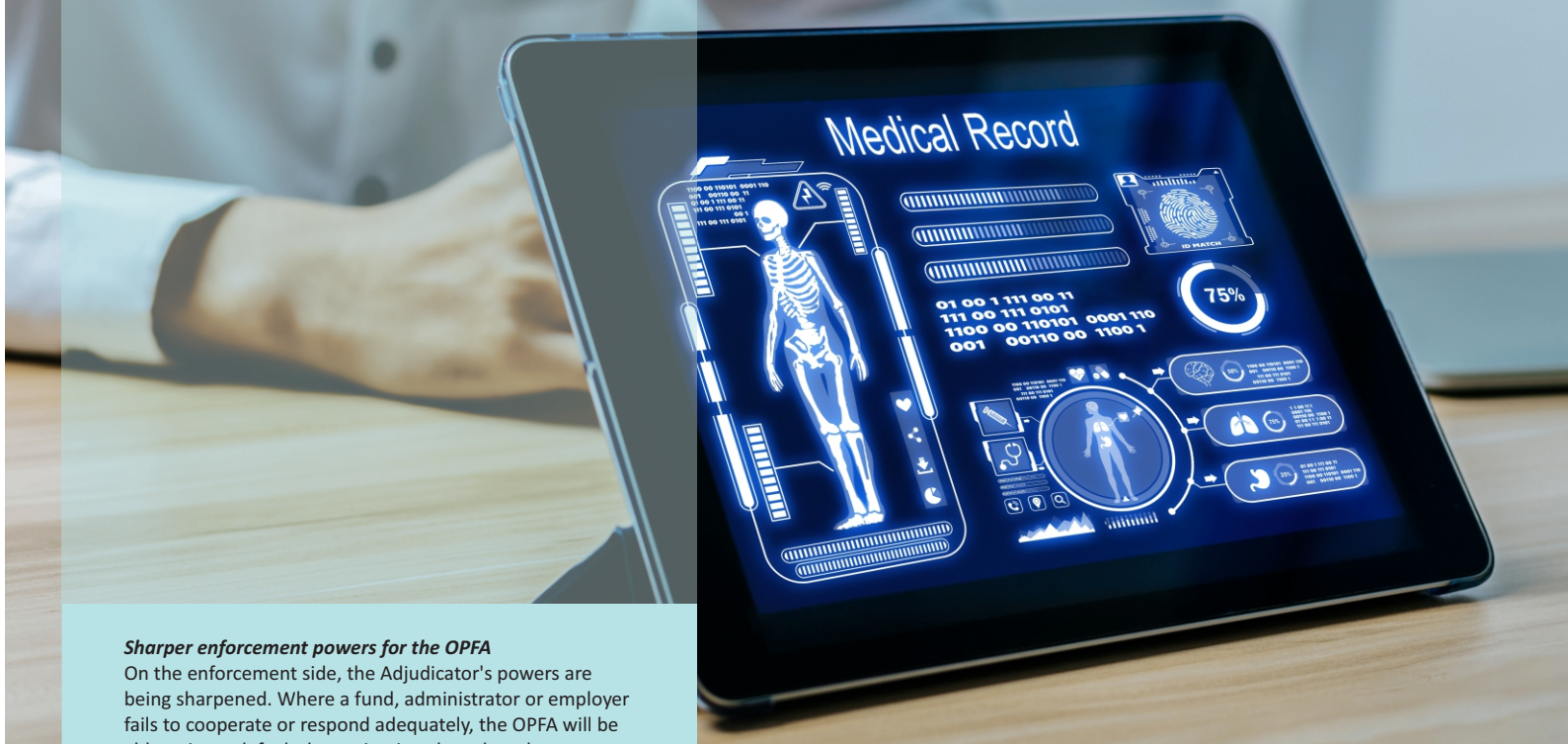
While they do not fundamentally change the OPFA's mandate, they do tighten expectations around process, cooperation and communication.

Role of internal complaints procedures

A key theme is that the OPFA should not be the first port of call for member disputes. Complaints that have not first gone through a fund's internal complaints procedure will be treated as "premature" and referred back to the fund. This elevates the importance of a well designed and documented internal complaints process, with clear timelines, escalation paths and record keeping. Trustees should ensure that their rules, administration agreements and communication materials are aligned with this requirement.

Member communication and recourse information

The Rules also increase the spotlight on how funds communicate recourse options to members. Funds will be required to inform members, in plain language, of both their internal complaints channels and the contact details of the OPFA. This needs to be done in key member-facing documents and platforms, such as benefit statements, booklets and websites. For trustees, this is an opportunity to review member communication for clarity, accessibility and consistency across all touchpoints.



Sharper enforcement powers for the OPFA

On the enforcement side, the Adjudicator's powers are being sharpened. Where a fund, administrator or employer fails to cooperate or respond adequately, the OPFA will be able to issue default determinations based on the information available. This raises the risk of adverse outcomes if responses are late, incomplete or poorly substantiated. Trustees should insist on robust diarising and response processes with their administrators, and ensure that board packs include regular reporting on outstanding complaints and OPFA correspondence.

Interest and cost orders

The Rules also confirm the Adjudicator's authority to award interest and, in limited circumstances, costs. Cost orders are expected to be rare and reserved for cases involving improper, unreasonable or obstructive conduct, but they underline the importance of acting in good faith and engaging constructively with the OPFA. Trustees should be alert to behaviours – whether by service providers, employers or even individual board members – that could expose the fund to such findings.

Contribution compliance and Section 13A

Finally, the Rules reinforce the OPFA's role in enforcing employer contribution and payment duties under section 13A. The Adjudicator is empowered to report non-compliant employers to the FSCA for administrative enforcement action. This sits alongside existing FSCA reporting and enforcement mechanisms, creating a more coordinated framework for dealing with contribution arrears. Boards should ensure they receive clear, regular reports on contribution compliance and that there are agreed protocols for addressing defaults before they escalate into formal disputes.

Practical action points for trustees

In practical terms, trustees should now:

- Review and, where necessary, update internal complaints procedures;
- Refresh member communications; tighten response and governance processes around complaints; and
- Engage with their principal officer and administrator on readiness.

Information Regulator issues regulations on processing health information

The Information Regulator has finalised new regulations on how certain organisations must process health information under POPIA, significantly tightening the compliance expectations around this category of special personal information.

Issued in March 2026 under section 112(2)(c) of POPIA, the Regulations Relating to the Processing of Data Subjects' Health Information by Certain Responsible Parties apply to specific sectors such as insurers, medical schemes, administrators and allied health-related service providers. They are intended to help interpret section 32(6) of POPIA, improve transparency for data subjects and provide a clearer enforcement framework for the Regulator.

The regulations reiterate that health information, as special personal information, may only be processed if one of the grounds in section 27 of POPIA applies, such as explicit consent, legal obligation, public interest or authorised research.

They require responsible parties to implement robust safeguards to protect health data against loss, damage, unauthorised destruction and unlawful access. Organisations must also enhance transparency by informing data subjects how their health information will be used, with whom it may be shared and what rights they have, while the Regulator gains a clearer basis to investigate, enforce and, where necessary, take action against non-compliant processing of health information.

PAIA reporting period is open

The Information Regulator has opened the 2026 annual reporting cycle for PAIA, and all public and private bodies are required to submit reports on access to information requests received and processed for the period 1 April 2025 to 31 March 2026.

The reporting window runs from 1 April 2026 to 30 June 2026, with submissions to be made via the Regulator's online eServices Portal by registered information officers (and deputy information officers, where applicable).

Trustees should note that these reports are mandatory, incomplete or late submissions may trigger compliance assessments and possible enforcement action, and boards should therefore ensure their funds submit accurate reports well before the 30 June 2026 deadline.

This publication does not provide advice or legal opinion. If you have any questions/comments on the above, please contact your consultant.

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