



INFORMATION MANUAL

Compiled in terms of section 51 of
The Promotion of Access to Information Act 2 of 2000
providing guidance on how to request information from
Community Keepers.

1. INTRODUCTION

The promotion of Access to information Act 2 of 2000 gives effect to the right of access to information that is enshrined in s32 of the Constitution. Section 32 of the Constitution provides that everyone has the right to access any information held by the state or by another person, where such information is required for the exercise or protection of any rights.

The Act accordingly requires that procedures be put by public and private bodies to enable persons to obtain access to records swiftly, inexpensive and effortlessly. In terms of the Act, a private body includes juristic entities such as companies.

One of the main requirements, specified in the Act is the compilation of a manual that provides information on the type and categories of records held by a public or private body and the process that must.

2. INFORMATION OFFICER

The Chairperson of Community Keepers is by law the designated information officer of the organisation, but may delegate the powers to another director who will serve as the deputy information officer who will be responsible for dealing with requests for records and information.

Information Officer: Gerrit Laning

Postal Address: 21 Rustenburg Road
Ida's Valley, Stellenbosch
7602
South Africa
Physical Address: Same as postal address
Telephone: +27(0) 72 781 5535
Facsimile:
Email address: gerrit@communitykeepers.org
Website: www.communitykeepers.org

3. THE SAHRC'S GUIDE ON HOW TO USE THE ACT

The South Africa Human Rights Commission has published a guide on how to use the Act. Please direct any enquiries regarding the guide to:

The South African Human Rights Commission
PAIA Unit (The Research and Documentation Department)

Postal address: Private Bag x2700
Houghton
2014
Telephone: 011 8773803
Facsimile: 011 4030625
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

4. RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

Children's Act 38 of 2005

Basic Conditions of Employment Act 75 of 1997

Unemployment Contributions Act 4 of 2002

Unemployment Insurance Act 63 of 2001

Labour Relations Act 66 of 1995

National Credit Act 34 of 2005

Occupational Health and Safety Act 85 of 1993

South African Schools Act 84 of 1996

Ethical codes of the Health Professions Council of South Africa (HPCSA) and South African Council for Social Services Professionals (SACSSP)

5. TYPE AND CATEGORIES OF RECORDS HELD

Community Keepers holds the following types of records:

Human Resources Records

- Personal records provided by employees of Community Keepers
- Salary records
- Internal evaluation records
- UIF records
- PAYE records
- Leave records
- Human Resources Policies and Procedures
- Customer related records

Financial Records

- Annual reports
- Management reports
- Income tax returns and assessments
- Invoices
- Receipts
- Asset records
- Insurance policies and claims

Company Information

- Databases
- Marketing records
- Internal Policies and Procedures
- Compliance Records
- Records relating to Board members and directors
- Minutes of meetings (including resolutions taken)
- Contractual records and information relating to suppliers, service providers, contractors, professional advisors (such as attorneys and auditors) and financiers.

Products and Services.

- Product Documentation (including referral forms)

- Product Specifications
- Client information.

6. REQUEST PROCEDURE

- 6.1 The requester of information must comply with all the procedural requirements laid down in the Act when requesting access to a record.
- 6.2 The Information Officer shall not be obliged to furnish any information until all requirements laid down in the Act and set out herein have been fulfilled.
- 6.3 The prescribed form annexed hereto as Appendix 1 must be completed and submitted to the Information Officer at the postal or physical or email address stated in paragraph 2 above, together with payment of the prescribed fees, if applicable (see paragraph 7 Fees below for an explanation of the fees that are payable).
- 6.4 The prescribed form must be completed with sufficient detail to enable the Information Officer to identify the record(s) in question.
- 6.5 If there is insufficient space on a printed form to answer a question, additional information may be provided on an additional folio.
- 6.6 If a request is made on behalf of another person, the requester must submit proof of such capacity to the reasonable satisfaction of the Information Officer.
- 6.7 If the requester cannot complete the prescribed form due to illiteracy or disability, the requester may make the request orally and in person.
- 6.8 The Information Officer will process the request within 30 days unless the request contains considerations that are of such a nature that an extension of the 30 day time limit is required.
- 6.9 Where an extension of the 30 day time limit is required, the requester shall be notified together with reasons explaining why the extension was required.
- 6.10 Once the request is processed, the requester will be informed whether access will be granted or refused together with reasons for any refusal.

7. FEES

- 7.1 The requester is the person making the request for access to a record. There are two types of requesters:

Personal Requester A person who requests access to his/her own personal information.

Other Requester A person requesting access to information regarding third parties.

- 7.2 The following fees are payable when making a request for information:

7.2.1 Request Fee – standard fee payable by Other Requesters but not payable by Personal Requesters payable at the time that the request is made.

7.2.2 Access Fee – payable in all instances where a request for access is granted unless payment of the access fee is specifically excluded in terms of the Act or any regulations

published pursuant to the Act. This fee is calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

7.3 The Information Officer may require that requesters pay a deposit in respect of the Access Fee at the time of making the request. If the request is subsequently declined, the deposit will be refunded.

7.4 If a Request Fee and/or a deposit is payable, the Information Officer will not process the request until payment thereof has been made.

7.5 If a request for information is granted, the Information Officer will advise the requester of the amount of the Access Fee payable before the record will be released.

7.6 Bank account details for purposes of making payments can be obtained from the Information Officer and may be made by way of a direct deposit into the appropriate bank account or by way of a bank guaranteed cheque.

7.7 Appendix 2 hereto sets out the amounts payable in respect of the prescribed fees.

8. THIRD PARTY INFORMATION

8.1 Third party information is protected by the Protection of Personal Information Act No 4 of 2013 (POPIA). Community Keepers as operator and responsible party will handle all personal information of data subjects in accordance with the stipulations of the POPIA.

8.2 Community Keepers is obliged to get permission for a data subject, if a request is made to access the information of such a third party.

8.3 This gives the data subject an opportunity to consent to the access or to provide reasons why the access should be denied.

8.4 The permission of the data subject and the feasibility of getting informed consent for usage of personal information, will guide the Information Officer in deciding as to why access should be granted or denied.

9. GROUNDS FOR REFUSAL TO GRANT ACCESS

The main grounds upon which a request for information may be declined are:

9.1 Protecting personal information of a third party (who is a natural person) from unreasonable disclosure in compliance with the Protection of Personal Information Act No 4 of 2013 (POPIA)

9.2 Protecting commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party).

9.3 Disclosure would result in the breach of a duty of confidence owed to a third party.

9.4 Disclosure would jeopardize the safety of an individual or prejudice or impair certain property rights of a third party.

9.5 Mandatory protection of records which would be regarded as privileged in legal proceedings unless such privilege has been waived.

9.6 Refusing access to a record containing trade secrets, financial or sensitive information of Community Keepers or any information that would put Community Keepers at a disadvantage in negotiations or prejudice it in commercial competition.

9.7 The request is frivolous or vexatious or involves an unreasonable diversion of resources.

9.8 The record contains information about research being carried out, or about to be carried out, on behalf of a third party or on behalf of Community Keepers.

10. REMEDIES AVAILABLE ON REFUSAL OF ACCESS

10.1 The decision made by the Information Officer as to whether or not to grant access to a record is final.

10.2 If the requester wishes to dispute the decision, an application must be made by the requester to the Constitutional Court, the High Court or another court with similar status to make a final ruling.

11. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

11.1 If a search has been conducted for a record and it is believed that the record either does not exist or the record cannot be found, the requester will be notified by way of an affidavit or by any other means permitted by the Act.

11.2 The affidavit will include the steps that were taken in trying to locate the record.

12. AVAILABILITY OF THIS MANUAL

12.1 This manual is made available in terms of Regulation Number R187 of 15 February 2002 as read together with GN 865 of 31 August 2005.

12.2 This manual is also available:

12.2.1 on the websites of Community Keepers (see paragraph 2 above for website details).

12.2.2 at the South African Human Rights Commission.

12.3 Copies of this manual may also be obtained, free of charge, from the Information Officer.

APPENDIX 1 Application for Access to Information

Request for access to records in accordance with Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000

A Name of the programme at Community Keepers to which this application is addressed:

B Particulars of person requesting access to the record

| | |
|--|--|
| Full Name & Surname of Requester | |
| ID/Passport/Corporate Registration Number | |
| Work telephone number | |
| Home telephone number | |

C Address / Fax / e-mail address to which information must be sent

| | | | |
|-----------------------|--|-----------------------|--|
| Postal Address | | | |
| | | | |
| Postal | | Code | |
| Fax number | | E-mail address | |

D Request on behalf of another person (This section must be completed only if a request for information is made on behalf of another person)

| | |
|--|--|
| Please state capacity in which request is made on behalf of another person. | |
| | |
| Particulars of person on whose behalf request is made | |
| Full Name and Surname of Person on whose behalf request is made | |
| ID / Passport / Corporate Registration Number | |

E Particulars of record to which access is required (If the space below is inadequate, please continue on a separate page and attach it to this form)

| |
|---|
| Full description of information required |
| |

F Form of Access to the Record

1 Please mark with an X your indication as to the required form of access. (eg photocopy; inspection; transcript, etc)

- 2 Our ability to provide the record in the form of access you have chosen depends on the form in which the record is available.
- 3 Access in the form that you have requested may be refused in certain circumstances. In such case, you will be informed if access will be granted in another form.
- 4 The fee payable for access to the record, if any, will be determined partly by the form in which access is requested. See Appendix 2 for details of fees.

| | | | |
|--|--|-----------------------------|--|
| For records in printed or written form: | | | |
| Copy of record | | Inspection of record | |

| | | | | | |
|---|--|--------------------------|--|--------------------------------|--|
| For records consisting of visual images (including photographs, slides, videos, etc.): | | | | | |
| View the image | | Copy of the image | | Transcript of the image | |

| | | | |
|---|--|---------------------------------------|--|
| For records held on computer or in an electronic format: | | | |
| Printed copy of records | | Copy in computer readable form | |

| | | |
|--|------------|--|
| If you requested a copy or transcription of record (above), do you wish to copy or transcription to be posted to you? Please note that a postal fee is payable. | YES | |
| | NO | |

| |
|--|
| If you are prevented by a disability to read or review the record in any of the forms of access described above, state your disability and indicate in which form the record is required. |
| |

G Particulars of right to be exercised or protected (if the space provided below is inadequate, please continue on a separate page and attach it to this form)

| |
|--|
| Indicate which right is to be exercised or protected and explain why the requested record is required for the exercising or protection of the aforementioned right: |
|--|

H Fees (Detailed in Appendix 2)

- 1 A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- 2 You will be notified of the amount of the request fee.
- 3 The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare a record.
- 4 If you qualify for exemption of the payment of any fee, please state the reason for the exemption.

| |
|---|
| Reasons for exemption of payment of fee: |
| |

I Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars below. We will use our reasonable endeavors to comply with your request.

| |
|---|
| How would you prefer to be informed of the decision regarding your request for access to the record? |
| |

Signed at _____ this _____ day of _____
20__

Signature of Requester:

Signature of Person on whose behalf request is made:

APPENDIX 2 Schedule of Fees

The Applicable Fees are as follows:

| Reproduction Fees | Fee |
|---|------------|
| For every photocopy of an A4size paper of part thereof | R1,10 |
| For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form | R0,75 |
| For a copy in a computer readable form on CD | R25,00 |
| For a copy in a computer readable form on a memory stick | R100,00 |
| A transcription of visual images, for an A4size page or part thereof | R40,00 |
| For a copy of visual images | R60,00 |

| Request Fees (for requests on behalf on behalf of another person) | Fee |
|--|------------|
| Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R100,00 is payable upfront before the institution will further process the request received. | R100,00 |

| Access Fees | Fee |
|--|------------|
| For every photocopy of an A4size paper or part thereof | R1,10 |
| For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form | R0,75 |
| For a copy in a computer readable form on CD | R25,00 |
| For a copy in a computer readable form on a memory stick | R100,00 |
| A transaction of visual images, for an A4size page or part thereof | R40,00 |
| For a copy of visual images | R60,00 |
| To search for a record that must be disclosed, R300,00 for every hour or part of an hour reasonably required for such search | R300,00 |
| Where a copy of a record needs to be posted the actual postal fee is payable | |

| Deposits |
|--|
| Where the institution receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester. The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee. |