

PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

HUMANA PEOPLE TO PEOPLE SOUTH AFRICA

Registration No: NPC (RF)1995/004741/08- Registered:005-055NPO

This manual has been prepared in terms of the section 51 of the Promotion of Access to Information Act 2/2000 and to address the requirements of the Protection of Personal Information Act 4/2014.

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INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act (PAIA) and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely -

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “HPPSA” means Humana People to People in South Africa as more fully described in the overview hereunder;
- “Guide” refers to the guide drafted and made available by the Information Regulator to inform the Requester on how to access Records
- “Information Regulator” means the regulator with the powers and functions set out in s40 of the Protection of Personal Information Act (4 of 2013);
- “Information Officer” means the person acting on behalf of HPPSA and discharging the duties and responsibilities assigned to the head of HPPSA by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of HPPSA in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Record” means any recorded information, regardless of form or medium, which is in the possession or under the control of HPPSA, irrespective of whether or not it was created by HPPSA;
- “Request” means a request for access to a Record of HPPSA;
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of HPPSA and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:-

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

OVERVIEW OF HPPSA

Humana People to People South Africa (HPPSA) is a registered South African non-profit company (RF) 1995/004741/08) & non-profit organization (005-055-NPO).

From humble beginnings, in 1995, in Soweto, when a small group of pioneers made a commitment to contribute to the development of the country back in 1995.

HPPSA believes poverty can only be overcome through coordinated, community-wide approaches combining education, adult literacy, sustainable livelihoods, women empowerment and environmental protection, and also by involving many people: children, parents, teachers, farmers, health workers, members of the community, local leaders, national governments and international partners. Since its establishment, HPPSA has built a strong network of partners and supporters across government agencies, civil society, the private sector and multilateral institutions.

HPPSA is governed by a Board of Directors, which meets each quarter or as required. The organization has 3 its National Headquarters in Pinetown, KwaZulu-Natal; a Partnership Office in Johannesburg.

HPPSA is a member of “The Federation of Associations connected to the International Humana People to People Movement” (or Humana People to People - HPP). The Federation is an international network of non-profit organizations engaged in solidarity, cooperation and development in countries across Europe, Southern Africa, Asia and the Americas.

1. CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

The Board of Directors has appointed to the Country Director as Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with Requests for information and the Protection of Personal Information Act (POPIA) on The Company’s behalf and to ensure compliance with the Act.

Information Officer name: Mr Kilford Zimondi
Postal address: P.O Box 15339
Ashwood
Pinetown, 3605
Street address: 5/11 Richmond Road
Pinetown
3610
Telephone: 031 701 9280/ 011 664 7261
E-mail: zimondik@hpp-sa.org
Website: <https://www.hpp-sa.org>

Deputy Information Officer: Pobraj Dehaloo
P.O.Box 15339
Ashwood
Pinetown, 3605
Street address: 5/11 Richmond Road
Pinetown
3610
Telephone: 031 701 9280
E-mail: pobraj@hpp-sa.org
Website: <https://www.hpp-sa.org>

2. GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The guide is available on the SAHRC website, <http://www.sahrc.org.za>.

The SAHRC can be contacted directly at:

The South African Human Rights Commission: PAIA Unit

Postal address: Private Bag X2700
HOUGHTON
2041
Physical address: 2nd Floor
Braampark

Forum 3
33 Hoofd Street
Braamfontein
Telephone: +27 11 877 3600 (Switchboard)
+27 11 877 3750 (Gauteng Office) +27
11 887 3803
Facsimile: +27 11 403 0668 (Gauteng Office)
+27 11 403 0625
E-mail: section51.paia@sahrc.org.za
Website: <http://www.sahrc.org.za>

3. AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

These records shall be reviewed at least monthly or when there are changes required. The following Records are automatically available without a person having to request access in terms of the Act:

- The web page www.hpp-sa.org is accessible to anyone who has access to the Internet. The Company's website hosts the following categories of information:
 - Who we are
 - History
 - The Federation Humana People to People
 - Partnership in Development
 - What we do
 - About how we create development
 - Health
 - Education
 - Community Development
 - Food Security
 - News
 - Publications
 - Blog
 - Donate
 - Vacancies
 - Privacy policy
 - Contact us details
 - Much more.

4. RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)]

Records are kept in accordance with the following legislation (which is not an exhaustive list):

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993
- Employment Equity Act, 1998
- Immigration Act, 2002

- Income Tax Act, 1962
- Labour Relations Act, 1995
- Medical Schemes Act, 1956
- Occupational Health and Safety Act, 1993
- Skills Development Act, 1998
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991

5. CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

5.1 Statutory and Legal

- statutory registers
- annual reports
- statutory Records & returns, including incorporation documents, memorandum of incorporation and share register
- minutes of meetings
 - board minutes
 - Meetings of members
 - List or register of registers of the Company
 - Share register of the company
 - Shareholders
 - Power of attorney agreements and a list of persons authorised to bind the Company
 - Attendance registers
 - management committees
 - Minutes of staff meetings
- contractual and legal agreements
- intellectual property: trademark certificates
- licences
- Statutory records
- copyrights & designs
- health and safety records

5.2 Human Resources

- HR policies & procedures
- Employment Contracts
- employment equity plan and report
- skills development plan and report
- employee records
- List of employees
- Employee benefits
- Industrial Relations (IR) disciplinary and grievance procedures and hearings, including CCMA Records
- incentive scheme rules Remuneration records and policies
- Arbitration orders and agreements
- General Correspondence
- Training records
- Tax records (Company &Employee)

5.3 Administration, Finance & Accounting:

- accounting records
- Annual Financial Statements
- tax returns
- VAT returns
- policies & procedures
- Budgets

- Banking records
- Financial transactions
- Internal audits
- Production records

5.4 Insurance

- policies, including coverage, limits and insurers
- claim records
- Insurance information

5.6 Information technology

- hardware
- software packages
- licences
- IT policies and procedures
- operating systems

5.7 Sales and Marketing

- Customer records
- Credit application forms
- Service level Agreements
- Statements of account
- Terms & conditions
- Contracts
- Marketing material and media releases: brochures, newsletters and advertising materials

5.8 Assets

- leases
- Land and builder register
- Fixed assets register
- Title deeds
- Tenants information and correspondence
- Asset register
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets
- Credit facilities and letters of credit

5.9 Operational information

This information can be defined as information needed in the day-to-day running of the organization. (Examples of such information are: internal telephone lists, address lists, company policies, company procedures, employee staff handbook, Finance manual, industry related statistical data, data subject databases, management information reports and lease agreements, title deeds, property development information, construction drawings and architectural drawings.)

6. OTHER INFORMATION AS MAY BE PRESCRIBED [SECTION 51(1)(f)]

Not applicable.

7. ACCESS: PROCEDURE, AVAILABILITY AND FEES

7.1 How to Request a Record (Section 53)

- A request for access to a record as contemplated in 53(1) of the Act, must be made on a form that corresponds substantially with Form, of Annexure A, to the information officer. Failure to make use of the

prescribed form could result in your Request being refused or delayed.

- A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining to him/herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identity, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested Record is required for the exercise or protection of that right.
- If a Request is made on behalf of a person, the Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

7.2 Decision on Request (Section 56)

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
 - If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s)
 - In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- The Requestor may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

7.3 Availability

This Manual is available on The HPPSA's website, www.hpp-sa.org alternatively at the following address:

Humana People to People in South Africa
5/11 Richmond Road
Pinetown
3610

7.4 Fees

The fees payable in respect of access to Records are attached as Annexure 2.

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
FORM C**

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Information Officer: Humana People to People in SA Group in respect of _____
(specify company or operating division, if applicable)

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Identity number:	
Postal address:	
Fax number:	
Telephone number: E-mail address:	
Capacity in which request is made, when made on behalf of another person:	

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:	
Identity number:	
Postal address:	
Fax number:	
Telephone number: E-mail address:	
Capacity in which request is made, when made on behalf of another person:	

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) A Request for access to a Record, other than a Record containing personal information about you, will be processed only after a Request fee has been paid.
- (b) You will be notified of the amount payable as the Request fee.
- (c) The fee payable for access to a Record depends on the form in which access is required and the reasonable time required to search for and prepare a Record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption of payment of the fee (if any):

F. Form of access to Record

If you are prevented by a disability to read, view or listen to the Record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the Record is required.

Disability	Form in which Record is required:
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Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your Request in the specified form may depend on the form in which the Record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the Record, if any, will be determined partly by the form in which access is requested.

1. If the Record is in written or printed form:

<input type="checkbox"/>	Copy of Record*	<input type="checkbox"/>	Inspection of Record
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2. If Record consists of visual images

(This includes photographs, slides, video Recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcript of the images*
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3. If Record consists of Recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	Listen to the soundtrack (Audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (Written or printed document)
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4. If Record is held on computer or in an electronic or machine -readable form:

<input type="checkbox"/>	Printed copy of Record*	<input type="checkbox"/>	Printed copy of information	<input type="checkbox"/>	Copy in computer readable form* 10 (Stiffy or compact disc)
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			derived from the Record*			
*If you requested a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you? Postage is payable.					YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The Requestor must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

2. Explain why the requested Record is required for the exercising or protection of the aforementioned right:

H. 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 in another manner, please specify the manner and provide the necessary particulars to enable compliance 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 REQUESTOR / PERSON ON WHOSE BEHALF REQUEST IS MADE

FEES PAYABLE

1. Copy of manual
The fee for a copy of the manual is R1,10 for every photocopy of an A4-size page or part thereof.
2. Reproduction fees
The fees for preparation of Records referred to in regulation 11(1) are as follows:

	Rand
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on:	
(i) Electronic media, i.e. diskette	7,50
(ii) Compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio Record, for an A4-size page or part thereof	20,00
3. Request fee
The Request fee payable by a Requestor, other than a personal Requestor, referred to in Regulation 11(2) is R50,00.
4. Access fees
The access fees payable by a Requestor referred to in regulation 11(3) are as follows:

	Rand
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) Electronic media, i.e. diskette	7,50
(ii) Compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio Record, for an A4-size page or part thereof	20,00
(f) To search for and prepare the Record for disclosure for each hour or part of an hour reasonably required for such search and preparation	30,00

For purposes of section 22(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the Requestor.

The actual postage is payable when a copy of a Record must be posted to a Requestor.