



PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

THE ASSOCIATION FOR THE AGED (NPO 002-093)

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (Private Body)

DECEMBER 2011



CONTENTS

| | |
|---|----|
| 1. INTRODUCTION TO THE ASSOCIATION FOR THE AGED | 3 |
| 2. BACKGROUND, SCOPE AND AVAILABILITY..... | 4 |
| 3. CONTACT PERSON..... | 5 |
| 4. HRC GUIDE..... | 6 |
| 5. AUTOMATIC DISCLOSURE | 7 |
| 6. LEGISLATIVE RECORDS | 8 |
| 7. RECORDS HELD | 10 |
| 8. ACCESS REQUESTS..... | 11 |
| 9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS | 14 |
| FORM C..... | 15 |

1. INTRODUCTION TO THE ASSOCIATION FOR THE AGED

The organisation's mission is dedicated to the alleviation of distressed, and the promotion of the welfare and happiness of aged persons living in the Durban area.

2. BACKGROUND, SCOPE AND AVAILABILITY

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as THE ASSOCIATION FOR THE AGED information manual and provides reference to the records held by THE ASSOCIATION FOR THE AGED and the process to request access to such records.

This manual is limited to the records held by THE ASSOCIATION FOR THE AGED and does not extend to any other entities.

In addition to the prescribed availability a copy of this manual is available to the public for inspection on request from the designated contact person referred to in this manual.

3. CONTACT PERSON

SECTION 51(1)(a) CONTACT DETAILS

Ms Renee Chislett, Divisional Manager-Administration, of THE ASSOCIATION FOR THE AGED is responsible for ensuring that the requirements of the Promotion of Access to Information Act are administered in a fair, objective and unbiased manner for the entity. Accordingly, all requests for access to records relating to the entity should be addressed to:

| | |
|----------------------------------|--|
| Name of Non-profit Organization: | THE ASSOCIATION FOR THE AGED |
| Contact Person: | Ms. Renee Chislett |
| Postal Address: | P O Box 2983 Durban, KZN 4000 |
| Physical Address: | 80 Samora Machel Street Durban, KZN 4001 |
| Phone Number: | +27 (31) 332 3721 |
| Fax Number: | +27 (86) 297 0774 |
| E-mail: | reneec@tafta.org.za |

4. HRC GUIDE

SECTION 51(1)(b) GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, inter alia, as follows:

The South African Human Rights Commission:

PAIA Unit

29 Princess of Wales Terrace, cnr. York and St. Andrews Street

Parktown

Kindly direct any queries to:

| | |
|-----------------|---|
| Postal Address: | Private Bag 2700 Houghton 2041 |
| Phone Number: | +27 (11) 484 8300 |
| Fax Number: | +27 (11) 484 0582 |
| E-mail: | PAIA@sahrc.org.za |
| Website: | http://www.sahrc.org.za |

5. AUTOMATIC DISCLOSURE

SECTION 51(1)(c) RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

6. LEGISLATIVE RECORDS

SECTION 51(1)(d) RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

In terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act, No. 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Constitution of South Africa Act, No. 108 of 1996
- Copyright Act, No. 98 of 1987
- Collective Investment Schemes Control Act, No. 45 of 2002
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Environment Conservation Act, No. 73 of 1989
- Financial Intelligence Centre Act, No. 38 of 2001
- Formalities in Respect of Leases of Land Act, No.18 of 1969
- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- Long Term Insurance Act, No. 52 of 1998
- National Building Regulations and Building Standards Act, No.103 of 1997
- National Road Traffic Act, No. 93 of 1996
- Non Profit Organisations Act, No. 71 of 1997
- Occupational Health and Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Protected Disclosures Act, No. 26 of 2000
- Patents Act, No. 57 of 1987
- Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002
- Sales and Service Matters Act, No. 25 of 1964

- Skills Development Act, No. 97 of 1997
- Skills Development Levy Act, No. 9 of 1999
- Short Term Insurance Act, No. 53 of 1998
- Securities Services Act, No. 36 of 2004
- South African Reserve Bank Act, No. 90 of 1989
- Tobacco Products Control Act, No. 12 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Value-added Tax Act, No. 89 of 1991

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the Divisional Manager-Administration of the Organisation (Ms. Renee Chislett). Your assistance in this regard is appreciated.

7. RECORDS HELD

SECTION 51(1)(e) RECORDS SUBJECT AND CATEGORIES

| | |
|------------------------------------|---|
| Finance and Administration | |
| ▪ Accounting Records | ▪ Statutory and Tax Records |
| ▪ Annual Financial Statements | ▪ Legal Documentation |
| ▪ Donor Correspondence | ▪ Invoices, Receipts and Statements |
| ▪ Agreements | ▪ Organisation Information |
| ▪ Banking Records | ▪ General Ledgers |
| Human Resources | |
| ▪ Accounting and Payroll Records | ▪ Leave Records |
| ▪ BEE Statistics | ▪ PAYE Records and Returns |
| ▪ Career Development Records | ▪ Performance Management Details |
| ▪ Personnel Information | ▪ Policies and Procedures |
| ▪ Employment Equity Reports | ▪ Returns to UIF |
| ▪ General Terms of Employment | ▪ Retirement Benefit Records |
| ▪ Letters of Employment | ▪ Medical Aid Records |
| Corporate Governance | |
| ▪ Codes of Conduct | ▪ Risk Management Records |
| ▪ Legal Compliance Records | ▪ Policies |
| ▪ Meeting Minutes | |
| Statutory and Secretarial | |
| ▪ Applicable Statutory Documents | ▪ Organisation Structure Diagrams |
| ▪ Annual Reports | ▪ Meeting Minutes |
| IT Management | |
| ▪ Contracts and Agreements | ▪ Information Policies, Standards, Procedures and Guidelines |
| ▪ Equipment Register | |
| Education and Training | |
| ▪ Training Material | ▪ Training Records and Statistics |
| ▪ Training Agreements | |
| Library and Information | |
| ▪ External Publications | ▪ Reference Works |
| ▪ Internal Publications | |
| Marketing and Communication | |
| ▪ Proposal Documents | ▪ Communication Strategies |
| ▪ New Developments | ▪ Agreements |
| ▪ Brand Information Management | ▪ Marketing Brochures |
| ▪ Marketing Strategies | |



| Operations | |
|--------------------------------|----------------------------------|
| ▪ Access Control Records | ▪ Trade Mark Documents |
| ▪ Agreements | ▪ Insurance Documentation |
| ▪ Archival Admin Documentation | ▪ PABX Management Information |
| ▪ Contracts | ▪ Service Level Agreements |
| ▪ General Correspondence | ▪ Vehicle Registration Documents |

8. ACCESS REQUESTS

SECTION 51(1)(e) ACCESS REQUEST PROCEDURE

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Completion of Access Request Form

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed (Form C of Annexure B as identified in Government Notice Number 187, Regulation 6 as attached hereto).
- Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

Submission of Access Request Form

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above.

Payment of Fees

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees.

An initial, request fee currently R57.00 (incl. VAT) is payable on submission. This fee is not applicable to any person seeking access to records that contain their personal information.

The access fee must be paid prior to access being given to the requested record. If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11).

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Notification

THE ASSOCIATION FOR THE AGED will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which THE ASSOCIATION FOR THE AGED has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of THE ASSOCIATION FOR THE AGED and the information cannot reasonably be obtained within the original 30 day period. THE ASSOCIATION FOR THE AGED will notify the requester in writing should an extension be sought.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

CHAPTER 4

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed in confidence by a third party to THE ASSOCIATION FOR THE AGED if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of THE ASSOCIATION FOR THE AGED which may include:
 - Trade secrets of THE ASSOCIATION FOR THE AGED
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of THE ASSOCIATION FOR THE AGED.

FORM C

SECTION 51(1)(e) ACCESS REQUEST FORM

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

All requests for access to records relating to the entity should be addressed to:

| | |
|--------------------------|---|
| Company Name: | THE ASSOCIATION FOR THE AGED |
| Contact Person: | Ms. Renee Chislett |
| Postal Address: | P O Box 2983 Durban 4000 |
| Physical Address: | 80 Samora Machel Street Durban 4001 |
| Phone Number: | +27 (31) 332 3721 |
| Fax Number: | +27 (86) 297 0774 |
| E-mail: | reneec@tafta.org.za |



B. Particulars of person requesting access to the record (if Natural Person)

- (a) Particulars of person requesting access to the record must be given below.
- (b) Furnish an address and/or fax number in the Republic to which the information is to be sent.
- (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 requesting access to the record (if Legal Entity)

- (a) Particulars of entity requesting access to the record must be given below.
- (d) Furnish an address and/or fax number in the Republic to which the information is to be sent.
- (e) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of entity: _____

Registration 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 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: _____

E. 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:

F. Fees

- (a) 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.



- (b) You will be *notified* of the amount required to be paid 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 from payment of fees:

G. 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 |
| <p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p> | |

| | | | | | |
|---|-----------------|--|----------------------|--|------------------------------|
| 1. If the record is in written or printed form: | | | | | |
| | Copy of record* | | Inspection of record | | |
| 2. If record consists of visual images | | | | | |
| (this includes photographs, slides, video recordings, computer-generated images, sketches, etc) | | | | | |
| | View the images | | Copy of the images* | | Transcription of the images* |



| | | | | | | |
|--|---|--|--|--|--|----|
| 3. If record consists of recorded words or information which can be reproduced in sound: | | | | | | |
| | Listen to the soundtrack (audio cassette) | | Transcription of soundtrack* (written or printed document) | | | |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | | | | |
| | Printed copy of record* | | Printed copy of information derived from the record* | | Copy in computer readable form* (stiffy or compact disc) | |
| *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 |

H. 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 requester must sign all the additional folios.**

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

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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 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 REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE