

PAIA Manual

in terms of Section 51 of The Promotion of Access to Information Act 2000 (Act No. 2 of 2000) (PAIA)






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1. Purpose

This PAIA Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA). PAIA gives effect to our Constitutional right of access to information. The provisions of Section 32 of the Constitution provide for the right of access to information where such information is required by an individual to protect his/her rights where such information is held by government and where information is held by another person or an entity.

2. Audience

The audience of this manual document includes clients, employees, partners and service providers of Shout.

3. Scope

The PAIA Manual provides a guide aimed at facilitating requests for information from Shout-It-Now NPC (Shout) in terms of Section 51 of PAIA.

4. Definitions

- **Child** means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself;
- **Client** means those persons to or in respect of whom Shout provides services;
- **Competent Person** means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;
- **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- **Data Subject** means the person to whom personal information relates;
- **Employee** means any employee, independent contractor, agent, consultant, sub-contractor or other representative of either Party or their affiliates;

- **Head** means of, or in relation to, a private body means in the case of a juristic person, the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or the person who is acting as such or any person duly authorised by such acting person;
- **Information Officer** means of, or in relation to, a private body means the Head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;
- **Operator** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;
- **PAIA** means the Promotion of Access to Information Act, 2 of 2000;
- **Partner** means an organization who has a contractual relationship with Shout, to administer authorised services on behalf of and/or in conjunction with Shout;
- **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - (b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - (d) the biometric information of the person;
 - (e) the personal opinions, views or preferences of the person;
 - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - (g) the views or opinions of another individual about the person; and
 - (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

- **POPIA** means the Protection of Personal Information Act, No. 4 of 2013, as amended, and includes any regulations to or rules promulgated in terms thereof;
- **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
 - (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - (b) dissemination by means of transmission, distribution or making available in any other form; or
 - (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- **Responsible Party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;
- **Special Personal Information** means Personal Information as referred to in section 26 of POPIA;
- **Service Provider** means an individual or entity that provides services to Shout. The provision of services between the service provider and Shout is governed by a service agreement/ contract.

5. Availability of Manual

Copies of this PAIA Manual are available:

- At our reception front desks at our offices:
 - Head Office: 1st Floor, 39 Tokai Rd
Kirstenhof, Cape Town, 7945,
 - Centurion Regional Office: Unit 16, 5 Bauhinia Street
Highveld Techno Park, Centurion, 0157,
 - Brits Regional Office: 2 Prins Street, Brits, 0250, and
 - Mafikeng Regional Office: Unit 25, 46 Carrington Street,
Mafikeng Industrial, Mafikeng, 2745;
- On request from our Information Officer (refer to Clause 6);
- On our website: <https://shoutitnow.org/>; and
- From the Information Regulator

This manual will be updated from time to time, as and when required.

6. Information Officer

The details of our Information Officer are:

Name and Surname: John Barton-Bridges

Designation: Acting Chief Executive Officer and Chief Financial Officer

Telephone: +27 (0)21 713 4414

Email address: informationofficer@shoutitnow.org

7. Section 10 guide to PAIA

A guide has been compiled, in terms of section 10 of PAIA, by the South African Human Rights Commission. The guide contains information on how a person wishing to exercise their rights, in terms of PAIA, may do so. The guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission:

Telephone: +27 (0)11 877 3600

Facsimile: +27 (0)11 403 0668

Postal address: Braampark Forum 3, 33 Hoofd Street, Braamfontein

Website: <http://www.sahrc.org.za/>

8. Your rights

Data subjects have the following rights in relation to your Personal Information, where legally permissible:

- Right of access: the right to make a written request for details of your Personal Information and a copy of that Personal Information;
- Right to rectification: the right to have inaccurate information about you corrected or removed;
- Right to erasure: the right to have certain Personal Information about you erased;
- Right to restriction of processing: the right to request that your Personal Information is only used for restricted purposes;
- Right to object: the right to object to processing of your Personal Information in cases where our processing is based on the performance of a task carried out in the public interest, to protect legitimate interests

of yours or we have let you know the processing is necessary for our or a third party's legitimate interests;

- Right to information portability: the right to ask for the Personal Information you have made available to us to be transferred to you or a third party in machine-readable formats;
- Right to withdraw consent: the right to withdraw any consent you have previously given us to handle your Personal Information. If you withdraw your consent, this will not affect the lawfulness of our use of your Personal Information prior to the withdrawal of your consent and we will let you know if we will no longer be able to provide you your chosen product or service;
- Right in relation to automated decisions: you have the right not to be subject to a decision based solely on automated processing which produces legal effects concerning you or similarly significantly affects you, unless it is necessary for entering into a contract with you, it is authorised by law or you have given your explicit consent. We will let you know when such decisions are made, the lawful grounds we rely on and the rights you have.

Please note: Your rights are not absolute: they do not always apply in all cases and we will let you know in our correspondence with you how and whether we will be able to comply with your request.

It is important to note that there are impacts to invoking your rights under PAIA. For example, if you choose to invoke the right to erasure, the impact may be that we are unable to continue providing you with services.

Should you, at any time, wish to object, or have evidence that we are not reasonably processing your personal information in a manner that preserves the confidentiality, privacy and security thereof as required by law, you may notify us accordingly, either telephonically or in writing, and we will then ensure that your complaint or query is investigated and dealt with.

Should you wish to exercise any of the above rights you may contact Shout's Information Officer at informationofficer@shoutitnow.org.

Should you not be satisfied with the outcome, you also have the right to lodge a complaint regarding the processing of your Personal Information with the Information Regulator. In terms of POPIA, you are also entitled to direct a

compliant to the Office of the Information Regulator, South Africa at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, P.O Box 31533, Braamfontein, Johannesburg, 2017, email general – infoereg@justice.gov.za; complaints – POPIAComplaints.IR@justice.gov.za.

9. How to request access to information

In terms of your Right to Access in terms of PAIA, you may contact us to determine whether we hold any of your Personal Information and thereafter, to request that we rectify or delete such information (to the extent that we are not prohibited from doing so by any law), should it be found to be inaccurate or outdated.

POPIA provides that a data subject may, upon proof of identity, request Shout to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Shout must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee. The fees payable are detailed in clause 13, [Fees in respect of records requested](#).

In this regard, below we have outlined the manner and procedure in which you may request information from us.

Appendix A: Access request form is the prescribed form attached hereto that must be completed in order to determine whether we hold any of your Personal Information. The completed form must be submitted to the Information Officer at the details contained in clause 6, [Information Officer](#).

A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.

Requests will be processed within 30 (thirty) days from the approval date of the access request form, unless the request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed below in clause 14, [Grounds for refusal of access to records and remedies available for refusal](#)

POPIA provides, unless legislation provides for such processing, that a data subject may object, at any time, on reasonable grounds, to the processing of their personal information by Shout. The data subject must complete the prescribed form attached hereto as Appendix B – Objection to the Processing of Personal Information and submit it to the Information Officer at the postal, physical address or electronic mail address contained in clause 6, [Information Officer](#).

Section 24 of POPIA provides that a data subject having provided adequate proof of identity may request access to personal information as per Appendix A: Access request form by submitting a request to the Information Officer at the postal, physical address or electronic mail address contained in clause 6, [Information Officer](#).

A data subject may also request Shout to correct personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete or misleading.

A data subject may also request Shout to destroy or delete a record of personal information about the data subject in its possession or under its control that Shout is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions or personal information that was obtained unlawfully.

A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal, physical address or electronic mail address contained in clause 6, [Information Officer](#), attached hereto as Appendix C - Request for correction or deletion of Personal Information or destroying or deletion of record of Personal Information.

10. Records automatically available

No notice has been published on the categories of records that are automatically available without a person having a request access in terms of Section 52(2) of PAIA.

The following categories of records are automatically available for inspection and do not need to be requested in terms of PAIA: newsletters, brochures, and any other information provided on the Shout's website at www.shoutitnow.org.

11. Records available in terms of other legislation

This manual must describe those records which a private body must make available in terms of any other legislation. Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws.

This list is by no means exhaustive and is intended to serve as a guide only.

- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) (BBBEE Act);
- Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- Companies Act, 2008 (Act No. 71 of 2008);
- Compensation for Occupational Injuries and Diseases Act, 1993 (Act No.130 of 1993);
- Cybercrimes Act, 2020 (Act. No 19 of 2020)
- Electronic Communications Act, 2005 (Act No. 36 of 2005);
- Electronic Communications and Transaction Act, 2002 (Act No. 25 of 2002);
- Employment Equity Act, 1998 (Act No. 55 of 1998);
- Health Professions Act, 1974 (Act No. 56 of 1974);
- Income Tax Act, 1962 (Act No. 58 of 1962)
- Labour Relations Act, 1995 (Act No. 66 of 1995);
- Non-profit Organisations Act, 1997 (Act No. 71 of 1997);
- Occupational Health and Safety Act, 1993 (Act 85 of 1993);
- Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

- Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPI);
- Skills Development Levies Act, 1999 (Act No. 9 of 1999);
- Unemployment contributions Act, 2001 (Act No. 63 of 2001);
- Value Added Tax Act, 89 of 1991.

12. Subjects and categories of records held

Records are held in the subjects and categories listed below. The fact that a record type is listed here does not necessarily mean that we will disclose such records, and all access is subject to the evaluation processes outlined within this policy, which will be exercised in accordance with the requirements of the PAIA.

As a detailed list of all records is not a requirement, four broad subjects have been identified and listed below, namely:

- Employee records,
- Client-related records,
- Private body records, and
- Records in the possession of or pertaining to other parties.

12.1 Employee records

Employee records include the following:

- Any personal records provided to Shout by the employee,
- Any records a third party has provided to the private body about any of their employees,
- Conditions of employment and other employee-related contractual and quasi-legal records,
- Internal evaluation records, and
- Other internal records and correspondence.

12.2 Client-related records

Client-related information includes the following:

- Any records or information provided to Shout by a client,
- Any records a client has provided to a third party acting for or on behalf of the private body,
- Any records, including quasi-legal records, a third party has provided to the private body, and
- Records generated by or within the private body pertaining to the client, including transactional records.

12.3 Private body records

The following are considered to include but not be limited to records which pertain to Shout's own affairs:

- Commercial contracts,
- Financial records,
- Operational records,
- Databases,
- Marketing records,
- Internal correspondence,
- Statutory records,
- Internal policies and procedures, and
- Records held by officials of the private body.

12.4 Records in the possession of or pertaining to other parties

Shout may possess records pertaining to other parties, including without limitation contractors, suppliers, and service providers. Alternatively, such other parties may possess records which can be said to belong to Shout.

The following records fall under this category:

- Employee, client or private body records which are held by another party as opposed to being held by the private body, and
- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

13. Fees in respect of records requested

Payment of fees is regulated in terms of section 54 of the PAIA. These fees can change from time to time. The Regulations, provide for two types of fees:

- Request fee: which is a form of administration fee paid by all requestors, before the request is considered, and is not refundable. This fee is not applicable to personal requestors, i.e., any person who is seeking access to records that contain the personal information of the requestor.

If in the Information Officer's opinion, the search for a record, or preparation of the record for disclosure will require more than the

prescribed hours, the Information Officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

- Access fee: which is paid by all requestors in the event of a request for access being granted. This fee is intended to re-imburse the private body for the costs involved in searching for a record, reproduction of a record and preparing it for delivery to the requestor. If a request by a personal requestor has been granted, they will be liable for the access fee.

Requestors should be advised that the private body may withhold a record until the request fee and the deposit (if applicable) have been paid.

The breakdown of fees is listed below:

Private bodies

- Request fee – R50 per request
- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Fees levied are published by the Minister and are displayed above. Levies published by the Minister are subject to change and at the time of publishing the above fees were correct.

14. Grounds for refusal of access to records and remedies available for refusal

Grounds for refusal of a request of access to records

A potential requestor should be cautioned that notwithstanding compliance with section 50, there are various grounds for refusal in terms of the PAIA.

A request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

- Section 63 prohibits the unreasonable disclosure of the personal information of natural person third parties to requestors;
- Section 64 mandates that a request must be refused if it relates to records containing third party information pertaining to:
 - trade secrets,
 - financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party, or
 - information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement;
- In terms of section 66, a private body must refuse a request if disclosure could reasonably be expected to:
 - endanger the life or physical safety of an individual,
 - prejudice or impair the security of a building, structure or system, means of transport, or other property, or
 - methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public;
- Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived it;
- Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a

request, is not mandatory, but rather discretionary. The private body may refuse access to a record if the record:

- contains trade secrets of the private body,
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the private body,
- contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice the private body in commercial competition, or
- consists of a computer program owned by the private body; and
- Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the private body itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk; and
- the public interest in the disclosure clearly outweighs the harm.

Remedies available for refusal of access to records

There are remedies available to the requestor where there has been a refusal of a request to access records. The requestor may in terms of sections 56(3)(c) and 78 of PAIA apply to a court within 180 days of notification of the decision for appropriate relief.

15. Version History

Date	Version	Editor	Summary of changes
04/08/2022	1.0	Kaylin Scheepers	Creation of PAIA Manual

16. Annexure A: Access Request Form

Mark the appropriate box with an **X**.

1. If the Record is in written or printed form:					
Copy of record*	<input type="checkbox"/>	Inspection of Record	<input type="checkbox"/>		
2. If Record consists of visual images - (such as photographs, slides, video Recordings, etc.):					
View the images	<input type="checkbox"/>	Copy of the images*	<input type="checkbox"/>	Transcription of the images*	<input type="checkbox"/>
3. If Record consists of audio recording:					
Listen to the audio recording	<input type="checkbox"/>	Transcription of audio recording* (written or printed document)	<input type="checkbox"/>		
4. If Record is held on computer or in an electronic or machine-readable form:					
Printed copy of Record*	<input type="checkbox"/>	Printed copy of information derived from the Record*	<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disc)	<input type="checkbox"/>

*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 <input type="checkbox"/>	No <input type="checkbox"/>
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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 below, state your disability and indicate in which form the Record is required.

Disability:	Form in which Record is required:
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17. Appendix B: Objection to the Processing of Personal Information

DETAILS OF DATA SUBJECT	
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of responsible party:	
Unique Identifier/ Identity Number/ Registration Number of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
REASONS FOR OBJECTION IN TERMS <i>(Please provide detailed reasons for the objection)</i>	

Signed at this day of.....20.....

.....
Signature of data subject/designated person

18. Appendix C: Request for correction or deletion of Personal Information or destroying or deletion of record of Personal Information

Mark the appropriate box with an **X**.

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

DETAILS OF DATA SUBJECT	
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of responsible party:	
Unique Identifier/ Identity Number/ Registration Number of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED	

<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i></p>

Signed at this day of.....20.....

.....
Signature of data subject/designated person