

THE HOPE THROUGH ACTION FOUNDATION SA NPC

PAIA COMPLIANCE POLICY (JULY 2021)



THE HOPE THROUGH ACTION FOUNDATION (SA) NPC

(REGISTRATION NUMBER: 2009/016163/08

(Hereinafter referred to as “THE HOPE THROUGH ACTION FOUNDATION (SA) NPC” or “the company”)

MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION

ACT NO. 2 OF 2000

(hereinafter referred to as “The Act”)

1 INTERPRETATION

1.1 Interpretation

In this document the following rules of interpretation apply unless the contrary intention appears:

- (a) headings are for convenience only and do not affect the interpretation of this document;
- (b) the singular includes the plural and vice versa;
- (c) words that are gender neutral or gender specific include each gender
- (d) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings
- (e) the words “such as”, “including”, “particularly” and similar expressions are not used as, nor are intended to be interpreted as, words of limitation
- (f) a reference to:
 - (i) a person includes a natural person, partnership, joint venture, government agency, association, corporation, trust or other body corporate
 - (ii) a party includes its agents, successors and permitted assigns
 - (iii) a document includes all amendments or supplements to that document
 - (iv) a clause, term, party, schedule or attachment is a reference to a clause or term of, or party, schedule or attachment to this document;

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- (v) this document includes all schedules and attachments to it
- (vi) a law includes a constitutional provision, treaty, decree, convention, statute, regulation, ordinance, by-law, judgment, rule of common law or equity and is a reference to that law as amended, consolidated or replaced
- (vii) a statute includes any regulation, ordinance, by-law or other subordinate legislation made under it
- (viii) an agreement other than this document includes an undertaking, or legally enforceable arrangement or understanding whether or not in writing
- (g) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this document or any part of it
- (h) when the day on which something must be done is not a Business Day, that thing must be done on the following Business Day
- (i) in determining the time of day where relevant to this document, the relevant time of day is:
 - (i) for the purposes of giving or receiving notices, the time of day where a party receiving a notice is located
 - (ii) for any other purpose under this document, the time of day in the place where the party required to perform an obligation is located
- (j) a day is the period of time commencing at midnight and ending immediately before the next midnight is to occur;

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- (i) if a period of time is calculated from a particular day, act or event (such as the giving of a notice), it is to be calculated exclusive of that day, or the conflict between the body of this document and its schedules and/or attachments the terms of the main body of this document will prevail.

2 INTRODUCTION

This document has been compiled in accordance with section 51 of the Act and is subject to updates and amendments from time to time. The most recent version of this document shall be published and distributed in accordance with the provisions of the Act.

3 PURPOSE

THE HOPE THROUGH ACTION FOUNDATION (SA) NPC is committed to protecting the privacy of data subjects and will adhere to strict compliance with the Act. This document sets out the privacy policy of THE HOPE THROUGH ACTION FOUNDATION (SA) NPC and provides user friendly guidelines to facilitate requests for access to information records of the company as provided for in the Act.

4 COMPANY PARTICULARS

Full name : THE HOPE THROUGH ACTION FOUNDATION (SA) NPC
Registration No : 2009/016163/08
Physical address : 178 BOSCHENMEER
WEMMERSHOEK ROAD
PAARL
WESTERN CAPE
Postal address : P O BOX 3227
PAARL
WESTERN CAPE

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7646
Telephone : 074 316 7700
Website : www.hopethroughaction.co.za
Email : jeffspinks6@gmail.com

5 INFORMATION OFFICER

INFORMATION OFFICER: JEFFREY THOMAS SPINKS

Physical address : 178 BOSCHENMEER
WEMMERSHOEK ROAD
PAARL
WESTERN CAPE
7646
Contact number : 074 316 7700
Email : jeffspinks6@gmail.com

6 OFFICIAL GUIDE

The Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission containing such information, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act and the Protection of Personal Information Act, No 4 of 2013.

This guide is available at :

Postal address : Private Bag 2700, Houghton 2041
Website : www.sahrc.org.za
Telephone number : 011 877 3600
Fax number : 011 403 0684

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7 CATEGORIES OF RECORDS HELD WHICH ARE AVAILABLE TO THE PUBLIC AND/OR EMPLOYEES WITHOUT HAVING TO REQUEST ACCESS

7.1 The following categories of information are available for inspection, purchase, or photocopying. An official request in terms of the Act is therefore not required to access these categories of information;

7.2 Request forms for these categories of information are available from our information officer, whose contact details appear in paragraph 5 of this document:

GUARENTEES
PRODUCT CATALOGUES
COMPLIANCE CERTIFICATES
NEWSLETTERS
REPORTS FOR CONSUMERS
PAMPHLETS/BROCHURES
POSTERS
OTHER DOCUMENTS OR MATERIAL INTENDED FOR PUBLIC VIEWING

7.3 The following categories of information are available to employees, insofar as it relates to the particular employee, for inspection or photocopying. An official request in terms of the Act is therefore not required to access these categories of information;

7.4 Request forms for these categories of information are available from our information officer, whose contact details appear in paragraph 5 of this document:

EMPLOYEE RECORDS
DISCIPLINARY RECORDS
COMPANY POLICY AND PROCEDURE
EMPLOYMENT EQUITY
SKILLS DEVELOPMENT

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8 RECORDS HELD IN ACCORDANCE WITH ANY OTHER LEGISLATION

Access to these categories of information requires an official request in terms of the Act:

VALUE-ADDED TAX ACT 89 OF 1991 <ul style="list-style-type: none">• Returns
INCOME TAX ACT 58 OF 1962 <ul style="list-style-type: none">• Returns
UNEMPLOYMENT INSURANCE ACT 63 OF 2001 <ul style="list-style-type: none">• UIF
SKILLS DEVELOPMENT LEVIES ACT 9 OF 1999 <ul style="list-style-type: none">• Levies
SKILLS DEVELOPMENT ACT 97 OF 1998 <ul style="list-style-type: none">• Training
NATIONAL CREDIT ACT 34 OF 2005 <ul style="list-style-type: none">• Credit agreements
COMPANIES ACT 71 OF 2008 <ul style="list-style-type: none">• CK forms• Agreements• Reports• Annual Financial Statements• Records• Notices• Minutes• Agendas• Resolutions• Registers• Personal information
COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT 130 OF 1993 <ul style="list-style-type: none">• Claims• Compliance
OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993 <ul style="list-style-type: none">• Compliance
INSURANCE ACT 18 of 2017 <ul style="list-style-type: none">• Policies
CHILDRENS ACT 38 OF 2005 <ul style="list-style-type: none">• Consents• Other

9 SUBJECTS OF INFORMATION HELD AND CATEGORIES OF RECORD

Access to these categories of information requires an official request in terms of the Act and may be subject to the payment of a prescribed fee:

COMPANY INFORMATION

- Foundational documents
- Internal rules
- Annual General Meeting
- Audit
- Accounting
- Notices
- Minutes
- Resolutions
- Registers
- Identification information
- Appointments
- Tax
- Codes of Conduct
- Compliance

ACCOUNTING, FINANCE AND ADMINISTRATION RECORDS

- Bookkeeping records
- Vouchers
- Banking
- Correspondence
- Statements

STATUTORY EMPLOYEE RECORDS

- Contracts
- Registers
- Personal information
- Incentives
- Loans
- Maternity
- Disability
- Funeral
- Housing
- Skills development
- Employment equity

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<ul style="list-style-type: none">• Remuneration• PAYE• Leave• Performance• Medical aid
PRIVATE EQUITY <ul style="list-style-type: none">• Accounts• Reports• Minutes• Funds
AGREEMENTS <ul style="list-style-type: none">• Contractors• Suppliers• Distributors• Shareholders• Directors• Employment• Customers• Lease• Funding• Consents• Other
LEGAL <ul style="list-style-type: none">• Licenses, permits and authorizations• Consents
INFORMATION TECHNOLOGY <ul style="list-style-type: none">• Software• LAN installations• Internal systems support• External systems support• Telecommunications systems• Operating systems• Policies
BLACK ECONOMIC EMPOWERMENT <ul style="list-style-type: none">• Rating

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10 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

10.1 Should the company not be able to find the records requested despite taking all reasonable steps to find the requested record, and there are reasonable grounds for believing that the record:

- i. cannot be found; or
- ii. does not exist,

10.2 the information officer shall notify the requester in writing affirming that it is not possible to give access to that record and the reasons why access cannot be given;

10.3 If the record in question is found, the requester concerned will be given access to the requested record, unless access is refused in terms of the Act.

11 OFFICIAL REQUEST FOR ACCESS TO INFORMATION IN TERMS OF PAIA

11.1 Form of request:

11.1.1 A request for access to records held by the company must be made using the prescribed form and submitted at the physical address, fax number or email address of the company. See "ANNEXURE 1" for the prescribed form;

11.1.2 The prescribed form must be completed with sufficient particulars to enable the information officer to:

- a) identify the record(s) requested and the requestor of the record(s)
- b) indicate which form of access is required;
- c) specify a postal address or facsimile number of the requestor;
- d) identify the right the requestor is seeking to protect and why the requested record is required for the exercise or protection of that right;
- e) if in addition to a written reply, the requestor requests to be informed of the decision on the request in any other manner, to

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state that manner and the necessary particulars to be so informed; and

- f) if the request is made on behalf of another person, to submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the information officer.

11.2 Procedure:

11.2.1 Comply with the requirements detailed in paragraph 11.1 of this document;

11.2.2 Submit the completed form and the payment of the applicable fee to the information officer at one of the following:

- a) Postal address;
- b) Physical address;
- c) Facsimile number; or
- d) Electronic mail address.

11.2.3 Decision on the request and notice thereof shall be given by the information officer as soon as is reasonably possible, and within 30 days after the request has been received:

- a) Decide whether to grant access;
- b) Notify the requestor of the decision;
- c) Provide reasons as soon as is reasonably possible (if requested);
- d) The applicable fees (if any) should access be given;
- e) Form in which access will be given if granted;
- f) Notice that the requester may lodge a complaint with the information regulator or an application with the court against the payable fees (if any), or the form of access granted, and the procedure, including the period allowed, for lodging a complaint to the information regulator or the application.

11.2.4 If the request for access is refused, the notice shall:

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- a) State adequate reasons for the refusal, including the provisions of the Act relied on for refusal;
- b) Exclude, from any such reasons, any reference to the content of the record; and;
- c) State the requestor may lodge a complaint with the information regulator or an application with a court against the refusal of the request, and the procedure, including the period, for lodging a complaint to the information regulator or the application.

11.2.5 If the information officer fails to give a decision on a request for access to the requester for access to the requester concerned within the prescribed period, the information officer is deemed to have refused the request.

11.3 Request and Reproduction fees

(a)	Request fee	R50.00
(b)	For every photocopy of an A4 size page or part thereof	R1.10
(c)	For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(d)	For a copy in a computer-readable form on:	
i.	Transcription of visual images, for an A4 size page or part thereof	R40.00
ii.	Copy of visual images	R60.00
iii.	Transcription of an audio record, for an A4 size page or part thereof	R20.00
iv.	Copy of an audio record	R30.00

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A deposit of one third of the applicable fee shall be payable by the requestor where the preparation for the request shall exceed 6 (Six) hours,

A postage fee shall become applicable where it is necessary to post requested records to the requestor.

12 REFUSAL OF ACCESS

The information officer must refuse a request for access to a record of the body if its disclosure would involve:

- a) The unreasonable disclosure of personal information about a third party, including a deceased individual;
- b) Records containing commercial information of a third party;
- c) Constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;
- d) Reasonable expectation of the endangerment of lives or personal safety of an individual;
- e) Records containing information that is subject to legal privilege, unless the person entitled thereto has waived the privilege
- f) Records containing the commercial information of the company;
- g) Records containing information about research being or to be carried out by or on behalf of a third party which would lead to exposure in terms of section 69 of the Act.

13 AVAILABILITY OF THE PAIA MANUAL

This document is made available at:

- a) www.hopethroughaction.co.za
- b) Company office during office hours;
- c) Information Officer.

14 PROTECTION OF PERSONAL INFORMATION

The company is committed to protecting the privacy of data subjects and will adhere to strict compliance with the Protection of Personal Information Act 4 of 2013 (“POPIA”). The company is furthermore committed to upholding the best interests of the child in accordance with section 28 of the Constitution of the Republic of South Africa, 1996.

For any requests pertaining to records of personal information and matters incidental thereto in terms of the POPIA, refer to the company POPIA Manual available at:

- a) www.hopethroughaction.co.za
- b) Company office during office hours;
- c) Information Officer.

“ANNEXURE 1”

[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

INFORMATION OFFICER: JEFFREY THOMAS SPINKS

Physical address : 178 BOSCHENMEER
WEMMERSHOEK ROAD
PAARL
WESTERN CAPE
7646

Contact number : 074 316 7700

Email : jeffspinks6@gmail.com

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.

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Natural Person:

Full names and surname:

.....

Identity number:

.....

Postal address:

.....

Telephone number: (.....)

Fax number: (.....)

E-mail address:

.....

Capacity in which request is made, when made on behalf of another person:

.....

OR

Legal Entity

Name:

.....

Registration Number:

.....

Postal Address:

.....

Fax Number:

.....

Telephone Number:

.....

Email Address:

.....

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3. Any further particulars of record:

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.....

E. 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:

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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 below, state your disability and indicate in which form the record is required.

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

NOTES:
(a) Compliance with your request for access 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.

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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

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 requester must sign all the additional folios.

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

.....

.....

.....

.....

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.....
.....

2. Explain why the record requested is required for the exercise or protection of the 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..... on this.....day
of..... of the year.....

.....
SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST IS MADE