PAIA Manual

Prepared in terms of section 51 of the **P**romotion of **A**ccess to **I**nformation **A**ct 2 of 2000, as amended

This manual applies to:

FORUM HOMINI cc

Registration number 2004 / 083855 / 23
VAT no: 4840219242
69 Letamo Game Estate
Kromdraai road
Muldersdrift
Gauteng, 1739

Approved by:

Name/Surname .....

Title .....

Date: .....

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1. Introduction and purpose

1.1 This manual is published by Forum Homini cc ("**FH**") in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA").

This Manual applies to information and records owned, held by or otherwise under the control of **FH** and the release of any such information or records.

1.2 **PAIA** was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the "Constitution") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. In terms of section 51 of **PAIA**, all Private Bodies are required to compile an Information Manual ("**PAIA Manual**").

1.3 Where a request is made in terms of **PAIA**, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where **PAIA** expressly provides that the information may be adopted when requesting information from a public or private body.

1.4 PAIA gives effect to the right of access to information in section 32 of the South African Constitution.

1.5 The purpose of **PAIA** is to promote the right of access to information, to foster a culture of transparency and accountability within **FH** by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

1.6 Further **PAIA** promotes effective governance of private bodies, which is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

1.7 Section 9 of **PAIA** recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient, and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

1.7 **PAIA** provides that a person may only request information in terms thereof if that information is required for the exercise or protection of a right. **PoPIA** provides that a Data Subject may, upon proof of identity, request the Responsible Party 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** further provides that where the Data Subject is required to pay a fee for services provided to him/her/it the Responsible Party must provide the Data Subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

1.8 **This manual helps requesters to:**

- know what types of records **FH** holds;
- know how to contact **FH**'s Information Officer;
- know how to request access to a record, and what fees may apply;
- know what remedies are available if a request is refused; and
- understand how **FH** processes personal information under the Protection of Personal Information Act 4 of 2013 ("POPIA").

1.9 Publishing this manual does not create a right to receive any record, access is governed by PAIA.

1.10 It is **FH**'s policy to conduct its operations in compliance with all legal and regulatory requirements. This Manual regulates access to information and records owned, held by or otherwise under the control of **FH** and the release of any such information or records by any of **FH**'s members, officers, employees, agents, or anyone acting on its behalf.

2. Definitions

In this manual:

- "**Data Subject**" means the person to whom personal information relates.
- **"FH"** means Forum Homini cc;
- **"Information Officer"** means the head of **FH**, as defined in PAIA and POPIA, or the person who acts in that role;
- **"Deputy Information Officer"** means a person designated under section 17 of PAIA and section 56 of POPIA;
- **"PAIA"** means the Promotion of Access to Information Act 2 of 2000, including its regulations, as amended;
- **"Personal Information**" means means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including:

  (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 or other particular assignment to the person;
(d) the blood type or any other 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.

- **Private body** means a natural person who carries or has carried on any trade, business or profession in that capacity, a partnership or juristic person.
- **Processing** means any operation or activity or any set of operations, by automatic or manual 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 blocking, degradation, erasure or destruction of information.

- **Public body** means any department or state or administration in the national, provincial or local sphere of government or functionary exercising public power.
- **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.
- **"POPIA"** means the Protection of Personal Information Act 4 of 2013;
- **"Regulator"** means the Information Regulator (South Africa);
- **"Requester"** means a person who requests access to a record of **FH**; and
- **"Record"** has the meaning given in PAIA.

3. Contact details and Information Officers of FH

3.1 **FH name:** Forum Homini cc
Physical address: 69 Letamo Game Estate, Kromdraai road, Muldersdrift, Gauteng, 1739
Telephone: +27 (11) 668 7000
Website: https://www.forumhomini.com

3.2 **PAIA** prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51.

3.3 **FH** has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of **PAIA**.

3.4 The Information Officer appointed in terms of **PAIA** also refers to the Information Officer as referred to in PoPIA. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of PoPIA.

3.5 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of **PAIA** as well as section 56 of PoPIA. This is to render **FH** as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the PoPIA.

3.6 All request for information in terms of this Act must be addressed to the Information Officer.

Information Officer Name:
Willie du Toit Marais
Telephone: +27 (11) 668 7000
Email: io@forumhomini.com

Deputy Information Officer Name:
Elizabeth Gertruida Petronella Meiring
Telephone: +27 (11) 668 7000
Email: io@forumhomini.com

Access to information general contact email: io@forumhomini.com

4. The Regulator's guide on how to use PAIA

4.1 The Regulator has updated and made available the guide described in section 10 of PAIA. It helps a person to exercise their rights under PAIA and POPIA.

4.2 **PAIA** grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of **PAIA** shall be made in accordance with the prescribed procedures, at the rates provided.

4.3 **The guide describes, among other things:**

- the objects of PAIA and POPIA;
- the contact details of the Information Officer and Deputy Information Officers of public and private bodies;
- how to request access to a record of a public body and of a private body;
- the assistance available from the Regulator;
- the remedies available if a body refuses a request or fails to act;
- how to make a complaint to the Regulator; and
- the fees payable for requests.

4.4 **The Regulator's PAIA guide is available from the Regulator:**

Website: https://inforegulator.org.za
Physical address: Woodmead North Office Park, Woodmead North Office Park, 54 Maxwell Dr, Sandton, 2191, South Africa
Telephone: 0800017160
email: enquiries@inforegulator.gov.za

4.5 **The guide is also available in 2 (two) official languages at:**

FH's offices > 69 Letamo Game Estate, Kromdraai road, Muldersdrift, Gauteng, 1739 for inspection during normal business hours.
FH's website > https://www.forumhomini.com

English > https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf
Afrikaans > https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-Afrikaans_20210905.pdf

5. Records available without a request (section 52)

5.1 **FH** has not published a notice under section 52(2) of PAIA. However, the records below are freely available from:

FH's website > https://www.forumhomini.com
FH's offices > 69 Letamo Game Estate, Kromdraai road, Muldersdrift, Gauteng, 1739

without a formal request:

- **FH** profile & brochures
- **FH** menus
- Press releases & marketing flyers
- PAIA manual

5.2 § Records that are freely available may still be subject to **FH**'s ordinary conditions of use, such as copyright.

6. Records available under other legislation

Records are kept as required by the following legislation, among others. Access to these records is governed by that legislation. This clause serves as a reference to the categories of information that **FH** holds. The information is classified and grouped according to records relating to the following subjects and categories:

- Basic Conditions of Employment Act 75 of 1997
  - Employment contract
  - Attendance, timekeeping and overtime records
  - Leave applications and balances
  - Payslips and payroll records
  - Commission, bonus and allowance records
  - Written deduction authorisations
  - Disciplinary code and procedure
  - Grievance procedure
  - Leave, attendance and overtime rules
  - Performance-management procedure
  - Information technology and social-media rules
  - Confidentiality, remote-work or substance-use policies
  - Occupational health and safety appointments,
  - Risk assessments, inspections, training and incident records
  - UIF registration, monthly declarations and contribution records
  - Compensation fund registration, return of earnings records
  - Assessment and injury-on-duty records
  - Valid work authorisation and verification records for foreign-national employees

- Companies Act 71 of 2008
  - All trust deeds
  - Documents of Incorporation
  - Index of names of Members
  - Memorandum of Incorporation
  - Minutes of meetings of the Members
  - Proxy forms
  - Register of debenture-holders
  - Register of Members' equity
  - Equity certificates
  - Equity Register
  - Statutory registers and/or records and/or documents
  - Special resolutions
  - Resolutions passed at General and Special meetings

- Records relating to the appointment of:
  - Auditors
  - Directors
  - Prescribed Officer
  - Public Officer
  - Secretary

- Consumer Protection Act 68 of 2008
  - Sales records & invoices
  - Promotional competition records
  - Intermediary & commission disclosures

- Employment Equity Act 55 of 1998
  - Workforce Profile & Records
  - Employee Declarations (Form EEA1)
  - Employment Equity Analysis
  - Employment Equity Plan
  - Reports Submitted (Form EEA2)
  - Income Differential Statements (Form EEA4)
  - Monitoring & Compliance Records

- Financial Intelligence Centre Act 38 of 2001
  - Cash Transactions
  - Suspicious & Unusual Transactions
  - Property Associated with Terrorist and Sanctioned Activities

- Income Tax Act 58 of 1962
  - General Accounting & Financial Records
  - Income & Employment Certificates
  - Deductions & Allowances
  - Capital Gains Tax
  - Electronic Records

- Labour Relations Act 66 of 1995
  - Collective agreements
  - Arbitration awards
  - Wage determinations
  - Record of strike, lock-out, or protest action

- Occupational Health and Safety Act 85 of 1993

- Written health and safety policy
- Appointment letters
- Hazard identification & risk assessments
- Safe operating procedures
- Incident & accident records
- Health & safety committee records
- Training & competency records
- Emergency preparedness & evacuation plans
- Equipment inspection, maintenance, & test records

- Protection of Personal Information Act 4 of 2013
  - Information Officer Registration Confirmation
  - POPIA & PAIA Manual
  - Privacy Notices & Statements
  - Data Processing & Inventory Records
  - Operator Agreements
  - Data Subject Consent Records
  - Data Retention & Deletion Schedule
  - Security Safeguards & Risk Assessment Documentation
  - Data Breach Incident Log
  - Data Subject Request
  - Employee Confidentiality & POPIA Undertakings

- Skills Development Act 97 of 1998
  - Workplace Skills Plan
  - Annual Training Report
  - PIVOTAL Training Reports
  - Attendance Registers
  - Training Certificates & Qualifications
  - Invoices & Receipts
  - Learnership & Apprenticeship Agreements
  - SARS / SDL Proof of Payment
  - Training Committee Minutes

- Unemployment Insurance Act 63 of 2001
  - Form UI-19
  - Salary & Wage Records
  - Service/Termination Records
  - General Statement/Entry Records

- Value-Added Tax Act 89 of 1991

- Supplies of goods and services
- Invoicing documentation
- Stock and inventory
- Importation documentation in terms of section 16
- Zero-rating or exemption proofs
- Change-of-basis records in terms of section 15

- National Environmental Management Act
  - Environmental Authorisation
  - Environmental Management Programme
    Permits, Licences, and Authorisations
  - Rehabilitation & Closure Plans
  - Specialist Studies & Baseline Reports
  - Method Statements
  - Emergency & Incident Reports
  - Non-Conformance Reports & Corrective Actions

7. Subjects and categories of records held

7.1 **FH** holds records on the subjects as described below. The existence of a category does not mean a record will be released: a request is assessed under PAIA, including its grounds for refusal.

7.2 Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal POPIA requirements, before **FH** will consider access.

Subject	Categories of records
FH records	Incorporation documents, memorandum of incorporation, members registers, minutes of directors' and shareholders' meetings, statutory returns
Financial records	Annual financial statements, annual financial reports, accounting records, bank records, tax returns and records, Invoices, asset registers, bank statements, banking details, bank accounts, debtors & creditors statements and invoices, general ledgers and subsidiary ledgers, general reconciliation, policies and procedures, rental agreements.
Human resources	Employment contracts, personnel files, payroll records, leave and attendance records, disciplinary and grievance records, employment equity records, training records
Commercial records	Customer and supplier contracts, quotations, tenders, correspondence
Insurance	Insurance policies, claim records
Information technology	IT policies, systems documentation, access and security logs, computer & mobile device usage, policy

Subject	Categories of records
	documentation, disaster recovery plans, hardware asset registers, information security standards & procedures, information technology systems, user manuals, information usage policy documentation, project implementation plans, software licensing, system documentation and manuals.
Property and assets	Lease agreements, title deeds, asset registers
Health and safety	Safety policies, incident registers, inspection reports, comprehensive safety, health and environment risk assessment, environmental managements plans, inquiries, inspections, examinations by environmental authorities.
Marketing	Marketing materials, branding records, website content, advertising and promotional material.
Policies and procedures	Internal policies, codes of conduct, standard operating procedures
Legal	Litigation files, legal opinions, regulatory correspondence
Sales	Customer details, Credit application information, Information and records provided by a third party.
Corporate Social Responsibility (CSR)	CSR schedule of project & record of organisations that receive funding, reports, books, publications and general information related to CSR spend, records and contracts of agreement with funded organisations.
Risk Management	Audit reports, risk management frameworks, risk management plans.

8. Processing of personal information

This section covers the information a private body's manual must include about the processing of personal information under POPIA.

8.1 **Purposes of processing**

FH processes personal information to, amongst others, manage employment, provide its products and services, comply with legal obligations, maintain accounts and records; protect its legitimate interests; and carry out marketing permitted by law.

8.2. **Protection of Personal Information that is Processed by FH**

8.2.1 Chapter 3 of PoPIA provides for the minimum conditions for lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in PoPIA.

8.2.2 FH needs Personal Information relating to both individual and juristic persons to carry out its business and organisational functions. The way this information is processed and the

purpose for which it is processed is determined by FH. FH is accordingly a Responsible Party for the purposes of PoPIA and will ensure that the Personal Information of a Data Subject:

8.2.2.1 is processed lawfully, fairly, and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by FH, in the form of privacy or data collection notices. FH must also have a legal basis (for example, consent) to process Personal Information to ensure information;

8.2.2.2 is processed only for the purposes for which it was collected;

8.2.2.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose.

8.2.2.4 is adequate, relevant and not excessive for the purposes for which it was collected;

8.2.2.5 is accurate and kept up to date;

8.2.2.6 will not be kept for longer than necessary;

8.2.2.7 is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by FH, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

8.2.2.8 is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:

- be notified that their Personal Information is being collected by FH.
- the Data Subject also has the right to be notified in the event of a data breach;
- know whether FH holds Personal Information about them, and to have access to that information. Any request for information must be handled in accordance with the provisions of this Manual;
- request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- object to FH's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to FH's record keeping requirements);
- object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and

- complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non- compliance with the protection of his, her or its personal information.

8.3. **Purpose of the Processing of Personal Information by the Company**

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which FH processes or will process Personal Information is set out in this manual.

8.4 **Categories of data subjects and the information processed**

Data subjects	Personal information processed
Clients Juristic Persons Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; Authorised signatories; Beneficiaries; Ultimate beneficial owners
Clients Natural Persons	Names; registration number; contact details; physical and postal addresses; Tax related information; Confidential correspondence
Intermediaries Advisors	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; Authorised signatories; Beneficiaries; Ultimate beneficial owners
Suppliers & Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; Authorised signatories; Beneficiaries; Ultimate beneficial owners
Employees Members	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being
Website visitors	IP addresses; cookie data; contact form submissions

8.5 **Recipients or categories of recipients**

FH may share personal information with payroll and benefit providers, auditors, insurers, professional advisers, IT and cloud service providers, banks, and regulators or government bodies where the law requires.

8.6 **Cross-border flows and transfers outside South Africa of Personal Information**

8.6.1 Section 72 of PoPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in PoPIA; or
- the Data Subject consents to the transfer of their Personal Information; or
- transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

8.7 **Information security measures**

FH takes appropriate, reasonable technical and organisational measures to protect personal information, and employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care.

Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of the Business are contracted to implement security controls.

9. How to request access to a record

9.1.1 **Who may request**

9.1.2 Any person may ask for access to a record of **FH**. Because **FH** is a private body, a requester must show that the record is required to exercise or protect a right in terms of section 50 of PAIA. A person requesting their own personal information may also use the procedures in POPIA.

9.1.3 **Requesters have been classified into four categories:**

(i) a Personal Requester: requests information about himself/herself/itself.
(ii) a Representative Requester: requests information relating to and on behalf of someone else.
(iii) a Third-Party Requester: requests information about another person.
(iv) a Public Body: requests information in the public interest.

9.1.4 Proof of identity is required to authenticate the request and the Requester. In view hereof, a Requester will be required to submit acceptable proof of identity such as a certified copy of their Identity Document or other legal form of identification.

9.1.5 The capacity under which a Requester requests documentation/ information will determine the category he or she falls in. Please note that the Requester category has a bearing on the conditions of access to the information.

9.2 **Making a request**

- The request must be made on the prescribed form (Form 2 under the Regulations relating to the Promotion of Access to Information, 2021), available from the Regulator's website or from the Information Officer.
- The requester must give enough detail to identify the record, state which form of access is wanted, say which right the record is required to protect or exercise and why, and provide an address or number for the reply.
- The request must be sent to the Information Officer at the address or email in section 3.
- If the requester cannot complete the form because of illiteracy or disability, the request may be made orally, and the Information Officer will help record it.
- If the request is made on behalf of someone else, the requester must submit proof of the capacity in which they act, to the Information Officer's satisfaction.

9.3 **Fees**

FH may charge the request fee and, where applicable, deposit, reproduction, search and preparation and postage fees prescribed in the 2021 Regulations. Current amounts are set out in Annexure B to those Regulations. The Information Officer will notify the requester of the fee payable and payment method and account details.

9.3.1 **PAIA provides for two types of fees, namely:**

a. a request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
b. an access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs incurred by the private body in obtaining and preparing a record for delivery to the requester.

9.3.2 When the request is received by the **FH** Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request [section 54(1)].

9.3.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the **FH** Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

9.3.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated in the tables below.

9.3.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for search, preparation and reproduction, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure inclusive of making arrangements to make it available in the request form.

9.3.6 If a deposit has been paid in respect of a request for access, which is refused, then the **FH** Information Officer must repay the deposit to the requester.

9.3.7 Where **FH** has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

9.3.8 **Request Fees**

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 R140,00 is payable up-front before the institution will further process the request received.

9.3.9 **Search and Preparation Fees**

For each hour, or part of an hour, reasonably required to search for, and prepare the record for disclosure R145,00 with a maximum of R 435,00

9.3.10 **Access Fees**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of **PAIA** or an exclusion is determined by the Minister in terms of section 54(8).

9.3.11 **Deposits**

Where **FH** receives a request for access to information held on a person other than the requester and the **FH** 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 1/3 (one third) of the amount of the applicable access fee.

9.3.12 **Collection of Fees**

The initial "request fee" of R140,00 should be deposited into the bank account specified by **FH** and a copy of the deposit slip, application form and other correspondence / documents, must be forwarded to the **FH** Information Officer via email.

9.3.13 All fees are subject to change as allowed for in **PAIA** and consequently such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

Access of Information Fees	**Fees to be Charged:**
Information in an A-4 size page photocopy or part thereof	R 2,00
A printed copy of an A4-size page or part thereof	R 2,00
A copy in computer-readable format on a:	
Compact disc or flash drive supplied by Requester	R 40,00
Compact disc or flash drive not supplied by Requester	R 60,00
A transcription of visual images, in an A4-size page or part thereof	To be Quoted
A copy of visual images	To be Quoted
A transcription of an audio record for an A4-size page or part thereof	R 24,00
A copy of an audio record on a:	
Compact disc or flash drive supplied by Requester	R 40,00
Compact disc or flash drive not supplied by Requester	R 60,00

Reproduction of Information Fees	**Fees to be Charged:**
Information in an A-4 size page photocopy or part thereof	R 2,00
A printed copy of an A4-size page or part thereof	R 2,00
A copy in computer-readable format on a:	
Compact disc or flash drive supplied by Requester	R 40,00
Compact disc or flash drive not supplied by Requester	R 60,00
A transcription of visual images, in an A4-size page or part thereof	To be Quoted
A copy of visual images	To be Quoted
A transcription of an audio record for an A4-size page or part thereof	R 24,00
A copy of an audio record on a:	
Compact disc or flash drive supplied by Requester	R 40,00
Compact disc or flash drive not supplied by Requester	R 60,00

9.4 **Decision**

The Information Officer will decide on the request and notify the requester within 30 days of receiving it. This period may be extended by up to 30 days in the circumstances PAIA allows, and the requester will be told if that happens. If no decision is made in time, the request is treated as refused (a deemed refusal).

9.5 **Grounds for refusal**

A private body such as **FH** is entitled to refuse a request for information.

9.5.1. **The main grounds for FH to refuse a request for information relates to the:**

- mandatory protection of the privacy of a third party who is a natural person or a deceased person [section 63] or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

- mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;

- mandatory protection of the commercial information of a third party [section 64] if the record contains:

    - trade secrets of the third party;
    - financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
    - information disclosed in confidence by a third party to **FH**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
    - mandatory protection of confidential information of third parties [section 65) if it is protected in terms of any agreement;
    - mandatory protection of the safety of individuals and the protection of property [section 66];
    - mandatory protection of records which would be regarded as privileged in legal proceedings [section 67].

9.5.2 **The commercial activities [section 68] of a private body, such as FH, which may include:**

- trade secrets of **FH**;
- financial, commercial, scientific or technical information - disclosure of which could likely cause harm to the financial or commercial interests of **FH**;
- information which, if disclosed could put **FH** at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by **FH**, and which is protected by copyright;
- the research information [section 69] of **FH** or a third party, if its disclosure would disclose the identity of **FH**, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

9.5.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9.5.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

9.5.6 If a requested record cannot be found or if the record does not exist, the **FH** Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of **PAIA**. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the **FH** Information Officer refuses access to such record based on reasons mentioned above.

9.6 A record must still be disclosed where the public interest override in section 70 of PAIA applies. Where only part of a record falls under a ground for refusal, the rest will be released.

9.8 **Records that cannot be found**

If a record cannot be found or does not exist, the Information Officer will notify the requester in writing.

10. Remedies if a request is refused

10.1 **FH** has no internal appeal process. A requester or third party who is dissatisfied with a decision may submit a complaint to the Information Regulator on the prescribed Form 5 within 180 days of the decision, or within any extended period allowed by the Regulator.

10.2 **The remedies are:**

- **Complaint to the Regulator.** A requester may lodge a complaint with the Information Regulator, using the prescribed form, within the period PAIA allows. Contact details are on https://inforegulator.org.za.

- **Application to court.** A requester may apply to a court with the necessary jurisdiction, as set out in section 78 of PAIA, subject to the applicable requirements and time limits.

11. Availability of this manual

11.1 **This manual is available:**

- on **FH**'s website at [web address];
- at **FH**'s principal place of business at [address] for inspection during normal business hours, free of charge; and
- on request from the Information Officer, who may charge the prescribed fee for a copy.

11.2 The manual need to be uploaded on the Infor Regulator's portal and must be submitted to the Regulator when the Regulator requests it.

12. Updating this manual

The Information Officer will review and update this manual regularly, and at least when **FH**'s records, contact details or processing of personal information change, or when PAIA, POPIA or the Regulator's template change.