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PAIA MANUAL

THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)



Willem Lotter

OVERSTRAND LEARNING HUB

OVERSTRAND LEARNING HUB
Non-Government Organisation registered in terms of
Registration number:

**MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 4 OF 2013)**

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1. MISSION STATEMENT OF THE OVERSTRAND LEARNING HUB

The Overstrand Learning Hub are focusing on providing clearly defined learning support interventions which aim at:

- a. Providing quality academic learning support to students enrolled in Teacher Education Programs.
- b. Assisting students in constructing a smooth, meaningful transition to the world of work.
- c. Consciously targeting students who will benefit from the combination of our focused programs and unique approach to learning support.

Our focus may evolve to include learning support interventions to more programs, selected based on their potential to provide a sustainable benefit to the Overstrand Community. Selected programs may include vocation type programs, designed to be fit for purpose, with substantial practical components relevant to the South African world of work in general, Overstrand Community in particular.

We are distinctively positioned to harness the existing goodwill amongst tutors, students and the Overstrand Community at large towards realizing the HVT vision of making an observable, positive difference in the community as a direct consequence of the quality and relevance of our learning support.

Our distinctiveness rests on:

- a. An understanding that our prime asset is the availability of experienced individuals in the Overstrand who are eager to serve the HVT cause, and our ability to sustain their goodwill.
- b. Our model of adding value through quality learning support where diverse needs can be addressed through a small-group collaborative approach and its considered application by individuals with relevant experience.

2. OVERVIEW AND OBJECTIVES OF THE MANUAL

The Promotion of Access to Information Act (PAIA) of 2000, as amended in accordance with the Protection of Personal Information Act (POPIA) of 2013, requires that all juristic entities maintain a PAIA / POPIA Manual – this is required by 01 July 2021.

The Promotion of Access to Information Act 2 of 2000, (PAIA) gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights.

More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.

PAIA also sets limits on the types of information that can be accessed i.e., information requested might not be granted under various circumstances.

This manual is compiled in accordance with Section 14 of PAIA and offers an outline of the Overstrand Learning Hub's information, which is accessible to the public. This includes:

- Structure, functions, and objectives
- Contact details
- The procedure for requesting information
- Information that is automatically available through OLH and its website
- Fees payable when requesting access to any of these records.

3. INFORMATION REQUIRED UNDER SECTION 51 (1) (A) OF THE ACT

Designated Head of OLH: John de Gruchy (interim)
(Responsible Party)

Postal Address: 65 Main Road
Hermanus
7200

Street address: Same as above

Telephone number: +27 63 226 0090
+27 28 312 4109

Email address: admin@overstrandhub.org

Email address of Designated Head: johnw.degruchy@outlook.com

Information Officer: Mr WA Lotter

Information Officer email: willem@overstrandhub.org

4. DESCRIPTION OF HUMAN RIGHTS COMMISSION GUIDE TO PAIA REFERRED TO IN SECTION 10

A Guide compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all the official languages.

The guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St Andrews Street, Parktown, Johannesburg, Gauteng and at www.sahrc.org.za

For further information, please contact the SAHRC:

Email: PAIA@sahrc.org.za

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 877 3600

Fax: +27 11 403 0668

Website: www.sahrc.org.za

5. RECORDS HELD BY OLH

Category	Subject	Availability
Public Records available on request	<ul style="list-style-type: none"> Trust Deed Memorandum of incorporation 	Available on request or at the Fund's registered address.
Public records freely available	<ul style="list-style-type: none"> Mission and vision Marketing materials 	Accessible via website at www.overstrandhub.org
Financial records	<ul style="list-style-type: none"> Financial statements 	Available on request or at the Fund's registered address.
Financial records (continued)	<ul style="list-style-type: none"> Asset register Budget and cash flow projections Risk Register Student accounts Donor records Student financial aid records Remuneration records Taxation records Insurance policies Bank statements 	May be requested on due motivation in terms of the PAIA and in compliance with POPIA.
Student records	<ul style="list-style-type: none"> Application forms Financial aid offers 	May be requested on due motivation in terms of the PAIA and in compliance with POPIA.
Employee records	<ul style="list-style-type: none"> Payroll correspondence Evidence of due process followed 	May be requested on due motivation in terms of the PAIA and in compliance with POPIA.
Miscellaneous	<ul style="list-style-type: none"> Minutes of meetings Communication trails 	May be requested on due motivation in terms of the PAIA and in compliance with POPIA.

6. ASPECTS PERTAINING TO THE PROTECTION OF PERSONAL INFORMATION ACT:

6.1 The purpose of the information processing:

Learning Centres such as Overstrand Learning Hub and by extension service providers to such centres, are required to process Personal Information, in order to give the necessary learning support. The processing of Personal Information may be required, amongst other aspects, in order to do student selection, to allocate financial aid amongst meritorious applicants, to assess academic and vocational progress of individual students, to update the institutional data base and to address sensitive student queries.

6.2 A description of the categories of data subjects and of the information or categories of information relating thereto:

- **Overstrand Learning Hub** – OLH, as a Learning Centre, is itself a data subject. Information relating thereto includes contractual agreements, policy documents, meeting agendas, meeting minutes, any correspondence related to OLH and its actions, reports of any nature prepared for OLH including financial statements and budget reports, any Board appraisal, any advice received by OLH, or any other such detail which exists as a function of its legal existence and the relevant legal requirements.
- **OLH Students** – These data subjects are students and prospective students of OLH, implying that OLH needs to receive and process personal information in order to accept, advise and support such individuals. Such information includes:
 - All static information which may include names, school marks, ID number, date of birth, nationality, telephone number, gender, and age.
 - Information relevant for customising learning support which may include personal income, address. financial risk grading, progress marks, family history, state of health and psychologist reports.
 - Contact information.
- **OLH Alumni** – These data subjects are past students of OLH who wish to retain contact in order to receive newsletters, make donations etc. members of the Fund, as defined by the Fund Rules, for whom contributions are no longer received into the Fund, but who retain a retirement fund interest in the Fund in the form of a Fund Credit. Information relating thereto includes:
 - All static information which may include names, ID number, date of birth, date of graduation, gender etc.
 - Information which enables OLH to retain contact and invite them to participate in OLH projects may include resolutions to participate in projects.
 - Contact information.
- **Donors** – These data subjects are members of the local community, national and international donors. Information related thereto may include:
 - All static information which may include names, ID number.
 - Information which enables OLH to administer donations such as Undertakings to donate, amount to be donated, period applicable.
 - Contact information.
- **Board Members** – These data subjects are the appointed Board Members to OLH accordance with the Companies Act of 2008 (as amended). Information relating to these includes names, contact information, ID numbers, occupation, qualifications, and training attended.
- **Tutors** – These data subjects are appointed by OLH to render learning support to students. Information relating to these includes name, citizenship, contact information, ID number, qualifications, experience, and training attended.

- **Information Officer** – This data subject is the officer appointed in accordance with PAIA. Information relating to these includes name, citizenship, contact information, ID number, qualifications, and training attended.
- **Academic Partners** – These data subjects are any Educational Institutions whose Accredited Programs are offered in collaboration with OLH. Information relating to these institutions includes company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed collaboration between OLH and them.
- **Service Providers** – These data subjects are those parties who have been appointed by the Management of OLH with the intent to perform a necessary duty to fulfil Board objectives and duties as contemplated in the Articles of Association of OLH. These parties perform necessary functions for OLH and, where applicable, are remunerated for their services – they include the auditor, insurers, and administrative support providers such as website administrator and the online accounting system provider.
 - Information relating to these includes company details, responsible individuals, contractual agreements, contact information, or any other such information as required for the successful completion of agreed duties to the Fund.

7. THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

Recipients of Personal Information (both in relation to OLH and in relation to other individuals described above) may include:

- OLH
- Academic Partners
- Board Members
- Information Officer
- Tutors; and
- Service Providers as described above

noting that all information supplied to the above parties is done so for a specific, explicitly defined, and lawful purpose related to a function or activity of OLH. The Fund seeks to ensure that Personal Information is only shared with Service Providers to the extent necessary for the functions that they perform for the Fund.

8. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

In certain circumstances, there may be transborder flows of Personal Information. The most likely such circumstance is the storage of Personal Information on service provider servers which may be based outside of the Republic (e.g., cloud-based storage of information). In such cases, the Fund requires the service providers to ensure that suitable security measures are in place and that the storage of such information accords with both South African data protection laws as well as any foreign laws which may apply. In all cases the Fund seeks to comply with the POPIA requirements relating to transborder data flows.

9. A GENERAL DESCRIPTION ALLOWING A PRELIMINARY ASSESSMENT OF THE SUITABILITY OF THE INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RESPONSIBLE PARTY TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION WHICH IS TO BE PROCESSED

Under Section 7D (2)(a), the Board may delegate functions and duties to other parties to ensure the successful completion thereof. The Board obtains commitments from all such parties in respect of information security and concludes formal data security agreements with such parties to ensure that appropriate references to data confidentiality, integrity, and availability of information are included. Furthermore, all service provider agreements are expected to incorporate the principles related to the POPIA, declarations are required by all service providers in terms of whether any breaches were experienced, and all service providers are required to have suitable data protection policies and procedures in place.

Additionally, besides this manual, OLH has established the following policies:

- Communication policy
- Board Member Code of Conduct; and
- Confidentiality policy which outlines the required practices and processes of OLH and the standards to which the OLH seeks to hold its service providers, Board Members and others who may process personal information as referred to above

10. RIGHTS OF FUND MEMBERS AND OTHER STAKEHOLDERS, UNDER THE PROTECTION OF PERSONAL INFORMATION ACT:

The rights of “data subjects” whose Personal Information is processed are set out in Section 5 of the POPIA and include the following:

- The right to be informed that your Personal Information is being collected and processed.
- The right to be notified of any “data breaches” (when your Personal Information falls into the hands of an unauthorized party).
- The right to be told what Personal Information is held for you.

Should you want more information on the Personal Information which the Fund holds for you, or specific additional information on how the Fund complies with the PAIA and POPIA (beyond what is set out in this manual), please contact the Information Officer.

11. Detail on how to make a request for access

The requester must complete form C and submit this form together with a request fee, to the person delegated to deal with request (for “the Information Officer). The form must be submitted using any of the methods noted below:

Postal/Street Address of OLH: 65 Main Road
Hermanus

Or

Email The Information Officer: willem@overstrandhub.org

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body has decided on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Grounds for refusing a request: OLH has the right to reject any request for information submitted in terms of Section 62 to 70 of Chapter 4 of the PAIA Act.

12. Fees in respect of private bodies

The following is a breakdown of the fees structure for the purposes of determining the way fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

Schedule of fees

For every photocopy of an A4-sized page or part thereof	R1.10
For every printed copy of an A4-sized page or part thereof held electronically	R0.75
For a copy in a computer-readable form on a CD	R70.00
For a copy in a computer-readable form on a flash drive	R100.00
For a transcription of visual images for an A4-sized page or part thereof	R40.00
For a copy of a visual image	R60.00
For a transcription of an audio record per A4-sized page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for and prepare the record for disclosure (per hour or part thereof)	R30.00

FORM C

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

The Head:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names and surname:

Identity number:

D. Particulars of record

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

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

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

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
--

Disability:	Form in which record is required
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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE