



HUMANITY SOUTH AFRICA FOUNDATION NPC

Registration Number: 2019/147197/08

known as

KHIDMATUL KHALQ FOUNDATION

trading as

HUMANITY SOUTH AFRICA

**MANUAL in terms of Section 51 of
The Promotion of Access to Information Act, 2/2000
(the "ACT")**



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2. INTRODUCTION

Established in 2019 by the Humanity South Africa Foundation NPC. Humanity SA is a non-profit organisation with bases in Kwazulu Natal, providing humanitarian and social welfare activities.

Please view the Humanity South Africa website for a description of our current active services, that play a vital role in providing community outreach programmes taking critically needed humanitarian and social welfare to impoverished communities.

The Promotion of Access to Information Act No. 2 of 2000 (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting access to information from the Humanity SA for the purpose of exercising or protecting rights.

This manual is compiled for the Humanity South Africa Foundation NPC, with the purpose of facilitating requests for access to records of the Humanity SA, providing the categories of information which the Humanity SA possesses.

A copy of the manual is available on our website – www.humanitysa.org

Disclaimer & Conditions of use

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any request to the Humanity SA in terms of the Act.

Nothing stated in this manual shall limit, or constitute a waiver of, any of the rights of the requester or of the Humanity SA in terms of the Act.

The Humanity SA makes no representation and gives no undertaking that the information in this manual or any information provided by the Humanity SA to a requester thereof is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk and the Humanity SA shall not be liable for any loss, expense, liability or claims howsoever arising, resulting from any use of this manual or of any information provided by the Humanity SA or from any error therein.

All users irrevocably agree to abide exclusively to the laws of the Republic of South Africa and to the exclusive jurisdiction of the courts of the Republic of South Africa in respect of any dispute arising out of the use of this manual or of any information provided by the Humanity SA.



3. INFORMATION OFFICER CONTACT DETAILS:

[Section 51(1) (a)]

3.1. Chief Executive Officer (CEO)

The CEO of the Humanity SA has delegated the authority in terms of the Act to the Information Officer, who will handle all requests in terms of the Act on the behalf of the CEO. All requests in terms of the Act must be addressed to:

3.2. The Information Officer of the Humanity South Africa is the: CEO:

The postal address of the Humanity SA is:

P O Box 37862,
Overport, 4067
Durban

The Head Office Physical Address is:

693 Peter Mokaba Ridge
Essenwood
4001

Other contact details:

(T) 087 153 5786
(F) 086 501 0350

The e-mail address of the Information Officer is: admin@humanitysa.org.

The website address for the Humanity SA is: www.humanitysa.org

4. THE ACT

[Section 51(1)(b)]

- 4.1. The ACT 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.
- 4.2. Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 4.3. In terms of Section 10 of the Act, the Human Rights Commission is required to compile a guide to the Act to assist people to exercise their rights under the Act. The Human Rights Commission may be contacted at:

Private Bag X2700
Houghton
2041
Telephone Number: +27 11 877 3803
Fax Number: +27 11 403 0625
Website: www.sahrc.org.za



5. APPLICABLE LEGISLATION

[Section 51 (1) (c)]

Records are kept in accordance with the following legislation, as amended from time to time (this list is not exhaustive):

- Basic Conditions of Employment Act
- Non Profit Organisations Act
- Companies Act
- Copyright Act
- Compensation for Occupational Injuries and Diseases Act
- Employment Equity Act
- Income Tax Act
- Labour Relations Act
- Unemployment Insurance Act
- Value Added Tax Act
- Broad Based Black Economic Act
- All relevant Health legislation
 - Health Professions Council of South Africa guidance material.
- All relevant Food Safety Legislation.
- Electronic Communications and Transactions Act
- Promotion of Access of Information Act
- Protection of Personal Information Act
- Consumer Affairs Act
- Credit Agreements Act
- Criminal Procedure Act
- Debt Collectors Act



6. SCHEDULE OF RECORDS HELD BY THE HUMANITY SA

[Section 51 (1) (d)]

6.1. Information Automatically Available:

[Section 51 (1) (c)]

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act. These categories of information are also available from our information officer, whose contact details appear in section 2 of this manual.

- 6.1.1. Annual Reports
- 6.1.2. Public Services Information
- 6.1.3. Media Releases & Limited Marketing Information

6.2. Information Not Automatically Available:

[Section 51 (1) (e)]

The following records are not automatically available without a request in terms of the Act:

- 6.2.1. Memorandum of Incorporation
- 6.2.2. Movable and Immovable Property
 - 6.2.2.1. Title Deeds
 - 6.2.2.2. Lease Agreements
 - 6.2.2.3. Hire Agreements / Rental Agreements
 - 6.2.2.4. Hire-purchase agreements
 - 6.2.2.5. Credit Sale Agreements / Instalment Sale Agreements
 - 6.2.2.6. Asset Registers
- 6.2.3. Intellectual Property
 - 6.2.3.1. Trade marks
 - 6.2.3.2. Patents
 - 6.2.3.3. Copyright & Copyrighted computer programs owned by the Humanity SA, except insofar as such a program is required to give access to a record to which access has been granted under the Act.
 - 6.2.3.4. Designs
 - 6.2.3.5. Licensing agreements
- 6.2.4. Insurance
 - 6.2.4.1. Insurance Policies / Claims Files
- 6.2.5. Third Parties
 - 6.2.5.1. Records held by the Company relating to other parties, including financial records, correspondence, contractual records, records provided by other parties and records third parties have provided about the Company's contractors and suppliers in respect of contractors, suppliers, subsidiary or fellow subsidiary companies, joint venture partners and service providers.
- 6.2.6. Taxation
 - 6.2.6.1. Income tax files
- 6.2.7. Human Resources
 - 6.2.7.1. Policies and procedures
 - 6.2.7.2. Employee information
 - 6.2.7.3. Personnel files
 - 6.2.7.4. Conditions of Employment
 - 6.2.7.5. Internal Evaluation Records (where applicable)
 - 6.2.7.6. Correspondence



- 6.2.7.7. Training Schedule and Related Material
- 6.2.7.8. Agreements
- 6.2.7.9. Forms and applications
- 6.2.7.10. Standard letters and notices
- 6.2.8. Finance
 - 6.2.8.1. Management Accounts
 - 6.2.8.2. Financial statements
 - 6.2.8.3. Reports and returns
 - 6.2.8.4. Banking details and bank account records
 - 6.2.8.5. Debtors/creditors statements and invoices
- 6.2.9. Operations
 - 6.2.9.1. Policies and procedures
 - 6.2.9.2. Reports and supporting documentation
 - 6.2.9.3. Patient records and related documentation – release by subpoena for records only.
 - 6.2.9.4. Training – Initial & Recurrent and competency checks.
- 6.2.10. Information technology
 - 6.2.10.1. System documentation and manuals
- 6.2.11. Administration
 - 6.2.11.1. Internet (www.humanitysa.org)
 - 6.2.11.2. Correspondence with internal and external parties



7. WHO MAY REQUEST ACCESS TO INFORMATION

- 7.1. The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Humanity SA Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.
- 7.2. A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:
- 7.2.1. A personal requestor, that is a person who requests information about him / herself;
 - 7.2.2. An agent requestor, that is a person requesting information on behalf of someone else;
 - 7.2.3. A third party requestor, that is a person requesting information about someone else; or
 - 7.2.4. A public body, requests information in the public interest.

8. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

[Section 51(1) (e)]

- 8.1. To facilitate the processing of your request for access to records held by Humanity SA, kindly:-
- 8.1.1. Use the prescribed form (on payment of the prescribed fees as below), annexed hereto to make the request for access to a record. Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.
 - 8.1.2. Address your request to the Humanity SA information officer. This request must be made to the address or fax number or electronic mail address of Humanity SA.
 - 8.1.3. Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their South African identification document or any other legally acceptable means of identification. PLEASE NOTE: Driver's licenses and temporary identity documents will NOT be accepted as sufficient proof of identity.
 - 8.1.4. Provide sufficient details to enable the Humanity SA information officer to identify:
 - 8.1.4.1. The record(s) requested;
 - 8.1.4.2. The requester (and if an agent is lodging the request, submit proof of the capacity in which they are making the request, to the satisfaction of the Humanity SA);
 - 8.1.4.3. The form of access required;
 - (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 8.1.4.4. The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
 - 8.1.5. For patient records and records of a similar nature, you will need to request the records via a subpoena.



9. PRESCRIBED FEES

[Section 51(1) (f)]

- 9.1. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 9.2. Every other requester who is not a personal requester must pay the required request fee. Records may be withheld until the fees have been paid.
- 9.3. The following applies to requests:
 - 9.3.1. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit.
 - 9.3.2. Please also note that if the applicants total earnings are below R14 712 a year or the applicant and his/her partner's combined income is less than R27 192 per year, the applicant will not have to pay a request fee with the application.
- 9.4. Requestors are advised that four types of fees are provided for in terms of the Act.
 - 9.4.1. Reproduction fee: this fee is payable with respect to all records that are automatically available;
 - 9.4.2. Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor him / herself), before the request is considered and is not refundable;
 - 9.4.3. Access fee: which is payable once access to a record is granted, this fee is intended to re-imburse the Humanity SA for the costs involved in searching and preparing the record for delivery;
 - 9.4.4. Deposit: which is payable if the Humanity SA receives a request for access to information about a person other than the requestor himself / herself and where the preparation of the record will take more than six hours.
- 9.5. Where a copy of the record needs to be posted the actual postage is payable.
- 9.6. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za



10. GRANTING OR REFUSAL OF REQUESTS

- 10.1. All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.
- 10.2. Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:
- 10.2.1. Mandatory protection of privacy of a third party who is a natural person;
- 10.2.2. Mandatory protection of commercial information of a third party;
- 10.2.3. Mandatory protection of certain confidential information of a third party;
- 10.2.4. Mandatory protection of records privileged from production in legal proceedings; 10.2.5. Commercial information of the Humanity SA; if
- 10.2.5.1. contains trade secrets of the Humanity SA;
- 10.2.5.2. contains financial, commercial, scientific or technical information, other than trade secrets, of the Humanity SA, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Humanity SA;
- 10.2.5.3. contains information, the disclosure of which could reasonably be expected- (i) to put the Humanity SA at a disadvantage in contractual or other negotiations; or to prejudice the Humanity SA in commercial competition; or
- 10.2.5.4. is a computer program, as defined in section 1 (l) of the Copyright Act 1978 (Act 98 of 1978) owned by the Humanity SA, except insofar as it is required to give access to a record to which access is granted in terms of this Act.
- 10.2.6. Mandatory protection of research information of a third party and of the private body.
- 10.2.7. Mandatory protection of safety of individuals, and protection of property
- 10.2.8. The following grounds of discretionary refusal shall apply:
- 10.2.8.1. Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future;
- 10.2.8.2. Where the record contains information around crime prevention, detection and prosecution of alleged offenders;
- 10.2.8.3. Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty;
- 10.2.8.4. Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds.
- 10.3. Please take note that in terms of the Act the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.



11. APPEAL

- 11.1. In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available in the act at this time will be to approach a court of law, however
- 11.2. The Humanity SA has set up an internal appeal process for person to approach the CEO should they not be satisfied with the information officer's response. Such an appeal must be made in writing to the CEO within 20 days from the date of response from the information officer.
- 11.3. The CEO will consider the facts at their disposal and provide a decision within 20 days.
- 11.4. The internal process does not impact on the applicants right to pursue the court route as per the act within 60 days from the information officers response.

12. MANUAL CONTROL, REVIEW & REVISION

- 12.1. Only the "original" is held by the information officer, all other printed copies of documents are uncontrolled and should be destroyed after use.
- 12.2. The manual will be reviewed periodically for relevance and currency of information.
- 12.3. Any material changes made as a result of the review process will be submitted to the SAHRC.

13. AVAILABILITY OF THE MANUAL

[Section 51(3)]

The Humanity SA's manual is available for inspection, free of charge, at the registered address stated above and via our website. A copy is also available from the Human Rights Commission.