



SEED OF HOPE
COMMUNITY DEVELOPMENT

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act
2 of 2000 (as amended)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa |
| 1.9 | “SOH” | Seed of Hope Community Development |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;

- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE SEED OF HOPE COMMUNITY DEVELOPMENT

3.1. Chief Information Officer

Name: Heather Liebenberg
Tel: 031 903 1125
Email: heather.liebenberg@theseedofhope.org

- 3.2. Deputy Information Officer (*NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*)

Name: Nozipho Dhlamini
Tel: (031) 903-1125
Email: nozi.dhlamini@theseedofhope.org
Fax Number:

- 3.3 Access to information general contacts

Email: *Office@theseedofhope.org*

3.4 National or Head Office

Postal Address: PostNet suite 18
Private Bag X20015
Amanzimtoti
4125

Physical Address: 701 Reeves Road
Bhekulwandle
4126

Telephone: (031) 903-1125

Email: office@theseedofhope.org

Website: www.theseedofhope.org

4. **GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily

comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

4.3.3. the manner and form of a request for-

4.3.3.1. access to a record of a public body contemplated in section 11³; and

4.3.3.2. access to a record of a private body contemplated in section 50⁴;

4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours -

4.6.1 English and IsiZulu

5. CATEGORIES OF RECORDS OF THE SEED OF HOPE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

[Section 51(1)(c)]

Seed of Hope Community Development is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so. Nevertheless, SOH does make certain information freely available to the public in various brochures, press releases and publications.

6. DESCRIPTION OF THE RECORDS OF THE SEED OF HOPE WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Records available in terms of other legislation [Section 51(1)(d)] Information is available in terms of the following legislation to the persons or entities specified in such legislation: Acts that may be applicable:

1. Basic Conditions of Employment Act No.75 of 1997
2. Close Corporations Act 69 of 1984
3. Companies Act 71 of 2008
4. Compensation for Occupational Injuries and Health Diseases Act 130 of 1993

(a) any matter which is required or permitted by this Act to be prescribed;

(b) any matter relating to the fees contemplated in sections 22 and 54;

(c) any notice required by this Act;

(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and

(e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

5. Consumer Protection Act 68 of 2008
6. Copyright Act No. 98 of 1978
7. Employment Equity Act 55 of 1998
8. Financial Intelligence Centre Act, 2001
9. Income Tax Act 58 of 1962
10. Insolvency Act No. 24 of 1936
11. Labour Relations Act 66 of 1995
12. National Credit Act 34 of 2005
13. Occupational Health & Safety Act 85 of 1993
14. Short Term Insurance Act No.53 of 1998
15. Skills Development Act 97 of 1998
16. Skills Development Levies Act 9 of 1999
17. Trade Marks Act No. 194 of 1993
18. Unemployment Contributions Act 4 of 2002
19. Unemployment Insurance Act 30 of 1966
20. Value Added Tax Act 89 of 1991

7. HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS ON WHICH WE HOLD RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT [Section 51(1)(e)]

7.1 How to request a record

Requests for access to records held by SOH must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under "PAIA"). For the convenience of requesters, copies of these forms are included in the version of this Manual available at our offices. (Annexure 1). Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed. It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provides an explanation of why the requested record is required for the exercise or protection of that right. 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 our Information Officer. If a requester does not use the

standard form (Annexure 1), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed. Please note that requestors are also required to pay the prescribed fees. The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is attached as Annexure 2. The head of the private body must notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee. The head of the private body will then make a decision on the request and notify the requester in the required form. If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. Kindly note that all requests to Seed of Hope will be evaluated and considered in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by Seed of Hope does not give rise to any rights to access such information or records, except in terms of the Act.

7.2 Subjects and categories of records held by the entity

We maintain records on the following categories and subject matters. However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act. Please note further that many of the records held by us are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

7.2.1: Internal records

The following are records pertaining to Seed of Hope's own affairs: Registration documents; Financial records; Operational records; Intellectual property; Marketing records; Internal correspondence; Service records; Statutory records; Internal policies and procedures; Minutes of meetings; Charters, codes of conduct and policies (both internal and external) to which Seed of Hope and its personnel subscribe; and Records held by officials of Seed of Hope.

7.2.2: Personnel records:

For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Seed of Hope and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Seed of Hope. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers. Personnel records include the following: Any personal records provided to us by our personnel; Any records a third party has provided to us about any of their personnel; Conditions of employment and other personnel-related contractual and quasi-legal records; Employment policies and procedures; Internal evaluation and disciplinary records; Other internal records and correspondence.

7.2.3: Client-related records:

Client-related information includes the following: Contracts with the client and between the client and other persons; Any records a client has provided to Seed of Hope or a third party acting for or on behalf of Seed of Hope (including financial, legal, tax, operational, employee and similar records); Any research conducted by Seed of Hope in respect of its clients or research derived by Seed of Hope from its clients and their activities; Records, reports, designs and the like generated by Seed of Hope for its clients; Any records a third party has provided to Seed of Hope, which concerns a client; and Records generated by or within Seed of Hope pertaining to the client, including transactional records.

7.2.4: Other Parties:

Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Seed of Hope is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Seed of Hope. The following records fall into this category: Personnel, client, or Seed of Hope records which are held by another party as opposed to being held by Seed of Hope; and Records held by Seed of Hope pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

7.2.5: Other Records:

We hold further records, including:- Information relating to Seed of Hope’s own commercial activities; Procurement and administration for Seed of Hope; and Research information belonging to Seed of Hope or carried out on behalf of a third party.

8. AVAILABILITY OF THE MANUAL

8.1 A copy of the Manual is available-

8.1.1 on www.theseedofhope.org , if any;

8.1.2 head office of the Seed of Hope for public inspection during normal business hours;

8.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

8.1.4 to the Information Regulator upon request.

8.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

9. UPDATING OF THE MANUAL

The head of (Seed of Hope) will on a regular basis update this manual.

Issued by



(Heather Liebenberg)

(Chairperson)