



Inspiring active ageing

# **THE ASSOCIATION FOR THE AGED**

## **(NPO 002-093)**

# **PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000  
(Private Body)

**FEBRUARY 2018**

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## **1. INTRODUCTION TO THE ASSOCIATION FOR THE AGED**

The Organisation's mission is dedicated to the alleviation of distressed, and the promotion of the welfare and happiness of aged persons living in the Durban area.

## **2. BACKGROUND, SCOPE AND AVAILABILITY**

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as THE ASSOCIATION FOR THE AGED information manual and provides reference to the records held by THE ASSOCIATION FOR THE AGED and the process to request access to such records.

This manual is limited to the records held by THE ASSOCIATION FOR THE AGED and does not extend to any other entities.

In addition to the prescribed availability a copy of this manual is available to the public for inspection on request from the designated contact person referred to in this manual.

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### 3. CONTACT PERSON

#### SECTION 51(1)(a) CONTACT DETAILS

Ms Femada Bibi Shamam, Chief Executive Officer, of THE ASSOCIATION FOR THE AGED is responsible for ensuring that the requirements of the Promotion of Access to Information Act are administered in a fair, objective and unbiased manner for the entity. Accordingly, all requests for access to records relating to the entity should be addressed to:

Name of Non-profit Organization:	THE ASSOCIATION FOR THE AGED
Contact Person:	Ms. Femada Shamam
Postal Address:	P O Box 2983 Durban, KZN 4000
Physical Address:	80 Samora Machel Street Durban, KZN 4001
Phone Number:	+27 (31) 332 3721
Fax Number:	+27 (86) 297 0774
E-mail:	c/o <a href="mailto:ateesha@tafta.org.za">ateesha@tafta.org.za</a>

## 4. HRC GUIDE

### SECTION 51(1)(b) GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, inter alia, as follows:

The South African Human Rights Commission: PAIA Unit

Braampark Forum 3

33 Hoofd Street

Braamfontein

2001

Kindly direct any queries to:

Phone Number:	+27 (11) 8773 600
Facebook:	SAhumanrightscommission
E-mail:	<a href="mailto:info@sahrc.org.za">info@sahrc.org.za</a>
Website:	<a href="http://www.sahrc.org.za">http://www.sahrc.org.za</a>

## 5. AUTOMATIC DISCLOSURE

### SECTION 51(1)(c) RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

## 6. LEGISLATIVE RECORDS

### SECTION 51(1)(d) RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

In terms of the following Acts, we are required to ensure that certain categories of records are available for access as prescribed by each Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act, No. 53 of 2003
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Constitution of South Africa Act, No. 108 of 1996
- Consumer Protection Act 68 of 2008
- Deeds Registries Act, No. 47 of 1937
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Employment Services Act of 2014
- Environment Conservation Act, No. 73 of 1989
- Health Act of 1977
- Housing Development Schemes for Retired Persons Act of 1988
- Income Tax Act, No. 58 of 1962
- Justice of the Peace/Commissioner of Oaths Act of 1963
- Labour Relations Act, No. 66 of 1995
- Mental Health Care Act of 2002
- National Building Regulations and Building Standards Act, No. 103 of 1997
- National Road Traffic Act, No. 93 of 1996
- Non Profit Organisations Act, No. 71 of 1997
- Occupational Health and Safety Act, No. 85 of 1993
- Older Persons Act 13 of 2006
- Promotion of Access to Information Act, No. 2 of 2000 [PAIA]
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Protected Disclosures Act, No. 26 of 2000
- Protection of Personal Information Act of 2013 [POPIA]
- Rental Housing Act of 1999
- Second Hand Goods Act 23 of 1955
- Skills Development Act, No. 97 of 1997
- Social Assistance Act of 2004

- Tobacco Products Control Act, No. 12 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Value-added Tax Act, No. 89 of 1991

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the Divisional Manager-Finance of the Organisation (Ms Renee Chislett). Your assistance in this regard is appreciated.

## 7. RECORDS HELD

### SECTION 51(1)(e) RECORDS SUBJECT AND CATEGORIES

<b>Finance and Administration</b>	
▪ Accounting Records	▪ Statutory and Tax Records
▪ Annual Financial Statements	▪ Legal Documentation
▪ Donor Correspondence	▪ Invoices, Receipts and Statements
▪ Agreements	▪ Organisation Information
▪ Banking Records	▪ General Ledgers
<b>Human Resources</b>	
▪ Accounting and Payroll Records	▪ Leave Records
▪ BEE Statistics	▪ PAYE Records and Returns
▪ Career Development Records	▪ Performance Management Details
▪ Personnel Information	▪ Policies and Procedures
▪ Employment Equity Reports	▪ Returns to UIF
▪ General Terms of Employment	▪ Retirement Benefit Records
▪ Letters of Employment	▪ Medical Aid Records
<b>Corporate Governance</b>	
▪ Codes of Conduct	▪ Risk Management Records
▪ Legal Compliance Records	▪ Policies
▪ Meeting Minutes	
<b>Statutory and Secretarial</b>	
▪ Applicable Statutory Documents	▪ Organisation Structure Diagrams
▪ Annual Reports	▪ Meeting Minutes
<b>IT Management</b>	
▪ Contracts and Agreements	▪ Information Policies, Standards,
▪ Equipment Register	Procedures and Guidelines
<b>Education and Training</b>	
▪ Training Material	▪ Training Records and Statistics
▪ Training Agreements	

<b>Library and Information</b>	
▪ External Publications	▪ Reference Works
▪ Internal Publications	
<b>Marketing and Communication</b>	
▪ Proposal Documents	▪ Communication Strategies
▪ New Developments	▪ Agreements
▪ Brand Information Management	▪ Marketing Brochures
▪ Marketing Strategies	
<b>Operations</b>	
▪ Access Control Records	▪ Trade Mark Documents
▪ Agreements	▪ Insurance Documentation
▪ Archival Admin Documentation	▪ PABX Management Information
▪ Contracts	▪ Service Level Agreements
▪ General Correspondence	▪ Vehicle Registration Documents

## 8. ACCESS REQUESTS

### SECTION 51(1)(e) ACCESS REQUEST PROCEDURE

*It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.*

*If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.*

#### Completion of Access Request Form

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed (Form C of Annexure B as identified in Government Notice Number 187, Regulation 6 as attached hereto).
- Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.



- If there is nothing to disclose in reply to a particular question state “nil” in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

### **Submission of Access Request Form**

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e- mail or fax and must be addressed to the contact person as indicated above.

### **Payment of Fees**

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees.

An initial, request fee currently R57.00 (incl. VAT) is payable on submission. This fee is not applicable to any person seeking access to records that contain their personal information.

The access fee must be paid prior to access being given to the requested record. If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11).

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

### **Notification**

THE ASSOCIATION FOR THE AGED will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which THE ASSOCIATION FOR THE AGED has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of THE ASSOCIATION FOR THE AGED and the information cannot reasonably be obtained within the original 30 day period. THE ASSOCIATION FOR THE AGED will notify the requester in writing should an extension be sought.

## 9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

### CHAPTER 4

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
  - Information disclosed in confidence by a third party to THE ASSOCIATION FOR THE AGED if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of THE ASSOCIATION FOR THE AGED which may include:
  - Trade secrets of THE ASSOCIATION FOR THE AGED
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of THE ASSOCIATION FOR THE AGED.

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**FORM C**

**SECTION 51(1)(e) ACCESS REQUEST FORM**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))**

**[Regulation 10]**

**A. Particulars of private body**

All requests for access to records relating to the entity should be addressed to:

<b>Company Name:</b>	THE ASSOCIATION FOR THE AGED
<b>Contact Person:</b>	Ms Femada Shamam
<b>Postal Address:</b>	P O Box 2983 Durban 4000
<b>Physical Address:</b>	80 Samora Machel Street Durban 4001
<b>Phone Number:</b>	+27 (31) 332 3721
<b>Fax Number:</b>	+27 (86) 297 0774
<b>E-mail:</b>	c/o <a href="mailto:ateesha@tafta.org.za">ateesha@tafta.org.za</a>

**B. Particulars of person requesting access to the record (if Natural Person)**

- (a) Particulars of person requesting access to the record must be given below.
- (b) Furnish an address and/or fax number in the Republic to which the information is to be sent.
- (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 requesting access to the record (if Legal Entity)**

- (a) Particulars of entity requesting access to the record must be given below.
- (d) Furnish an address and/or fax number in the Republic to which the information is to be sent.
- (e) Proof of the capacity in which the request is made, if applicable, must be attached.

**Name of entity:** \_\_\_\_\_

**Registration number:** \_\_\_\_\_ **Postal**

**address:** \_\_\_\_\_ **Fax**

**number:** \_\_\_\_\_ **Telephone**

**number:** \_\_\_\_\_ **E-mail**

**address:** \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

**D. Particulars of person on whose behalf request is made**

This section must be completed *ONLY* if a request for information is made on behalf of *another* person.

Full Names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**E. 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:

\_\_\_\_\_  
\_\_\_\_\_

**F. Fees**

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

Reason for exemption from payment of fees:

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**G. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p><b>NOTES:</b></p> <ul style="list-style-type: none"> <li>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</li> <li>(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.</li> <li>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</li> </ul>	

<b>1. If the record is in written or printed form:</b>						
	Copy of record*		Inspection of record			
<b>2. If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)						
	View the images		Copy of the images*		Transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>						
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)			
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>						
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form*	
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <i>Postage is payable.</i>					YES	NO

**H. 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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I. 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?

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Signed at.....this.....day of.....20.....

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SIGNATURE OF REQUESTER / PERSON ON WHOSE  
BEHALF REQUEST IS MADE