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PAIA MANUAL

for

Elderly Care Fund for Retired Police Officials

NPC REGISTRATION NUMBER: 93/0750/08-001-724 NPO

June 2021

This PAIA Manual (hereinafter referred to as “the Manual”) has been prepared in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (hereinafter referred to as “PAIA”), with careful consideration of the provisions of the Protection of Personal Information Act No. 4 of 2013 (hereinafter referred to as “POPIA”).

1. INTRODUCTION

The Bill of Rights in Chapter 2 of the Constitution of the Republic of South Africa, 1996 defines the rights of the people and provides to whom, and how the rights apply, and also regulate when and how the rights may be limited.

Section 14 of the Constitution of the Republic of South Africa, 1996 protects the right to privacy, and the Protection of Personal Information Act 4 of 2013 is the primary instrument used to regulate data protection in South Africa.

In order to empower the people of South Africa to fully exercise and protect all of their rights, and specifically the right to privacy as provided for in section 32(1) of the Constitution of the Republic of South Africa, 1996; the Promotion of Access to Information Act 2 of 2000 actively enables access to records and/or information held by a governmental body and/or any information held by another person (juristic or natural in nature).

In other words, by accessing the information held by another person (juristic or natural in nature) each person can protect their privacy by managing what personal information is shared and how it is processed.

2. INTERPRETATION

2.1. In this Manual, words shall be interpreted as defined in the Promotion of Access to Information Act 2 of 2000, hereinafter referred to as PAIA.

2.2. For ease of reference only, ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC includes the following definitions contained in the abovementioned legislation:

2.2.1. “**Data subject**” means the person to whom the personal information relates;

2.2.2. “**Personal Requester**” means a natural person requesting access to a Record which contains personal information about himself or herself;

- 2.2.3. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 2.2.3.1. 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;
 - 2.2.3.2. information relating to the education or the medical, financial, criminal or employment history of the person;
 - 2.2.3.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
 - 2.2.3.4. the biometric information of the person;
 - 2.2.3.5. the personal opinions, views, or preferences of the person;
 - 2.2.3.6. 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;
 - 2.2.3.7. the views or opinions of another individual about the person; and
 - 2.2.3.8. 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;
- 2.2.4. **“Record”** means any recorded information, in any form or medium in possession of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS; and
- 2.2.5. **“Requester”** means any person requesting access to a record held by the ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.

3. PURPOSE OF THE MANUAL

- 3.1. This Manual provides a description of Records held by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC, and the purpose for which personal information is processed.

- 3.2. It furthermore provides guidance as to the procedure for requesting access to such Records, and how such a request for access should be dealt with by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.
- 3.3. Although ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS acknowledges the Requester's right (whether Private or not), to have access to records kept by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC, the aforesaid access shall be strictly limited by prudent application of the provisions of POPIA. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS implements security measures to ensure the confidentiality and integrity of Personal Information in its possession.
- 3.4. The Manual also contains the list of grounds upon which ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS may rely in refusing access to a Record held by same.

4. GUIDE ON THE APPLICATION OF PAIA

- 4.1. The South African Human Rights Commission (hereinafter referred to as "the SAHRC") has, in terms Section 10 of PAIA, compiled a guide providing information to members of the public who wish to exercise their right of access to information, on how to use PAIA, and the guide is available in all the official South African languages at various public information centres as prescribed in terms of PAIA.
- 4.2. The aforementioned guide can also be accessed through the SAHRC's website on www.sahrc.org.za, or queries can be directed to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Physical address: 27 Stiemens Street, Braamfontein, Johannesburg

Telephone: +27 11 877 3600

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za or info@sahrc.org.za

5. RECORDS KEPT IN TERMS OF LEGISLATION APPLICABLE TO ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC

5.1. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS keeps records as required by the following legislation:

- 5.1.1. Labour Relations Act 66 of 1995
- 5.1.2. Basic Conditions of Employment Act 75 of 1997
- 5.1.3. Employment Equity Act 55 of 1998
- 5.1.4. Unemployment Insurance Contributions Act 4 of 2002
- 5.1.5. Unemployment Insurance Act 63 of 2001
- 5.1.6. Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 5.1.7. Occupational Health and Safety Act 85 of 1993
- 5.1.8. Companies Act 71 of 2008
- 5.1.9. Income Tax Act 95 of 1967
- 5.1.10. Value Added Tax Act 89 of 1991
- 5.1.11. Electronic Communications and Transactions Act 25 of 2002
- 5.1.12. Older Persons Act 13 of 2006

6. CATEGORISATION OF RECORDS

The Records kept by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC are categorised as follows:

- 6.1. Administration and Management:
- 6.2. Company records;
- 6.3. Statutory records;
- 6.4. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC policies and procedures
- 6.5. Employee Records:
- 6.6. Records pertaining to donors, retired police officials and their spouses.

7. INFORMATION OFFICER

7.1. The responsibility for the administration of, and compliance with, the provisions of PAIA and POPIA have been delegated by Board of Directors of the ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC to its Information Officer.

7.2. A Requester who wishes to acquire further information in regard to the use of this Manual and/or procedure to be followed to obtain access to a Record, may direct enquiries to the Information Officer at the following contact details:

Information Officer: Annelene Oberholzer

Address: 770 Petrus Street, Waterkloof Holdings, Pretoria, 0018

Tel number: 012 345 3005

Email: admin@ecfund.org.za

8. PROCESSING OF PERSONAL INFORMATION

8.1. In terms of POPIA, Personal Information may only be processed for a specific purpose.

8.2. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC may process Personal Information as part of its internal commercial administration which includes employee administration and compliance with tax laws and any other applicable legislative and regulatory requirements

8.3. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC may process personal information for a variety of purposes and to render services, which may include, but is not limited to the following:

8.3.1. To provide and/or manage any information, products and/or services requested by data subjects in general;

8.3.2. to help ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC to identify data subjects when they contact us;

8.3.3. facilitate the delivery of products and/or services to data subjects;

8.3.4. to maintain data subject records;

- 8.3.5. to maintain supplier records;
- 8.3.6. for recruitment purposes;
- 8.3.7. for legal and contractual purposes;
- 8.3.8. to improve the quality of our products and services;
- 8.3.9. to analyse personal information collected for research and statistical purposes;
- 8.3.10. to help to recover debts;
- 8.3.11. to carry out analysis and member profiling;
- 8.3.12. to identify other products and services which might be of interest to data subjects in general and to inform them of such products and services.

8.4. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC may process Personal Information and retain Records relating to natural or juristic persons who fall within the following non-exhaustive categories:

- 8.4.1. Contracted service providers;
- 8.4.2. Retired Police Officials and their spouses;
- 8.4.3. Donors;
- 8.4.4. Suppliers;
- 8.4.5. Volunteers;
- 8.4.6. Employees;
- 8.4.7. Directors;
- 8.4.8. Consultants; and
- 8.4.9. Any third party with whom ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC conducts business.

8.5. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC may supply Personal Information to the following recipients:

- 8.5.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for the Records;
- 8.5.2. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request therefor in terms of the applicable rules;

- 8.5.3. The South African Revenue Services, or another similar authority;
 - 8.5.4. Third parties with whom ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC has a contractual relationship for the capturing, organising, storage and/or retention and archiving of data; and
 - 8.5.5. Anyone making a successful application for access in terms of PAIA.
- 8.6. Subject to the provisions of POPIA and the National Credit Act 34 of 2005, ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC may share information about a client's creditworthiness with any credit bureau or credit provider's industry association or other association for an industry in which ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC operates.

9. SUBMITTING A REQUEST FOR ACCESS TO A RECORD

- 9.1. A request for access to any of the Records held by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC in terms of section 50 of PAIA must be made in writing by completing the form contained in the Regulations regarding the Promotion of Access to Information, 2002 (Form C).
- 9.2. A copy of the form is attached as Annexure A to this Manual. The request must be made to the Information Officer at the address, or email address, specified in this Manual.
- 9.3. A requester must pay the prescribed fee before processing of the request will take place.
- 9.4. The requester must provide sufficient detail on the prescribed form to allow ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC to identify the Record or Records which have been requested and to identify the Requester. If a request is made on behalf of another person or entity, the Requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC. The requester is also required to indicate

the form of access to the relevant record that is required, and to provide his, her or its contact details in the Republic of South Africa.

- 9.5. The requester is required to identify the right he, she or it is seeking to exercise or protect by accessing records held by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 9.6. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which includes that access would result in the unreasonable disclosure of Personal Information about a third party.
- 9.7. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC is required to inform a requester in writing of its decision in relation to a request.
- 9.8. ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC will make a decision in relation to a request for access to records within 30 (thirty) days of receipt of the request, unless third parties are required to be notified of the request or the thirty-day period is extended as provided for in PAIA and will notify the requester accordingly.
- 9.9. A requester aggrieved by the Information Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may submit a complaint to the Information Regulator of South Africa within 30 (thirty) days after the date of the decision by Information Officer of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC. Further information about the aforesaid Information Regulator can be obtained from <https://www.informationcommissioners.org/south-africa>.

10. FEES

- 10.1. The request fee payable by a requester, other than a Personal requester, is R50.00.
- 10.2. The Information Officer will notify the requester in writing, to pay the prescribed fee before further processing the request.
- 10.3. The access fee payable for searching for the Record for disclosure is R50.00 (fifty rand) for each hour or part of an hour reasonably required for such search.
- 10.4. If the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and or prepare the information requested, a deposit is payable equal to one third of the access fee referred to in paragraph 10.3 above.

11. INFORMATION OR RECORDS NOT FOUND

- 11.1. If all reasonable steps have been taken to find a record and such record cannot be found or if the records sought do not exist, then the Information Officer shall inform the requester, by way of an affidavit or affirmation, that it is not possible to give access to the record requested.
- 11.2. The affidavit or affirmation shall provide a full account of all steps taken to find the record or to determine the existence thereof, including the details of all communications by the Information Officer with the persons who conducted the search.
- 11.3. If the record in question is to be found at a later stage, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Information Officer.

12. GROUNDS FOR REFUSAL OF ACCESS

- 12.1. Mandatory protection of privacy of third party who is a natural person, including a deceased individual.
- 12.2. Mandatory protection of commercial information of a third party.
- 12.3. Mandatory protection of certain confidential information and protection of certain confidential information of a third party.
- 12.4. Mandatory protection of safety of individuals and protection of property.
- 12.5. Mandatory protection of Records privileged from production in legal proceedings.
- 12.6. Economic interests and commercial activities of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.
- 12.7. Mandatory protection of research information of a third party, and protection of research information of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.
- 12.8. Operations of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.
- 12.9. Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.

13. AMENDMENT AND UPDATING OF MANUAL

13.1. This Manual shall be annually revised and updated if necessary or at such intervals as may be prescribed amendments to legislation.

13.2. As and when amendments are affected, the latest version of the Manual will be made public.

14. AVAILABILITY OF THE MANUAL

14.1. This Manual is available for inspection at the offices of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC, located at 770 Petrus Street, Waterkloof Holdings, PRETORIA.

14.2. Copies of the Manual may be obtained, subject to the payment of the prescribed fees in paragraph 10, at the offices of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC.

14.3. The Manual can also be accessed online at <http://www.ecfund.org.za>

15. COMPLAINTS TO THE INFORMATION REGULATOR

15.1. In the event that any Data Subject or Third Party is of the view or belief that ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC has processed their Personal Information in a manner or for a purpose which is contrary to the provisions of this Policy, the Data Subject is required to first attempt to resolve the matter directly with ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC, failing which the Data Subject or Third Party shall have the right to lodge a complaint with the Information Regulator, under the provisions of POPIA.

15.2. The contact particulars of the Information Regulator are:

The Information Regulator (South Africa)

Forum III

Third Floor Braampark

PO Box 31533

Braamfontein, Johannesburg,

2107

Mr. Marks Thibela

Chief Executive Officer

Tel: +27 010 023 5207

E-mail: infoereg@justice.gov.za

ANNEXURE A

FORM A

Request for access to a record of/or held by a Private Body.

Section 53(1) of the Promotion of Access to Information Act 2 of 2000: Regulation 10

A. Particulars of private body	
Company name and registration number: ELDERLY CARE FUND FOR RETIRED POLICE OFFICIALS NPC SARP UITGEWERS NPC, Reg nr: 1993/007507/08 ~ 001-724 NPO	
The Managing Director:	
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 physical address and/or e-mail address to which the information is to be sent must be given; and	
c. Proof of the capacity in which the request is made, if applicable, must be attached.	
Full name and surname:	
Identity number:	
Postal address:	
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 ONLY if a request for information is made on behalf of another person.	
Full name and surname:	
Identity number:	
D. Particulars of Record	
a. Provide full particulars of the Record	
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 than a Record containing Personal information about yourself, will be processed only after a request fee has been paid.</p> <p>b. You will be notified of the amount required to be paid as the request fee.</p> <p>c. The fee payable for access to a Record depends on the form in which access required and the reasonable time required to search for and prepare a Record.</p> <p>d. If you qualify for exemption to the payment of any fee, please state the reason for exemption.</p>	
Reason for exemption from payment of fees:	
F. 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 1 to 4 hereunder, state your disability and indicate in which form the Record is required.	
Disability:	Form in which Record is required:
Mark the appropriate box with an X:	
NOTES:	
<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>	

c. The fee payable for access to the Record, if any, will be determined partly by the form in which access is.			
1. If the Record is written or in printed form:			
*Copy of Record			Inspection of Record
2. If the Record consists of visual images (this includes photographs, slides, video recording, computer-generated images, sketches, etc.)			
View the images		Copy of the images*	Transcription of the images*
3. If the Record consists of recorded words or information which can be reproduced in sound.			
Listen to the soundtrack (audio cassette)			Transcription of soundtrack* (written or printed document)
4. If the Record is held on computer or in an electronic or machine-readable form:			
Printed copy of Record*		Printed copy of information derived from the Record*	Copy of computer readable form* (CD or DVD)
*If you requested a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you? (Postage payable)	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 the form. The Requester must sign all the additional folios.			
1. Indicate which right is to be exercised or protected.			
2. Explain why the Record 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 _____ on this _____ day of _____ 20__.

Signature of Requester/person on whose behalf request is made.

ANNEXURE B
PRESCRIBED FEE TARIFF
GENERAL

The following applies to requests (other than personal requests):

1. A requester is required to pay the prescribed fee (R50.00) before a request will be processed;
2. If the preparation of the record requested requires more than the prescribed hours determined by ELDERLY CARE FUND FOR RETIRED POLICE OFFICIAL'S Information Officer, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
3. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
4. Records may be withheld until the fees have been paid. Payments should be made to the business account of ELDERLY CARE FUND FOR RETIRED POLICE OFFICIAL, the particulars of which account details will be made available to a requestor upon lodging a request for access to information.

FEES IN RESPECT OF PRIVATE BODIES SUCH AS ELDERLY CARE FUND FOR RETIRED POLICE OFFICIAL NPC

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	R0.75
For a copy in a computer-readable form on: (i) Compact disc	R70.00
For a transcription of visual images, for an A4-size page of thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00

For a copy of an audio record	R30.00
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3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form	R0.75
For a copy in a computer-readable form on: (i) Compact disc	R70.00
For a transcription of visual images, for an A4-size page of thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00

5. To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

6. For purposes of section 54(2) of the Act, the following applies:

5 hours as the hours to be exceeded before a deposit is payable; and
One third of the access fee is payable as a deposit by the requester.

7. Postage fees are payable when a copy of a record must be posted to a requester.