

**PROMOTION OF ACCESS TO INFORMATION MANUAL FOR
IMFUNDA SOCIAL INTEGRATION AND SPORT NPC**

Contents

1. Introduction and Definitions	2
2. Contact details	4
3. Section 10 Guide on how to use PAIA	5
4. Records available in terms of any other legislation	5
5. Description of the subjects on which Imfunda holds records and the categories of records held on each subject	6
6. Categories of records which are available without request	8
7. Request procedure in terms of PAIA	8
8. Fees payable	9
9. Information or records not found	10
10. Information requested about a third party	10
11. Other information as prescribed	10
ANNEXURE A: PROCESSING OF PERSONAL INFORMATION	11
ANNEXURE B	14

1. Introduction and Definitions

Imfunda is a non-profit organisation actively involved in the organisation of educational and youth development activities, instruction in life skills, the promotion of social welfare and cultural development activities in South Africa.

This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act 2 of 2000 (**PAIA**) and the Protection of Personal Information Act 4 of 2013 (**POPIA**).

Imfunda is a private body as defined in PAIA, and this manual contains the information specified in section 51(1)(b) of PAIA, which is applicable to such a private body. This information is as follows:

- the contact details of the head of the private body;
- a description of the guide referred to in section 10 of PAIA;
- a description of the records of Imfunda which are available in terms of any legislation other than PAIA;
- a description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record.

Imfunda is a responsible party as defined in POPIA and this manual contains the information stipulated in section 51(1)(c) of PAIA. This information is as follows:

- a description of the categories of Personal Information Processed by Imfunda, the purpose of the Processing, a description of the categories of Data Subjects to whom that Processing relates, instances when Personal Information held by Imfunda may be transferred out of South Africa, and a description of the information security measures implemented by Imfunda to ensure the confidentiality, integrity and availability of the information which is to be Processed; and
- other information as prescribed by regulation.

The manual will be updated at least every twelve months or at such intervals as may be necessary in accordance with the requirements of section 51(2) of PAIA.

The manual facilitates requests for access to records of Imfunda as provided for in the PAIA and sets out how to access Personal Information held by Imfunda in terms of sections 23 and 25 of POPIA.

In this manual, the following words bear the meaning set out below:

"Data Subject"	means the persons to whom Personal Information applies. In reference to Imfunda, this primarily but without limitations means students and professionals who participate in Imfunda's activities, volunteers and operators/suppliers, other persons and third parties;
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"officer"	means any person who works for or provides services to or on behalf of Imfunda, and includes agents, customers, employees and servants;
"Imfunda"	means Imfunda Social Integration and Sport NPC (registration number: 2010/012007/08), a non-profit company registered in South Africa in accordance with the Companies Act 71 of 2008, with its registered place of business at 167A Brooks Street, Brooklyn, Pretoria, 0011.
"Guide"	means the guide published by the SAHRC, and updated and made available by the Information Regulator in terms of section 10 of PAIA;
"Information Regulator"	means the regulatory body established in terms of section 39 of POPIA;
"Information Officer"	means the head of Imfunda;
"Operator/s"	means a person who process Personal Information for Imfunda in terms of a contract or mandate, without coming under the direct authority of Imfunda;
"Personal Information"	means personal information as defined in POPIA;
"Processing"	means any operation or activity or any set of operations, whether or not by automatic mean, concerning personal information, including – a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; b) dissemination by means of transmission, distribution or making available in any other form; or c) merging, linking, as well as restriction, degradation, erasure or destruction of information; and "Process" and "Processed" have corresponding meanings;
"requester"	means any person or entity requesting access to a record that is under the control of Imfunda in terms of either PAIA or POPIA;
"SAHRC"	means the South African Human Rights Commission;
"Special Personal Information"	means any Personal Information of a Data Subject, concerning – (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject; or (b) the criminal behaviour of a Data Subject to the extent that such information relates to – i. the allege commission by a Data Subject of any offence; or ii. any proceedings in respect of any offence allegedly committed by a Data Subject or

the disposal of such proceedings

"the head of Imfunda"	means the Chairman of Imfunda, or any person duly authorised by him to carry out the duties ascribed to the "head" of a private body by PAIA;
"the manual"	means this manual which is published in accordance with section 51 of PAIA and "this manual" shall have the same meaning;
"the Minister"	means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Correctional Services.

2. **Contact details**

The Chairman of Imfunda is Alex Bignotti and is the head of Imfunda for the purposes of PAIA. He has designated John Paul Ongeso as the information officer for purposes of POPIA. Requests for access to records or information in terms of either PAIA or POPIA should be addressed to the information officer using the following contact details:

Physical address:

167A Brooks Street
Brooklyn
Pretoria
0011

Postal address:

P O Box 3270
Houghton
Johannesburg
Gauteng
2041

Telephone: 012 362 0787

Email: imfunda.social@gmail.com

3. **Section 10 Guide on how to use PAIA**

The Information Regulator must, in terms of section 10 of PAIA, update and make available the Guide compiled by the SAHRC to assist persons wishing to exercise any rights in terms of PAIA.

The Guide may be obtained from the Information Regulator. Any person wishing to obtain the Guide may either access it through the website of the Information Regulator at <https://www.justice.gov.za/infoereg/index.html> or should contact:

The Information Regulator

Woodmead North Office Park,
54 Maxwell Drive Woodmead
Johannesburg
2191

Email: PAIAComplaints@inforegulator.org.za

4. Records available in terms of any other legislation

Certain records held by Imfunda are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Medical Schemes Act 131 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

5. Description of the subjects on which Imfunda holds records and the categories of records held on each subject

The following is a list of the subjects on which Imfunda holds records and the categories into which these fall. The procedure in terms of which such records may be requested from Imfunda is set out in Section 7 of this manual. The records listed below will not in all instances be provided to a requester who requests them in terms of PAIA. The requester has to show that he or she has the right in terms of PAIA to be given access to the records in question.

Categories of records

Description of records held

Administration

- Shareholder records
- Share register
- Minutes of meetings of directors

- Records relating to the incorporation of Imfunda
- Minutes of meetings of committees and sub-committees

Management

- Minutes of meetings of Executive Committee
- Internal correspondence
- Resolutions of the directors of Imfunda

Finance

- Accounting records
- Tax records
- Debtors' records
- Creditors' records
- Insurance records
- Auditors' reports
- Interim and annual financial statements
- Bank statements and other banking records for business and trust accounts
- Invoices issued in respect of debtors and billing information
- Records regarding Imfunda's financial commitments

Human Resources

- List of employees
- Statistics regarding employees
- Employment contracts
- Conditions of employment
- Information relating to prospective employees
- Personnel records including personal details, disciplinary records, performance and internal evaluation records
- Employee tax information
- Records of Unemployment Insurance Fund contributions
- Records regarding group life assurance and disability income protection
- Provident fund records
- Payroll records
- Health and safety records
- Workplace skills plans
- Codes of conduct
- Disciplinary code and procedure
- Grievance procedure
- Appeal procedure
- Remuneration policy
- Internal policies and procedures regarding dismissals, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, extended sick leave, study leave, salaries, overtime, bonuses, medical aid, health and safety, adoption leave and benefits,

BEE procurement, loans, working parents, black economic empowerment, smoking, use of company resources including telephones, motor vehicles and computers, sexual harassment, HIV-Aids and *Pro Bono* policy.

- Training schedules and material
- Correspondence relating to personnel

Suppliers

- Supplier lists and details of suppliers
- Agreements with suppliers

Information Technology

- Computer software
- Support and maintenance agreements
- Records regarding computer systems and programmes

Property

- Asset registers
- Lease agreements in respect of immovable property
- Records regarding insurance in respect of movable property
- Records regarding insurance in respect of immovable property

Miscellaneous

- Internal correspondence
- Firm publications

6. Categories of records which are available without request

No notices relating to Imfunda have been published by the Minister in terms of section 52(2) of PAIA. Certain records are available without needing to be requested in terms of the request procedures set out in PAIA and detailed in Section 7 of this manual. This information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the offices of Imfunda.

7. Request procedure in terms of PAIA

A request for access to records held by Imfunda in terms of section 50 of PAIA must be made on the form contained in the Regulations Regarding the Promotion of Access to Information (Form C). A copy of the form is attached as Annexure A to this manual. The request must be made to Imfunda at the address, or email address, specified in Section 2 above.

A requester must provide sufficient detail on the prescribed form to allow Imfunda to identify the record or records which have been requested and the identity of 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 Imfunda. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

The requester must identify the right that he, she or it is seeking to exercise by accessing records held by Imfunda and must explain why the particular record or records requested is or are required for the exercise or protection of that right.

Imfunda 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 include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of Imfunda itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, and that it is necessary to protect the research information of a third party or Imfunda itself. Access to documents may also be refused on the basis of professional privilege.

Imfunda is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Imfunda's decision in another manner as well, this must be set out in the request and the relevant details included, to allow Imfunda to inform the requester in the preferred manner.

Imfunda will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified of the request or the 30 day period is extended as provided for in PAIA. Imfunda will notify the requester if the 30 day period for processing a request is to be extended.

Where a request is refused, a requester may apply to the High Court within 30 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The Court will determine whether the records should be made available or not.

8. **Fees payable**

A requester has to pay a **request fee** of R50.00. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on Imfunda's behalf may notify the requester that he, she or it needs to pay the request fee before processing the request any further. A requester may apply to Court to be exempted from the requirement to pay the request fee.

Where a request for access to a record or records held by Imfunda is granted, the requester also has to pay an **access fee** for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. Imfunda is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as follows:

	Action taken	Fee
i.	Photocopy of an A4-size page or part thereof	R1.10
ii.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75

iii.	For a copy in a computer-readable form on -	
	stiffy disc	R7.50
	compact disc	R70.00
iv.	Transcription of visual images, for an A4-size page or part thereof	R40.00
v.	Copy of visual images	R60.00
vi.	Transcription of an audio record, for an A4-size page or part thereof	R20.00
vii.	Copy of an audio record	R30.00

In addition, if the search for and preparation of the record or records requested takes more than six hours, Imfunda may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.

If Imfunda is of the opinion that the search for and the preparation of the records requested will require more than six hours, Imfunda is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the requester. The requester may make an application to the Court or lodge a complaint with the Information Regulator to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

9. Information or records not found

If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then Imfunda will notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

The affidavit or affirmation will provide a full account, of all the steps taken to find the record or to determine the existence thereof, including details of all communications by Imfunda with every person who conducted the search.

If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester unless access is refused by Imfunda as permitted by PAIA (as dealt with in Section 7 above).

10. Information requested about a third party

Where any information is requested from Imfunda that relates to a third party, Imfunda is required to notify the third party of the request. The third party has an opportunity to grant their consent to the disclosure of the record or to make representations as to why the requested record should not be disclosed to the requester. If Imfunda decides to grant access to the record, it will notify the affected third party again. The third party is entitled to apply to court in relation to that decision. The court will then determine whether the record should be disclosed by Imfunda or not.

11. Other information as prescribed

The Minister has not prescribed that any further information must be contained in this manual.

ANNEXURE A: PROCESSING OF PERSONAL INFORMATION

Imfunda takes the privacy and protection of Personal Information seriously and will only process Personal Information in accordance with POPIA or any other applicable legislation which deals with privacy rights. Accordingly, the relevant Personal Information privacy conditions and requirements relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion of Personal Information) will be applied to any Personal Information processed by Imfunda.

Purpose of processing

Imfunda uses the Personal Information under its care in the following ways:

- Staff administration.
- Residence admission purposes: assessing suitability as student resident or participant in activities organized.
- Assessing eligibility as bursary beneficiary.
- Keeping of accounts and records.
- Complying with tax laws.
- Promotions and marketing.
- Identification and communication purposes.
- Keeping statistics and historical records.
- Security.

Categories of Data Subjects and their Personal Information

Imfunda may possess records relating to:

University student residents, applicants and external university students

- Name, surname of student residents and applicants and other students who attend religious, social and cultural activities (**external students**).
- ID No of student residents and applicants.
- Age of student residents and applicants.
- Telephone, cell phone and fax numbers of student residents and applicants and external students.
- Physical addresses of student residents and applicants.
- Email addresses of student residents and applicants and external students.
- Photos of student residents and applicants and external students.
- Nationality of student residents and applicants.
- Marital status of student residents and applicants.
- Academic information (university, course, year of study, schools attended, awards received, qualifications obtained, scholarships held, academic transcripts) of student residents and applicants and external students.

- General interests (hobbies, sports) of student residents and applicants and external students.
- Race of student residents and applicants.
- Religion of student residents and applicants.
- Biometric information of student residents and applicants.
- Health information (diet, illnesses, disability, medical aid number and service provider) of student residents and applicants.

Parents/next of kin of university students

- Name, surname, telephone, cell phone, occupation, physical address of parent(s)/next of kin of student residents and applicants.
- Name, surname, telephone, cell phone, physical address of referee(s) of student residents and applicants.

Directors and Volunteers

- Name, surname, telephone, cell phone number, email address, physical address.
- Photos.
- Occupation.
- Academic information.
- Race.
- Health information (diet, illnesses, disability, medical aid number and service provider).

Professionals who participate in retreats, recollections, seminars and other social activities organized by Imfunda (Professionals)

- Name, surname, telephone, email and cell phone number.
- Photos.

High-school boys (age 14 to 17)

- Names, and phone numbers.

Parents of primary-school boys (age 9 to 13)

- Names, phone numbers and emails addresses.

Categories of Recipients for Processing the Personal Information

Imfunda may supply the Personal Information to service providers who render the following services:

- Capturing and organizing data.
- Storing data.

Imfunda does not share the Personal Information of its Data Subjects with any third parties, except if:

- It is obliged to provide such information for legal or regulatory purposes;
- It is required to do so for purposes of existing or future legal proceedings;

- It is involved in the prevention of fraud, loss, bribery or corruption; the third party performs services and processes Personal Information on Imfunda's behalf as its Operator.

Imfunda will send its Data Subjects appropriate notifications or communications of its processing if it is obliged to do so by law, or in terms of its contractual relationship with Data Subjects. Imfunda will disclose Personal Information to government authorities if it is required to do so by law.

General description of information security measures

Imfunda employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Such measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Operators who process personal Information on behalf of Imfunda are contracted to implement security controls.

ANNEXURE B

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: _____

Attention: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

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: _____

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.

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. 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: _____

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 in 1 to 4 below, 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:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

☐	copy of record*	☐	inspection of record
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2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

☐	view the images	☐	copy of the images*	☐	transcription of the images*
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3. If 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)
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4. If 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 in computer readable form* (stiffy or compact disc)
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*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.	YES	NO
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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.***

Indicate which right is to be exercised or protected: _____

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 of _____ 20__

 SIGNATURE OF REQUESTER / PERSON
 ON WHOSE BEHALF REQUEST IS MADE