



PAIA MANUAL OF INDABA INSTITUTE NPC *(Private Body)*

Prepared and compiled in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 in respect of Indaba Institute NPC.

Registration Number: 2017/116452/08

Last Updated: 2022-05-04

Indaba Institute NPC

Reg. No: 2017/116452/08 | NPO No: 250-902 NPO | PBO No: 930074569 | Directors: A.G. Shearer, C.V. Poole, S.P. Pienaar
Lynedoch Road, Lynedoch, Stellenbosch, 7603, South Africa | Tel: +27 (0) 21 881 3500 | Email: admin@indabainstitute.org
www.indabainstitute.org

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1. INTRODUCTION

Indaba Institute NPC conducts business as a teacher training institute to train teaching assistants, teachers and trainers in the Montessori pedagogy. It is our aim to provide access to quality education for human development, especially in underserved communities, by capacitating the adult to help children reach their full potential.

2. SCOPE OF THE MANUAL

This Manual has been prepared in respect of the South African entity, Indaba Institute NPC.

3. THE ACT

The Promotion of Access to Information Act, No 2 of 2000 ("The Act") was enacted on 3 February 2000, giving effect to the right of access to any information held by Government, as well as any information held by another person who is required for the exercising or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the body to which the request is made is not obliged to release the information, except where The Act expressly provides that the information may or must be released. The Act sets out the requisite procedural issues attached to such request.

4. PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of The Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to "Private Body" in this manual, it will refer to Indaba Institute NPC for whom this manual is drafted.

5. PRIVATE BODY INFORMATION

5.1. CONTACT DETAILS

Information Officer	Jasmine Jacob
Postal Address	PO Box 162, Lynedoch, 7603
Physical Address	Lynedoch Road, Lynedoch, Stellenbosch, 7603
Telephone No	+27 (0) 21 881 3500
E-mail	admin@indabainstitute.org

5.2. GENERAL INFORMATION

Name of Private Body	Indaba Institute NPC
Registration No	2017/116452/08
Postal Address	PO Box 162, Lynedoch, 7603
Physical Address	Lynedoch Road, Lynedoch, Stellenbosch, 7603
Telephone No	+27 (0) 21 881 3500
E-mail	admin@indabainstitute.org
Website	www.indabainstitute.org

6. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission had compiled the guide contemplated in Section 10 of The Act. It contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in The Act. The Guide is available for inspection, inter alia at 29 Princess of Wales Terrace, cnr York and St Andrews Street. Any enquiries regarding this guide should be directed to:

The South African HUMAN RIGHTS COMMISSION, at PAIA Unit
(RESEARCH AND DOCUMENTATION DEPARTMENT)
Private Bag X2700, HOUGHTON, 2041

Telephone No	+27 (0) 11 484 8300
Fax No	+27 (0) 11 484 1360
E-mail	PAIA@sahrc.org.za
Website	www.sahrc.org.za

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

No notice has been submitted to the Minister of Justice and Constitution Development regarding the categories of records which are available without a person having to request access in terms of s52(2) of PAIA. The information on the website of the business, however, its automatically available without having to request access in terms of PAIA.

General information about Indaba Institute NPC can be accessed via the internet on www.indabainstitute.org, which is available to all persons with access to the internet.

8. RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of The Act.

The information is classified and grouped according to records relating to the following subject and categories: It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

- Databases
- Employee Records
- Financial Records
- Internal Correspondence
- Internal Policies and Procedures
- Marketing Records
- Operational Records
- Product Records
- Statutory Records

9. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to Indaba Institute NPC, which includes but is not limited to, the following -

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act No.53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002

- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value-Added-Tax Act 89 of 1991

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

10. RECORDS HELD IN RESPECT OF 3rd PARTIES

Records held by the Private Body pertaining to other parties, including without limitation:

- Financial Records
- Correspondence
- Contractual and Transactional Records
- Electronic Mail
- Records Provided by the Other Party
- Records Third Parties Have Provided About Contractors / Suppliers

11. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Records held by the Private Body may be accessed by request only once the prerequisites for access have been met.

The requester must fulfil the prerequisites for access in terms of The Act, including the payment of a requested access fee.

The requester must comply with all the procedural requirements contained in The Act relating to the request for access to a record.

The requester must complete the prescribed form C and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated herein.

The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify -

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number or email address of the requester.

The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

The Private Body will process the request within 30 days, unless the requester has stated a special reason that would satisfy the Information Officer that circumstances dictate that the above time periods are not complied with.

The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reason for the decision in any other manner, he / she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requesters making the request, to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

12. FEES

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the Information Officer receives the request, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the Fees as indicated in **ANNEXURE B**.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

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.

13. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for the Private Body to refuse a request for information relates to the:

Mandatory protection of the privacy of a third party that is a natural person that 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 third party;
- Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at 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 confidential information of the protection of property;

Mandatory protection of records that would be regarded as privileged in legal proceedings;

The commercial activities of the Private Body, which may include:

- Trade secrets of the Private Body;
- Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of the Private Body;
- Information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;

- A computer program, owned by the Private Body, and protected by copyright.

The research information of the Private Body or a third party, if its disclosure would reveal the identity or the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

14. REMEDIES AVAILABLE IN THE VENT OF REFUSAL OF REQUEST FOR INFORMATION

Internal remedies

The Private Body does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

External remedies

A requester who is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. A Court for relief, is a Court of Law as referred to in The Act or any other Court of similar status.

15. DECISION

The Private Body 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 Private Body has to decide whether to grant or refuse the request, may be extended for further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30-day period. The Private Body will notify the requester in writing should an extension be sought.

16. AVAILABILITY OF THE MANUAL

The manual of the Private Body is available at the premises of the Private body as well as on the website of the Private Body.

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.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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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		
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*
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)		
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)

*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.

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.