



PAIA and POPIA Manual

Of

Kuwane Foundation NPC (KF)

Registration Number 2021797086/08 & 264-101 NPO

In terms of Section 51 of the Promotion of Access to Information Act
No. 2 of 2000 as Amended (PAIA)

And

The Protection of Personal Information Act No. 4 of 2013 (POPIA).

PAIA and POPIA Manual

Introduction

This manual is in terms of the Promotion of Access to Information Act No. 2 of 2000 as Amended (PAIA) and The Protection of Personal Information Act No. 4 of 2013 (POPIA). Section 51 the Promotion of Access to Information Act requires that all private bodies prepare and make available a manual, to the public regarding the procedure which the public must follow when submitting a request to access the private bodies' records.

Companies Information and Contact Details of Information Officer

Full Name	Kuwane Foundation NPC
Registration Number	2021/797086/08 & 264-101 NPO
Physical address	22 Yvette Crescent Naturena 2095
Email	info@kuwanefoundation.org
Telephone	068 160 8236 / 072 384 8369

The responsibility for administration of and compliance with PAIA and POPIA have been delegated to the Information Officer. Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officer as follows:

Information Officer	Lelethu Ntaba
	Entsimekweni Village Herschel 9756
Email	info@kuwanefoundation.org
Telephone	068 160 8236

South African Human Rights Guide

The PAIA guide is available in all South African languages at no cost and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South Africa Rights Commission at:

The South African Human Rights Commission

PAIA Unit – The Research and Documentation Department

Private Bag X2700

Houghton

2041

+27 11 877 3600

paia@sahrc.org.za

www.sahrc.org.za

The Information Regulator (South Africa)

JD House, 27 Stiemens Street

Braamfontein, Johannesburg 2001

infoereg@justice.gov.za

<https://www.justice.gov.za/infoereg/index.html>

Applicable Legislation

The following are some of the legislation in terms of which records are held by Kuwane Foundation. This is not an exhaustive list and it must be pointed out that related records are not necessary available to requestors in terms of the Act:

- Basic Conditions of Employment Act 57 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communication and Tractions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2002
- Health Act No 63 of 1997
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act No 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act No 2 of 2000
- Protection of Personal Information Act No 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

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Access to Records held by the Foundation

Automatic Disclosures of Records

Certain information is automatically available for inspection from the Kuwane Foundation website (www.kuwanefoundation.org) including:

- Annual Reports
- Audited Financial Statements
- Marketing Materials
- Other information intended for public viewing

Categories of Records Held by the Foundation

The following categories of records and information that are not automatically available and will only be made available upon receipt and consideration of a request of information in the prescribed form in terms of PAIA and POPIA:

- Administration records
- Agreement and contractual records
- Board records
- Financial records
- Human resource records
- Income Tax records
- Information Technology records
- Insurance records
- Intellectual Property records
- Legal records
- Marketing records
- Movable and Immovable Property records
- Operation records
- Public Affairs records
- Statutory Compliance records
- Tax records
- Third Party records

Request Process

Records held by Kuwane Foundation may be accessed on request only once the requirements for access have been met. A requestor is any person making a request for access to a record of Kuwane Foundation.

Requests for access to records held by Kuwane Foundation must be made by the requestor using the prescribed Form C: Request for Access to Records of Private Body, available on the SAHRC website or the Department of Justice and Constitutional Development website. Such request must be made to the Information Officer at the address or email address provided for above.

In lodging the request, the requestor must:

- Provide sufficient detail on the request for to enable the Information Officer to identify the record and the requestor;
- Indicate which form of access is required and specify a postal address and email address within South Africa;
- Indicate whether in addition to a written response the requestor requests to be informed in any other manner and state the necessary particulars to be so informed;
- Identify the right that the requestor is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right;
- If a request is made on behalf of a person, the requestor must then submit proof of the capacity in which the requestor is making the request to the 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 to the Information Officer.

If access is requested to a record that contains information about third party, Kuwane Foundation is obliged to attempt to contact the third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted or not.

The Information Officer as soon as reasonably possible after the request has been received shall decide whether or not to grant the request.

Availability of the Manual

This manual will be updated as required or when the relevant legislation changes. This manual is available for inspection on www.kuwanefoundation.org. The manual is also available for viewing at our two offices in Johannesburg and Sterkspruit. Copies of the manual may be made available subject to the prescribed fees.

Prescribed Fees

The requestor needs to pay an access fee as prescribed by the Minister of Justice and Constitutional Development to enable the company to recover the cost of processing and giving access to records in terms of PAIA. Other fees apply depending on the request. Please see the following link to see the prescribed fees: <https://www.justice.gov.za/paia/PAIA-brochure.pdf>. Payment details can be obtained from the Information Officer.

Grounds for Refusal to Access Records

Access to certain records may be or must be denied on the grounds set out in the Act. Mandatory grounds for refusal include but are not limited to:

- Privileged information;
- Information for the protection of the privacy of individuals;
- Information for the protection of commercial information and confidential information of third parties;
- Information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
- Information privileged from production of legal proceedings;
- Commercial information of Kuwane Foundation;

- Research information.

If Kuwane Foundation cannot find the records that the requestor is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the requestor will receive a notice in this regard from the Information Officer, setting out the measures taken to locate the records and accordingly the inability to locate the records. Requests for information that are clearly frivolous and vexatious or which involved an unreasonable diversion of resources shall be refused.

Protection of Personal Information Act

The purpose of Protection of Personal Information Act (POPIA) is to promote the protection of personal information of individuals and businesses and to give effect to their right to privacy as provided for in the Constitution.

Kuwane Foundation needs personal information relating to both individual and juristic persons in order to carry out its business, organisational functions and meet its legal requirements. The manner in which this information is processed and the purpose for which it is processed is determined by Kuwane Foundation. Kuwane Foundation is accordingly a responsible party for the purposes of POPIA and will ensure that personal information of a data subject:

- Is processed lawfully, fairly and transparently;
- Is processed only for the purposes it was collected;
- Will not be processed for secondary purpose unless that processing is compatible with original purpose;
- Is accurate;
- Is not excessive for the purpose for which it was collected.

Purpose

Kuwane Foundation will only process personal information that, inter alia,:

- Is it necessary to enable us to provide our various services and projects;
- Is it necessary for conclusion and management of various contracts;
- Is it necessary for marketing requirements;
- Is it necessary for recruitment and general employee management.

Categories of Data Subjects

- Beneficiaries, clients, communities
- Employees
- Contractors, service providers and suppliers
- Funders and donors
- Debtors and creditors
- Directors

Cross Boarder Transfers

Kuwane Foundation does not generally do cross border information transfers. However, in the unlikely event that cross border transfer of personal information is necessary and/or unavoidable, Kuwane Foundation shall ensure that the data protection and privacy laws of such countries to which personal information is transferred are similar to the legislation in South Africa and that the

recipients of personal information commit to the same standards of data protection as that which Kuwane Foundation has committed to.

Recipients of Personal Information

Kuwane Foundation, its partners, funders and their respective representatives.

Information Security Measures

We have implemented reasonable technical and organisational measures to ensure the safety of all information. These measures include:

- Physical security measures
- Access control measures
- Encryption measures
- Cyber security measures
- Anti-virus measures
- Security firewalls
- Password control
- Employee training and awareness
- Policies

Approved

A handwritten signature in blue ink, appearing to be 'Bulelani Kuwane', written in a cursive style.

Bulelani Kuwane – Chairperson

Date: 12/09/2021