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PAIA and POPIA Manual

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") AND TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013("POPIA")

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The Umthombo Youth Development Foundation exists to help provide high quality health services to rural communities in South Africa, by the identification, training and support of rural students who have the potential to become rural health care professionals.

Trustees: Dr AJ Ross; Dr TC Nkabinde; Mrs NE Zulu; Dr NG Nkabinde; Dr LL Nxumalo

Trust Registration: IT 1856/95 Non Profit Registration: 010-021 Public Benefit Organisation: 18/11/13/4296

Compiled: 18 June 2021

1. Introduction

The promotion of Access to Information Act, 2000, as amended, (the “Act”) gives third parties the right to approach public bodies to request information held by them, which is required in the exercise and/or protection of any rights. On request, the public body is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act, and further incorporates or addresses the requirements of the Protection of Personal Information Act, 2013 (“POPIA”)

2. Umthombo Youth Development Foundation

The Umthombo Youth Development Foundation (UYDF) is a registered Trust (IT1856/95), a non-profit organisation (010-021), a public benefit organisation (18/11/13/4296) that provides academic and social mentoring support, as well as financial support to rural health science students to increase their chances of success. This initiative is used to address staff shortages at rural hospitals.

3. Purpose of the PAIA Manual

3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within the Umthombo Youth Development Foundation by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

3.2. 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 relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should

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be subject to justifiable limitations, including, but not limited to:

3.3.1. Limitations aimed at the reasonable protection of privacy;

3.3.2. Commercial confidentiality; and

3.3.3. Effective, efficient and good governance;

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

3.4. This PAIA Manual complies with the requirements of guide mentioned in section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

4. Information Officer and Deputy Information Officers.

(a) The Information Officer of the Umthombo Youth Development Foundation

Director: Dr Gavin MacGregor

Physical address: Office 4A, Bristol
House, Hillcrest,
3650

Postal address: Private Bag
X7005,
Postnet Suite
10328,
Hillcrest,
3650

Telephone number: +27 (0)31 765 5774

Fax number: +27 (0)86 577 5774

Email address: gavin@umthomboyouth.org.za

CC: nevilla@umthomboyouth.org.za

(b) The Deputy Information Officer of the Umthombo Youth Development Foundation,

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whose physical and postal addresses is the same as those of the Information Officer above is:

(i) Financial Administrator: Mrs N van Dyk
Telephone number: +27 (0)31 765 5774
Email address: nevilla@umthomboyouth.org.za

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5. South African Human Rights Commission Guide

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 (0)11 877 3600 (Switchboard)

Website: www.sahrc.org.za

General information:

info@sahrc.org.za Complaints:

complaints@sahrc.org.za

6. Records held by the Umthombo Youth Development Foundation

6.1 Personal records

- (a) Current and past students;
- (b) Unsuccessful applicants (destroyed after 3 years);
- (c) Graduates;
- (d) Current and past Donors;
- (e) Interested parties;
- (f) Current and past Trustees
- (g) Current and past employees;

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6.2 Financial Records

- a) Audited financial statements;
- b) Accounting records Including Subledgers, General ledgers and Trial balances;
- c) Bank Statements;
- d) Bank and other reconciliations;
- e) Payment files including supporting documentation;
- f) Statutory returns;
- g) Contracts or Service Level Agreements;
- h) Tax records including UIF, SDL, Compensation Commission;
- i) Budget;
- j) Salary records
- k) Unemployment insurance fund payment receipts and records
- l) Skills Development payment receipts and records
- m) Banking details of students and graduates

6.3 Organisational Records

- (a) Annual Reports
- (b) Policies and procedures
- (c) Policy documents
- (d) Information booklets and Newsletters;
- (e) Student contracts
- (f) Trustee meeting minutes
- (g) Annual report to the Director: Non-profit Organisations;
- (h) Trust Deed and amendments
- (i) Employment contracts;
- (j) Employment Equity Plan; (if applicable)
- (k) Disciplinary records;

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- (l) Salary records;
- (m) Disciplinary code;
- (n) Leave records;
- (o) Training records;

1.1 Records available without a formal request

All information in the public domain such as on the UYDF website, associated websites, Facebook, LinkedIn, scientific and general publications, Annual Reports and newsletter's are freely available and may be accessed without requesting permission.

2. Access to records & Procedure for requesting access to information

Records held by the public body may be accessed on request only once the requirements for request for access have been met. A requester in terms of the Act means: (i) any person making a request to access the record of that public body; or a person acting on behalf of the person referred to in subparagraph (i). The Act distinguishes between two types of requesters, however this Manual includes a third type of a requester:

(a) Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information. Subject to the provisions of the Act, applicable laws and any applicable judgements, the Umthombo Youth Development Foundation will provide the requested information, or give access to any record regarding the requested personal information. The prescribed fee for reproduction of the information requested will be charged as prescribed in the Act. Application for information must be made by completing the form Annexure A and submitting it to the Information Officer listed above.

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(b) Other Requester

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Umthombo Youth Development Foundation is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act and any other applicable law. The prescribed fee for reproduction of the information requested will be charged.

Application for information must be made by completing the form Annexure A and submitting it to the Information Officer listed above.

(c) Recognised and Pre-Approved Data Requester

This requester has been recognised and pre-approved to make a request for certain data. In the case of the Umthombo Youth Development Foundation the current pre-approved Requesters are:

- 1) Organisations providing services on behalf of the Umthombo Youth Development Foundation that are captured in a Service Level Agreement or Memorandum of Understanding
- 2) Higher education institutions where Umthombo Youth Development Foundation students are studying
- 3) Current donors that require such information for reporting purposes

Procedure:

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. To request information the form marked Annexure A (attached) must be completed and sent to the Information Officer or Deputy of the Umthombo Youth Development Foundation either via the postal or physical address, facsimile number or electronic mail address stated above. On receipt of such request, the Information Officer or Deputy will

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acknowledge receipt thereof within 5 working days of receipt. The record requested will be furnished on payment of the prescribed fee, in instances where request for information fees are levied, and a proof of deposit may be requested from the requester in respect of the access fee. The prescribed form must be filled in with enough detail to enable the Information Officer to identify:

- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal, electronic mail address or fax number of the requester.

A requester must state that he or she requires the information in order to exercise, or protect the right, and clearly state what the nature of the right to be exercised or protected is. The requester must also provide an explanation as to why the requested record is required to exercise or protect that right.

The Umthombo Youth Development Foundation will process a request within the required time as prescribed in the Act, unless the requestor has stated special reasons which would satisfy the Information Officer or his/her Deputy that circumstances dictate that this time period not be complied with.

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

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer or his/her Deputy.

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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 or her Deputy and/or should a requester require the assistance of the Information officer or his/her Deputy in obtaining any record held by the Umthombo Youth Development Foundation, such assistance as possible will be provided by the Information Officer or her Deputy.

Upon receipt of the request, where applicable, the Information Officer or his/her Deputy will inform any third party affected by the request within 21 days of receipt of the request. The third party must inform the Information Officer or his/her Deputy why such information should not be made available to the requester within a specified period of time.

Decision:

The Umthombo Youth Development Foundation shall, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the Umthombo Youth Development Foundation must decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another location other than the Umthombo Youth Development Foundation head office and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

3. Fees

The Act provides for two types of fees:

- a request fee, which will be a standard fee, and an
- access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable.

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When a request is received by the Information Officer, the Information Officer or his/her Deputy shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer or his/her Deputy shall notify the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.

The Information Officer or his/her Deputy shall withhold a record until the requester has paid the fee or fees as indicated. 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 will repay the deposit to the requester.

4. Processing of Personal Information.

4.1 Purpose of Processing

The Umthombo Youth Development Foundation uses the Personal Information under its care in the following ways:

- To provide financial allowances to current students;
- To provide academic and social mentoring support to current students
- To obtain academic progress reports on current students from universities;

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- To obtain fee statements of current students from universities;
- To obtain academic progress reports on potential UYDF students
- To compile and provide progress reports to donors on students they support;
- To compile reports on graduates' progress and success;
- To comply with tax laws and other applicable laws; and
- Any other relevant administrative purposes in terms of any other law, code or standard.

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4.2 Categories of Data Subjects and their Personal Information

| Data Subject Category | Personal Information Processed |
|------------------------------|---|
| Natural Persons | Names; contact details; physical and postal addresses; date of birth; ID number; Passport number; Tax related information; nationality; gender; Ethnicity; Age; confidential correspondence |
| Juristic Persons / Entities | Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners |
| Contracted Service Providers | Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners |
| Employees / Trustees | Gender; Marital Status; Ethnicity; Age; Home Language, Education information; Financial Information; Employment History; Disciplinary records; ID number; Physical and Postal address; Contact details; Criminal behaviour; Well-being. |

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4.3 Categories of Recipients for Processing the Personal Information

The Umthombo Youth Development Foundation may supply personal information to service providers who render the following services:

- Payroll and bookkeeping services
- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to stakeholders;
- Conducting due diligence checks;
- Administration Assistance.

4.4 Trans-Border Flows of Personal Information

Non South African requesters (organisations or individuals) requesting information must follow the procedures laid out in this manual and said request will be determined in the same way as described in this manual.

9.4 General Description of Information Security Measures

The Umthombo Youth Development Foundation employs up to date technology to ensure the confidentiality, integrity and protection of the Personal Information under its care.

Measures include:

- Firewalls
- Virus protection software installed on all computers
- Regular virus and malware software updates
- Secure access control;
- Secure setup of hardware and software;
- Password protection with regular password changes

5. Grounds for refusal

The Information Officer or Deputy may refuse a request for information for the
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following reasons:

- (a) Where the disclosure would amount to an unreasonable disclosure of personal information;
- (b) Where the disclosure would amount to disclosure of the trade secrets of a third party;
- (c) Where the disclosure would lead to a revelation of financial, commercial, scientific or technical information of a third party;
- (d) Where such information was supplied in confidence by a third party;
- (e) Where the disclosure would breach the duty of confidence owed to a third party;
- (f) Where the disclosure would endanger the life or physical safety of an individual;
- (g) If the disclosure is prohibited under the Criminal Procedure Act;
- (h) If the disclosure is privileged under legal proceedings or research conducted by or on behalf of a third party; and
- (i) Where the disclosure would compromise the investigation where proceedings are pending.

5.1 The following grounds of discretionary refusal will apply:

- (a) Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future;
- (b) Where the record contains information around crime prevention, detection and prosecution of alleged offenders;
- (c) Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power, or performance of a duty
- (d) Where the request is frivolous or vexatious.
- (e) It is not clear what specific information on a data subject is requested
- (f) Where a court order exists preventing release of the information

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6. Remedies Available If Request for Information Is Refused

Internal Remedies

The HPCSA does not have an internal appeal procedure. As such, the decision made by the Information Officer or Deputy pertaining to a request is final, and requestors shall have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer or deputy.

External Remedies

A requestor that is dissatisfied with the Information Officer or Deputy's refusal to disclose information, may within 180 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer or Deputy's decision to grant a request for information, may within 180 days of notification of the decision, apply to a court for relief. For purposes of the Act, a court application must be lodged with a High Court or another court having jurisdiction.

7. Availability of the manual

This manual is available for inspection, on reasonable prior notice, free of charge, at the registered address stated above or the on the website: www.umthomboyouth.org.za. n the Act.

8. Actions taken when data breaches occur

- a) the Information Officer is to immediately determine the nature of the breach and implement steps to immediately halt the breach
- b) Data subjects affected will be contacted to inform them that a breach has occurred and their information has been accessed without permission

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- c) Inform the data subjects of the actions taken to stem the breach and secure their data going forward
- d) Inform the Information Regulator of the breach and the nature of the data accessed, actions taken to inform data subjects, actions taken to stem the breach, and protections implemented to prevent further similar breaches

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