



KwaCare (NPC)
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Registration Number: 2000/005376/08

PBO Number: 930 003 826

KWACARE (NPC)

MANUAL

in terms of

The Promotion of Access to Information Act

2/2000

(the "ACT")

DECEMBER 2011

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Registration No. 2000/005376/08

Directors: J. Curle (Chairperson), F. Des Fontaine (Vice Chairperson),
J. Baumgardt (Company Secretary), M. Myeza (Managing Director), C. Watson (Financial Director)

PBO No. 930 003 826



1. INTRODUCTION

KwaCare was established in 1995 as a Non-Profit Organisation. KwaCare was a community outreach ministry birthed through His Church Pinetown with an aim to change the lives of people living in our communities by impacting them physically, spiritually and emotionally through effective community outreach projects.

2. COMPANY CONTACT DETAILS

Persons designated/duly authorised persons:

Directors: Mondli Myeza (Managing)
 Jane Curle
 Fiona Des Fontaine
 Cheryl Watson
 Jacqueline Baumgardt

Office Manager: Lauren Howell

Postal Address: P.O. Box 4, PINECRAFT, 3617
Street Address: 13 Drake Road, Pinetown, 3610
Telephone Number: 031 701 6211
Fax Number: 031 701 7822
Website: www.kwacare.org.za

3. THE ACT

3.1 The Act grants a requester access to records of KwaCare, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7.

3.3 Requesters are referred to the Guide provided by the South African Human Rights Commission, which contains information for the purposes of exercising Constitutional Rights. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-484 8300
Fax Number: +27-11-484 0582
Website: www.sahrc.org.za
Email: paia@sahrc.org.za

4. APPLICABLE LEGISLATION

No	Ref	Act
1	No 71 of 2008	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 75 of 1997	Basic Conditions of Employment Act
8	No 25 of 2002	Electronic Communications and Transactions Act
9	No 2 of 2000	Promotion of Access of Information Act
10	No 30 of 1996	Unemployment Insurance Act
11	No 71 of 1997	NPO Act

5. ACCESS TO RECORDS AND AVAILABILITY

Records	Subject	Availability
Community Affairs	Community Projects	Freely available on website www.kwacare.org.za
Financial	<ul style="list-style-type: none">• Audited Financial Statements• Monthly Financial and Accounting records• Tax Returns• Bank Statements• Paid Cheques• Electronic banking records• Asset Register• Invoices• PAYE Records• Documents issued to employees for income tax purposes• Records of payments made to SARS on behalf of employees• UIF Records	Available on website www.kwacare.org.za Available from Office Manager

Company documents	<ul style="list-style-type: none"> • Memorandum of Incorporation • NPO Registration Certificate • PBO Status Documentation • Section 18A Status Documentation • Section 10(1)(f) Status Documentation • Minutes of meetings 	Available from Office Manager
Personnel Records	<ul style="list-style-type: none"> • Internal Policies and Procedures • Records relating to the appointment of remunerated staff members and directors • Employment contracts • Disciplinary records • Salary records • Disciplinary code • Leave records • Training records • Training Manuals • Any personal records provided to us by our personnel; • Any records a third party has provided to us about any of their personnel; • Conditions of employment and other personnel-related contractual and quasi-legal records 	Available from Office Manager
Other information as may be prescribed. (Section 51(1)(f))	No such information has been prescribed.	

6. AVAILABILITY OF THE MANUAL. (SECTION 51(3))

This manual is available from the South African Human Rights Commission (see details above), from KwaCare (NPC) (see details above).

7. REQUESTS FOR RECORDS

7.1 Records that may be requested.

The records to be requested by a requester means any recorded information regardless of its form or medium which is in the possession or under the control of KwaCare (NPC), whether or not it was created by KwaCare (NPC) or not.

KwaCare (NPC) is committed to openness and transparency. However simply because your request falls within the category of records that may be requested does not mean that KwaCare (NPC) is obliged to provide you with the record/s you have requested. KwaCare (NPC) is obliged to consider its own rights and responsibilities and those of third persons in deciding whether to provide you information you have requested.

7.2 Requests generally

A requester shall be given access to a record held by KwaCare (NPC) if the following requirements set out in the Act are met. These requirements are:

- that the requester complies with all the procedural requirements set out in the Act relating to a request, and
- that access to that requested record is not refused in terms of any ground for refusal set out in the Act.

KwaCare (NPC) will not consider the identity of a requestor or why the requestor wants information, in making its decisions to allow the requestor access to information or not. Instead KwaCare (NPC) will make its decision based on whether the requestor has a right to the information.

In particular, the right of a requester to access information in terms of this Act is not affected by any reasons given by that requester for requiring access. In addition, the Information Officer's belief as to what the reasons for the request may be are not considered in deciding the requestor's right to access information in terms of the Act.

7.3 How to Request a Record

Requests for access to records held by KwaCare (NPC) must be made on the prescribed request form in terms of Section 18. This prescribed form is attached to this Manual as Schedule 2. The forms may also be obtained from the SAHRC at the contact details indicated above (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za under "regulations").

Requests for access to records must be made to the Information Officer at the address, fax number or electronic mail address provided for above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.

The requester should also indicate which form of access is required, such as a copy or inspection of a written or printed record; a copy or view of an image; a transcription or listening to a sound recording; a print-out or copy of a record stored by way of computer or a copy of any other record.

The requestor must indicate if he or she wishes to be informed of KwaCare (NPC)'s decision regarding such request in a particular manner (post, fax electronic mail etc) and state the necessary particulars to be so informed. If no details are given KwaCare (NPC) will use its discretion and will usually respond by fax or electronic mail.

The requester must also state whether the record concerned is preferred in a particular language.

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.

Should an individual be unable to make a request for access to a record of KwaCare (NPC) because of illiteracy or disability, he or she may make such a request orally. The Information Officer of KwaCare (NPC) must then reduce the oral request to writing in the prescribed form and supply the requester with a copy thereof.

8. REMEDIES AVAILABLE FOR NON-COMPLIANCE [Section 14(2)]

KwaCare (NPC) does not have an internal appeal procedure relevant to the Act. Accordingly, a dispute regarding the Act may be resolved by approaching the relevant court directly.

9. PRESCRIBED FEES FOR REQUESTING AND ACCESSING RECORDS [Section 22]

The Act sets out two types of fees, namely a request fee and an access fee, they are required to be paid prior to KwaCare (NPC) evaluating the request for information and then accessing and retrieving the record/s.

9.1 Request Fees

A personal requester, being a natural person (human being) who requests access to a record containing personal information about him or herself is not required to pay the request fee. Any other requester, who is not a personal requester, will be required to pay such fee.

The requestor (other than a personal requester) can include this request fee with his or her request. If the requestor is not sure of the request fee or chooses not to send it, he or she may still submit the request and the Information Officer must advise the requestor of the prescribed fee. This will be done through the contact address given and may delay the request process. No invoice will be issued.

The request fee (other than for a personal requester) must be paid before KwaCare (NPC) will process the request. KwaCare (NPC) may also ask for a deposit in certain circumstances, which will be refunded if the request is refused.

If you disagree with the Information Officer's decision that you must pay a request fee and/or you disagree with the amount of the request fee you are entitled to apply to court to remove the obligation to pay the request fee or vary the amount of the request fee

The Information Officer must notify the requester of his/her decision in the manner and at the address specified by the requester.

9.2 Access Fees

In the event that the Information Officer grants the request, a further access fee must be paid for the search, preparation, reproduction and for any time that has exceeded the prescribed hours to prepare and search for the requested record.

As with the request fee, the requestor may pay the access fee before a decision is made and if your request is refused, the fee will be refunded. If the requestor is not sure of the access fee or chooses not to send it, the Information Officer must advise you of the prescribed access fee. This will be done through the contact address you give and may delay the request process. No invoice will be issued.

The access fee (including for a personal requester) must be paid before KwaCare (NPC) will search for and extract the record requested.

If you disagree with the Information Officer's decision that you must pay an access fee and/or you disagree with the amount of the access fee you are entitled to apply to court to remove the obligation to pay the access fee or vary the amount of the access fee

The Information Officer must notify the requester of his/her decision in the manner and at the address specified by the requester.

9.3 Form of Request

To facilitate the processing of your request, kindly:

- Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at www.doj.gov.za
- Address your request to the Company Secretary.
- Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d) (i) The postal address or fax number of the requester in the Republic;
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

9.4 Prescribed Fees

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

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>

Signed: _____

Date: _____

Jane Curle
Chairperson

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:

Fax number:

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 <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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. |

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 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 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:	
(a) Compliance with your request 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 for 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 image*		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

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:
2. 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