



## Western Cape Forum for Intellectual Disability

WESKAAP FORUM VIR INTELLEKTUELE GESTREMDHEID — IQUMRHU LE NTSHONA KOLONI LOKHUBAZEKO NGENGOQONDO

ADDING SKILLS • ADDING KNOWLEDGE • ADVANCING RIGHTS

# PAIA MANUAL

Prepared in terms of section 51 of the  
Promotion of Access to Information Act 2  
of 2000 (as amended)

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A SUPPORT NETWORK FOR TRAINING - ADVOCACY - RESOURCES



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## **1. LIST OF ACRONYMS AND ABBREVIATIONS**

- |     |                    |   |
|-----|--------------------|---|
| 1.1 | <b>'IO'</b>        | <b>Information Officer</b>  |
| 1.2 | <b>'Minister'</b>  | <b>Minister of Justice and Correctional Services;</b>                         |
| 1.3 | <b>'PAIA'</b>      | <b>Promotion of Access to Information Act No. 2 of 2000<br/>(as amended);</b> |
| 1.4 | <b>'POPIA'</b>     | <b>Protection of Personal Information Act No.4 of 2013;</b>                   |
| 1.5 | <b>'Regulator'</b> | <b>Information Regulator;</b>   |
| 1.6 | <b>'RSA'</b>       | <b>Republic of South Africa;</b>  |
| 1.7 | <b>'WCFID'</b>     | <b>Western Cape Forum for Intellectual Disability</b>                         |

## **2. OVERVIEW**

The WCFID processes personal information for the following reasons –

- 2.1 advancing and defending constitutional rights;
- 2.2 compiling lists of service providers in the intellectual disability community (sector);
- 2.3 conducting research and surveys for the benefit of the sector;
- 2.4 concluding employee agreements;
- 2.5 meeting statutory obligations;
- 2.6 processing financial transactions;
- 2.7 recording and maintaining details of members;
- 2.8 general communication and reporting in multi-media;
- 2.9 reporting to and meeting requirements of funders; and
- 2.10 reporting to and meeting requirements of national and provincial government departments.

## **3 PURPOSE OF THE PAIA MANUAL**

This PAIA Manual is useful for the public to –

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body-which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer (if appointed) who will assist the public with the records they intend to access;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 know if the body will process personal information. Know the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;



- 3.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

#### **4 KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE WESTERN CAPE FORUM FOR INTELLECTUAL DISABILITY (WCFID)**

##### **4.1 Information Officer**

Name: Gail Davids, Director, WCFID

Tel: (021) 510 4686

Email: [director@wcfid.co.za](mailto:director@wcfid.co.za)

##### **4.2 Deputy Information Officer**

Not appointed.

##### **4.3 Access to information - general contacts**

Email: [projects@wcfid.co.za](mailto:projects@wcfid.co.za)

Email: [info@wcfid.co.za](mailto:info@wcfid.co.za)

##### **4.4 Office contact information**

Postal Address: PO Box 142, Maitland, 7404

Physical Address: ASAT House, Alexandra Hospital, 8 Annex Road Maitland, 7405

Telephone: (021) 510 4686

Email: [info@wcfid.co.za](mailto:info@wcfid.co.za)

Website: [www.wcfid.co.za](http://www.wcfid.co.za)

#### **5 GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

- 5.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA;
- 5.2 The Guide is available in each of the official languages and in braille;
- 5.3 The aforesaid Guide contains the description of -
- 5.3.1 the objects of PAIA and POPIA;

- 5.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of -
- 5.3.2.1 *the Information Officer of every public and private body; and*
- 5.3.2.2 *every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;*
- 5.3.3 the manner and form of a request for -
- 5.3.3.1 *access to a record of a public body contemplated in section 11<sup>3</sup>; and*
- 5.3.3.2 *access to a record of a private body contemplated in section 50<sup>4</sup>;*
- 5.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging -
- 5.3.6.1 *an internal appeal;*
- 5.3.6.2 *a complaint to the Regulator; and*
- 5.3.6.3 *an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;*
- 5.3.7 the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

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<sup>1</sup> Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

<sup>2</sup> Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

- 5.3.8 the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 5.3.9 the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
  - 5.3.10 the regulations made in terms of section 92<sup>11</sup>.
- 5.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5 The Guide can also be obtained -
- 5.5.1 upon request to the Information Officer;
  - 5.5.2 from the website of the Regulator: <https://www.justice.gov.za/inforeg/>.
- 5.6 A copy of the Guide will also be available -
- 5.6.1 in three of the official languages, English; *isiXhosa* and *Afrikaans* and Braille for public inspection, during normal office hours at the offices of the WCFID; and
  - 5.6.2 in all 11 official languages on the website: [www.wcfid.co.za](http://www.wcfid.co.za)

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<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”



**6 CATEGORIES OF RECORDS OF THE WCFID WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

Category of records	Types of the Record	Available on Website	Available upon request
Publications and Training Resource Material	Annual Review	X	
	Guide to Training Resources	X	
	Understanding Intellectual Disability (pamphlet available in English; <i>isiXhosa and Afrikaans</i> )	X	
Governance and Verification	The Independent Code of Governance for non-profit organisations in South Africa – WCFID signed copy	X	
	WCFID Certificate of Due Diligence	X	
	Socio-Economic Development Certificate – Independent Persons Report	X	
Financial	Annual Audited Financial Statements		X

**7 DESCRIPTION OF THE RECORDS OF THE WCFID WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

7.1 The PAIA Manual is available on the website: [www.wcfid.co.za](http://www.wcfid.co.za)

7.2 The following documents are available upon written request to the Information Officer and payment of the applicable fee –

Category of Records	Applicable Legislation
WCFID's Constitution	Nonprofit Organisations Act 71 of 1997
PAIA Manual	Promotion of Access to Information Act 2 of 2000



## 8 DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE WCFID

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	<ul style="list-style-type: none"> <li>- Budgets</li> <li>- Financial reports</li> <li>- Funding proposals</li> <li>- Strategic plans</li> <li>- Policies and procedures</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>- Advertised posts</li> <li>- Employee information</li> <li>- HR policies and procedures</li> <li>- Strategic plans</li> </ul>
Research and Resource Development	<ul style="list-style-type: none"> <li>- Research papers</li> <li>- Peer-reviewed articles</li> <li>- Training resource archives</li> </ul>

## 9 PROCESSING OF PERSONAL INFORMATION

### 9.1 Purpose of Processing Personal Information

Please refer to the overview, point 1 above.

Categories of Data Subjects	Personal Information that may be processed
Employees	<ul style="list-style-type: none"> <li>- Contact details</li> <li>- Health</li> <li>- Employment references</li> <li>- Marital status</li> <li>- SAPS Police or Name Clearance Certificates</li> <li>- Qualifications</li> </ul> <p><b>In terms of applicable legislation regarding:</b></p> <ul style="list-style-type: none"> <li>- Disability</li> <li>- Gender</li> <li>- Race</li> </ul>
WCFID Members	<ul style="list-style-type: none"> <li>- Name</li> <li>- Contact details</li> </ul>

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
	<ul style="list-style-type: none"> <li>- VAT registration number</li> <li>- Statistics</li> </ul>
Service Providers	<ul style="list-style-type: none"> <li>- Name</li> <li>- Contact details</li> <li>- Bank account details</li> <li>- Registration number</li> <li>- Vat registration number</li> <li>- Contract (if applicable)</li> </ul>

**9.2 The recipients or categories of recipients to whom the personal information may be supplied**

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Names and identity numbers	- National Child Protection Register: Department of Social Development
Names and identity numbers	- Registrar of National Sex Offenders Register
Identity number and names, for criminal checks	<ul style="list-style-type: none"> <li>- South African Police Services</li> <li>- Third party verification service</li> </ul>
Qualifications, for qualification verifications	<ul style="list-style-type: none"> <li>- South African Qualifications Authority</li> <li>- Third party verification service</li> </ul>
Credit and payment history, for credit information	<ul style="list-style-type: none"> <li>- Credit bureaus</li> <li>- Third party verification service</li> </ul>
Details of member organisations	- Funders, national and provincial government departments

**9.3 Planned trans-border flows of personal information**

Information may be shared with organisations based in other countries, subject to obtaining the necessary consents (if applicable) and confirmation that secure data protection systems are in place;

**9.4 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information -**



- 9.4.1 Use of anti-virus software;
- 9.4.2 Data encryption for emails;
- 9.4.3 Password protection for documents that contain sensitive information;
- 9.4.4 Hardcopies of documents containing critical information in a fire-proof safe or under lock and key;
- 9.4.5 Multi-level computer backup procedure used; and
- 9.4.6 Privacy policy in place.

## **10 AVAILABILITY OF THE MANUAL**

10.1 A copy of the Manual is available –

- 10.1.1 on the website: [www.wcfid.co.za](http://www.wcfid.co.za);
- 10.1.2 at the head office of the Western Cape Forum for Intellectual Disability, for public inspection during normal business hours;
- 10.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 10.1.4 to the Information Regulator upon request.

10.2 A fee for a copy of the PAIA Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made. As at the date of publication of the WCFID's PAIA Manual the fees, for the searching and preparation of the record/s for disclosure private bodies respectively, is capped at the amount specified in the Act.

## **11 UPDATING OF THE PAIA MANUAL**


The Information Officer of the WCFID is responsible for updating the PAIA Manual.

## **12 FORMS**

Forms (amongst others) that are available from the Information Regulator: <https://www.justice.gov.za>

- 12.1 Form 1 – Regulation 2: Request for a copy of the PAIA Guide;
- 12.2 Form 2 – Regulation 7: Request for access to a record;
- 12.3 Form 5 – Regulation 10: Complaint; and
- 12.4 Form 13 – Regulation 14(1): Request for [PAIA compliance] assessment.

Issued by



**Gail Davids, Director and Information Officer, WCFID**