

PROMOTION OF ACCESS TO INFORMATION MANUAL

(hereinafter referred to as the “Manual”)

for



Soul City NPC

(with Registration Number 1995/010944/08)

(012-983 NPO)

(hereinafter referred to as the “**Soul City Institute**”)

Prepared in accordance with Section 51 of the **Promotion of Access to Information Act, No. 2 of 2000**

The purpose of this Manual is, *inter alia*, to assist a requester with the process of requesting access to information held by Soul City Institute.

INTRODUCTION

This Manual is published in terms of Section 51 of the Act.

The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by another person. A person who is entitled to exercise a right or who needs information for the protection of a right is entitled to access that information, subject to certain constraints.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

PURPOSE

The purpose of this manual is to facilitate requests for access to information held by Soul City Institute.

The manual does not deal with every procedure provided for in the Act comprehensively.

Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to Soul City Institute in terms of the Act.

The Soul City Institute makes no representation and gives no undertaking or warranty that the information in the manual or any other information provided by it to requestors is complete or accurate, or that such information is fit for any purpose. All users of such information shall use such information entirely at their own risk, and Soul City Institute shall not be liable for any loss, expense, liability or claims, however arising, resulting from the use of the manual or any information provided by Soul City Institute or from any error therein.

All users and requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of the manual or any information provided by Soul City Institute.

INFORMATION REQUIRED UNDER SECTION 51 (1) (a) OF THE ACT

Head of Soul City Institute	Lebogang Ramafoko (CEO)
Designated Information Officer	Helen Starke (Company Secretary)
Email address	helen@kdsconsulting.co.za (Information Officer)
	soulcity@soulcity.org.za (Soul City Offices)
Postal address	P O Box 1289, Cresta, 2118 (Information Officer)
	P O Box 1290, Houghton, 2041 (Soul City Offices)
Street Address	9 Collins Street, Windsor Glen, Randburg (Information Officer)
	First Floor, Dunkeld West Centre, Cnr Jan Smuts and Bompas), Dunkeld West, Johannesburg (Soul City Offices)
Phone Number	(011) 678 2722 (Information Officer)
	(011) 341 0360 (Soul City Offices)
Fax Number	086 660 5911 (Information Officer)
	(011) 341 0370 (Soul City Offices)
Website	www.soulcity.org.za

COMPANY OVERVIEW

The Soul City Institute for Health & Development Communication, a Non-profit Company, is a social and behavioural change organisation focused on sharing information and affecting social norms, attitudes and practice for the better.

Established in 1992, when South Africa was on the brink of democratic change, Soul City Institute has remained a health promotion organisation, subscribing to the principles of the World Health Organisation's Ottawa Charter. According to the charter, health is a product of a range of actions that include building an enabling environment, advocacy for health public policy, community action, developing personal skills and re-orientating the health services towards the health promotion approach.

The Soul City Institute cares deeply about achieving real, measurable social change for individuals and communities in South Africa, Southern Africa and Africa, particularly as far as HIV prevention and violence reduction via alcohol control are concerned. This is why the interventions are based on communication, advocacy and social mobilisation.

The Soul City Institute mass media communication vehicles span prime-time TV, radio drama across all languages and high-quality glossy booklets, and also the Internet.

The Soul City Institute partners in Southern Africa are

- Lesotho – Phela
- Malawi – Pakachere
- Mozambique – Nweti
- Namibia – Desert Soul
- Swaziland – Lusweti
- Zimbabwe – Action
- Zambia – ZCCP

The term ‘edutainment’ is defined as the art of making social issues part of popular and high-quality entertainment formats, using the best research available. The Soul City Institute is proud of its lead position in this discipline.

VOLUNTARY DISCLOSURE

The Soul City Institute has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Soul City Institute and its services is freely available on the Soul City Institute website.

Further information in the form of brochures, pamphlets, printed material and other public communication is made available from time to time.

HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide described in Section 10 of the Act was published in August 2003 and contains the information as prescribed in the Act. All enquiries regarding this guide should be directed to

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 27
Houghton
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1) (d)

The following legislation creates the obligation to keep certain records:

- Basic Conditions of Employment Act 75 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
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Film and Publications Act 65 of 1996
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993

- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Skills Development Act 97 of 1998
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

SUBJECT AND CATEGORIES OF RECORDS HELD BY SOUL CITY INSTITUTE: SECTION 51(1)(e)

The Act requires that sufficient detail is provided to facilitate a request for access to a record of Soul City Institute. A description of the subjects for which Soul City Institute holds records and the categories held by each subject can be found in **Annexure A** of this manual. This list of subjects and categories of records that can be found in **Annexure A** forms an integral part of this manual

DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS: SECTION 51(e)

1. Introduction

Access to information held by Soul City Institute is not automatic and can be refused by Soul City Institute on any grounds contemplated in Chapter 4 of Part 3 of the Act.

In order to request access to information held by Soul City Institute, the person requesting access to such information (hereinafter referred to as the “requester”) must not only identify the right he/she is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right, but must also comply with all the procedural requirements set out in the Act.

If the requester requests information on behalf of a **public body** (i.e. the state), the requester must identify that the request for information is in the public interest by stipulating adequate reasons.

2. Procedural Requirements

- In order to facilitate such a request to information the requester needs to complete the *prescribed access form* attached hereto as **Annexure B**. Please note that the prescribed access form must be completed in full. If not, the process may be delayed until such additional information has been provided.

- *Proof of identity* is required to authenticate the request and the requester. Therefore, in addition to the prescribed access form, requesters will be required to supply a certified copy of their identification document or any other legal form of identification.
- The request must be made to the information officer at her address, facsimile number or e-mail address.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate:
 - the preferred language;
 - whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
 - a facsimile number and postal address.
- If a request is made on behalf of another person, then the requester must show, to the reasonable satisfaction of the Information Officer, that he/she is duly authorised to make such an application.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- The form must be adequately completed, with sufficient information particularly so the Information Officer can identify
 - from where and from whom the request is made;
 - what record is requested;
 - what the access fee will be, should the access be granted.
- A request will not be processed until the *request fee* and a deposit of the access fee (if applicable) have been paid. The request fee is an administration fee that must be paid before the request is considered, and is not refundable. However, a requester requesting information containing personal information about the requester is excluded from paying the request fee.
- The *access fee* is intended to reimburse Soul City Institute for the costs involved in searching and preparing the record requested for delivery and is payable once access to the record requested is granted. Should this request for access to information be about a person other than the requester and Soul City Institute is of the opinion that the preparation of the required record will take more than six hours, a deposit (which is one-third of the access fee) is payable before the request will be processed by Soul City Institute.
- A *reproduction fee* is payable by the requester, in the case of the reproduction of a record requested.

3. Notification

Requesters will be informed within 30 days if Soul City Institute's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the Act. Take note that the 30 day period may be extended for a further 30 days period should more time be required to gather the requested information. The requester will, however, be notified if the initial 30 day period is to be extended for a further 30 days.

FEES

There are two basic types of fees applicable in terms of the Act – “request” and “access” fees. The non-refundable request fee is payable on submission of the request for access to a record (unless the request is for personal information in which event there is no request fee) and the access fee is payable prior to the actual gaining of access to the record in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

AVAILABILITY OF MANUAL

The manual is available for inspection, free of charge, at the offices of Soul City Institute (First Floor, Dunkeld West Centre, Cnr Jan Smuts Avenue and Bompas Road, Dunkeld West, Johannesburg) as well as the Soul City Institute website (www.soulcitycity.org.za).

LAST UPDATED

13 February 2012

H. M. Starke

Information Officer

ANNEXURE A

SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE SOUL CITY INSTITUTE: SECTION 51(1)(e)

1. **Client Records** (in terms of Consumer Protection Act 68 of 2008)
 - Receipts
 - Correspondence

2. **Companies Act Records**
 - Board Charter
 - Broad-Based Black Economic Empowerment Certificate
 - Documents of Incorporation
 - Documents related to the Companies and Intellectual Properties Commissioner
 - Legal Compliance Records
 - Memorandum of Incorporation
 - Minutes of Meetings of the Board of Directors
 - Minutes of Meeting of the Audit, Finance and Risk Committee
 - Minutes of Meetings of the Human Resources and Remuneration Committee
 - Records relating to the appointment of directors, auditors, company secretary, public officer and other officers

3. **Electronic Communication and Transaction Records**
 - Record of the personal information and the specific purpose for which the personal information was collected.

4. **Financial Records**
 - Accounting Records
 - Annual Financial Statements
 - Asset Register
 - Auditors' Reports
 - Bank Statements
 - Banking Records
 - Electronic Banking Records

- Invoices
- Paid Cheques
- Rental agreements

5. Human Resources Documents and Records

- Policies and procedures
- Disciplinary records
- Employment contracts
- Employment equity plan
- Leave records
- Medical aid records
- Employee personal information
- Salary records
- Organograms
- Sector Education and Training Authority (SETA) records
- Training records
- Performance Appraisal documents
- Trade Union Agreements and records

6. Immovable and Movable Property Records

- Agreements for lease of movable property
- Agreements for lease of immovable property
- Other purchase, conditional sale or hire of assets

7. Income Tax Records

- Documents issued to employees and independent contractors for income tax purposes
- PAYE records
- Records of payments made to SARS on behalf of employees
- Tax Clearance Certificate
- Other statutory compliance records
 - Income Tax Returns
 - Compensation for Occupational Injuries and Diseases
 - Unemployment Insurance Fund
 - Value Added Tax

8. Insurance Records

- Insurance policies
- Insurance claims
- Insurance correspondence

9. Intellectual Property Records

- Trademark documents
- Copyright documents

10. Marketing and Public Affairs Records

- Advertising brochures
- Marketing brochures
- Internet orders
- Distribution Records

11. Operational Records

- Scripts for radio and television
- Documents relating to the development of radio and television programmes
- Research documents and reports
- Monitoring and evaluation documents and research
- Campaign development documents
- Advocacy documents
- Training programmes and records
- Contracts with training partners
- Documents related to training partners
- Soul Buddyz Clubs documents relating to clubs, programmes and facilitators

12. Procurement Records

- Supplier information records
- Supplier Broad-Based Black Economic Empowerment Certificates
- Supplier contracts

13. Product Records

- Originals of printed material
- Originals of audio (radio) materials
- Originals of video (television) materials

14. Resource Centre Records

- Journals
- Books
- Brochures and annual reports of other organisations
- Soul City booklets

ANNEXURE B

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* 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
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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 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

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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE