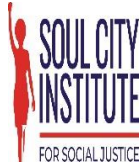


# PROMOTION OF ACCESS TO INFORMATION MANUAL

(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 NPC.

## **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

<b>Head of Soul City Institute</b>	Phinah Kodisang (CEO)
<b>Designated Information Officer</b>	Govindamma Padayachee (Company Secretary)
<b>Email address</b>	<a href="mailto:daisy@soulcity.org.za">daisy@soulcity.org.za</a> (Information Officer)
	<a href="mailto:soulcity@soulcity.org.za">soulcity@soulcity.org.za</a> (Soul City Offices)
<b>Postal address</b>	P O Box 1290, Houghton, 2041 (Information Officer)
	P O Box 1290, Houghton, 2041 (Soul City Offices)
<b>Street Address</b>	Third Floor, 1 Newtown Avenue, Killarney, 2193 (Information Officer)
	Third Floor, 1 Newtown Avenue, Killarney, 2193
<b>Phone Number</b>	(011) 341 0360 (Information Officer)
	(011) 341 0360 (Soul City Offices)
<b>Website</b>	<a href="http://www.soulcity.org.za">www.soulcity.org.za</a>

## COMPANY OVERVIEW

The Soul City Institute for Social Justice (SCI) is an intersectional feminist social justice NGO focusing on young women and girls (YWG) and their communities. Established in 1992 as the SCI for Health and Development Communication with gender mainstreamed into programmes as a key social determinant of health, it transformed in 2016 with gender justice and human rights front and centre. SCI combines popular prime time mass and social media reaching millions, with social mobilization and policy advocacy to affect individual and social change. Key focal areas are: Promotion of Sexual and Reproductive Justice; Disruption of Patriarchy and promotion of Safe Spaces (public and private) to end Violence Against Women & Girls (VAWG); Raising a Feminist Consciousness/Advocating for a Feminist Government; Challenging patriarchy in religious/traditional institutions; Holding men accountable and mentoring boys to be gender sensitive.

## 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](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto: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
- Skills Development Act 97 of 1998
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002
- Children’s Act 38 of 2005

## **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**

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 taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the information officer of the Company, the information officer 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 shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The information officer 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 request form. If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

### **AVAILABILITY OF MANUAL**

The manual is available for inspection, free of charge, at the offices of Soul City Institute (Third Floor, 1 Newtown Avenue, Killarney, Johannesburg) as well as the Soul City Institute website ([www.soulcitycity.org.za](http://www.soulcitycity.org.za)).

**Version 1** issued 13 February 2012

**Version 2** issued 15 October 2019

**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
  - Donor contracts
  
2. **Companies Act Records**
  - Board Charter
  - Broad-Based Black Economic Empowerment Certificate and beneficiary profile 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
  - Minutes of Meetings of Prescribed Officers of the company (Executive Committee and Senior Management Team)
  - 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
  - Finance policies and procedures manuals
  - Asset Register
  - Auditors' Reports



- Bank Statements
- Proof of bank details
- 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
- CCMA 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
- Income tax exemption certificate and 18A certificates issued
- 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 and Rise Clubs documents relating to clubs, programmes and facilitators
- Digitised series and other programme media

## **12. Procurement Records**

- Supplier information records
- Procurement policy documents

- Tender documents (open and closed tenders)
- 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 another 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
-------------	----------------------------------

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.

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	view the images		copy of the images"		
			transcription of the images*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack		transcription of soundtrack*		
	audio cassette		written or printed document		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> </table>	YES	NO
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

## Processing of Personal Information

### Purpose of Processing

The Company uses the Personal Information under its care in the following ways:

- Administration of collective investment schemes
- Rendering service according to instructions given by clients
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

### Categories of Data Subjects and their Personal Information

The Company may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

Entity Type	Personal Information Processed
Clients: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
Clients – 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
Clients – Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence
Intermediary / Advisor	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 / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;



## **Categories of Recipients for Processing the Personal Information**

The Company may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to donors and suppliers
- Conducting due diligence checks for implementing partner organisations and sub-recipients of grants where applicable and required.

## **Actual or Planned Trans-Border Flows of Personal Information**

The Company has no planned Trans-Border Flows of Personal Information.

## **General Description of Information Security Measures**

The Company employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of the Company are contracted to implement security controls.

## **Remedies Available If Request for Information Is Refused**

### **Internal Remedies**

The Company does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will 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.

### **External Remedies**

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **List of Applicable Legislation**

Records of the Company's and other legal entities in which the Company has a direct controlling interest or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation

that may apply to the Company and/or its subsidiaries from time to time:

- Basic Conditions of Employment Act 57 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Copyright Act 98 of 1978
- Currencies and Exchanges Act 9 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Occupational Health and Safety Act 85 of 1993
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- Public Finance Management Act and Treasury regulations (for funding received from South African Government authorities)
- Value Added Tax Act 89 of 1991
- Children's Act 38 of 2005