

# PAIA MANUAL

(Promotion of Access to Information Act)

## **General Information**

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**THE MVULA TRUST**

PAIA manual prepared

in terms of

**Section 51 of**

The Promotion of Access to Information Act

2/2000

(the "ACT")

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## 1. INTRODUCTION

The Mvula Trust PAIA manual is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held, in terms of the Act.

Specifically, the PAIA manual provides information on:

- 1.1 Who will deal with a request for information and the contact details of the information officer,
- 1.2 The structure and functions of The Mvula Trust;
- 1.3 The subjects and categories of records that are held by The Mvula Trust;
- 1.4 Records that are automatically available, without a person having to request access;
- 1.5 Records that are available in terms of any other legislation; and
- 1.6 The procedure that needs to followed to obtain access to a record.

## 2. THE FUNCTIONS OF THE MVULA TRUST

The main purpose of the Trust shall be to manage and undertake developmental projects and initiatives, in collaboration with local and other spheres of Government, including Traditional Authorities, in order to enable poor and marginalised communities within Southern Africa to achieve the progressive realisation of their human rights to reasonable access to water services, health care, and an environment not harmful to their health and wellbeing; and with particular reference to:

- 1.1 the improvement of community health and living standards, through the establishment and upgrading of water and sanitation facilities; through associated health education and other public health initiatives; and through the facilitation of related developmental initiatives;

1.2 the optimal use and conservation of water, for domestic, and other appropriate purposes; effective strategies and good practice;

1.3 relevant research, advocacy, information dissemination, and related activities, with a view to promoting the Main Purpose of the Trust, and identifying and promoting effective strategies and good practice;

1.4 such other activities, initiatives, projects and programmes as may be perceived as reasonable in scenario, and conducive to the achievement of the main purpose of the Trust.

The Mvula Trust supports the constitutional right of access to information and we are committed to provide access to The Mvula Trust records in accordance with the provisions of the Act, the confidentiality agreements contracted with third parties and the principles of South African law.

### **3. CONTACT DETAILS FOR THE MVULA TRUST**

The Chief Executive Officer of The Mvula Trust is its **Information Officer** in terms of the Promotion of Access to Information Act.

The **Deputy Information Officer** of The Mvula Trust is the Communications Coordinator.

The PAIA manual is available free of charge, from:

Street address	Postal address
718 James Crescent	PO Box 32351
Halfway House, Midrand	Braamfontein
Johannesburg	2017
2017	Telephone: 011 403 3425

Telephone	Email Address
011 403 3425	<a href="mailto:communications@themvulatrust.org.za">communications@themvulatrust.org.za</a>

Name of Private Body	
The Mvula Trust	
Information Officer	Chief Executive Officer
Deputy Information Officer	Communications Coordinator

This PAIA manual can also be obtained from the South Africa Human Rights Commission, as follows:

South African Human Rights Commission: PAIA Unit
Private Bag 2700
Houghton
2041
Human Rights Advice Line: 0860 120 120
Fax: (011) 484 1360
Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

#### **4. WHO MAY REQUEST ACCESS TO INFORMATION**

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right.

Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged.

Requestors can be classified in accordance with the following different categories:

4.1 A personal requestor, that is a person who requests information about him / herself;

4.2 An agent requestor, that is a person requesting information on behalf of someone else;

4.3 A third party requestor, that is a person requesting information about someone else; or

4.4 A public body, requests information in the public interest.

Any requestor may also seek any additional information in making a request from the South African Human Rights Commission at:

South African Human Rights Commission: PAIA Unit
Private Bag 2700
Houghton
2041
Human Rights Advice Line: 0860 120 120
Fax: (011) 484 1360
Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## 5. PROCEDURE ON REQUESTING ACCESS TO RECORDS HELD BY THE MVULA TRUST

### 5.1 Prescribed access form

In order for The Mvula Trust to facilitate access to a record, requestors need to complete the included *Request for Information Form*.

Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.

### 5.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor.

Therefore, in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

### 5.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

5.3.1 Reproduction fee: this fee is payable with respect to all records that are automatically available;



5.3.2 Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors, before the request is considered and is not refundable;

5.3.3 Access fee: which is payable once access to a record is granted, this fee is intended to re-imburse The Mvula Trust for the costs involved in searching and preparing the record for delivery;

5.3.4 Deposit: which is payable if The Mvula Trust receives a request for access to information about a person other than the requestor himself / herself and where the preparation of the record will take more than six hours.

5.3.5 Fee Schedule: No.	Fee Description	Fee in Rand
<b>Reproduction Fees</b>		
1	For every photocopy of an A4-size page or part thereof	1.10
2	For every printed of an A4-size page or part thereof held on a computer or in electronic form	0.75
3	For a copy in a computer readable form, i.e. diskette (per 1 diskette)	8.50
4	A transcription of visual images, for and A4-size page or part thereof	40.00

5	For a copy of visual images	60.00
6	A transcription of an audio record, per A4-size page or part thereof	30.00
7	For a copy of an audio record	30.00
<b>Request Fees</b>		
8	Applicable where a requestor submits a request for access to information on anybody else other than a requestor him / herself.	50.00
<b>Access Fees</b>		
9	For every photocopy of an A4-size page or part thereof that needs to be retrieved from archives	1.50

10	For every printed of an A4-size page or part thereof held on a computer or in electronic form that needs to be retrieved from archives	1.25
11	For a copy in a computer readable form, i.e. diskette (per 1 diskette) that needs to be retrieved from archives	9.50
12	A transcription of visual images, for and A4-size page or part thereof that needs to be retrieved from archives	50.00

13	For a copy of visual images that needs to be retrieved from archives	70.00
14	A transcription of an audio record, per A4-size page or part thereof that needs to be retrieved from archives	50.00
15	For a copy of an audio record that needs to be retrieved from archives	50.00
<b>Deposit</b>		
16	When a request for access to information about a person other than the requestor himself / herself and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of 50% of the amount of the applicable access fee is payable.	To be calculated

## 5.4 Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

*5.4.1 Mandatory protection of privacy of a third party who is a natural person;*

*5.4.2 Mandatory protection of commercial information of a third party;*

*5.4.3 Mandatory protection of certain confidential information of a third party;*

*5.4.4 Mandatory protection of records privileged from production in legal proceedings;*

*5.4.5 Commercial information of the private body; and*

*5.4.6 Mandatory protection of research information of a third party and of The Mvula Trust.*

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act the 30-day period maybe extended for a further 30-day period should more time be required to gather the requested information.

The requester will, however, be notified if the initial 30-day notice period is to be extended for a further 30 days.

## 5.4 Appeal

All appeals relating to the denial of access to information will be channelled to The Mvula Trust internal appeal structure.

## **6. POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION**

The Mvula Trust will protect the confidentiality of information provided to it by individuals or others, subject to The Mvula Trust's obligations in terms of any applicable law.

## **7. ACCESS TO ROUTINELY AVAILABLE INFORMATION**

The Mvula Trust routinely makes available to the public certain information on its functions and activities.

This information will continue to be available without having to make a formal request under the Act.

Information is also available on The Mvula Trust website

[www.themvulatrust.org.za](http://www.themvulatrust.org.za).

The Mvula Trust reserves the right to charge a fee in terms of the Act for all other publications.

## **8. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

### **8.1 Unlimited requestors**

Certain legislation mandates The Mvula Trust to allow any person access to specified information, upon request, irrespective of who that person may be.

### **8.2 Limited requesters**

Certain legislation mandates The Mvula Trust to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

8.2.1 Basic Conditions of Employment Act No 75 of 1997;
8.2.2 Trust Property Control Act No 57 of 1988
8.2.3 Compensation of Occupational Injuries and Diseases Act No 130 of 1993;
8.2.4 Consumer Affairs Act No 23 of 1999;

8.2.5 Debt Collectors Act No 114 of 1998;
8.2.6 Electronic Communications and Transactions Act No 2 of 2000;
8.2.7 Employment Equity Act No 55 of 1998;
8.2.8 Income Tax Act No 58 of 1962;
8.2.9 Interception and Monitoring Prohibition Act No 127 of 1992;
8.2.10 Film and Publications Act No 65 of 1996
8.2.11 Occupational Health and Safety Act No 85 of 1993;
8.2.12 Labour Relations Act No 66 of 1995
8.2.13 Skills Development Act No 97 of 1997;
8.2.14 Skills Development Levies Act No 9 of 1999;
8.2.15 Copyright Act No 98 of 1978
8.2.16 Regulation of Interception of Communications and Provision of Communications- related Information Act No 70 of 2002
8.2.17 Unemployment Insurance Act No 63 of 2001
8.2.18 Value Added Tax Act No 89 of 1991.
8.2.19 Broad Based Black Economic Empowerment Act 53 of 2003
8.2.20 Companies Act 71 of 2008
8.2.21 Promotion of Equality and Prevention of Unfair Discrimination Amendment Act No 52 of 2002
8.2.22 Constitution of the Republic South Africa Act No 108 of 1996
8.2.23 Financial Intelligence Centre Act No 38 of 2001
8.2.24 Unemployment Insurance Act No 63 of 2001
8.2.25 National Credit Act No 34 of 2005
8.2.26 Non Profit Organisations Act No 71 of 1997
8.2.27 Preferential Procurement Policy Framework Act No 5 of 2000

8.2.28 Promotion of Access to Information Act No 2 of 2000
8.2.29 Protected Disclosures Act No 26 of 2000
8.2.30 Protection of Personal Information Act No 4 of 2013
8.2.31 Tax Administration Act No 28 of 2011
8.2.32 Unemployment Insurance Contributions Act No 4 of 2002
8.2.33 Trade Marks Act No 194 of 1993
8.2.34 The Fundraising Act No 107 of 1978
8.2.35 Protection of Businesses Act 99 of 1978
8.2.36 Arbitration Act No 42 of 1965
8.2.37 Prevention of Organised Crime Act No 121 of 1998
8.2.38 Public Finance Management Act No 29 of 1999
8.2.39 Municipal Finance Management Act No 56 of 2003
8.2.40 Intellectual Property Laws Amendments Act No 38 of 1997
8.2.41 Prevention and Combatting Corrupt Activities Act No 12 of 2004
8.2.42 Protection of Personal Information Act No 4 of 2013
8.2.43 Various Cities' By Laws

## 9. RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. Nevertheless, the information on The Mvula Trust website is automatically available without having to request without having to request access in terms of PAIA.

## 10. CATEGORIES OF RECORDS HELD BY THE MVULA TRUST

General information about The Mvula Trust can be accessed through the internet on [www.themvulatrust.org.za](http://www.themvulatrust.org.za) , which is available to all persons who have access to the internet.

The subjects on which the private hold records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

The Mvula Trust holds the following categories of information, records and documentation:

### 10.1 Legal and Compliance

- BBEE Compliance
- Internal auditing and risk
- Legislation compliance
- Regulatory reports
- Policies and procedures

### 10.2 Financial

- Audit management
- Budgets
- Creditors control
- Funders and donors
- Insurance
- Management accounts
- Salary administration
- Tax management
- Treasury management

### 10.3 Governance

- Board and sub-committee administration
- Agenda and minutes of meetings
- Letter of authority
- Trust registration



- NPO registration
- Strategic management

#### **10.4 Human Resources**

- Disciplinary actions
- Job profiles
- Performance management
- Staff benefits and incentives
- Staff list
- Training and skills development
- Leave records

#### **10.6 Operations and Programme Management**

- Annual business plan
- Strategic plan
- Project management charter or framework
- Project files
- Occupational, Health and Safety policy
- Regulatory reports

#### **10.8 Information Technology**

- Information systems
- Network security
- Software licences
- Technology assets

#### **10.9 Supply Chain Management**

- Agreements and contracts
- Compliance documentation of service providers
- Supply chain management committee administration
- Procurement proposals and tenders
- Service provider records

Information, records and documents relating to the above may be accessed in terms of the Act.

## 11. HOW TO MAKE A REQUEST FOR ACCESS

The requester must complete Form C and submit this form together with a request fee to a person delegated to deal with requests. The form must be submitted using any of the methods noted below:

### **Postal Address:**

PO Box 32351  
Braamfontein  
2017

### **Street Address:**

718 James Crescent  
Halfway House  
Midrand 1685

### **Telephone Number:**

011 403 3425

### **Email Address:**

[communications@themvulatrust.org.za](mailto:communications@themvulatrust.org.za)

### **11.1 Form of Request:**

The requester must use the prescribed form, attached as addendum to this manual, to make the request for access to a record. The request must be made to the chosen official.

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

The requester should indicate which form of access is required.

The chosen official of The Mvula Trust will notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [(Section 51(1)].

After the chosen official of The Mvula Trust has made a decision on the request, the requester will be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record of disclosure [(Section 54 (6)].

### **11.2 Grounds for Refusing a Request**

The Mvula Trust has the right to reject any request for information submitted in terms of Sections 62 – 70 of Chapter 4 of the PAIA.

## **12. AVAILABILITY OF THE MANUAL**

This manual is available for inspection at the office of The Mvula Trust at no cost, or from the SAHRC.

**Mashao David Mohale**

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**Name of Chosen Official**

(Note: each page should be initialled to complete the signing process).

Signed Copy available on request.

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**Date of Signature:**

**Publishing date of this manual: 21/06/2019**

**Next revision date of this document: 21/06/2020**

**NB:** This manual is based on the example of a manual for a private body issued by the South African Human Rights Commission, amended to meet the needs of The Mvula Trust, with further additions to enhance its usefulness and comply with the Protection of Personal Information Act No 4 of 2013.

## **Approval of The Mvula Trust PAIA Manual**

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**Silas Mbedzi**

**Chief Executive Officer**

**Date:**