

MANUAL

in terms of

The Promotion of Access to Information

Act 2/2000, as amended

Notes

Complied: June 2021

Updated:

Comments

Do not submit annually however when there are material changes, amendments and resubmission is required. Post manual on your website if available and make copies readily available at registered offices.



PAIA CONTENTS

- A. Overview
- B. Entity Particulars in terms of section 51
- C. Commissioners Contacts
- D. Use of the s51 Manual
 - 1. Section 10 Guide on how to use the Act
 - 2. Records available in terms of any other legislation
 - 3. Access to the records held by the private body in question
 - i. Information readily available, if applicable
 - ii. Records that may be requested
 - iii. Request procedures
 - iv. Prescribed fees
 - 4. Availability of the Manual



A. OVERVIEW in terms of SECTION 51 of the PAIA MANUAL

Promotion of Access to Information Act (known as PAIA) allows members of the public to know who they are dealing with in a business or private body. To be compliant with the act, all public and private bodies must have a PAIA Manual (also known as a Section 51 Manual). This means that a person has the right to request access to business records, and the Manual gives them the ability to make the application.

B. ENTITY PARTICULARS

Business:	Private body
Head of the body:	Public officer – Dr WM Szapak
Information officer:	S. Jefferies
Postal address:	Box 30211, Mayville, 4058
Physical:	315 Ipahla Road, Athlone Park, Amanzimtoti, 4126
Telecomms:	031 904 3098
Email address:	admin@rainbowoncology.co.za

C. COMMISSIONER CONTACTS

The contact details of the Commissioner are:

Head:	SAHRC
Postal address:	Private Bag 2700, Houghton, 2041
Telephone number:	+27-11-484 8300
Email address:	PAIA@sahrc.org.za
Fax number:	+27-11-484 0582
Website:	www.sahrc.org.za



D. USE of the s51 MANUAL

1. Section 10 Guide on how to use the Act

The guide will, according to the South African Human Rights Commissioner (SAHRC), be available for inspection at the offices of the SAHRC.

2.1. The ACT grants a requester access to records of the business, 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.

2.2. 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.

2.3. Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.



2. Records available in terms of any other legislation

<u>Ref</u>	<u>Act</u>
No 98 of 1978, as amended	Copyright Act
No 95 of 1967, as amended	Income Tax Act
No 66 of 1995, as amended	Labour Relations Act
No 89 of 1991, as amended	Value Added Tax Act
No 85 of 1993, as amended	Occupational Health & Safety Act
No 97 of 1998, as amended	Skills Development Act
No 9 of 1999, as amended	Skills Development Levies Act
No 75 of 1997, as amended	Basic Conditions of Employment Act
No 69 of 1984, as amended	Close Corporations Act
No 25 of 2002, as amended	Electronic Communications and Transactions Act
No 2 of 2000, as amended	Promotion of Access of Information Act
No 4 of 2002, as amended	Unemployment Contributions Act
No 63 of 2001, as amended	Unemployment Insurance Act
No 2 of 2000, as amended	Promotion of Access to Information Act

3. Access to the records held

i. Information available:

<u>Records</u>	<u>Subject</u>	<u>Availability</u>
Public Affairs	Public Records Media Releases	Freely available on website
Statutory	Incorporation Statutory registrations Annual returns Association agreements Minutes & resolutions Register interests	Available by approved access CIPC

Personnel	Employee contracts Personnel files Payroll files Remuneration records	Confidential – not required to disclose and therefore NOT available.
Administration	Correspondence Operational databases Procedural manuals	Confidential – not required to disclose and therefore NOT available.
Financial	Financial Statements Financial returns Bank statements Tax records Asset register Management accounts	Confidential – not required to disclose except to SARS and therefore NOT available.
Marketing	Market information Services brochures	Limited Information – available on web site if applicable.

ii. Records that may be requested:

Public domain & approved statutory documents via authorized body only.

iii. The request procedures: Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.



- 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 head of the private body.

iv. Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.

Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must 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.
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the head of the private body has made a decision on the request, the requester must 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 for disclosure.

4. Availability of the manual

The manual is also available for inspection by appointment only, during normal office hours at the offices of the business free of charge. Copies are available direct from the SAHRC.

