



**MATERNAL, ADOLESCENT & CHILD HEALTH
INSTITUTE NPC
2018/590201/08
MANUAL IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT
2000 (PAIA) AND THE PROTECTION OF PERSONAL
INFORMATION ACT, 2013 (POPIA)**

Revision No	02
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Introduction

Maternal, Adolescent & Child Health Institute NPC (MatCH) is an indigenous South African not-for-profit organization based in Durban, KwaZulu-Natal province. MatCH's vision is an effective, sustainable, and equitable health system. MatCH provides a broad range of HIV and TB-focused technical assistance, capacity building, and direct service delivery support to improve access to care, client outcomes and health services management. MatCH is led by multi-disciplinary group of senior academic staff reflecting expertise in medical science, epidemiology, public health, child health, behavioural science, gender, HIV and TB.

This Promotion of Access to Information Manual is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (PAIA) and section 23 -25 of the Protection of Personal Information Act No.4 of 2014 (POPIA). PAIA 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 any another person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints. Section 51 of PAIA creates a legal right to access records of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates (Data Subject) of the way the Data Subject can access their personal information held by the responsible

Contact details of the head (Information Officer) of MatCH (section 51(1)(a)(i))

Head of the private body	Catherine Searle
Registered address	2 nd Floor The Centre Building, 106 Avondale Road, Greyville, 4001
Postal address	2 nd Floor The Centre Building, 106 Avondale Road, Greyville, 4001
Telephone number	031 350 4242
Email address	csearle@match.org.za
Website	www.match.org.za

PAIA Guide of the Information Regulator / South African Human Rights Commission (section 51(1)(b)(i))

The purpose of this manual is to facilitate requests for access to records (including records containing Personal Information as defined in terms of MatCH Privacy Policy. Where this Manual does not deal with a procedure provided for in PAIA, the Requester or any other interested party is to look at the Act for guidance in relation thereto. Same is to be included as part of the Manual. A person requesting access to records from MatCH is advised to familiarise themselves with the provisions of PAIA before making any requests. MatCH makes no representation and gives no undertaking or warranty that any record(s) provided by it to a Requester is complete or accurate, or that such record is fit for any purpose.

All users of such records shall use such records entirely at their own risk, and MatCH shall not be liable for

any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any record provided by MatCH or 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 this Manual or any records provided by MatCH.

PAIA makes provision for access to information and records of a private body if the record is required for the exercise and protection of any rights. If a public body requests access to a record of a private body for the exercise or protection of any rights, other than its rights, the public body must be acting in the public interest.

Requests in terms of PAIA are to be made in accordance with the prescribed procedures, at the fees provided.

Section 10 of PAIA requires that the Information Regulator update and make available the PAIA guide. The guide contains information required by a person wishing to exercise any right, contemplated by PAIA. The Guide is available on the Department of Justice website at www.justice.gov.za

Any enquiries should be directed to:

The Information Regulator (South Africa)

Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg Postal address:

P O Box 31533, Braamfontein, Johannesburg

Email: infoereg@justice.gov.za

Notice in terms of section 52(2) of PAIA (section 51(1)(b)(ii))

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

Note that certain records are freely available on MatCH's website, including, but not limited to a list of its partners, a description of some of its projects and programmes, certain policies, reports and some marketing information.

Records available in terms of other legislation (section 51(1)(b)(iii))

MatCH retains records and documents in terms of the following legislation:

- Non-Profit Organisations Act, 1997
- Value-Added Tax Act, 1991
- Basic Conditions of Employment Act, 1997
- Occupational Health and Safety Act, 1993
- Skills Development Act, 1998
- Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Unemployment Insurance Contributions Act, 2002
- Companies Act, 2008
- Employment Equity Act, 1998
- Protection of Personal Information Act, 2013

- Labour Relations Act, 1995 and Codes of good practice
- Compensations for Occupational Injuries and Diseases Act
- Broad Based Black Economic Empowerment, 2003
- Electronic Communication and Transaction, 2002
- Income Tax Act, 1967

This list may not be exhaustive.

Such records will be made available to only those individuals/entities authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

Subjects and categories of records held by MatCH (section 51(1)(b)(iv))

Companies Act Records

- Broad-Based Black Economic Empowerment Verification Certificate
- Codes of Conduct
- Documents of Incorporation
- Legal Compliance Records
- Licenses of Copyrights if applicable
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Policies
- Records relating to the appointment of directors, auditors, and other officers

Financial Records

- Accounting Records
- Annual Financial Statements
- Asset Register
- Auditors' Report
- Bank Statements
- Banking Records
- Detail of Auditors
- Electronic Banking Records
- Invoices
- Rental Agreements
- Tax Returns

Income Tax Records

- Documents issued to employees for income tax purposes
- PAYE Records
- Records of payments made to SARS on behalf of employees
- Value Added Tax Clearance Certificate
- All other statutory compliances:
 - a. Value Added Tax
 - b. Skills Development Levies
 - c. Unemployment Insurance Fund

Personnel Documents and Records

- Attendance Registers

- Disciplinary Code
- Disciplinary Records
- Employment Contracts
- Employment Equity Plan
- Leave Records
- Records containing all employees' names and occupation
- Salary Records
- Sector Education and Training Authority Records

Training Manuals

- Training Records

Supplier Records

- The name of the supplier
- The address of the supplier
- A description of the goods
- The quantity or volume of the goods
- Proof of date of payment

Electronic Communication and Transactions Records

- Record of the personal information and the specific purpose for which the personal information was collected

Insurance Records

- General Insurance
- Professional Indemnity Insurance if applicable
- Directors and Officers Insurance if applicable

Immovable and Movable Property Records

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

Miscellaneous Records

- Agency, management and distribution agreements
- Agreements for the trading activities of the business

Media, marketing and communication

- Media releases
- Newsletters, brochures, and advertising material

Secretarial and governance

- Codes of conduct
- Meetings of minutes
- Legal compliance records
- Policies and procedures
- Strategic plans

Funder related records

- Funder contracts

- Funder reporting (monthly, quarterly, annual)
- Funder audit reports

Third party records

- Vendor forms
- Tax clearance
- Bank confirmation letter
- CoR39 Company information
- BBBEE certificate
- Trade references
- Company profile
- Operating license
- Directors' identity documentation

Procedure for request for access to information (section 51(1)(b)(iv))

The requester must complete the request for information form (Appendix A) and submit this form together with a request fee, to the head of the private body.

The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address. In terms of section 23(1) of POPIA, adequate proof of identity is required from the Requestor/Data Subject. Therefore, in addition to the prescribed access form, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.

The requester must provide sufficient details to enable MatCH to identify:

- the record(s) requested
- the requester (and if an agent is lodging the request, proof of capacity)
- the form of access required
- the postal address or fax number of the requester in South Africa
- if the requester wishes to be informed of the decision in any manner (in addition to written)
- the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right

POPIA - Purpose of processing of information (section 51(1)(c)(i))

MatCH uses personal information under its care in the following ways:

- rendering services according to contractual agreements
- marketing and advertising
- administration
- staff administration
- keeping accounts and records
- compliance with tax laws / fulfilling its statutory obligations in terms of applicable legislation
- historical record keeping / recording statistics necessary to fulfil MatCH's business objectives

POPIA - Description of the categories of data subjects and information or categories of information (section 51(1)((c)(ii))

Categories of data subjects:

- suppliers
- service providers
- clients
- directors and officers of MatCH
- job applicants
- existing and former employees (including contractors, agents and temporary employees)
- visitors to any premises of MatCH

The nature of the personal information processed in respect of the above data subjects, includes:

natural persons:

name, gender, medical information, medical aid details, pregnancy, marital status, race, age, date of birth, language, education information, financial information, employment history, identity number, physical and postal addresses, contact details, next of kin contact details, criminal behaviour, disability, personal opinions, views, views and opinions of another individual about the data subject, performance reviews, employee disciplinary records and leave applications

juristic persons / entities:

names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories and financial information

service providers:

names of contact persons, name of legal entity, physical and postal addresses, contact details, registration number, founding documents, tax related information, authorised signatories, and financial information

POPIA - Recipients or categories of recipients to whom personal information may be supplied (section 51(1)((c)(iii))

MatCH may supply personal information to the following recipients:

- regulatory, statutory and government bodies
- service providers
- professional advisors
- employees
- stakeholders
- third party verification agencies and credit bureaux
- a potential acquirer of MatCH as part of a due diligence process
- banks and other financial institutions

POPIA - Planned transborder flows of personal information (section 51(1)((c)(iv))

MatCH does not intend to do any cross-border transfer of personal information.

POPIA - Data protection (section 51(1)((c)(v))

General description of information security measures:

MatCH has established and maintains appropriate, reasonable technical and organisational measures to ensure the integrity of personal information in its care and control, and to ensure that such personal information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements of POPIA.

MatCH utilises up to date technology to ensure the confidentiality, integrity and availability of personal information, measures used include:

- firewalls
- virus protection software and update protocols
- appropriate access control
- secure setup of hardware and software forming the IT infrastructure

Prescribed fees

- A requestor is required to pay the prescribed fees before a request will be processed.
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted)
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za, or the website of The Department of Justice and Constitutional Development (under regulations) at <http://www.doj.gov.za/>.

AUTHORISED BY



Catherine Searle
Chief Executive Officer

**ANNEXURE A
FORM 2**

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: ☐
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

ANNEXURE B

MatCH Notice in terms of Section 54(3) of PAIA

1. Please be advised the Requester is required to pay the prescribed request fee (if any), before further processing the prescribed access form is done.
2. Please be advised that in the event that:
 - (a) the search for the requested record for which a request for access by a Requester, has been made; and
 - (b) the preparation of the record for disclosure (including any arrangements contemplated in section 29(2))(a) and (b) (i) and (ii) (aa)), would, in the opinion of MatCH, require more than the hours prescribed, the Requester is herewith requested to pay as a deposit, one third of the access fee.
3. The Requester is herewith advised that the aforesaid instance is applicable and therefore a required deposit is payable. Such amounts totals
(which is one third of the access fee, which amount is
.
4. In the event that the Requester finds the aforesaid unacceptable, the Requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be.
5. The procedure for lodging the complaint stated in subsection 4 is available in the PAIA and its Regulations.

DATE AT DURBAN ON THE _____ DAY OF _____ 20

From the desk of the
Information Officer

ANNEXURE C

MatCH Decision Notice

Based on the prescribed access form, the Requested has requested access to documents stated therein and MatCH hereby:

Declines ☐

or Grants ☐

1. In the event that MatCH grants access to the record – the access fee payable is (in words).

2. The amount is calculated as following:

3. All exceptions, restrictions and parameters regarding access:

4. In the event that the request is granted but with issue, the Requester may lodge a complaint with the Information Regulator or an application with a court against the access fee to be paid or the form of access granted.

5. In the event that MatCH declines access to the record – the reasons for refusal are:

6. In the event that the request is declined, the Requester may lodge a complaint with the Information Regulator or an application with a court against the refusal of the request.