

Registration Number of Organisation: 187106

Isiqalo Foundation, Trading as Waves for Change

Manual

**Prepared in accordance with Section 51 of the Promotion of Access to Information Act,
No. 2 of 2002**



This document serves as the information manual as required by Section 51(1) of the Promotion of Access to Information Act, No.2 of 2000 (the "Act") for a private body. It provides information on the records held and the process that is to be followed to request access to such records.

Scope

The scope of this information manual relates to Isiqalo Foundation Trading as Waves for Change, a registered Non-Profit Organisation focused on the provision of child mental health services.

Availability of the Manual

The public are able to obtain a copy of this manual on request from the designated contact person (see below).

The manual is also available on our website on <https://www.waves-for-change.org/>

Designated Contact Person

Information required by section 51(1)(a) of the Act

Chief Executive Officer (CEO): Timothy Conibear

Contact person: Robyn Cohen

Designation: National Director and registered Information Officer

Organisation physical address: 23 Beach Road, Muizenberg, Cape Town, 7950

Organisation postal address: 23 Beach Road, Muizenberg, Cape Town, 7950

Telephone number: +27(0) 871 537 960

Email address: robyn@isiqalo.org

Section 10 guide to the Act

Information required by section 51(1)(b) of the Act

The Act grants a requester access to records of a private body, 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.

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 of the Act.

A guide has been compiled, in terms of section 10 of the Act, by the South African Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Promotion of Access to Information Act, No. 2 of 2002.

This guide must, without limiting the generality of subsection (1), include a description of –

- the objects of this Act;
- the postal and street address, phone and fax number and, if available, electronic mail address of –
 - the information officer of every public body; and
 - every deputy information officer of every public body appointed in terms of section 17(1);
- such particulars of every private body as are practicable;
- the manner and form of a request for –
 - access to a record of a public body contemplated in section 11; and
 - access to a record of a private body contemplated in section 50;
- the assistance available from the information officer of a public body in terms of this Act;
- the assistance available from the Human Rights Commission in terms of this Act;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging –
- an internal appeal; and
- an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision of the head of a private body.

This guide is available for inspection, *inter alia* as follows:

Contact body: The South African Human Rights Commission (SAHRC)

Postal address: Private Bag 2700, Houghton 2041

Physical address: PAIA Unit, 29 Princess of Wales Terrace, Cnr York and Andrew Streets,
Parktown

Telephone number: +27(0) 11 484 8300/ +27(0) 11 877 3600

Facsimile number: +27(0) 11 484 0582/ +27(0) 11 403 0625

Email address: PAIA@sahrc.org.za

Website: www.sahrc.org.za

The regulations regarding the Act published under Government Notice No. R187 of 15 February 2002 set forth how the South African Human Rights Commission should make the guide available.

Records automatically available

Information required by section 51(1)(c) of the Act

A section 52(2) notice regarding categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

Records available in accordance with other legislation

Information required by section 51(1)(d) of the Act

Records are held in accordance with the following legislation:

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act

Schedule of records

Information required by section 51(1)(e) of the Act

As stated in section 51(1)(e), a private body must provide in their manual a description of the subjects on which the private body holds records, and the categories of records held on each subject.

The following subjects and categories of records are held:

Subject	Categories	Availability
Corporate Governance	Executive committee records	Request in terms of PAIA
	Codes of Conduct	
	Legal Compliance	
	Policies and Procedures	
Finance	Accounting records	Request in terms of PAIA
	Annual financial statements	
	Banking records	
	General correspondence	
	Proposal and tender documents	
	Tax returns	
	SARS correspondence	
Human Resources	BEE statistics, certificates and audit reports	Request in terms of PAIA
	Leave records	

	Letters of employment	
	Payroll records	
	Personnel files and records	
	Policies and procedures	
	SETA records and correspondence	
	Staff attendance records	
	Training material	
	UIF records and returns	
	Union records and correspondence	
Information Technology	Contracts and agreements	Request in terms of PAIA
	Policies and procedures	
	Register of software and hardware	
	Warranties	
Organisation Information	Annual Reports	Available on website (visit https://www.waves-for-change.org/)
	Newsletter	
	Organisation Journal	
	Organisation Impact	
Operations	Asset registration records	Request in terms of PAIA
	Contracts and agreements	
	Health and safety records	
	Insurance records/correspondence	

	Service level agreements	
	Telephone and communication records	

Request for access to records

Information required by section 51(1)(e) of the Act

In terms of section 53, a request for access to a record of a private body must be made in the prescribed form to the private body concerned at its address, fax number or electronic mail address. The following information is required of the requester:

- sufficient information to enable the information officer to identify the requestor;
- sufficient information to enable the information officer to identify the record(s) requested;
- the form of access required;
- the requestor's postal address or fax number;
- identification of the right sought to be exercised or protected;
- an explanation on why the record is required to exercise or protect that right;
- the manner in which the requestor wishes to be informed of the decision on the request, if in a manner in addition to written notification; and
- if the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the information officer.

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Please submit any requests for the access form to robyn@isigalo.org or lee@isigalo.org

Submission of Access Request Form and request fee payable

The completed Access Request form together with a copy of the requestor's identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the designated contact person as indicated above.

A request fee, applicable to third parties submitting requests for access to records held by the private body on other persons in terms of Section 54(1), of R50.00 is payable upon submission and before the private body will further process the request received.

A access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8):

The applicable access fees which will be payable are as follows:

Content and Process	In Rands
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

Please note, any receipt of a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a

deposit is payable by the requester. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

Grounds for refusal of access to records

Chapter 4 of the Act

The main grounds for refusal of a request for access to records, notwithstanding compliance with section 50, are:

- *Section 63* prohibits the unreasonable disclosure of the personal information of natural person third parties to requestors. This includes the personal information of deceased persons. *Section 63(2)* does provide exceptions to this; details of these exceptions need not be included in the manual, but must be borne in mind by an information officer considering such a request.
- *Section 64* mandates that a request must be refused if it relates to records containing third party information pertaining to:
 - trade secrets;
 - financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party;
 - or
 - information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- *Section 65* prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- In terms of *section 66*, we must refuse a request if disclosure could reasonably be expected to:
 - endanger the life or physical safety of an individual;
 - prejudice or impair the security of a building, structure or system, means of transport, or
 - other property; or methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

- *Section 67* mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived it.
- *Section 68* pertains to records containing information about the Waves for Change itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. Waves for Change may refuse access to a record if the record:
 - contains trade secrets of the organisation;
 - contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the organisation;
 - contains information which, if disclosed, could reasonably be expected to put the organisation at a disadvantage in contractual or other negotiations, or prejudice the organisation in commercial competition; or consists of a computer program owned by the organisation.
- Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- *Section 69* prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the organisation itself.
- Notwithstanding any of the above-mentioned provisions, *section 70* provides that a record must be disclosed if its disclosure would:
 - reveal evidence of a substantial contravention of or failure to comply with the law, or imminent and serious public safety or environmental risk; and
 - the public interest in the disclosure clearly outweighs the harm.

Approval of information manual

This information manual has been prepared in accordance with Section 51(1) of the Promotion of Access to Information Act, No.2 of 2000 and is hereby approved:

Signed at _Hasting St, Tamboerskloof_____ this ____8th_ day of June 2021

Timothy Conibear

Name and designation



Signature