

PROMOTION OF ACCESS TO INFORMATION MANUAL FOR PHILILE FOUNDATION

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1. Introduction

Philile (which is Zulu for 'I am alive; full of life') is a non-profit organization expanding rapidly to transform the lives of children and disadvantaged communities in South Africa.

Quality education for all is one of the most crucial challenges facing South African society; we aspire to not only provide quality education, but to see the physical, cognitive, emotional, spiritual and social development of children addressed, alongside employing and training teachers from the local community. Philile aims to introduce and develop new strategies for inner city and urban education; breaking the cycle of underachievement in socially and economically deprived areas.

The first Philile Pre-school was opened in Johannesburg's inner city suburb of Hillbrow. A second was opened in Diepsloot Ext 12 and a third is on the cards for Cosmo City.

Philile Mission: to uplift disadvantaged communities through early childhood development

Manual

This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, Act No. 2 of 2000 ("the Act"). Philile is a private body as defined in the Act, and this manual contains the information specified in section 51(1) of the Act, which is applicable to such a private body. This information is as follows:

- the contact details of the head of the private body;
- a description of the guide referred to in section 10 of the Act;
- the latest notice published by the Minister under section 52(2) of the Act;
- a description of the records of the private body which are available in terms of any legislation other than the Act;
- a description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record; and
- other information as prescribed by regulation.

The manual will be updated on a regular basis in accordance with the requirements of section 51(2) of the Act.



Interpretation

In this manual, the following words bear the meaning set out below:

“Philile”	means Philile Foundation (Registration Number 2005/011533/08);
“BEE”	means black economic empowerment;
“client”	means a natural or juristic person who or which receives services from Philile;
“employee”	means any person who works for or provides services to or on behalf of Philile, and receives or is entitled to receive remuneration;
“Guide”	means the guide published by the SAHRC in terms of section 10 of the Act;
“requester”	means any person or entity requesting access to a record that is under the control of Philile;
“SAHRC”	means the South African Human Rights Commission;
“the Act”	means the Promotion of Access to Information Act, Act No. 2 of 2000 (as amended);
“the head of Philile”	means the Chief Executive Officer of Philile, or any person duly authorised by him or her to carry out the duties ascribed to the “head” of a private body by the Act;
“the manual”	means this manual which is published in accordance with section 51 of the Act and “this manual” shall have the same meaning;
“the Minister”	means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

2. Contact details

The Chief Executive Officer of Philile is Rachel O'Connor. She is the head of Philile for the purposes of the Act and is the person to whom requests for access to records should be addressed. Her contact details are as follows:

Physical address:

Unit 201
Bryanpark Shopping Centre
Cnr Grosvenor and Cumberland
Bryanston
2191

Postal address:

PO Box 2893
Fourways
2033

Telephone: 011 463 4820

Fax: 011 463 7929

Email: rachel@philile.org

3. Section 10 Guide on how to use the Act

The SAHRC has, in terms of section 10 of the Act, published a Guide to assist persons wishing to exercise any rights in terms of the Act.

The Guide may be obtained from the SAHRC. Any person wishing to obtain the Guide may either access it through the website of the SAHRC at www.sahrc.org.za or should contact:

PAIA Unit
Research and Documentation Department
South African Human Rights Commission

Postal address:

Private Bag X2700
Houghton
2041

Telephone: (011) 877 3600

Fax: (011) 403 0625

Email: PAIA@sahrc.org.za

4. **Records available in terms of any other legislation**

Certain records held by Philile are available in terms of legislation other than the Act. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- Basic Conditions of Employment Act, Act No. 75 of 1997
- Companies Act, Act No. 71 of 2008
- Employment Equity Act, Act No. 55 of 1998
- Income Tax Act, Act No. 58 of 1962
- Labour Relations Act, Act No 66 of 1995
- Occupational Health and Safety Act, Act No. 85 of 1993
- Unemployment Insurance Act, Act No. 63 of 2001
- Unemployment Insurance Contributions Act, Act No. 4 of 2002
- Children's Act, Act No. 38 of 2005
- South African Schools Act, Act No. 84 of 1996

5. **Description of the subjects on which Philile holds records and the categories of records held on each subject**

The following is a list of the subjects on which Philile holds records and the categories into which these fall. The procedure in terms of which such records may be requested from Philile is set out in Section 9 of this manual. The records listed below will not in all instances be provided to a requester who requests them in terms of the Act. The requester has to show that he or she has the right in terms of the Act to be given access to the records in question.

Categories of records

Description of records held

Administration

- Minutes of meetings of directors
- Records relating to the incorporation of Philile

Management

- Internal correspondence
- Resolutions of the directors of Philile

Finance

- Accounting records
- Tax records
- Insurance records
- Auditors' reports

Human Resources

- List of employees
- Statistics regarding employees
- Employment contracts
- Information relating to prospective employees
- Personnel records including personal details, disciplinary records, performance and internal evaluation records
- Employee tax information
- Records of Unemployment Insurance Fund contributions
- Payroll records
- Codes of conduct
- Disciplinary code and procedure
- Internal policies and procedures regarding dismissals, performance appraisal, leave, extended sick leave, adoption leave, loans, child protection

Property

- Lease agreement
- Records regarding insurance

Pre-school Registrations

- Registration forms of all children attending Philile

6. Categories of records which are available without request

No notices relating to Philile have been published by the Minister in terms of section 52(2) of the Act.

Certain records are available without needing to be requested in terms of the request procedures set out in the Act and detailed in Section 7 of this manual. This information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the offices of Philile. Certain information is also available on Philile's website www.philile.org The records include:

- Philile executive summary
- Philile fundraising proposal

7. Request procedure in terms of the Act

A request for access to records held by Philile in terms of section 50 of the Act must be made on the form contained in the Regulations Regarding the Promotion of Access to Information (Form C). A copy of the form is attached as Annexure A to this manual. The request must be made to Philile at the address, telefax number or email address, specified in Section 2 above.

A requester must provide sufficient detail on the prescribed form to allow Philile to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Philile. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

The requester must identify the right that he, she or it is seeking to exercise by accessing records held by Philile and must explain why the particular record or records requested is or are required for the exercise or protection of that right.

Philile may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of the Act which include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of Philile itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, and that it is necessary to protect the research information of a third party or Philile itself. Access to documents may also be refused on the basis of professional privilege.

Philile is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Philile's decision in another manner as well, this must be set out in the request and the relevant details included, to allow Philile to inform the requester in the preferred manner.

Philile will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified of the request or the 30 day period is extended as provided for in the Act. Philile will notify the requester if the 30 day period for processing a request is to be extended.

Where a request is refused, a requester may apply to the High Court within 30 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The Court will determine whether the records should be made available or not.

8. Fees payable

A requester has to pay a **request fee** of R50.00, other than where the requester is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on Philile's behalf may notify the requester that he, she or it needs to pay the request fee before processing the request any further. A requester may apply to Court to be exempted from the requirement to pay the request fee.

Where a request for access to a record or records held by Philile is granted, the requester also has to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. Philile is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as follows:

	Action taken	Fee
1.	Photocopy of an A4-size page or part thereof	R1.10
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
3.	For a copy in a computer-readable form on -	
	stiffy / compact disc	R7.50
	compact disc	R70.00
4.	Transcription of visual images, for an A4-size page or part thereof	R40.00
5.	Copy of visual images	R60.00
6.	Transcription of an audio record, for an A4-size page or part thereof	R20.00
7.	Copy of an audio record	R30.00

In addition, if the search for and preparation of the record or records requested takes more than six hours, Philile may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.

If Philile is of the opinion that the search for and the preparation of the records requested will require more than six hours, Philile is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the requester. The requester may make an application to Court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

9. **Other information as prescribed**

The Minister has not prescribed that any further information must be contained in this manual.

A handwritten signature in black ink, appearing to read "R. Connor".A small, circular handwritten mark or signature in the bottom right corner of the page.

ANNEXURE A

**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:

Attention:

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 ONLY 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.***

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a 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 below, state your disability and indicate in which form the record is required.

Disability: _____ _____	Form in which record is required: _____ - _____
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Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access 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 to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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*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.	YES	NO
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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.***

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:

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**