

**MANUAL IN TERMS OF SECTIONS 14 (1) and 51 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2  
OF 2000 (“the Act”)**

**for**

**Praekelt Foundation NPC**

[Registration Number: 2007/012585/08]  
 (“Praekelt.org”)

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## 1. INTRODUCTION

- 1.1. On 9 March 2001, the Promotion of Access to Information Act. No. 2 of 2000 ("PAIA Act") became operative giving effect to the section 32(2) Constitutional Right of access to information. One of the main requirements specified in the Act is the compilation of an access to information manual that provides information on two types and categories of records held by a private body.
- 1.2. This document serves as Praekelt.org's access to information manual and provides reference to the records held by Praekelt.org and the process to request access to such records.
- 1.3. Praekelt.org has a Privacy Policy written in accordance with the Protection of Personal Information, Act 4 of 2013 ("POPIA") which may be accessed on our website. This PAIA Manual and the Privacy Policy must be read in conjunction with each other.

## 2. DETAILS OF Praekelt.org

- 2.1. **Nature of the business:** The Nature of the Business of the Company is to solve some of the world's hardest social problems by using mobile technology and building large scale technology platforms to provide people with information and services to improve their health and wellbeing
- 2.2. **Appointment of Directors:** Praekelt.org is a not for profit company without members or shareholders. Therefore, any vacancy in the minimum of Directors through death, resignation, disqualification or for any other reason shall immediately be filled by an appointment made by a 75% majority vote of the Board of Directors provided, however, that until such appointment be made, the remaining Directors shall be entitled to function on their own.
- 2.3. **The details for our Information Officer are as follows:**

Managing Director and Information Officer	Deborah Rogers
Registration number	2007/012585/08

Registered Address	50 Smits Road Dunkeld 2196 Johannesburg
Postal Address	Postnet Suite 230 Private Bag X11 Craighall 2024
Email	<a href="mailto:popia@praekelt.org">popia@praekelt.org</a>
Website	<a href="https://praekelt.org">https://praekelt.org</a>

### 3. Contact Details for PAIA and POPIA requests

All requests made in terms of the Promotion of Access to Information Act and the Protection of Personal Information Act relating to Praekelt.org should be directed to the Deputy Information Officer who has been appointed to deal with these request

Deputy Information Officer	Taryn Hinton
Registered Address	50 Smits Road Dunkeld 2196 Johannesburg
Postal Address	Postnet Suite 230 Private Bag X11 Craighall 2024
Telephone Number	082 940 6188

Email	<a href="mailto:popia@praekelt.org">popia@praekelt.org</a> <a href="mailto:taryn@praekelt.org">taryn@praekelt.org</a>
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#### 4. INFORMATION REGULATOR GUIDELINES FOR REQUESTERS ON HOW TO USE THE ACT

- 4.1. A Guide has been compiled in terms of Section 10 of PAIA Act by the Information Regulator. It contains information to assist a person wishing to exercise a right in terms of PAIA and POPIA. The Guide is updated from time to time.
- 4.2. The Guide is available for inspection and use in each of the official languages as per below and is also available on <https://www.justice.gov.za/infoereg/>.
- 4.3. A copy of the Guide, in at least two of the official languages are at each of our offices for public inspection from Monday to Friday during our business hours.
- 4.4. Should any person require a copy of the Guide, or any part thereof, they may contact the Deputy Information Officer using Form 1 of Annexure A to the PAIA Regulations. Prescribed fees as provided for by the PAIA Regulation will be charged for reproduction and postage.
- 4.5. Any further queries regarding the Guide may be directed as follows:

	The Information Regulator (South Africa)
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal Address	P.O Box 31533, Braamfontein, Johannesburg, 2017
Email	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>
Website	<a href="https://www.justice.gov.za/infoereg/">https://www.justice.gov.za/infoereg/</a>

- 4.6. The Guide, and any amendments thereto, form part of this Manual.

#### 5. RECORDS HELD IN ACCORDANCE WITH SECTION 51(1)(d) OF THE ACT

- 5.1. Praekelt.org is required by law, in the conduct of its day to day business and as a matter of standard practice and good governance to keep records. The subjects and categories of records are as per paragraph 6 below.
- 5.2. Records are held in accordance with the following legislation which list is by no means exhaustive and is intended to serve as a guide only: -

- 5.2.1. Value-Added Tax Act No. 89 of 1991
- 5.2.2. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- 5.2.3. Skills Development Act No. 97 of 1998
- 5.2.4. Unemployment Insurance Act No. 63 of 2001
- 5.2.5. Basic Conditions of Employment Act No. 75 of 1997
- 5.2.6. Companies Act No. 71 of 2008
- 5.2.7. Promotion of Access to Information Act No. 2 of 2000
- 5.2.8. Promotion of Administrative Justice Act No. 3 of 2000
- 5.2.9. Protection of Personal Information Act No. 4 of 2013
- 5.2.10. Income Tax Act No. 58 of 1965
- 5.2.11. Labour Relations Act No. 66 of 1995
- 5.2.12. Financial Intelligence Centre Act No. 38 of 2001
- 5.2.13. Employment Equity Act No. 55 of 1998
- 5.2.14. Occupational Health and Safety Act No. 85 of 1993
- 5.2.15. Broad Based Black Economic Empowerment Act No. 3 of 2003
- 5.2.16. Electronic Communications and Transactions Act No. 25 of 2002
- 5.2.17. Consumer Protection Act No. 68 of 2008

## 6. SUBJECTS AND CATEGORIES OF RECORDS

- 6.1. The subjects and categories below are of records held as a matter of standard practice and are by no means exhaustive and is intended to serve as a guide only of the records held by Praekelt.org.
- 6.2. The recordal of the subjects and categories below is also not an indication that all the information is available for public consumption nor does it imply that a request will automatically be granted. Information that is automatically available without having to make a request in the prescribed form is itemised below.
- 6.3. All requests for access will be evaluated on a case-by-case basis on their own merits due consideration will be made. Praekelt.org also reserves the right to decline to grant access in accordance with the law including: -
  - 6.3.1. Certificate of incorporation /Memorandum of Incorporation
  - 6.3.2. Companies Act records
  - 6.3.3. Financial records including audited annual financial statements
  - 6.3.4. Tax records
  - 6.3.5. Asset and liability records
  - 6.3.6. Employment records and policies (in compliance with The Basic Conditions of Employment Act and Labour Relations Act including inter alia each employee's name, occupation, remuneration and benefits received, performance related matters, and other personal information)
  - 6.3.7. Employment equity plan
  - 6.3.8. Procurement records
  - 6.3.9. Other party records

- 6.3.10. Contracts and agreements
- 6.3.11. Minute books, (Resolutions passed at meetings of the Board and Committees of the company)
- 6.3.12. Books of account required by legislation and supporting schedules
- 6.3.13. Policies and Procedures, Research papers, Publications, Marketing documents, User Manuals
- 6.3.14. Confidential, internal and external Correspondence.

## 7. RECORDS AUTOMATICALLY AVAILABLE

Records which are automatically available without having to make a request in the prescribed form include the following:

- 7.1. Praekelt.org brochures, articles, newsletters, publications
- 7.2. All information contained on the Praekelt.org Website

## 8. REQUESTS FOR ACCESS TO INFORMATION

### 8.1. Access request procedure

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

### 8.2. Completion of access request form

- 8.2.1. In order to facilitate a timely response to requests for access, requesters should submit the fully complete an Access Request Form (Form 2 of Annexure A of the Regulations) and ensure that the following requirements are met:
  - 8.2.1.1. Proof of identity is required to authenticate the identity of the requester.
  - 8.2.1.2. If there is insufficient space on a printed form, additional information may be provided as attachments.
  - 8.2.1.3. The form must provide sufficient particulars to enable the information officer to identify:
    - 8.2.1.3.1. the record/s requested and the form of access required; and
    - 8.2.1.3.2. full details of the requester, including their capacity, if it is being made on behalf of another as well as contact details and address;

- 8.2.1.3.3. the right the requester is seeking to exercise or protect and an explanation of why the requested record is required for the exercise or protection of that right;
- 8.2.1.4. Should the requester be illiterate or have a disability that prevents him/her from completing the form, or the form has to be completed orally the information officer will complete Form 2 of Annexure A to the Regulations on behalf of the requester and provide a copy thereof to the requester.

## 9. REFUSAL OF ACCESS REQUESTS

- 9.1. After due consideration and within 30 days the Information Officer/Deputy Information Officer will make a decision and give notice with reasons to the requester in writing to that effect.
- 9.2. This 30-day period within which Praekelt.org must decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days.
- 9.3. If the request is for a large volume of information and the information cannot be reasonably obtained within the original 30-day period Praekelt.org will notify the requestor in writing should an extension be sought.
- 9.4. If the request for access is granted, and before the processing of the request, an access fee may be required for the search, reproduction and/or preparation of the records and this fee will be calculated based on the Prescribed Fees, as gazetted from time to time.
- 9.5. The Information Officer will inform the requester of such amount and the process that needs to be followed to fulfil this requirement. The Information Officer may also request a deposit of up to one third of the access fee.
- 9.6. If a deposit has been paid in respect of a request for access which is refused then the Information Officer must refund the deposit to the requestor.

## 10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 10.1. The primary grounds for refusing a request are as follows (however other reasons may exist):
  - 10.1.1. Mandatory protection of the privacy of a third party, which would involve the unreasonable disclosure of personal information to that natural person. For all intents and purposes personal information is as defined by POPIA.
  - 10.1.2. Mandatory protection of the commercial and confidential information of a third party, if the record contains: -
    - 10.1.2.1. trade secrets of that party;
    - 10.1.2.2. financial, commercial, or technical information which disclosure would likely cause harm to the financial or commercial Interests of that party;
    - 10.1.2.3. information disclosed in confidence by a third party to the company;



- 10.1.2.4. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 10.1.2.5. mandatory protection of the safety of individuals and the protection of property;
- 10.1.2.6. mandatory protection of records which could be regarded as privileged in legal proceedings.
- 10.1.2.7. The commercial activities of Praekelt.org, which may include: -
  - 10.1.2.7.1. trade secrets of Praekelt.org;
  - 10.1.2.7.2. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Praekelt.org.
- 10.1.2.8. If the records cannot be found or do not exist and all reasonable steps have been taken to find the record requested, the head of a private body by way of affidavit or affirmation, is required to notify the requester that it is not possible to give access to that record and set out the steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the head.
- 10.1.2.9. If, after the said notice is given and the record in question is found, the requester concerned must be given access to the record, unless access is refused on any other grounds.

## 11. **LODGING OF COMPLAINTS**

Should a requester be unsatisfied with the decision, a complaint may be lodged in writing on a Form that corresponds substantially with Form 5 of Annexure A to the Regulations, to the Information Regulator.

## 12. **UPDATES TO THE MANUAL**

This Manual is updated from time to time.

## 13. **AVAILABILITY OF MANUAL AND FORMS**

- 13.1. A copy of this Manual is available for inspection free of charge at our place of business (see paragraphs 2 and 3 above) and is available to the public on the Praekelt.org website at <https://praekelt.org>.
- 13.2. The Forms and fee tariff as prescribed by the Regulator is available for use and may be sourced through our Deputy Information Officer or at our place of business (see paragraphs 2 and 3 above) and is available to the public on the Praekelt.org website at <https://praekelt.org>.

(insert forms and tariffs once gazetted)