PAIA Manual

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1. Introduction and Purpose

1.1. *Growing Space (the "Practice") is the drama therapy practice of Jessica Mayson (a registered drama therapist) (also referred to as the "Practice"), working with: children, adolescents and adults, in private practice and in community-based organisations and schools.*

1.2. The manual has been prepared, as required by section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA"), for the Practice. PAIA gives effect to the constitutional rights of access to any information held by a public or private body that is required for the exercise of protection of any rights.

1.3. The Practice is committed to ensuring that all business is conducted in accordance with good business practice and relevant legislation. In order to promote effective governance, it is necessary to ensure that all affected parties are educated and empowered to understand and access their rights in terms of PAIA, where applicable.

1.4. Where a request is made in terms of PAIA, the Practice is obliged to release the information, except where PAIA expressly provides that the information may or must not be released.

1.5. The objective of this PAIA Manual is to outline a suitable approach and response to requests to access information and the essential procedural requirements attached to such requests. This PAIA Manual should be read in conjunction with the Protection of Personal Information Act 4 of 2013 ("POPIA") and the Practice's policies in respect of POPIA, where applicable.

1.6. This PAIA Manual informs requesters of procedural and other requirements, as prescribed by PAIA. It is important to note that Section 9 of PAIA recognises certain limitations to the right of access to information, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

Further to this, PAIA recognises the act of balancing a right to request information with any other rights, including such rights as contained in the Bill of Rights[1].

2. Practice contact details (Section 51(1)(a))

All requests for information in terms of the Practice's PAIA Manual must be directed to:

[1] The Constitution of the Republic of South Africa, 1996 - Chapter 2: Bill of Rights

2.1. Information Officer: Jessica Mayson

2.2. Postal Address: NA

2.3. Street Address: NA

2.4. Telephone Number: 066 149 4125

2.5. Email: jessicagrowingspace@gmail.com

2.6. Website: NA

3. Access to records (Section 51(1)(b))

3.1. PAIA grants a requester access to certain records of a private body if the said records are required to exercise or protect any rights of the requester. Should a public body lodge such a request; it must be acting in the interest of the public.

3.2. Any request for information in terms of PAIA, must be made in accordance with the prescribed form and manner, at the rates provided. The prescribed form, manner and the tariff are dealt with in sections 6 and 7 respectively.

3.3. The South African Human Rights Commission (SAHRC) has compiled and published a useful guide in terms of section 10 of PAIA, containing valuable information for the purposes of exercising any right in terms of PAIA.

3.4. The guide is made available in all official languages on the website of the SAHRC at the following URL:
https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf

3.5. Any enquiries regarding this guide should be directed to the SAHRC using the following contact information:

Postal Address:	: Private Bag 2700, Houghton, 2041
Telephone Number	+27(0)11 877 3600
Fax Number	+27(0)11 403 0625
Website	: www.sahrc.org.za

4. Policy Records available in terms of other legislation (Section 51(1)(c))

In terms of other legislation, policy records are available that have been amended, as relevant, from time to time. A list of “other legislation” is provided below and where

applicable:

- Protection of Personal Information Act 4 of 2014 (the "POPI Act")
- Promotion of Access to Information Act 2 of 2000 (the "PAIA")
- Health Professions Act 56 of 1974
- National Health Act 61 of 2003
- Medical Schemes Act 121 of 1998
- Children's Act 38 of 2005
- Mental Healthcare Act 17 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Telecommunications Act 103 of 1996
- Electronic Communications Act 36 of 2005
- Consumer Protection Act 68 of 2008
- National Credit Act 34 of 2005
- Income Tax Act 58 of 1962
- Constitution of the Republic of South Africa, 1996 (the "Constitution").

5. Schedule of records (Section 51 (1)(d))

The accessibility of the documents listed below may be subject to the grounds of refusal set out in this manual.

5.1. **Records that are available without having to submit a request in terms of PAIA**:

5.1.1. Marketing material

5.1.2. Pamphlets

5.1.3. Policies and forms related to healthcare and healthcare information

5.2. **Records that must be formally requested in terms of PAIA include**:

5.2.1. Association agreements and other related foundational documents

5.2.2. Minutes of meetings

5.2.3. Records relating to the appointment of representatives of the association where applicable

5.2.4. Annual Financial Statements

5.2.5. Tax Returns

5.2.6. Accounting Records

5.2.7. Banking Records

5.2.8. Asset Register

5.2.9. Rental Agreements

5.2.10. Invoices

5.2.11. PAYE Records

5.2.12. Documents issued to employees for income tax purposes

5.2.13. Records of payments made to SARS on behalf of employees

5.2.14. Regional Services Levies

5.2.15. Skills Development Levies

5.2.16. UIF

5.2.17. Employment contracts

5.2.18. Employment Equity Plan

5.2.19. Medical Aid records

5.2.20. Pension Fund records

5.2.21. Disciplinary records

5.2.22. Salary records

5.2.23. Disciplinary code

5.2.24. Leave records

5.2.25. Training records

5.2.26. Training Manuals

5.2.27. Private Body records

5.2.28. Client related records and associated documentation and reports

5.2.29. Other records protected by way of confidentiality/non-disclosure agreements

5.2.30. Commercial activities of the Practice.

Kindly note, certain types of information such as client records contain medical information and are thus, by their very nature, confidential. This type of information is vehemently protected unless the data subject consents to disclosure or the law compels disclosure.

5.3. In addition to the above, the Practice may refuse a request for information made in terms of clause 5.2 on the following basis:

5.3.1. Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

5.3.2. Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;
- Financial, commercial, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
- Information disclosed in confidence by a third party to the Practice if the disclosure could place that third party at a disadvantage.

5.3.3. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;

5.3.4. Mandatory protection of the safety of individuals and the protection of property;

5.3.5. Mandatory protection of records which would be regarded as privileged in legal proceedings;

5.3.6. Mandatory protection of records of a personal nature as defined in terms of POPIA;

5.3.7. The commercial activities of the Practice, which includes but is not limited to trade secrets, financial, commercial or technical information as well as software platforms or programmes exclusively developed for the Practice.

5.3.8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

6. Form of a request for information (Section 51(1)(e))

6.1. A requester must use the prescribed form "Form C" to request access to the information as set out in 5.2 above. Form C can be downloaded from the following URL: https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

6.2. The request must be addressed to the Information Officer as indicated in section 2.

6.3. The requester must provide sufficient detail on Form C to enable the contact person of the Practice to establish who the requester of the said information is, as well as what information is being requested and in what format.

6.4. The requester must provide enough detail in respect of his/her contact details and if the requester wishes to be informed of the decision of the Practice in any specific manner (in addition to written), the manner and particulars thereof.

6.5. 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.

6.6. After the Practice has reached a conclusion with regard to the request, the requester will be notified in the required format.

6.7. If the request is granted, 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.

6.8. The Practice does not have internal appeal procedures; therefore, the decision made by the Information Officer of the Practice is final. Requesters who are dissatisfied with a decision of the Practice will have to exercise external remedies at their disposal.

6.9. A dissatisfied requester or a Third Party, may within 30 days of notification of the decision, apply to an appropriate court for relief.

7. Prescribed fees (Section 51(1)(f))

7.1. A requester who seeks access to a record containing personal information about that requester (a personal requester) is not required to pay a request fee subject to the volume of documentation requested being reasonable in nature and at the Practice's reasonable discretion; alternatively, the requester must pay the required request fee, as prescribed from time to time.

7.2. Every other requester, who is not a personal requester, must pay the required request fee, as prescribed from time to time.

7.3. If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted). A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

7.4. Records may be withheld until the fees have been paid.

7.5. Fees:

- The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
- The fees for reproduction referred to in regulation 11 (1) are as follows:
    - For every photocopy of an A4-size page or part thereof R 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 R 0,75
    - For a copy in a computer-readable form on compact disc R 70,00
    - For a transcription of visual images (where applicable), for an

A4-size page or part thereof R 40,00

- For a copy of visual images R 60,00
- For a transcription of an audio record, for an A4-size page or part thereof R 20,00
- For a copy of an audio record R 30,00

- The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.

7.6. The fees herein are subject to change so you undertake to confirm the fees applicable to your request with the said contact person of the Practice as per Clause 2 *prior* to requesting the information you wish to request where a fee will be charged.

8. Availability of the manual (Section 51(3))

8.1. This manual is available for inspection at the offices of the Practice free of charge upon prior arrangement with the said contact person of the Practice as per Clause 2 or alternatively as contained below.

8.2. A copy will also be made available on the website of the Practice should the Practice have a website.

9. Information or records not found

9.1. If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to provide access to the requested records.

9.2. The affidavit or affirmation shall provide a full account of all the steps taken to find the requested records or to determine the existence thereof, including details of all communications by the Information Officer with every person who conducted the search.

9.3. If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Information Officer.

9.4. The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of PAIA in terms of which the Practice may refuse, on certain specified grounds, to

provide information to a requester.

10. Information requested about a Third Party (Section 71 to 74)

10.1. Section 71 of PAIA makes provision for a request of information or records about a Third Party.

10.2. In considering such a request, the Practice will adhere to the provisions of section 71 to 74 of PAIA.

10.3. The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of PAIA in terms of which the Practice is obliged, in certain circumstances, to advise Third Parties of requests lodged in respect of information applicable to or concerning such Third Parties.

Should you have any queries kindly contact the Information Officer (details set out in Clause 2).

This document is reviewed every two years or as may be required.

Manual approval and information

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