

HANNS SEIDEL FOUNDATION NPC

(Registration number: 1991/006712/08)

Manual in terms of section 51 of the Promotion of Access to
Information Act 2 of 2000 and the Protection of Personal Information
Act 4 of 2013

Revised: 10 July 2021

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1. INTERPRETATIONS

1.1 Unless otherwise expressly stated, or the context otherwise requires, the words and expressions listed below shall, when used in this Manual, bear the meanings ascribed to them:

1.1.1 **"HSF"** means Hanns Seidel Foundation NPC, a non-profit company duly registered and incorporated in accordance with the laws of the Republic of South Africa under registration number 1991/006712/08;

1.1.2 **"Manual"** means this manual together with all of its annexures, as amended from time to time;

1.1.3 **"PAIA"** means the Promotion of Access to Information Act No. 2 of 2000, as amended, including any regulations made thereunder;

1.1.4 **"Personal Information"** means personal information as defined in POPIA; and

1.1.5 **"POPIA"** means the Protection of Personal Information Act 4 of 2013, as amended, including any regulations made thereunder; and

1.1.6 **"Record"** means record as defined in PAIA.

1.2 In this Manual –

1.2.1 clause headings and the heading of the Manual are for convenience only and are not to be used in its interpretation;

1.2.2 an expression which denotes –

1.2.2.1 any gender includes the other genders;

1.2.2.2 a natural person includes a juristic person and *vice versa*;

1.2.2.3 the singular includes the plural and *vice versa*; and

1.2.2.4 a reference to a consecutive series of two or more clauses is deemed to be inclusive of both the first and last mentioned

clauses.

2. PREAMBLE

- 2.1. The purpose of this Manual is to
- 2.1.1. facilitate requests for access to Records maintained by HSF as provided for in PAIA;
 - 2.1.2. inform data subjects about HSF's processing activities;
 - 2.1.3. facilitate the submission of objections to the processing of Personal Information and requests to delete or destroy Personal Information in terms of POPIA.
- 2.2. PAIA gives effect to the Constitutional right of access to information held by any other person. Requests to access information held by a private body must be made in accordance with this Manual and PAIA.
- 2.3. POPIA promotes the protection of Personal Information and defines obligatory conditions for the processing of Personal Information.

3. INTRODUCTION OF HSF

The HSF supports educational initiatives and research projects and partners with key south African public and civic organisations in order to promote the national dialogue and progress on pressing social, political and developmental issues.

4. CONTACT DETAILS

Requests are to be directed to:

Information Officer:	Hanns Bühler
Physical address:	2nd Floor 38 Hout Street 8001 Cape Town South Africa
Telephone number:	+27 (0)21 286 0795
E-mail address:	buehler@hsf.co.za

5. PAIA AND POPIA

- 5.1. The Information Regulator is the responsible authority for PAIA and POPIA. The Information Regulator will publish a guide on how to use PAIA. The South African Human Rights Commission ("SAHRC"), as the former responsible authority for PAIA, had previously developed a guide on how to use PAIA. This guide is available on the SAHRC website <https://www.sahrc.org.za>.
- 5.2. Any enquiries regarding the guide should be directed to the Information Regulator:

Postal Address: JD House
27 Stiemens Street
Braamfontein, Johannesburg, 2001

Postal Address: P.O Box 31533
Braamfontein, Johannesburg, 2017

Telephone Number: +27 (0) 10 023 5200

Fax Number: 086 500 3351

E-mail Address: infoereg@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/>

6. RECORDS HELD BY HSF

6.1. Automatically available Records

The Records located on HSF's website (<https://southafrica.hss.de/>) are automatically available and accessible to any person without having to apply for access thereto in terms of PAIA.

6.2. Records held in accordance with other legislation

Basic Conditions of Employment Act	No 75 of 1997
Broad-Based Black Economic Empowerment Act	No 53 of 2003
Companies Act	No 71 of 2008
Companies Act	No 61 of 1973

Compensation for Occupational Injuries and Health Disease Act	No 130 of 1993
Competition Act	No 89 of 1998
Consumer Protection Act	No 68 of 2008
Electronic Communications and Transactions Act	No 25 of 2002
Employment Equity Act	No 55 of 1998
Income Tax Act	No 95 of 1967
Labour Relations Act	No 66 of 1995
Non-Profit Organisations Act	No 71 of 1997
Occupational Health and Safety Act	No 85 of 1993
Value Added Tax Act	No 89 of 1991
Financial Advisory and Intermediary Services Act	No 37 of 2002
Promotion of Access of Information Act	No 2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act	No 4 of 2000
Securities Transfer Tax Act	No 25 of 2007
Skills Development Levies Act	No 9 of 1999
Skills Development Act	No 97 of 1998
Unemployment Contributions Act	No 4 of 2002
Unemployment Insurance Act	No 63 of 2001
Value Added Tax Act	No 89 of 1991

6.3. Categories of Records available on requested in terms of PAIA

- 6.3.1. HSF maintains Records on the categories and subject matters listed below.
- 6.3.2. These Records may be available on request. HSF takes privacy and confidentiality very seriously and will only grant access to those Records if such request is made in accordance with PAIA and no ground for refusal is applicable.

Company Records	<ul style="list-style-type: none"> • financial records; • operational records; • databases; • marketing records; • internal correspondence; • statutory records; • internal policies and procedures; • agreements and contracts; • fixed property; • insurance records; • intellectual property; and • legal documentation correspondence.
Employee Records	<ul style="list-style-type: none"> • personal records (provided by employees themselves); • records provided by a third party relating to employees; • conditions of employment and other employee-related records; • internal evaluation records and other internal records; • correspondence relating to employees; • disciplinary records; and • training schedules and material.
Partner and Project Records	<ul style="list-style-type: none"> • partner details; • project details; • agreements; • Records of correspondence or enquiries; • financial information; • statistical records; and • invoices and payments.
Event and Publication Records	<ul style="list-style-type: none"> • event details; • publication details; • event participants information; • statistical records;

	<ul style="list-style-type: none"> • correspondence; • registrations; • event photographs; and • social media records.
Other Third Party Records	<ul style="list-style-type: none"> • procurement of services; • service provider records; • contracts; and • correspondence.

7. PROSESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

7.1. HSF processes Personal Information to perform its work. HSF primarily uses Personal Information only for the purpose for which it was originally collected. HSF uses Personal Information for a secondary purpose only if such purpose constitutes a legitimate interest and is closely related to the original purpose for which the Personal Information was collected.

7.1.1. HSF processes Personal Information for, amongst others -

7.1.1.1. partner and project work;

7.1.1.2. complying with obligations in terms of contractual relationships;

7.1.1.3. complying with legal obligations and applicable law;

7.1.1.4. events and publications;

7.1.1.5. recruitment;

7.1.1.6. statistical purposes;

7.1.1.7. internal management and management reporting purposes; and

7.1.1.8. safety and security purposes.

7.2. Categories of data subjects and Personal Information

HSF processes the following personal information and special personal information relating to the following categories of data subject, including but not limited to -

Data Subjects	Personal Information
Employees	<ul style="list-style-type: none"> • name • gender • telephone number; • birth date; • pregnancy; • well-being; • education; • marital status; • disability; • ID / passport number • nationality; • email address; • physical or mental health; • physical Address; • biometric Information; • medical, financial, criminal or employment history; and • correspondence sent by a person that is implicitly or explicitly of a private/confidential nature.
Partners	<ul style="list-style-type: none"> • name; • physical address; • telephone number; • registration number; • email address; • tax information; • financial and credit history; • banking details; and • correspondence sent by a person that is implicitly or explicitly of a private/confidential nature.
Event Participants	<ul style="list-style-type: none"> • name; • telephone number; • physical address; • email address; • location details; and • photographs.

Service Providers	<ul style="list-style-type: none"> • name; • registration number; • telephone number; • tax information; • email address; • physical address; • banking details; • B-BBEE information; and • correspondence sent by a person that is implicitly or explicitly of a private/confidential nature.
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7.3. Disclosure of Personal Information to third parties

7.3.1. HSF relies on third-party service providers to provide its work. This requires disclosing of Personal Information with these third parties.

7.3.2. HSF may disclose Personal Information to our its associates and service providers, for legitimate purposes, in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality.

7.3.3. In addition, HSF may disclose Personal Information -

7.3.3.1. if required by law;

7.3.3.2. to legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law or regulation;

7.3.3.3. to third party operators;

7.3.3.4. where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights; and

7.3.3.5. to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including, but not limited

to, safeguarding against, and the prevention of threats to, public security.

7.3.4. If HSF discloses Personal Information to third parties, the latter will be obliged to only use that personal information for the reasons and purposes the information was disclosed for and provide adequate security safeguards.

7.4. International transfer of Personal Information

7.4.1. HSF may transfer Personal Information to recipients outside of the Republic of South Africa.

7.4.2. When Personal Information is transferred outside of the Republic of South Africa, HSF ensures that the receiver of the information is subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA.

7.5. Security of Personal Information

7.5.1. HSF provides adequate protection for the Personal Information in its possession. HSF implements appropriate technical and organisational security measures to protect Personal Information in its possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.

7.5.2. In dealings with third parties, HSF imposes appropriate security, privacy and confidentiality obligations on them to ensure that the Personal Information disclosed to them is kept secure. HSF ensures that anyone to whom Personal Information is passed onto agrees to treat such Personal Information with the same level of protection as HSF is obliged to.

7.5.3. HSF, on an on-going basis, reviews its security controls and related processes to ensure Personal Information remains secure.

8. REQUEST PROCEDURE IN TERMS OF POPIA

8.1 Data subjects may make the following requests to HSF in terms of POPIA -

- 8.1.1 to confirm all information HSF holds about the data subject;
 - 8.1.2 to object to the processing of Personal Information; and
 - 8.1.3 to correct or delete Personal Information.
- 8.2 Requests must be made in writing and on the prescribed forms as attached to this Manual as Annexure A. The request must be sent to HSF's Information Officer.

9. REQUEST PROCEDURE IN TERMS OF PAIA

- 9.1. To request a Record in terms of PAIA, the request must be made on the prescribed form (Annexure B). The request must be sent to HSF's Information Officer.
- 9.2. The requester must provide sufficient details in the request to enable HSF to identify:
 - 9.2.1. the Record(s) requested;
 - 9.2.2. the requester (and if an agent is lodging the request, proof of capacity);
 - 9.2.3. the form of access required;
 - 9.2.4. the postal address or email address of the requester in South Africa, or if the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof; and
 - 9.2.5. the right which the requester is seeking to exercise or protect with an explanation of the reason the Records are required to exercise or protect the right.

10. PRESCRIBED FEES

- 10.1. Requests made in terms of PAIA (other than personal requests) are subject to the following fees:
 - 10.1.1. Request fee: R50,00
 - 10.1.2. Access fee:

For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on—	
- stiffy disc	R7.50
- compact disc	R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00

- 10.2. If the preparation of the Record requested required more than the prescribed 6 (six) hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 10.3. A requester may lodge an application with a court against the render/payment of the request fee and/or deposit.
- 10.4. Records may be withheld until the fees have been paid.

11. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

HSF may refuse a request for information in accordance with section 62 to 69 PAIA.

12. AVAILABILITY AND UPDATING OF THIS MANUAL

- 12.1. This Manual is available at HSF's office and on HSF's website.
- 12.2. HSF may review and update this Manual from time to time. The latest version of this Manual is available on request.

ANNEXURE "A"



REPUBLIC OF SOUTH AFRICA

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 2]

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered name of responsible party:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)
Signed at this day of20.....	
.....	
Signature of data subject/designated person	



REPUBLIC OF SOUTH AFRICA

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

 IN TERMS OF
 SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the Personal Information about the data subject which is in possession or under the control of the responsible party.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	Code ()
Contact number(s):	
Fax number / E-mail address:	
C	INFORMATION TO BE CORRECTED / DELETED
D	REASONS FOR CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. <i>(Please provide detailed reasons for the request)</i>
Signed at this day of20.....	
..... <i>Signature of data subject / designated person</i>	

Annexure "B"

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))

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:

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.***

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. 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 hereunder, 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 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		
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"/>		<input type="checkbox"/>	transcription of the images*		
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)		
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"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)		
*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.			<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">YES</td> <td style="width: 50%; text-align: center;">NO</td> </tr> </table>	YES	NO
YES	NO				

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.***

1. Indicate which right is to be exercised or protected:
2. 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