

**PROMOTION OF ACCESS TO INFORMATION
MANUAL**



**N E L S O N M A N D E L A
F O U N D A T I O N**

Living the legacy

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)**

1. LIST OF ACRONYMS AND ABBREVIATIONS

| | | |
|------|--------------------|---|
| 1.1. | “CEO” | Chief Executive Officer |
| 1.2. | “DIO” | Deputy Information Officer |
| 1.3. | “IO” | Information Officer |
| 1.4. | “Minister” | Minister of Justice and Correctional Services |
| 1.5. | “PAIA” | Promotion of Access to Information Act 2 of 2000 as amended |
| 1.6. | “POPIA” | Protection of Personal Information Act |
| 1.7. | “REGULATOR” | Information Regulator |
| 1.8. | “REPUBLIC” | Republic of South Africa |
| 1.9. | “NMF” | Nelson Mandela Foundation |

2. PURPOSE OF THE PAIA MANUAL

2.1. The purpose of this PAIA Manual is to enable the public to:

- 2.2.1 assess the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.2.4 access all the relevant contact details of the Information Officer and/or Deputy Information Officer who will assist the public with the records they intend to access;
- 2.2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.2.6 know if the body will process personal information, the purpose of

processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;

- 2.2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

3.1. CHIEF EXECUTIVE OFFICER

Name: Sello Hatang
Tel: +27 (0)11 547 5600
Email: nmf@nelsonmandela.org

3.2. INFORMATION OFFICER

Name: Lee Davies
Tel: +27 (0)11 547 5600
Email: nmf@nelsonmandela.org

3.3. DEPUTY INFORMATION OFFICER

Name: Tsholofelo Mahlatsi
Tel: +27 (0)11 547 5600
Email: nmf@nelsonmandela.org

3.4. NATIONAL OR HEADOFFICE

Physical Address: 107 Central Street
Houghton
2198
South Africa

Postal Address: Private Bag X70000

Houghton

2041

South Africa

Telephone: +27 (0)11 547 5600

Email: nmf@nelsonmandela.org

Website: www.nelsonmandela.org

4. PAIA: SECTION 51 (1)(B)

PAIA 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 PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs [10](#) and [11](#) of this Manual.

Section 23 of POPIA (read with sections 18 and 53 of PAIA), grants a data subject (a customer, employee or third party) a right to request confirmation of records containing their personal information being held by the NMF, of which confirmation shall be provided free of charge. The requester can subsequently request a copy of the record, or a description of the personal information contained within the record, subject to the fees prescribed by PAIA.

Requesters are referred to Section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or at their website at <http://www.sahrc.org.za/>.

The contact details of the SAHRC are:

Physical Address: The South African Human Rights Commission
Braampark
Forum 3
33 Hoofd Street
Braamfontein,
Johannesburg

Postal Address: Private Bag X2700 Houghton, 2041

Telephone: +27 11 877 3600

Fax: +27 11 403 0668

Website: www.sahrc.org.za

5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 5.2. The Guide is available in each of the official languages and in braille.
- 5.3. The aforesaid Guide contains the description of-
 - 5.3.1. the objects of PAIA and POPIA;
 - 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²
 - 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 5.3.3.3. the assistance available from the IO of a public body in terms of PAIA and POPIA.
 - 5.3.4. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 5.3.5. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 5.3.5.1. an internal appeal;
 - 5.3.5.2. a complaint to the Regulator; and
 - 5.3.6. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
 - 5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary

disclosure of categories of records by a public body and private body, respectively;

5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

5.3.10. the regulations made in terms of section 92¹¹.

5.3.11. members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

5.4. The Guide can also be obtained-

5.4.1. upon request to the Information Officer;

5.4.2. on the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

5.5. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

5.5.1. IsiZulu and Southern Sotho.

6. SCHEDULE OF RECORDS AVAILABLE: SECTION 51(1)(C)

The following categories of records are automatically available without a person having to request access in terms of PAIA:

| Category | Information | Location |
|------------------------|--|---|
| Archives | Personal Documents Official Records Political Commentary | www.nelsonmandela.org |
| Financial | Annual Report and Financials | www.nelsonmandela.org |
| Media Statements | Media & News | www.nelsonmandela.org |
| Legal and Regulatory | PAIA Manual Trust Deed | www.nelsonmandela.org Master of the High Court |
| Social Media Platforms | Facebook Instagram Twitter YouTube LinkedIn | Nelson Mandela Foundation @NelsonMandelaFoundationSA @NelsonMandela Nelson Mandela Foundation Nelson Mandela Foundation |
| Website | General Information | www.nelsonmandela.org |

7. APPLICABLE LEGISLATION: SECTION 51(1)(D)

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant Act is applicable, and which therefore makes disclosure of records compulsory):

| No. | Reference | Act |
|-----|-----------------|---|
| 1 | No. 26 of 2005 | Auditing Professions Act |
| 2 | No. 75 of 1997 | Basic Conditions of Employment Act |
| 3 | No. 53 of 2003 | Broad-Based Black Economic Empowerment Act |
| 4 | No. 130 of 1993 | Compensation for Occupational Injuries and Diseases Act |
| 5 | No. 89 of 1998 | Competition Act |
| 6 | No. 108 of 1996 | Constitution of the Republic of South Africa |
| 7 | No. 68 of 2008 | Consumer Protection Act |
| 8 | No. 91 of 1964 | Customs and Excise Act |
| 9 | No. 36 of 2005 | Electronic Communications Act |
| 10 | No. 25 of 2022 | Electronic Communications and Transactions Act |
| 11 | No. 38 of 2001 | Financial Intelligence Centre Act |
| 12 | No. 58 of 1962 | Income Tax Act |
| 13 | No. 24 of 1936 | Insolvency Act |
| 14 | No. 38 of 1997 | Intellectual Property Laws Amendment Act |
| 15 | No. 66 of 1995 | Labour Relations Act |
| 16 | No. 131 of 1998 | Medical Schemes Act |
| 17 | No. 71 of 1997 | Non-Profit Organisations Act |
| 18 | No.85 of 1993 | Occupational Health and Safety Act |
| 19 | No. 4 of 2013 | Protection of Personal Information Act |
| 20 | No. 68 of 1969 | Prescription Act |
| 21 | No. 2 of 2000 | Promotion of Access to Information Act |
| 22 | No. 26 of 2000 | Protected Disclosures Act |
| 23 | No. 36 of 2004 | Securities Services Act |
| 24 | No. 57 of 1988 | Trust Property Control Act |
| 25 | No. 4 of 2002 | Unemployment Insurance Contributions Act |
| 26 | No. 89 of 1991 | Value Added Tax Act |

Records are subject to the NMF's record policies, procedures and processes, and will be access controlled, depending on the classification.

The NMF has in its possession, the following categories of records on the subject matters referred to hereunder and for which a request for access needs to be made in terms of PAIA or the POPI Act:

| Category | Records |
|------------------------------------|---|
| Archives & Research | <p>The Archives department holds, alternatively has access to the following categories: of information;</p> <ul style="list-style-type: none"> • Records held or owned by the Foundation include, <ul style="list-style-type: none"> ○ Heritage Assets ○ Correspondence ○ Contractual Records ○ Historical records that have been provisioned by Third Parties |
| Chief Executive Officer's Office | <p>The Chief Executive's office records comprise the following main categories:</p> <ul style="list-style-type: none"> • Administration Records • Financial Reports • Internal Reports and Communications • Research Records • Sponsorship Records • Statutory Records |
| Communications and Marketing | <p>The Communications and Marketing department provides communications and marketing services to the NMF. The department's records consist of the following main categories:</p> <ul style="list-style-type: none"> • Advertising and promotional material • Analyst presentations • Artistic or communicative media • Press releases |
| Finance and Procurement Department | <p>The Finance and Procurement department maintains financial and management accounts of the NMF and provides back-office activities that support Integrated Treasury and Cash Management. Corporate Account records comprise the following main categories:</p> <ul style="list-style-type: none"> • Accounting Records • Consolidation Records • General Correspondence • Internal Reports and Communications • Investment Records • Management Reports • PAYE Records • Tax Records • Transactional Records • Treasury Dealing and Settlement Records • VAT Records |
| Human Resources (HR) Department | <p>The Human Capital department's primary objective is to develop and implement a competitive human resource strategy that will support the NMF.</p> <p>The Human Resource Department's records comprise of the following main categories:</p> |

| | |
|--|--|
| | <ul style="list-style-type: none"> • Relevant Contracts • Disciplinary records • Employee benefit Records • Employee Records • Employee tax records (IRP 5's) • Employment Equity Records • Employment Equity returns to the Department of Labour • General Correspondence • General HR Policies and Procedures • Health and Safety records • Labour Relations Records • Leave records • Medical Aid records • Payroll reports • Pension Records • Salary records • SETA records • Skills development levies • Standard Terms and Conditions of Employment applicable to all Staff • Statutory Records • Training Records • UIF • Workmen's Compensation • Work skills development plan submitted to the Finance and Accounting Services Sector Education and Training Authority |
| Chief Operations Officer | <p>The COO's purpose is to provide support for the Corporate Offices and Operations held throughout the NMF, with assurance that risks and compliance issues are being appropriately managed. The COO's records comprise of the following main categories:</p> <ul style="list-style-type: none"> • Audit reports • General Administration Records • General Correspondence • Risk Management Records • Compliance related Records • Insurance Records |
| ICT Management | <p>The ICT Management Department is responsible for developing, supporting and providing assurance on the implementation of policies, procedures, standards and best practice at the NMF. The Department's records comprise of the following main categories:</p> <ul style="list-style-type: none"> • General Correspondence • ICT Contracts and Agreements • Policy Records • Software Licensing |
| Intellectual Property (IP) and Governance Department | <p>The IP and Governance department provides assistance with all corporate legal matter's material to the NMF. The department's records comprise of the following main categories:</p> <ul style="list-style-type: none"> • Contract Agreements • General Correspondence • Immovable Property Records • Internal Reports and Communications • Legal Records • Litigation Records |

| | |
|----------|--|
| | <ul style="list-style-type: none"> • Intellectual Property Rights Records (Trademarks, Patents, Registered Designs and Copyright) • Statutory Records • Relevant Contracts and Agreements • General Correspondence • Internal Reports and Communications • Investment Records • Minute Books • Proxy forms • Records relating to appointment of Trustees • Records of resolutions • Share Registration Records • Statutory Records • Copies of the relevant trust deeds and rules • Sub-Committee Charters |
| Auditors | <p>The NMF's current external auditors are:</p> <p>PricewaterhouseCoopers Inc. Waterfall City Heliport 4 Lisbon Lane Jukskei View</p> |

A person (employee or third party) has the right to request access in terms of section 23 of POPIA:

| Category | Records |
|------------------------------|--|
| Personal Information | <ul style="list-style-type: none"> • any recorded piece of information relevant to a data subject, including but not limited to the following, which can be in either hard copy or electronic format: • race, gender, sex, pregnancy, marital status, nationality, ethnicity, or social origin; colour; sexual orientation; age; physical or mental health and well-being • belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history • an identifying number or symbol • disability, personal opinions, blood type, biometric information • views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person • name of a person if it appears with other personal information • consumer or purchasing pattern • e-mail address and physical address, location information or online identifier and telephone number and mobile number. |
| Special Personal Information | <ul style="list-style-type: none"> • religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information. • the criminal behaviour of a data subject to the extent that such information relates to— <ul style="list-style-type: none"> - the alleged commission by a data subject of any offence; or - any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings. |

8. PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

- 8.1. If a Data Subject visits the Foundations website from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries.
- 8.2. The Foundation may need to transfer a Data Subjects' information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.

These countries may not have the data protection laws which are similar to those of South Africa.

9. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY THE RESPONSIBLE PARTY TO ENSURE THE CONFIDENTIALITY, INTEGRITY AND AVAILABILITY OF THE INFORMATION

- 9.1. The NMF is committed to:
 - 9.1.1. developing safeguards to ensure the security and confidentiality of information,
 - 9.1.2. protect against reasonably anticipated threats to its' systems,
 - 9.1.3. guard against unauthorised access or use of information,
 - 9.1.4. implement reasonable technical and organisational information protection measures,
 - 9.1.5. monitor technical and organisational security measures to protect against unauthorised access, wilful manipulation, loss or destruction of personal information.

10. FORM OF REQUEST: PAIA SECTION 18 AND 53 (1) (ALSO APPLICABLE TO POPI ACT SECTION 23)

- 10.1. To facilitate the processing of your request, kindly:
 - 10.1.1. Use the prescribed form (Form C – when a request is made to a private body or business),
 - 10.1.2. Address your request to the Information Officer
 - 10.1.3. Provide sufficient details to enable the NMF to identify:
 - 10.1.3.1. The record(s) requested;
 - 10.1.3.2. The requester (and if an agent is lodging the request, proof of capacity);
 - 10.1.3.3. The form of access required:

- 10.1.3.4. The postal address, email address or fax number of the requester in the Republic;
- 10.1.3.5. If the requester wishes to be informed of the decision in any manner (addition to written) and the manner and particulars thereof;
- 10.1.3.6. 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.
- 10.1.3.7. Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to any the Information Officer whose name and address details appears in paragraph 3 hereof.

11. PRESCRIBED FEES AND PROCEDURE: SECTION 54

11.1. The following applies to requests:

- 11.1.1. A requestor is required to pay the prescribed fees (R50) before a request will be processed;
- 11.1.2. If the preparation of the record requested requires 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);
- 11.1.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 11.1.4. Records may be withheld until the fees have been paid.
- 11.1.5. The fee structure is available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.

11.2. Please note that the correct completion and submission of a Request for Access form does not automatically entitle or 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 category as specified in section 23 (4)(a) of the POPIA read with Part 3 Chapter 4 of PAIA.

- 11.3. Please further note that if it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such requester.
- 11.4. If a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under PAIA, an extract of the details of which is attached at the end of this Manual.

12. COMPLETION OF REQUEST FOR ACCESS FORM

- 12.1. All requesters should take note of the following guidelines when completing the attached; Request for Access to Record of a Private Body (refer to Annexure: Form C):
 - 12.1.1. The form must be completed by filling in all lines and spaces;
 - 12.1.2. Proof of the identity, in the form of a copy of the requester's identity document, is required to be submitted with the application;
 - 12.1.3. If the requester is a body corporate, the authority of the person submitting the application on behalf of such body corporate must be proven on the basis of a written authority to be attached;
 - 12.1.4. Type or print in a clear eligible manner, if a question does not apply indicate so by inserting "N/A" in response to that question, and if there is nothing to disclose in response to a particular question write "NIL" in response thereto;
 - 12.1.5. If there is insufficient space in the form, add additional folios on which the additional information is provided, clearly indicating to which question this relates.
 - 12.1.6. Request for information will be evaluated and the requester will be notified within 30 days after receipt of the request in the prescribed format of the following:

13. NOTIFICATION OF EXTENSION PERIOD (IF REQUIRED)

Requesters must take note that in terms of PAIA, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension).

14. THE ACCESS FEES AND/OR DEPOSIT

The requester will be informed of the access fee or deposit (if any) which is payable for having access to the records and for the search, reproduction and/or preparation work involved, the account details and of the methods in which payment may be made. In addition, a deposit may be requested which is fully refundable if the application is ultimately refused.

15. DECISION ON REQUEST

The requester will be informed whether or not the application for access has been denied or granted. In the event that the application is refused, the requester will be given adequate reasons for the refusal and will be informed that the requester may lodge an application with a Court (if a PAIA request) or the Information Regulator (if a POPIA) against the refusal of the application, as well as the procedure (including the period) for lodging such application.

16. GROUNDS FOR REFUSAL

16.1. The NMF may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which it may refuse include:

16.1.1. protecting personal information that the NMF holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;

- 16.1.2. protecting financial information that the NMF holds about a third party or the foundation (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the NMF or the third party);
- 16.1.3. if disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- 16.1.4. if disclosure of the record would endanger the life or physical safety of an individual;
- 16.1.5. if disclosure of the record would prejudice or impair the security of property or means of transport;
- 16.1.6. if disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- 16.1.7. if disclosure of the record would prejudice or impair the protection of the safety of the public;
- 16.1.8. the record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 16.1.9. disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the financial interests of the NMF;
- 16.1.10. disclosure of the record would put the NMF at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 16.1.11. the record is a computer program which is owned by the NMF and protected by Copyright;

16.1.12. the record contains information about research being carried out or about to be carried out on behalf of a third party of the NMF and/or

16.1.13. information not yet in the public domain

17. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If the NMF has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

18. THIRD PARTY INFORMATION

18.1. If access is requested to a record that contains information about a third party, the NMF is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

18.2. In the event of the third-party furnishing reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted, or not.

19. ANNEXURE A:

PAIA FORM C: REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY

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) – also applicable to the POPI Act in terms of section 25)

[Regulation 10]

A: Particulars of private body

The Head:

B: Particulars of the person requesting access to the record

- (a) The particulars of the person who requests access to the records 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.
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.

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 the initial request to confirm the existence of* 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: | Form in which record is required | |
| 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 for 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: | | | |
| | copy of record* | | inspection of record |
| 2. If record consists of visual images - this includes photographs, slides, video recordings, computer-generated images, sketches, etc.) | | | |
| | view the images | copy of the images" | transcription of the images* |
| 3. If record consists of recorded words or information which can be reproduced in sound: | | | |
| | listen to the soundtrack audio cassette | transcription of soundtrack* written or printed document | |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | |
| | printed copy of record* | printed copy of information derived from the record" | 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. | | | 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.

- 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 data subject/designated person

20. ANNEXURE B: POPIA FORM 1: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

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: | |

21. ANNEXURE C: POPIA FORM 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 1

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.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

| 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: | |
| Contact number(s): | |
| Fax number/ E-mail address: | |
| C | INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED |
| | |
| | |
| | |
| | |
| | |
| | |
| 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 ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request) |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

Signed at this day of20.....

.....

Signature of data subject/ designated person

22. ANNEXURE D: FEES IN RESPECT OF PRIVATE BODIES

- 22.1. The “request fee” payable by a requester, other than a personal requester, referred to in section 54(1) of the Act, is R50
- 22.2. The “fees for reproduction” referred to in section 52(3) and “access fees” payable by a requester referred to in section 54(7), unless exempted under section 54(8) of the Act, are as follows:
- 22.2.1. for every photocopy of an A4-size page or part thereof R1 - R10
 - 22.2.2. for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0 - R75
 - 22.2.3. for a copy in a computer-readable form on:
 - 22.2.3.1. stiffy disc R7 - R50;
 - 22.2.3.2. compact disc -R70
 - 22.2.4. for a transcription of visual images, for an A4-size page or part thereof R40;
 - 22.2.5. for a copy of visual images R60;
 - 22.2.5.1. for transcription of an audio record, for an A4-size page or part thereof R20
 - 22.2.5.2. for a copy of an audio record R30
- 22.3. To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search.
- 22.4. The actual postal fee is payable when a copy of a record must be posted to a requester;
- 22.4.1. Exemptions from paying fees;
 - 22.4.1.1. Person or persons exempted from paying fees:
 - 22.4.1.1.1. A single person whose annual income does not exceed R14,712.00; or
 - 22.4.1.1.2. Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00

23. AVAILABILITY OF THE MANUAL

23.1. A copy of this Manual is available-

23.1.1. on www.nelsonmandela.org;

23.1.2. at the head office of the NMF for public inspection during normal business hours;

23.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

23.1.4. to the Information Regulator upon request.

23.2. A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

24. UPDATING OF THE MANUAL

The Head of Intellectual Property and Governance will update this manual on a regular basis.

Issued by



Sello Hatang

Chief Executive

25. ENDNOTES

- ¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.
- ² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.
- ³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.
- ⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-
- a) that record is required for the exercise or protection of any rights;
 - b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
 - c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.
- ⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.
- ⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

- ⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access
- ⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.
- ⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
- ¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.
- ¹¹ Section 92(1) of PAIA provides that – “The Minister may, by notice in the Gazette, make regulations regarding-
- (a) any matter which is required or permitted by this Act to be prescribed;
 - (b) any matter relating to the fees contemplated in sections 22 and 54;
 - (c) any notice required by this Act;
 - (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
 - (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”