



PUBLIC ACCESS INFORMATION ACT (PAIA)

SECTION 51 MANUAL

FOR

THE EASTERN PROVINCE CHILD AND YOUTH CARE CENTRE

(NPO Number: 003-589)

(A registered Non Profit Child Care Centre)

(Hereinafter “the organisation”)

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000.

LAST UPDATED: 30 DECEMBER 2011

1. INTRODUCTION

Like all private bodies in South Africa, the Eastern Province Child & Youth Care Centre is subject to the provisions of the **Promotion of Access to Information Act (PAIA), Act 2 of 2000**.

The vast majority of the records at the Eastern Province Child & Youth Care Centre are in respect of operational costs of the 104 children in our care, the materials used for education and training purposes in respect of the Ray Mhlaba Skills Centre. The Eastern Province Child & Youth Care Centre also rents our unused buildings on our premises to generate additional income.

Operational records are organised categories:

- Administration: operational documents
- Board (including Management Committee): meeting arrangements; meeting minutes; policy reports.
- Finance: donor records (including proposals, contracts and reports); auditing; budget; funding Proposals; purchase/expenditure; routine administration.
- Rental Agreements
- Human resources: individual cases (open case files by surname and initials) and policy.

Providing access: enquiries; policy access to records should be requested on the prescribed form (from the website of the Eastern Province Child & Youth Care Centre to the Director of the Eastern Province Child & Youth Care Centre (contact details are set out in Schedule 1) or available at the SAHRC.

2. ORGANISATION PROFILE

The Eastern Province Child and Youth Care Centre was founded in 1889 and is the oldest centre of its kind in the Nelson Mandela Metropole. In 1905, we moved into our present premises in Lennox Street, Glendinningvale, Port Elizabeth. Our mission is to develop these youth into well adjusted productive citizens. We are registered to accommodate 104 children of all races between the ages of 4 and 18 years of age. Our children speak Afrikaans, English and Xhosa. Our demographic split is 75% Black/Coloured and 25% White.

3. BACKGROUND INFORMATION

The Promotion of Access Information Act, No. 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released**. The Act sets out the requisite procedural issues attached to such requests.

4. PURPOSE OF THE MANUAL

The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter “the Act”) requires every Private Body (as defined in the Act) to

- compile a manual (hereinafter “the Manual”) containing the information referred to in Section 51(1) of the Act; and
- make the Manual available as prescribed in the Act.
- This Manual is compiled to give effect to the Organisation’s obligations in terms of Part 3 of the Act.

In terms of the Act, the manual should give effect to the constitutional right of persons to have access to information held by the State or another person and that is required for the exercise or protection of any rights.

It is further stated that the manual should facilitate access to pertinent information in order to:

- Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information;
- Actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all their right.

5. INFORMATION IN TERMS OF SECTION 51(1)(a) OF THE ACT

The postal and street address, phone and fax numbers and electronic mail address of the Organisation are supplied in **Schedule 1** hereto.

6. INFORMATION IN TERMS OF SECTION 51(1)(b) OF THE ACT

The guide has been compiled in terms of Section 10 of the PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by the PAIA. It is available in English only.

Requests for access to this guide should be directed to

The South African Human Rights Commission

Postal Address: Private Bag X2700, HOUGHTON, 2041

Physical Address: 20 Princess of Wales Terrace, Cnr. York and St Andrews Street, PARKTOWN

Telephone Number: (011) 484 8300

Facsimile Number: (011) 484 1360

Website: www.sahrc.org.za

E-mail address: paia@sahrc.org.za

7. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

8. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1) (d)

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999
- Children's Act , 2005 (Act 38 of 2005)
- Children's Amendment Act, 2007 (act 41 & 47 of 2007)
- Social Assistance Act, 2004 (Act No 13 of 2004)
- South African Social Security Agency Act, 2004 (Act No 9 of 2004)
- Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000)
- Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000)
- Constitution of The Republic of South Africa , No 3 of 1994
- Non Profit Organisations Act, No 71 of 1997

9. INFORMATION IN TERMS OF SECTION 51(1)(e) OF THE ACT

A description of:

- the subjects on which the Organisation holds records; and
- the categories of records held on each subject Is supplied in **Schedule 2** hereto.

A requestor of information in terms of the Act will be required to comply strictly with the procedures and formalities contemplated in Chapter 3 of Part III of the Act. The Request procedure is set out in **Schedule 3** hereto.

10. OTHER INFORMATION

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

11. AVAILABILITY OF THE MANUAL

The EASTERN PROVINCE CHILD & YOUTH CARE CENTRE Section 51 manual is available for inspection by appointment with the Director and free of charge at the offices of the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE as detailed in Schedule 1 of the manual. Copies can also be obtained from the Government Gazette or the following websites:

- www.sahrc.org.za
- www.epchildcare.co.za

SCHEDULE 1

Information concerning the Head of the Organisation contemplated in Section 51(1)(a) of the Act

1. **Postal Address:**

P.O. Box 27314 , Greenacres , Port Elizabeth, 6057

2. **Street Address:**

Lennox Street , Glendinningvale, Port Elizabeth, Eastern Cape

3. **Phone Number:**

041- 373 7602

4. **Fax Number:**

041- 373 4903

5. **Electronic Mail Address:**

epcycc@aerosat.co.za
directorepch@aerosat.co.za

SCHEDULE 2

Information in terms of Section 51(1)(e) of the Act

The subjects on which the Organisation holds records and the categories of records held in respect of each subject are the following:

- **Non Profit Organisations Act , 1997 :Section 13**
 - Constitution of the Eastern Province Child and Youth Care Centre
 - Registration as at Non Profit Organisation
 - Department of Social Development - Codes of Good Practice for South African Non-profit Organisations (NPOs) in terms of section 6(1)(b)(l) of the Non profit Organisations Act, 1997 (Act No,71 of 1997)
 - Monthly returns to the Department of Social Development
- **Labour Relations Act No. 66 of 1995, as amended**
 - Code of Conduct
 - Disciplinary Procedure
 - Grievance Procedure
 - Employment Equity Policy in terms of the Employment Equity Act No. 55 of 1998
- **Basic Conditions of Employment Act No. 75 of 1997, as amended**
 - Regulation of working time which details the ordinary hours of working time for each job description
 - Meal intervals and rest periods
 - Written particulars of employment
 - Conflict of interest
 - Medical examinations
 - Termination of employment
 - Leave including:
 - Annual leave
 - Cumulative leave
 - Special leave
 - Study leave
 - Maternity leave
 - Leave without pay
 - Sick leave
 - Family responsibility leave
- **Human Resources**
 - Manual on discipline and conditions of employment
 - Disciplinary records and documentation pertaining to disciplinary proceedings
 - Performance assessments and performance records
 - Payroll records
 - Leave, sick leave, maternity and special leave records
 - Returns to Unemployment Insurance Fund
 - Employment equity report

- Training schedules and material
- List of employees
- Recruitment policy
- Code of business ethics
- Certificates of service

- **Employee Benefits**
 - Details of Provident Funds of which various employees of the Organisation are members
 - Rules and regulations relating to such Funds
 - Membership
 - Pre-benefit medical disclosure
 - Contributions
 - Investment options
 - Retirement dates
 - Retirement benefits
 - Death benefits
 - Disablement benefits
 - Resignation before retirement
 - Absence from work

- **Financial Records**
 - Accounting records, books and documents of the Organisation
 - Interim and annual financial reports of the Organisation
 - Auditors reports in respect of audits conducted on the Organisation
 - VAT returns
 - Income tax returns and assessments
 - Other documents and agreements relating to the taxation and other financial records of the Organisation
 - Section 18A receipts in terms of Income Tax 58 of 1962 in respect of deductions of donations to certain organisations.
 - Funding proposals and progress reports.

- **Marketing Material**
 - Brochures

- **Insurance**
 - Insurance policies taken out for the benefit of the Organisation

- **Fixed Assets**
 - Title Deeds in respect of immovable properties owned by the Organisation
 - Agreements for lease of immovable properties owned by the Organisation

- **Computer Systems and Programmes**
 - Agreements relating to computer systems and computer programmes

- **Commercial Agreements**
 - Loans to third parties
 - Security agreements, guarantees and indemnities
 - Agreements with suppliers
 - Agreements with customers
 - Documents recording other interests and investments of the Organisation

- **Legal Proceedings**
 - Records relating to the legal proceedings in which the Organisation is involved from time to time

- **Occupational Health and Safety Act No. 85 of 1993, as amended**
 - Records maintained in terms of the above Act

- **Correspondence and Internal reports**
 - Records in hard copy and electronic format with respect to all of the subjects referred to in clauses above.

SCHEDULE 3

1. DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

This section details the procedure to be followed when requesting access to documents listed in Schedule 2 of this manual.

- The requestor must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requestor must complete the prescribed form enclosed herewith as Schedule 4, and submit same as well as payment of a request fee and a deposit, if applicable, to the Director at the postal or physical address, fax number or electronic mail address as stated in Schedule 1 of this manual.
- The request form is available from the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE Director or the SAHRC website www.sahrc.org.za, and EASTERN PROVINCE CHILD & YOUTH CARE CENTRE website www.epchildcare.co.za
- The prescribed form must be filled in with enough particulars to at least enable the Director to identify the record or records requested, the identity of the requestor, which form of access is required, and if the request is granted, the postal address or fax number of the requester.
- The requestor must state that he/she requires the information in order to exercise or protect a right, and clearly state the nature of the right to be exercised or protected. In addition, the requestor must clearly specify why the record is necessary to exercise or protect such a right.
- The EASTERN PROVINCE CHILD & YOUTH CARE CENTRE will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Director that circumstances dictate that the above time periods not be complied with.
- The requestor shall be informed whether access is granted or denied. If, in addition, the requestor requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- If a request is made on behalf of another person, then the requestor must submit proof of the capacity in which the requestor is making the request to the reasonable satisfaction on the Director.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- The requestor must pay the prescribed fee, before any further processing can take place.

2. ACCESS TO RECORDS HELD BY CENTRE FOR EARLY CHILDHOOD DEVELOPMENT

- Records held by the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE may be accessed by requests only once the prerequisite requirements for access have been made.
- A requestor is any person making a request for access to a record of the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE. There are two types of requesters;

PERSONAL REQUESTOR

A personal requestor is one who is seeking access to a record containing personal information about the requester. The EASTERN PROVINCE CHILD & YOUTH CARE CENTRE will voluntarily provide the requested information, or give access to any records with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

OTHER REQUESTOR

- This requestor (other than a personal requestor) is entitled to request access to information on third parties. However, the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE is not obliged to voluntarily grant access. The requestor must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

3. FEES

- The Act provides for two types of fees, namely; a request fee, which will be a standard fee; and an access fee which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- When the request is received by the Director, such request/offer shall by, notice require the requestor, other than a personal requestor, to pay the prescribed fee (if any), before any further processing of the request.
- If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the director shall notify the requestor to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- The Director shall withhold a record until the requestor has paid the fee as indicated
- A requestor whose requests for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the required form.
- If a deposit has been paid in respect of a request for access, which is refused, then the Director must repay the deposit to the requestor.

4. DECISION PROCESS

- The EASTERN PROVINCE CHILD & YOUTH CARE CENTRE will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- The 30 day period with which the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large amount of information. The information cannot reasonably be obtained within the original 30 day period. The EASTERN PROVINCE CHILD & YOUTH CARE CENTRE will notify the requestor in writing should an extension be required.

5. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

In terms of chapter 4 of the Act, the EASTERN PROVINCE CHILD & YOUTH CARE CENTRE may refuse access to requests for records that relate to:

- Mandatory protection of privacy of a third party who is natural person (s63)
- Mandatory protection of commercial information of a third party (s64)
- Mandatory protection of certain confidential information of a third party (s65)
- Mandatory protection of the safety of individuals, and protection of property (s66)
- Mandatory protection of records privileged from production in legal proceedings (s67)
- Commercial information of a private body (s68)
- Mandatory protection of research information of a third party, and protection of research information of private body (s69)
- Requests for access to information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.
- Mandatory disclosure in public interest (s70)

Despite any other provision of this Section, the head of a private body must grant a request for access to a record of the body contemplated in section 63(1), 64(1), 65, 66(a) or (b), 67, 68(1) or 69(1) or (2) if –

- (a) The disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law; or imminent and serious public safety or environmental risks; and
- (b) The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

6. REMEDIES AVAILABLE WHEN THE EASTERN PROVINCE CHILD & YOUTH CARE CENTRE REFUSES A REQUEST FOR INFORMATION

- **Internal Remedies:** The EASTERN PROVINCE CHILD & YOUTH CARE CENTRE does not have internal procedures. As such, the decision made by the Director is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Director.
- **External Remedies:** A requestor that is dissatisfied with the Director's refusal to disclose information may within 30 days of notification of the decision apply to a Court for relief. Likewise, a third party dissatisfied with the Director's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

SCHEDULE 4 - PRESCRIBED FEES AND FORMS

A. FEES IN RESPECT OF PRIVATE BODIES

1. 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.
2. The fees in Rands for reproduction referred in regulation 11 (1) are as follows:
 - For every photocopy of an A4-size page or part there of 1,10
 - For every printed copy of an A4-size page or part thereof held on a computer or in electronic of machine-readable form 0,75
 - For a copy in computer-readable form on –

Flash drive	100,00
Compact disc	80,00
 - For a transcription of visual images for an A4-size page or part thereof 40,00
 - For a copy of visual images 60,00
 - For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - For a copy of an audio record 30,00
3. The request fee payable by a requestor, other than a personal requestor, referred to in regulation 11 (2) is R50, 00.
4. The access fees payable by a requestor referred to in regulation 11(3) are as follows:
 - For every photocopy of an A4-size page or part there of 1,10
 - For every printed copy of an A4-size page or part thereof held on a computer or in electronic of machine-readable form 0,75
 - For a copy in computer-readable form on –

Flash drive	100,00
Compact disc	80,00
 - For a transcription of visual images for an A4-size page or part thereof 40,00
 - For a copy of visual images 60,00
 - For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - For a copy of an audio record 30,00
 - To search for and prepare the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search and preparation.
5. For purpose of section 54(2) of the Act, the following applies:
 - Six hours as the hours to be exceeded before a deposit is payable;
 - One third of the access fee is payable as a deposit by the requester.
 - The actual postage is payable when a copy of a record must be posted to a requestor

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTOR

FORM B - REQUESTOR FOR ACCESS TO RECORDS OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000) (Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access of record

a) *The particulars of the person who requests access to the records must be recorded below.*
b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname: _____

Identify Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person of 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 required, including the references number if that is known to you, to enable the record to be located.
- b. If the provider space is inadequate please continue on a separate folio and attach it to this form

The requestor must sign all the additional folios

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

2. Reference number, if available: _____

3. Any further particulars of the 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 of the request fee.
- c. The fee payable for access to a record depends on the form in which the 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 therefore.

Reason for exemption of payment of the fee:

F. Form of Access to the 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:

Mark the appropriate box with an “X”

NOTES:

- a) Your indication as the required form of access depends 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

	Copy of record *		Inspection of record
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2. If the record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	View the images		Copy of images*		Transcription of images *
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3. If the 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)
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4. If the 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* (flash drive or compact disc)
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*f you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

A postal fee is payable

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 requestor must sign all the additional folios

Indicate which right is to be exercised or protected: _____

Explain why the requested record is required for the exercising or protection of the aforementioned right:

H. Notice of decision regarding requesting for access:

You will be notified in writing whether your request has been approved/ denied. If you wish to be informed thereof 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 _____ on this _____ day of _____ 20 _____

SIGNATURE OF REQUESTOR/PERSON

ON WHOSE BEHALF REQUEST IS MADE

