

CHARLES STRIDE
PROMOTION OF ACCESS TO INFORMATION MANUAL

Prepared in accordance with section 51 of the Promotion of Access to Information Act

Act 2 of 20

1. OVERVIEW

The Promotion of Access to Information Act, 2000 (the "PAIA Act") gives third parties the right to approach public and private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights.

On request, the public or private body or government is obliged to release such information unless the PAIA Act expressly states that the records containing such information may or must not be released.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

2. PURPOSE

The purpose of this manual informs requestors of procedural and other requirements which a request must meet as prescribed by PAIA.

The POPI Act gives Data Subjects the right to request a Responsible Party to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that the Responsible Party is no longer authorised to retain access and/or request the correction or deletion of any Personal Information held about them that may be inaccurate, misleading or outdated.

The Charles Stride Organisation believes that this Manual will assist requestors in exercising their rights. The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

This PAIA Manual was compiled in terms of Section 51 of the PAIA Act to facilitate access to records held by the organisation. It contains information required by a person wishing to exercise any right, contemplated by the PAIA Act. It is available in English.

A copy of this Manual is available to the public in a PDF ("Portable Document Format") version on the Charles Stride website or on request from the Information Officer referred to in this Manual.

3. REQUEST FOR ACCESS TO INFORMATION

If a person or entity requires access to information as contemplated in the Act, the requester must contact Charles Stride at info@charlesstride.co.za.

4. BACKGROUND TO CHARLES STRIDE

Charles Stride is a former special advisor to the government, a retired chartered accountant and activist concerned about the future of South Africa. Charles Stride still continues to dedicate his life to engaging South Africans on political, social and economic issues.

5. INFORMATION REQUIRED UNDER SECTION 51(1)(A) OF PAIA

Name of organisation	Charles Stride (organisation)
Information Officer	Charles Arthur Stride
Email address	info@charlesstride.co.za
Website	www.charlesstride.co.za

6. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(8)

The South African Human Rights Commission (SAHRC) has complied and published a "Guide on How to Use the Promotion of Access to Information Act 2 of 200" in terms of Section 10 of PAIA. This Guide will assist persons in understanding and using PAIA.

This guide is available via their website, www.sahrc.org.za, or email section51.paia@sahrc.org.za. Their number is +27 (0) 11 877 3600.

7. NOTICE IN TERMS OF SECTION 52(2)

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. POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

The Charles Stride Organisation will protect the confidentiality of information provided to it by third parties, subject its obligations to disclose information where we have a duty or a right to disclose in terms of law or industry codes, or where we believe it is necessary to protect our rights. If access is requested to a record that contains information about a third party, the organisation is obliged to attempt to contact such third party to inform him/her/it of the request.

The Charles Stride Organisation will give the third party an opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted to the requestor or not.

9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(D)

Records are kept in accordance with such other legislation as applicable to the company, which includes, but is not limited to:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008
- Customs and Excise Act 91 of 1964
- Income Tax Act 58 of 1962
- Employment Equity Act 55 of 1998
- National Environmental Management Act 107 of 1998
- Finance Act 35 of 2000
- Occupational Health and Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Insurance Act 27 of 1943
- South African Revenue Service Act 34 of 1997
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Promotion of Access to Information Act 2 of 2000
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002

While the Charles Stride Organisation has used its best endeavours to supply you with a list of applicable legislation, it is possible that the above list may be incomplete. Wherever it comes to the organisation's attention that existing or new legislation allows a requestor access on a basis other than that set out in the PAIA or POPI Acts, we shall update the list accordingly.

10. PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

- 10.1. In compliance with Section 51 of PAIA, this manual sets out the following details:
 - a) The Charles Stride Organisation's contact details including the email address and website of the information officer.
 - b) Information on how to obtain and access this manual and a guide on how to use it;
 - c) Categories of information held by the organisation that is available without a person having to formally request such details in terms of the PAIA;
 - d) Categories of information held by the organisation that is available in accordance with other legislation and which, subject to the PAIA Act, may be made available by the organisation on receipt of and consideration of a formal request, made in terms of the PAIA; and
 - e) Sufficient information to facilitate a request for access to records and a description of the subjects on which records are available from the organisation;
- 10.2. Adherence to these requirements entails not only compilation of the manual but also compliance with the general provisions stated in the Act.

11. REQUEST PROCEDURE

- 11.1. A person who wants access to the records must complete the necessary request form, as set out in Annexure 1, and the completed form must be sent via email to info@charlesstride.co.za.
- Mark the email for the attention of the information officer.
- 11.2. In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.
- 11.3. Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request notify the requestor of the decision as to whether or not to grant the request. If the request is -
- i. Granted: the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
 - ii. Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requestor wish to apply to court against the decision.
- 11.4. The information officer may extend the period of 30 days by a further period not exceeding 30 days if -
- i. the request is for a large number of records or requires a search through a large number of records and, without an extension, this search would interfere with the normal activities of the body concerned;
 - ii. the request requires a search for records located in a different office of the private body not situated in the same city;
 - iii. consultation between divisions of the private body, or with another private body is required; or
 - iv. the requestor consents to the extension.
- 11.4.1. The requestor must be notified within the initial 30-day period in writing of the extension, together with reasons therefor, and the procedure involved should the requestor wish to apply to court against the extension.
- 11.4.2. The information officer's failure to respond to the requestor within the 30-day period constitutes a deemed refusal of the request.
- 11.5. Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.
- 11.6. If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the information officer.

12. GROUNDS FOR REFUSAL OF A REQUEST

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely -

- 12.1. Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However, Section 63(2) does provide exceptions to this.
- 12.2. Section 64 states that a request must be refused if it relates to records containing third party information pertaining to -
- i. trade secrets;
 - ii. financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - iii. information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
- 12.3. The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- 12.4. Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 12.5. In terms of section 66, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to -
- i. endanger the life or physical safety of an individual;
 - ii. prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property
 - iii. The private body may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 12.6. Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 12.7. Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. The Charles Stride organisation may refuse access to a record if the record -
- i. contains trade secrets of the organisation;
 - ii. contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Charles Stride organisation;
 - iii. contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice the Charles Stride Organisation in an unfair manner.
- 12.8. Notwithstanding the above, the information must be released if it pertains to the results of product or environmental/animal testing, the disclosure of which would reveal a serious health risk to the animals which is also in the public interest..
- 12.9. Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the Charles Stride Organisation itself.

- 12.10. Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would –
- i. reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
 - ii. if the public interest in the disclosure clearly outweighs the harm.

13. AVAILABILITY OF THE MANUAL

A copy of the manual is available on the Charles Stride website (www.charlesstride.co.za) and the relevant subdomains.

14. DISCLAIMER

The manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise him/her/itself with the provisions of the Act before lodging any request with the Charles Stride Organisation

15. FEES IN RESPECT OF PRIVATE BODIES

The prescribed forms and fees for requests to private bodies are available on the website of the South African Human Rights Commission at www.sahrc.org.za and the website of the Department of Justice and Constitutional Development at www.doj.gov.za.

16. DETAILS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Any queries regarding this manual should be directed to:

The South African Human Rights Commission; PAIA Unit

Research and Documentation Department

Private Bag 2700

Houghton

2041

Phone: 011 484 8300

Fax: 011 484 0582

Email: PAIA@sahrc.org.za

This Manual is compiled on behalf of the Charles Stride organisation by:
Charles A. Stride (the owner)

ANNEXURE 1

ACCESS TO INFORMATION REQUISITION FORM

Request is hereby made for access to records which are not publicly available.

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.
3. Requestors who cannot read/ write may make oral requests to the Information Officer, who will complete the request form for the requestor
4. Requisition must be made to the Information Officer via emailed or faxed copy of this form.
5. The Information Officer is to respond within 30 days.
6. Should the requestor feel aggrieved by the decision of the Information Officer to refuse a request for access or aggrieved with the process/ fees applicable to their request, the requestor may appeal to the Information Officer.
7. Should the appeal be declined & the requestor still feel aggrieved, the requestor may within 30 days apply to a court of law for the appropriate relief.

1. REQUESTOR DETAILS

Full names and surname	
Requestor ID number	
Email address	
Phone number	
Please indicate the Constitutional right you are exercising by accessing the requested information.	
Please indicate for what purpose/ reason you are accessing the records you have requested.	

Should you be requesting information on behalf of another person, please submit proof of the capacity in which you are making the request.

2 INFORMATION REQUESTED

Description	
Date	
Signature	