

PAIA Manual

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to

ORCHARD AFRICA

Registration number: 2000/031431/08

(Hereinafter Orchard Africa)



ORCHARD: AFRICA

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1. vBackground to the Promotion of Access to Information Act

- 1.1. The Promotion of Access to Information Act, No. 2 of 2000 (the “Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) 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.
- 1.2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).
- 1.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

2. Orchard Africa

- 2.1. Orchard: Africa started in 1991 as a church ministry in South Africa. We are a NPO that cares for the vulnerable through relief, reconstruction and development, through our church and ministries networks.
- 2.2. This PAIA Manual of Orchard Africa is available at its premises: 2 Van Der Byl St, Van Der Stel, Cape Town, 7130

3. Purpose of the PAIA Manual

- 3.1. The purpose of PAIA is to promote the right of Orchard Africa to information, to foster a culture of transparency and accountability within Orchard Africa by giving

the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

3.2. To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

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

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4. This PAIA Manual complies with the requirements of guide mentioned in section 10 of the Act and recognises that in terms of the Protection of Personal Information Act 4 of 2013, that the Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

4. Contact Details of the Managing Director [Section 51(1)(a)]

Managing Director:	
Registered Address:	2 Van Der Byl St, Van Der Stel, Cape Town, 7130

Postal Address:	Postnet Suite #326, BagX15, Somerset West, 7129
Telephone Number:	082 295 4177
Website:	https://www.orchardafrica-southafrica.org/

5. The Information Officer [Section 51(1)(b)]

5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51.

5.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

5.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is to render Orchard Africa as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All request for information in terms of this Act must be addressed to the Information Officer.

Information Officer	
Registered Address:	2 Van Der Byl St, Van Der Stel, Cape Town, 7130
Postal Address:	Postnet Suite #326, BagX15, Somerset West, 7129
Telephone Number:	082 295 4177
Website:	https://www.orchardafrica-southafrica.org/

6. Guide of SA Human Rights Commission (Section 51(1) (b))

6.1. The Act 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.

6.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

6.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

6.4. The contact details of the South African Human Rights Commission

Physical Address	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton 2041
Email:	PAIA@sahrc.org.za
Telephone Number:	+27 11 877 3600
Website:	www.sahrc.org.za

7. Notice in terms of section 52(2) of the Act

At this stage, no notice(s) has / have been published

8. Applicable Legislation

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Close Corporations Act 69 of 1984
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Estate Agency Affairs Act 112 of 1976
- Income Tax Act 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999

- Stamp Duties Act 77 of 1968
- Stock Exchanges Control Act 1 of 1985 (and the rules and listing requirements of the JSE Securities Exchange authorised in terms thereof)
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

9. Records that may be requested

9.1. Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested

9.2. Orchard Africa maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

9.3. Please note further that many of the records held by Orchard Africa are those of third parties, such as clients and employees, and Orchard Africa takes the protection of third-party confidential information very seriously. Where Orchard Africa acts as professional advisors to clients, many of the records held are confidential and others are the property of the client and not of Orchard Africa.

9.4. For further information on the grounds of refusal of access to a record please see paragraph 12 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of records	Records
<p>Internal records</p> <p>The records listed pertain to Orchard Africa's own affairs</p>	<ul style="list-style-type: none"> • Memoranda and Articles of Association • Financial records • Operational records • Intellectual property

Category of records	Records
	<ul style="list-style-type: none"> • Marketing records • Internal correspondence • Service records • Statutory records • Internal policies and procedures • Minutes of meetings
<p>Personnel records</p> <p>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Orchard Africa and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Orchard Africa. This includes partners, directors, all permanent, temporary, and part-time staff as well as consultants and contract workers.</p>	<ul style="list-style-type: none"> • Any personal records provided to Orchard Africa by Orchard Africa personnel • Any records a third party has provided to Orchard Africa about any of their personnel • Conditions of employment and other personnel-related contractual and quasi legal records • Employment policies and procedures • Internal evaluation and disciplinary records and • Other internal records and correspondence.
<p>Client-related records</p>	<ul style="list-style-type: none"> • Contracts with the client and between the client and other persons
<p>Other third-party records</p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Orchard Africa is a party, contractors and sub-contractors, suppliers, service providers, and</p>	<ul style="list-style-type: none"> • Personnel, client, or Orchard Africa records which are held by another party as opposed to being held by Orchard Africa • Records held by Orchard Africa pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers

Category of records	Records
providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Orchard Africa.	
Other records	<ul style="list-style-type: none"> • Information relating to Orchard Africa • Research information belonging to Orchard Africa or carried out on behalf of a third party

10. Records Available without a Request to Access in terms of the Act

10.1. Records of a public nature, typically those disclosed on the Orchard Africa website and in its various annual reports, may be accessed without the need to submit a formal application.

10.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

11. Prescribed Fees (Section 51 (1) (f))

11.1. Fees Provided by the Act

The Act provides for two types of fees, namely:

1. A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and

2. An access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.
- 11.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).
 - 11.3. 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 Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
 - 11.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
 - 11.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure including deciding to make it available in the request form.
 - 11.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example: flash drive	R 7,50
A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record	R 30,00

12. Grounds to Refuse Access

A private body such as ORCHARD AFRICA is entitled to refuse a request for information.

12.1. Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

12.2. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;

12.3. Mandatory protection of the commercial information of a third party (section 64) if the record contains:

- 12.3.1. trade secrets of the third party;
- 12.3.2. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 12.3.3. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- 12.3.4. information disclosed in confidence by a third party to ORCHARD AFRICA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 12.3.5. mandatory protection of the safety of individuals and the protection of property (section 66);
- 12.3.6. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

13. Availability of this Manual

This manual is available for inspection by the public upon request, during office hours and free of charge at the offices of Orchard Africa. This manual is also published on the Orchard Africa website referred to above.

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)

[Regulation 10]

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 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
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.

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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE