



**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 20 OF 2000 (PAIA)
INCORPORATING AMENDMENTS BY
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)**

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1. Introduction

Section 51 of PAIA, as amended by POPIA, requires that Desmond Tutu Health Foundation NPC (DTHF) as a private body must provide and display an information manual, giving information to the public regarding the procedure to be followed in requesting information from DTHF in the exercising or protecting of rights.

POPIA in turn also requires commercial websites and online services to post a clear privacy policy on their websites, inter alia stating exactly which information is being collected and with whom it is shared. DTHF's Privacy Policy is available on its website: <https://desmondtutuhealthfoundation.org.za/>. POPIA amended certain sections of PAIA to balance the needs between access to information and ensuring protection of personal information. In terms of POPIA data subjects (juristic or natural) can have access to their personal information that is held by a responsible party.

This manual is provided in compliance with the provisions of PAIA and POPIA and in support of a culture of transparency and accountability. The manual provides information regarding the different types of records in DTHF's possession and the correct procedure to follow should access to such records be required.

The DTHF information manual is available for inspection at its registered address (set out in 2 below) and on its website (<https://desmondtutuhealthfoundation.org.za/>) as well as at the South African Human Rights Commission (see 3 below).

As provided for in section 51(2) of PAIA this manual will be updated as and when required and the latest version thereof will be made public through the DTHF website.

2. Company Details: Information required under section 51(1)(a) of PAIA and Information Officer detail required under POPIA

DTHF is a registered non-profit company established in association with the Desmond Tutu HIV Centre (DTHC), an accredited research centre within the Faculty of Health Sciences, University of Cape Town (UCT). DTHF has compiled this manual to comply with the provisions of the Protection of Personal Information Act, to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights. A copy of this manual is also available from our offices at the registered address indicated below.

Our details

Registered Address: DTHF Level One, Wernher & Beit Building North, Faculty of Health Sciences
Anzio Road, Observatory, 7925, Cape Town, South Africa

Postal Address: P O BOX 13801, MOWBRAY, 7705, Cape Town, South Africa
Telephone Number: +27 021 301 2020
Chief Executive Officer: Prof Linda-Gail Bekker
Designated Information Officer: Amanda Maree (Chief Operating Officer)
Email address of Information Officer: Amanda.Maree@hiv-research.org.za
Website: <https://desmondtutuhealthfoundation.org.za/>

3. The South African Human Rights Commission (SAHRC) – Sections 10 and 51(1)(b) of PAIA

Section 10 of the Act requires the SAHRC to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. This guide is available from SAHRC. Please address any queries in this regard to:

The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Physical address: 29 Princess of Wales Terrace, Parktown, Johannesburg
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484 8300
Fax: +27 11 484 0582
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

4. Personal information

DTHF's Privacy and Information Policy (Privacy Policy) has been developed in accordance with the requirements of POPIA and applies in respect of any personal information collected and held by DTHF, the usage, disclosure, retention and security thereof. The Privacy Policy can be accessed on the DTHF website. DTHF is committed to the protection of privacy and to ensure that any personal information is collected and used properly, lawfully, and transparently in compliance with its obligations under POPIA.

5. Information available in terms of PAIA

DTHF holds the following categories of information:

COMPANY INFORMATION

Memorandum of Incorporation and other statutory registers, such as a register of directors and officers; minute books, attendance registers, resolutions passed at general meetings (minutes will be made available to members of DTHF only, for inspection at the premises); proxy forms; minutes of various committees of DTHF (minutes of committees will remain confidential as internal documents and will be available to members for inspection at the premises); register of Fixed Assets and records relating to the appointment of directors, auditors, company secretaries, public officer and other officers.

FINANCIAL RECORDS

ANNUAL FINANCIAL STATEMENTS including: (a) Annual accounts; (b) Directors' reports; (c) Auditor's report; Books of Account regarding information required by the Companies Act, 2008; Supporting schedules to books of account and ancillary books of account; Accounting records; Books of Account including journals and ledgers; Delivery notes, orders, invoices, statements, receipts, vouchers; Banking records, bank statements, electronic banking records; Rental agreements.

INCOME TAX RECORDS

PAYE records; Documents issued to employees for income tax purposes; Records of payments to SARS on behalf of employees; IRP's; All other statutory compliances: VAT, Regional Services Levies, Skills Development Levies, UIF, Workmen's Compensation; Copies of Income Tax returns and other tax returns and documents.

STATUTORY EMPLOYEE RECORDS

Although the employer is required to keep the following records; personal information (as defined in the Act) will not be made available to third parties unless the employee has consented or by court order and to the extent provided for in the Act. Employees' names and occupations; Time worked by each employee; Remuneration paid to each employee; Employment Equity Plan and -Reports; Salary and wages register; Collective agreements (if any); Disciplinary proceedings, Arbitration awards and CCMA cases; Skills Development Plan; training records; Staff records (after date of employment ceases); Expense accounts.

OTHER EMPLOYEE RECORDS

Employee contracts; Performance management records; Incentive schemes; Study assistance; Conditions of Employment and Policies (including but not limited to leave policies, telephone policy, etc.); Group personal accident; Pension Fund records; Confidentiality agreements; Leaver records.

PROVIDENT FUNDING RECORDS

All fund information, including Fund Rules; account records; attendance registers of meeting with members, etc., are held by fund provider. Requests have to be made to DTHF and will be directed to the fund provider.

HEALTH AND SAFETY RECORDS

Health and Safety Evacuation plan; Health and Safety Rules and Regulations; Annual Occupational Health and Safety inspection certificate.

PROPERTY (MOVABLE)

Asset register; Asset numbers and location of assets; Finance and Lease Agreements; Deeds of Pledge.

INTELLECTUAL PROPERTY

Copyrights and sub-licensed copyright agreements; Agreements relating to intellectual property such as license agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements; Litigation and other disputes involving intellectual property. It should be noted that all DTHF publications are copyrighted and prohibited from unlicensed use, sale, distribution, amendments, etc.

AGREEMENTS AND CONTRACTS

Material agreements concerning provision of services or materials; Joint venture agreements, subsidiary agreements, participation, co-marketing, co-promotion or other alliance agreements; Acquisition or disposal documentation; Agreements with contractors and suppliers; Agreements with customers; Warranty agreements; Sale agreements; Purchase or lease agreements.

LEGAL

Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation; Settlement agreements; Material licenses and authorisations.

INSURANCE

Insurance policies; Claim records; Details of insurance coverages, limits and insurers. Information relating to the DTHF's insurance is held by its broker. Access is, however, to be obtained via the DTHF.

INFORMATION TECHNOLOGY

Access to IT Technology and -Systems are governed with existing access levels as authorised by appropriate party(ies) following internal processes, and in accordance with relevant agreements that may govern access to the technologies, systems and information. The following information classifies under the IT department:

- Disaster Recovery: Connectivity, Backups and Archiving
- IT Security (User Access Control, Cyber security, Anti-Virus, Encryption)
- Information Technology Policies and Procedures
- IT Project Implementation Plans
- IT Systems and User manuals
- Network (LAN & WAN) installations, including data lines via ISP's
- Register of IT hardware assets (network equipment, servers, computers, notebooks, tablets and printers)
- Software Licensing
- IT Procurement – Request For Quotations based on site \ department \ project lead specifications

SALES, SERVICES AND MARKETING

Products, including but not limited to- publications, study guides; information leaflets; pro forma contracts and agreements; etc. Certain products and services are available only to registered individuals with the DTHF; Brochures, Newsletters, Registration Forms and Press statements.

6. Information available in terms of other legislation

Where applicable to our operations, information is also available, and we retain records, in terms of certain provisions of the following statutes: Basic Conditions of Employment Act No. 75 of 1997 as amended; Companies Act No. 71 of 2008 as amended; Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 as amended; Employment Equity Act No. 55 of 1998 as amended; Income Tax Act No. 58 of 1962 amended; Labour Relations Act No. 66 of 1995 as amended; Legal Deposit Act No. 54 of 1997 as amended; Occupational Health and Safety Act No. 85 of 1993 as amended; Unemployment Insurance Act No. 63 of 2001 as amended; Value Added Tax Act No. 89 of 1991 as amended; Skills Development Act 9 of 1999 as amended; National Health Act No 61 of 2003.

7. Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying: Pamphlets and brochures, as produced from time to time; annual reports and DTHF's certificate of registration. Request forms for these categories of information are also available from our Information Officer, whose contact details appear on the first page of this manual.

8. Request for information process

The following are required for a request for information from DTHF:

- 8.1 **Completed Form C:** A request for information made in terms of PAIA must be made in writing on the prescribed Form C which is available on the website of the Information Regulator at www.justice.gov.za and is also attached here in **Appendix A**. If a question does not apply or there is nothing to be entered in the applicable space "N/A" should be stated in response. The request form must be addressed to the Information Officer using the contact details set out in 2 above.
- 8.2 **Proof of Identity:** The requestor must provide an acceptable proof of identity such as a certified copy of their Identity Document or card or other legal form of identification.
- 8.3 **Proof of Capacity:** If the request is made on behalf of another person, the requestor must provide an affidavit to prove the capacity in which the requestor is making the request.
- 8.4 **Proof of Payment:** The requestor must provide proof of payment of the prescribed fees (Refer to 9 below).
- 8.5 Requests which are not complete in full or are not accompanied by the above documents will be referred back to the requester. Should the requester fail to submit adequate documentation within 30 days after the request has been referred back to them, the request will be discarded.
- 8.6 Request outcome notification

If the **request for access is granted** DTHF will advise the requestor within 30 days on the following:

- a) The access fee to be paid upon access as well as the deposit and balance outstanding
- b) The form in which access will be given
- c) That the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.

If the **request for access is refused** DTHF will advise the requestor within 30 days on the following:

- a) The reasons for refusal of access. Such reasons according to Chapter 4 of Part 3 of the Act could be protection of:
 - privacy of third party who is natural person
 - commercial information of third party
 - certain confidential information of third party
 - safety of individuals, and protection of property
 - records privileged from production in legal proceedings
 - commercial information of DTHF
 - research information of a third part or of DTHF
- b) State that the requester may lodge an application with the Information Regulator or a Magistrate's court against the refusal of the request, and the procedure (including the period) for lodging the application. The Information Regulator will investigate the complaint and reach a decision - which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee established in terms of POPIA. The Information Regulator may serve an enforcement notice confirming, amending or setting aside the impugned decision, which must be accompanied by reasons.

- 8.7 Personal Information Concerns relating to POPIA

Matters related to DTHF handling privacy (transborder transfers and processing of information, information security measures, etc.) are covered in our DTHF Privacy Policy. The policy is available on the <https://desmondtutuhealthfoundation.org.za/> website.

9. Prescribed fees

Section 54 of PAIA entitles a Private Body to levy a prescribed request fee to a requester before further processing of the request. The fee structure is available on the website of the SAHRC at www.sahrc.org.za and is also attached here in Appendix B.

The following applies to requests:

- 9.1 A requestor (other than a personal requestor in terms of POPIA) is required to pay the prescribed fees as set out in the fee structure before a request is processed.
- 9.2 If the Information Officer deems that the preparation of the record requested requires more than the prescribed hours (six), the requestor will need to pay a deposit. The deposit is equal to one third of the access fee.
- 9.3 Records may be withheld until the fees have been paid.

10. General

DTHF's mission is the pursuit of excellence in research, treatment and prevention of HIV and related infections in South Africa. Bridging rigorous academic research with community development programmes, the DTHF collaborates with those most at risk to find innovative solutions in the prevention and treatment of HIV and related infections. It runs its operations funded through sponsorship, donations and research grants to the benefit of communities it serves.

- **Teaching and Learning** – DTHF's learning programmes are designed to be cutting edge and customised to meet the specific needs of our stakeholders.
- **Community Engagement** – The DTHF research, clinical and community outreach staff share a common purpose to lessen the impact of the HIV and related diseases on individuals, families and communities through innovation and collaboration.
- **Research** – Our research includes a range of HIV prevention modalities, vaccine candidates, treatment delivery and adherence, clinical trials, ground-breaking new drugs, and innovative technologies to address tuberculosis transmission. In addition to biomedical research, a socio-behavioural division seeks to understand the complex drivers affecting individual health-seeking behaviour.

APPENDIX A – Attached

APPENDIX B – Attached