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ACCESS TO INFORMATION MANUAL

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Responsible Person

1. INTRODUCTION

- 1.1 The FreeMe Wildlife Promotion of Access to Information Manual ("Manual") is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") and section 23 - 25 of the Protection of Personal Information Act No.4 of 2014 ("POPIA").
- 1.2 This manual contains information required by a person wishing to exercise any right, contemplated by PAIA.
- 1.4 The manual can be read, at the office of the company at FreeMe Wildlife or online on our website <https://freemewildlife.org/>

For further information please contact the Information Officer on:

E-mail: finances@freemewildlife.org

Telephone: 033 3303036

2. PURPOSE

- 2.1 The purpose of this manual is to facilitate requests for access to records (including records containing Personal Information (as defined in terms of the FreeMe Wildlife Privacy Policy)) of FreeMe Wildlife.
- 2.2 Where this Manual does not deal with a procedure provided for in PAIA, the Requester or any other interested party is to look at the Act for guidance in relation thereto.
- 2.3 A person requesting access to records from FreeMe Wildlife ("the Requester") is advised to familiarise themselves with the provisions of PAIA before making any requests to FreeMe Wildlife in terms of PAIA.

- 2.4 FreeMe Wildlife makes no representation and gives no undertaking or warranty that any record(s) provided by it to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and FreeMe Wildlife shall not be liable for any loss, expense, liability, or claims, howsoever arising, resulting from the use of this Manual or of any record provided by FreeMe Wildlife or any error therein.
- 2.5 All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by FreeMe Wildlife.

3. SCOPE

- 3.1 This PAIA Manual is useful for the public to:
- 3.1.1 access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access
 - 3.1.2 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it
 - 3.1.3 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
 - 3.1.4 know the description of the categories of data subjects and of the information or categories of information relating thereto
 - 3.1.5 know the recipients or categories of recipients to whom the personal information may be supplied
 - 3.1.6 know if the body has planned to transfer or process personal information outside of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
 - 3.1.7 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.
- 3.2 This manual is available for inspection by the public upon request during office hours and there is no charge for viewing the manual at our offices (*where is it available*). Copies of the manual may be made available subject to the prescribed fees.

4. LEGISLATIVE BACKGROUND

- 4.1 This Promotion of Access to Information Manual (“the Manual”) is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) and section 23 - 25 of the Protection of Personal Information Act No.4 of 2014 (“POPIA”).
- 4.2 PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access the information, subject to certain restraints.
- 4.3 Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA.
- 4.4 In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible party.

5. REQUEST FOR ACCESS TO INFORMATION

- 5.1 In the event that a person or entity requires access to information as contemplated in the Act, the requester must contact the Company as per the contact details in 1.3 of this document.
- 5.2 As per section 25(2):
- 5.2.1 If the request for access is granted, the notice in terms of subsection (1)(b) must state—
- **the access** fee (if any) to be paid upon access;
 - the form in which access will be given; and
 - that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access 15 granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.
- 5.2.2 If the request for access is refused, the notice in terms of subsection (1)(b) must—
- state adequate reasons for the refusal, including the provisions of this Act relied upon;
 - exclude, from such reasons, any reference to the content of the record; and
 - state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

6. CONTACT INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

- Designated Head: Wade Whitehead
- Postal Address
- Street Address: Dry Mountain Farm, 1 Karkloof Road, Howick
- Tel. No: +27333303036
- E- Mail address: admin@freemewildlife.org
- Person delegated to deal with requests (for “the designated head”):
- E-mail address of the delegated designated head: finances@freemewildlife.org

7. BACKGROUND OF FREEME WILDLIFE

- 7.1 FreeMe Wildlife was founded in 2007 and was registered as a Section 21 Company (2007/010184/08) in 2007, was registered as a Non-Profit Organization (later changed to Non-Profit Company) on the 19th of February 2009 (NPC no: 066-704) and registered as a Public Benefit Organization on the 17th of May 2017 (PBO no: 930032928). The facility is registered with the government and permitted through local conservation authorities, Ezemvelo KZN Wildlife, to work with all indigenous mammals, birds, reptiles, amphibians and invertebrates. The facility is also registered with the South African Veterinary Council and is accredited with the National Council of Societies for the Prevention of Cruelty to Animals (NSPCA) in South Africa.

8. CATEGORIES OF AVAILABLE RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

- 8.1 No notice has been submitted by the company to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.
- 8.2 PAIA requires that sufficient detail be provided to facilitate a request for access to a record of the company. A description of the subjects on which the company holds records and the categories of the records held by each subject can be found below.
- 8.3 At this stage the company does not have any categories of records which are automatically available without a person having to request access in terms of PAIA, and as such no notice has been published.
- 8.4 All categories of records of the company require a formal request to access such records.
- 8.5 **Records available in terms of other legislation**
- Basic Conditions of Employment Act, No 57 of 1997
 - Companies Act, No 71 of 2008
 - Compensation for Occupational Injuries and Diseases Act, No 130 of 1993
 - Competition Act 89 of 1998
 - Constitution of the Republic of South Africa Act, No 108 of 1996
 - Consumer Protection Act, No 68 of 2008
 - Electronic Communication and Transaction Act No. 25 of 2002
 - Employment Equity Act, No 55 of 1998
 - Income Tax Act, No 58 of 1962
 - Labour Relations Act, No 66 of 1995
 - National Credit Act, No 34 of 2005
 - Occupational Health and Safety Act, No 85 of 1993
 - Preferential Procurement Policy Framework Act, No 5 of 2000
 - Promotion of Access to Information Act, No 2 of 2000
 - Promotion of Equality & Prevention of Unfair Discrimination Amendment Act, No 52 of 2002
 - Protection of Businesses Act 99 of 1978

- Protection of Personal Information Act, No 4 of 2013
- Skills Development Act, No 97 of 1998
- Skills Development Levy Act, No 9 of 1999
- Tax Administration Act, 28 of 2011
- Trademarks Act 194 of 1993
- Unemployment Insurance Act, No 30 of 1966
- Value Added Tax Act, No 89 of 1991

8.6 Any records will be made available to only those individuals/entities authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

9. DESCRIPTION OF THE SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

9.1 The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1) (e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

Subjects on which the body holds records	Categories of records
Human Resources	Disciplinary actions
	Job profiles
	Performance management
	Staff benefits and incentives
	Staff list
	Training and skills development
	HR policies and procedures
	Advertised posts
	Employee records
Revenue Management	Leasing administration and agreements
	Tenant personal information
	Marketing and promotions
	Market research and surveys

Finance	Audit management
	Budgets
	Creditor's control
	Debtor's control
	Insurance
	Management accounts
	Salary administration
	Tax management

	Utilities management
Information Technology	Information systems
	Network security
	Software licences
	Technology assets
Compliance	BBBEE compliance
	Internal auditing and risk
	Legislation compliance
	Regulatory reports
	Policies and procedures
	Membership with industry bodies
Corporate Governance	Annual reports
	Company directorships
	Company registrations
	Strategic management
	Policies
Administrative information	Client Databases
	Agreements
Procurement	Agreements
	Compliance documentation of service providers
	Procurement proposals and tenders
	Service provider records
Property Management	Building management
	Preventative maintenance
	Reactive maintenance

10. PROCESS ON REQUEST FOR ACCESS

10.1 The requester must complete Form C and submit this form together with a request fee, to the person delegated to deal with requests (for “the designated head”). The form must be submitted using any of the methods noted below:

Postal Address: *Dry Mountain Farm, 1 Karkloof Road, Howick*

E-mail address of the delegated designated head:

10.2 The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.

10.3 The requester should indicate which form of access is required.

10.4 The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed

- 10.5 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right
- 10.6 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the company
- 10.7 In terms of section 23(1) of POPIA, adequate proof of identity is required from the Requestor/Data Subject. Therefore, in addition to the prescribed access form, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification. The Company may, in its sole discretion request that original certified copies be provided in certain circumstances such as if the electronic copies provided are not clear or are questionable.
- 10.8 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 10.9 Every other requester, who is not a personal requester, must pay the required request fee.
- 10.10 The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request
- 10.13 After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- 10.14 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure
- 10.15 **Grounds for refusing a request**
- The Company has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.
- 10.16 **Notification of refusal or granting of access to information**
- Requestors will be informed within 30 (thirty) days of receipt of the prescribed access form if the company's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the PAIA.
- 10.17 **Refusal if the record cannot be found**
- If all reasonable steps have been taken by the Company to find the record requested by the Requester and same cannot be found for reasons justifiable as per section 55 of PAIA, the Information Officer shall provide an affidavit or affirmation to the Requester advising that it is not possible to give access to the record requested.
- 10.18 **Fees**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee:

- 10.18.1 A fee will be required by the head (*contact person*) before further processing of the request in terms of S54 of the Act
- 10.18.2 A requester fee of R50 should be paid, this amount will be refunded should the request for access be refused. (*Requester may lodge an application to the court against the tender or payment of the request fees*)
- * *The request fee is an administration fee that is payable on submission of the request for access to a record and must be paid before the request is considered (unless the request is to access the requestor's personal information in which event there is no applicable fee). The request fee is not refundable if the request for access has been granted however it is refundable if the request for access has been denied.*
- 10.18.3 A portion of the access fee (not more than one third) may be required before the request is considered
- 10.18.4 The requester may lodge an application with a court against the payment of the request fee in terms of S54(3)(b) of the Act
- 10.18.5 The head may withhold a record until the requester has paid the applicable fees
- 10.18.6 A request will not be processed until the request fee has been paid. 7.5. The access fee is payable prior to the Requester actually gaining of access to the records in the required form.
- The access fee is intended to reimburse the company for the costs involved in reproduction of documents, searching, and preparing the record requested and for any time reasonable required (in excess of the prescribed hours) to search and prepare the record.*

11. PROCESSING OF PERSONAL INFORMATION

Description of the categories of Data Subjects and of the information or categories of information relating thereto:

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender, and race

12. PERSONAL INFORMATION WILL BE PROCESSED

- To support engagement with service providers
- To support engagement with clients
- To support engagement with industry bodies

- To support recruitment and management of staff
- To support relationships with statutory and other authorities
- To support sales and marketing activities

13. DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

- Service providers: record of service provider life cycle
- Clients: tracking general enquiries and web site visits
- Industry bodies: membership records
- Employees: record of employee's life cycle
- Statutory and other authorities: contact details
- Media: records of media interactions

14. PLANNED RECIPIENTS OF PERSONAL INFORMATION

The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications, Identity number and names, salaries, employment related information	South African Qualifications Authority Sector Education Training Authority
Credit and payment history, for credit information	Credit Bureaus
Identity number and names, qualifications, salaries, UIF detail, medical information, employment related information	Department of Labour

Other Recipients could be:

- Financial institutions
- Industry bodies
- Law enforcement
- Operators (service providers)
- Statutory authorities

15. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

Data will be kept on a cloud system which is outside of the borders of South Africa.

- Flows to international online cloud servers

16 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

General description of Information Security Measures to be implemented by the responsible party to ensure confidentiality, integrity, and availability of the information

- Physical security measures
 - Access controls
 - Home and mobile measures
 - Internal security measures
- Cyber security measures
 - Anti-spam measures
 - Anti-virus measures
 - Firewalls
 - Password control
- Training in information security to staff

17. UPDATING OF THE MANUAL

This PAIA Manual of FreeMe Wildlife, will be updated on a regular basis.

18. ENQUIRIES

- 18.1 If you have any questions or concerns arising from this policy or the way in which we deal with Clean Desks on our property, please contact us.

This code was adopted BY THE MANAGEMENT AND DIRECTORS on the 25 day of

MAY and were signed on 25 day of MAY at

FREEME WILDLIFE, HOWICK



Management