

**MANUAL IN TERMS OF SECTION 51 OF**

**THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000**

**(“PAIA”)**

**as amended by the Protection of Personal Information Act, 4 of 2013**

**(“POPIA”)**

**OF**

**MÉDECINS SANS FRONTIÈRES SOUTHERN AFRICA (NPC)**

**(REG. NO.: 2007/008324/08)**

**(“MSF-SA”)**

**Date of Compilation: 24 April 2020**

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## **1. An introduction to PAIA**

- 1.1. South Africa's system of government, before 27 April 1994, resulted in a secretive and unresponsive culture within public and private bodies, which often led to an abuse of power and human rights violations.
- 1.2. PAIA, together with all relevant legislation, provides you with the right of access to information held by public and private bodies when you request such information in accordance with the provisions of PAIA, for the exercise or protection of any of your or another person's rights.
- 1.3. If you make such a request, a public or private body must release the information unless PAIA or any other relevant law states that the records containing such information may not be released.
- 1.4. For purposes of this Manual, we refer to ourselves as "MSF-SA", "we", "us" or "our".
- 1.5. We have compiled this Manual to inform you of, and guide you through, the procedural and other requirements with which a PAIA request must comply.

## **2. Our board members**

We thought it important that, before we get into the detail of how you go about submitting a PAIA request to us, we introduce you to our board members. At the time of publishing this version of our PAIA manual, the board members of MSF-SA are:

- 2.1. Agnes Musonda - President
- 2.2. Kathryn Chu - Vice President
- 2.3. Stefan Kruger - Secretary
- 2.4. Walter Taderera - Treasurer
- 2.5. Bote Zamadenga - Member
- 2.6. Chipu Takawira - Member
- 2.7. Gugulethu Ngidi - Member
- 2.8. Nthabiseng Moea - Member

The board members may change from time to time. Please visit our website <https://www.msf.org.za/about-us/msf-board-members> to find out whether there have been any changes.

## **3. A list of our main subsidiaries and associate companies**

MSF-SA is an affiliate of Médecins Sans Frontières. If you have a PAIA request you would like to submit to it, you should follow the procedures set out in this Manual, as it will also apply to it.

**4. About us**

MSF-SA is part of an international humanitarian aid movement that provides assistance in more than 70 countries, to populations in distress, to victims of natural or man-made disasters and to victims of armed conflicts, without discrimination and irrespective of race, religion, creed, or political affiliation.

If you would like to find out more about us, including our main business activities, go to <https://www.msf.org.za/about-us>.

**5. Our contact details<sup>1</sup>**

PAIA requires us to provide you with certain contact details. We have set out our contact details immediately below.

<b>Postal Address</b>	PO Box 61624 Marshalltown 2107
<b>Street Address</b>	9 <sup>th</sup> Floor, Zurich House, 70 Fox Street, Marshalltown, Johannesburg, South Africa
<b>Telephone contact number</b>	+27 (0) 11 403 4440/1/2
<b>Information Officer PAIA</b>	Zoya Naidoo
<b>Head</b>	General Director – Guilhem Molinie

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<sup>1</sup> Section 51(1)(a) of PAIA

## **6. Where to get guidance regarding submitting a PAIA request<sup>2</sup>**

- 6.1. The process of submitting a PAIA request can be quite daunting, even for trained lawyers. In order to assist those who are not familiar with PAIA requests, Section 10 of PAIA has instructed the South African Human Rights Commission (“**SAHRC**”) to prepare a Guide that contains information to assist you in understanding how to exercise your rights under PAIA (“**the Guide**”). It is available in all the South African official languages.
- 6.2. If you have any queries, or need a copy of the Guide, please contact the SAHRC directly at:

The South African Human Rights Commission  
PAIA Unit – The Research and Development Department  
Braampark Forum 3,  
33 Hoofd Street,  
Braamfontein  
Private Bag x 2700, Houghton 2041  
Tel: +27 11 877 3803  
Fax: + 27 11 403 0625  
Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## **7. Information that is automatically available without a PAIA request<sup>3</sup>**

- 7.1. PAIA tries to make access to information easier for everyone. It does this by suggesting that entities, such as MSF-SA, voluntarily compile categories of documents and information (records) that you may request, without having to go through the formal PAIA request process.<sup>4</sup>
- 7.2. We have not yet compiled such a list of records, but may do so at some point in the future.

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<sup>2</sup> Section 51(1)(b)(i) of PAIA once amended by section 110 of POPIA.

<sup>3</sup> Section 51(1)(b)(ii) of PAIA once amended by section 110 of POPIA.

<sup>4</sup> This is set out in section 52(2) of PAIA.

## **8. Records kept in terms of the other legislation<sup>5</sup>**

We are subject to many laws and regulations, some of which require us to keep certain records.

## **9. A description of subjects we hold records on and categories of records<sup>6</sup>**

9.1. PAIA requires us to make access to our records easier. To do so, we have described below, some of the key subjects on which we hold records, divided into categories:

### 9.2. Companies Act Records

- Documents of Incorporation;
- Memorandum of Incorporation;
- Minutes of Directors meetings and General Meetings;
- Written Resolutions;
- Records relating to the appointment of directors / auditors / company secretary / public officer and other officers;
- Share Register and other Statutory Registers; and
- Other Statutory Records.

### 9.3. Financial Records

- Annual Financial Statements;
- Tax Returns;
- Accounting Records;
- Banking Records;
- Bank Statements;
- Paid Cheques;
- Electronic Banking Records;
- Asset Register;
- Rental Agreements; and
- Invoices.

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<sup>5</sup> Section 51(1)(b)(ii) of PAIA once amended by section 110 of POPIA.

<sup>6</sup> Section 51(1)(b)(iv) of PAIA once amended by section 110 of POPIA.

#### 9.4. Income Tax Records

- PAYE Records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances;
- VAT;
- Regional Services Levies;
- Skills Development Levies;
- UIF; and
- Workmen's Compensation.

#### 9.5. Personnel Documents and Records

- Employment contracts;
- Employment policies and procedures;
- Employment Equity Plan;
- Medical Aid records;
- Pension Fund records;
- Internal evaluations and disciplinary records;
- Salary records;
- Disciplinary codes;
- Leave records;
- Training records and manuals;
- Operating manuals;
- Personal records provided by personnel;
- Other statutory records; and
- Related correspondence.

### **10. Information on how you can make a PAIA request to us<sup>7</sup>**

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<sup>7</sup> Section 51(1)(b)(iv) of PAIA once amended by section 110 of POPIA and section 53 of PAIA.

- 10.1. If you would like to make a PAIA request to MSF-SA, you must do so on the request form available from the South African Human Resources Commission's website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development's website ([www.doj.gov.za](http://www.doj.gov.za)) (under "Resources-s-Forms"). We have, for your convenience, also attached the form to this Manual. It is attached as Annexure 1 (Form C).
- 10.2. It is important that you address any requests for access to records to the Head at MSF-SA at the address, telefax number or e-mail address provided above in this Manual.
- 10.3. It is important that you provide us with sufficient detail on the request form to enable us to identify you and the record you need from us. You must also indicate in what form you would like to access the records, for example hardcopy printouts or electronic format. Please also let us know whether, in addition to a written response, you would like us to contact you in some other way, for example by telephone or email. If so, please provide us with your additional contact details.
- 10.4. It is crucial that you identify the right that you want to exercise or protect and provide us with an explanation of why the requested record is required for the exercise or protection of that right.
- 10.5. If you are making a request on behalf of another person, you must submit proof of the capacity in which you make the request. This proof will be subject to the satisfaction of MSF-SA's Head.
- 10.6. If you do not use the standard form (which is Annexure 1 [Form C in terms of PAIA] annexed to this Manual), your request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.
- 10.7. Please note that you will also be required to pay the prescribed fees. The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is set out in Annexure 2 to this Manual
- 10.8. If you are requesting records that are not related to a personal request, we will first notify you of the prescribed fee (if any) before processing the request any further. You may lodge an internal appeal or an application to Court, against our requirement that you pay a request fee.
- 10.9. We will then make a decision on the request and notify you in the required form.

- 10.10. If your request is granted, then a further access fee must be paid for the reproduction and search and preparation of the record, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- 10.11. Please note that all requests which we receive, will be evaluated and considered in accordance with PAIA. It is important to remember that, even though we have published this Manual and described the categories and subject matter of information or records that we hold, this does not give you any rights to access such information or records, except in terms of PAIA. Records that you may not be entitled to include those of third parties who are natural persons (i.e. humans), the commercial information of third parties, the safety of individuals or protection of property, those that are privileged from production in legal proceedings, the commercial information of a private body and research information of a third party and a private body.

## **11. Information related to POPIA<sup>8</sup>**

### **11.1. Introduction**

The POPIA requires us to provide you with certain information relating to how personal information that we process is, amongst others, used, disclosed and destroyed. We have set out the required information below.

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<sup>8</sup> Section 51(1)(c) of PAIA once amended by section 110 of POPIA.

**11.2. Information on how you can request your personal information under POPIA**

11.2.1. Requests for personal information under POPIA must be made in accordance with the provisions of PAIA.<sup>9</sup> This process is outlined in paragraph 10 above.

11.2.2. If we provide you with your personal information, you have the right to request the correction, deletion or destruction of your personal information, in the prescribed form.<sup>10</sup> You may also object to the processing of your personal information in the prescribed form.<sup>11</sup> We have, for your convenience, attached the form to this Manual. It is attached as Annexure 3 (Form 2).<sup>12</sup>

11.2.3. We will give you a written estimate of the fee for providing you with your personal information, before providing you with the services. We may also require you to provide us with a deposit for all or part of the fee prior to giving you the requested personal information.<sup>13</sup>

**11.3. Purpose of processing<sup>14</sup>**

11.3.1. POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe your (the data subject's) privacy.

11.3.2. The type of personal information that we process will depend on the purpose for which it is collected. We will disclose to you why the personal information is being collected and will process the personal information for that purpose only.

**11.4. Should you wish to object to MSF-SA, or MSF-SA's third party service providers, processing your personal information, please complete Annexure 4.**

**11.5. Personal Information that is processed<sup>15</sup>**

11.5.1. Please refer to the table below for a non-exhaustive list of the information processed by MSF-SA.

<b>Category of Data Subject</b>	<b>Category of Personal Information</b>
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<sup>9</sup> Section 25 of POPIA.

<sup>10</sup> Section 23(2) and 24 of POPIA.

<sup>11</sup> Section 11(3)(a) of POPIA.

<sup>12</sup> Form 2 of the Regulations Relating to the Protection of Personal Information.

<sup>13</sup> Section 23(3)(a) and (b) of POPIA.

<sup>14</sup> Section 51(1)(c)(i) of PAIA once amended by section 110 of POPIA.

<sup>15</sup> Section 51(1)(c)(ii) of PAIA once amended by section 110 of POPIA. The information provided under this section refers to broad categories of information. This list is not exhaustive.

Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; banking details; data received from the Deeds office; and confidential correspondence
Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.
Foreign Persons / Entities	Names; contact details; physical and postal, Financial information addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

<p>Employees / Directors / Potential personnel / Shareholders / Volunteers / Employees' family members / Temporary Staff</p>	<p>Gender, Pregnancy; Marital Status; Race, Age, Language, Education information; Financial Information; Employment History; ID number; Next of kin; Children's name, gender, age, school, grades; Physical and Postal address; Contact details; Opinions, Criminal behaviour and/or criminal records; Well-being; Trade Union membership; external commercial interests; Medical Information:</p>
<p>Website end-users / Application end-users</p>	<p>Names, Electronic identification data: IP address; log-in data, cookies, Electronic localization data; cell phone details, GPS Data.</p>

**11.6. Categories of recipients for purposes of processing personal information<sup>16</sup>**

11.6.1. We may supply personal Information to these potential recipients:

- Management;
- Employees;
- Temporary Staff; and
- Sub-contracted Operators

11.6.2. We may disclose personal information we collected to any of our third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions.

11.6.3. We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

11.6.4. We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

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<sup>16</sup> Section 51(1)(c)(iii) of PAIA once amended by section 110 of POPIA.

11.7. **General description of information security measures<sup>17</sup>**

MSF-SA employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control; and
- Secure setup of hardware and software making up our information technology infrastructure.

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<sup>17</sup> Section 51(1)(c)(v) of PAIA once amended by section 110 of POPIA.

**ANNEXURE 1**

**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:  
.....

Telephone number: (.....) .....

Fax 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: 

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**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 on 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:

.....  
.....

## ANNEXURE 2

### FEES IN RESPECT OF PRIVATE BODIES IN TERMS OF PAIA

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) of PAIA is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) of PAIA are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R 1, 10.
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0, 75.
  - (c) For a copy in a computer-readable form on -
    - (i) stiffy disc R7, 50;
    - (ii) compact disc R70,00.
  - (d)
    - (i) For a transcription of visual images, for an A4-size page or part thereof R40,00;
    - (ii) For a copy of visual images R60,00.
  - (e)
    - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00;
    - (ii) For a copy of an audio record R30,00.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of PAIA is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) of PAIA are as follows:
  - (1)
    - (a) For every photocopy of an A4-size page or part thereof R1, 10.
    - (b) For every printed copy of an A4-size page or part thereof held on a

computer or in electronic or machine-readable form R0,75.

- (c) For a copy in a computer-readable form on -
    - (i) stiffy disc R7,50;
    - (ii) compact disc R70,00.
  - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00;
  - (d) (ii) For a copy of visual images R60,00.
  - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00;
  - (e) (ii) For a copy of an audio record R30,00.
  - (f) 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 reparation.
- (2) For purposes of section 54(2) of PAIA, the following applies:
- (a) six hours as the hours to be exceeded before a deposit is payable; and
  - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

### ANNEXURE 3

#### REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

#### REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

- 1 Affidavits or other documentary evidence as applicable in support of the request may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable.

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	

Fax number/ E-mail address:	
C	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
D	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or  REASONS OR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.  (Please provide detailed reasons for the request)</b>

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*

**ANNEXURE 4**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

Note:

- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>


Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*