

PROMOTION OF ACCESS TO INFORMATION M A N U A L

for

SAINT CATHERINE'S EMPANGENI

(hereinafter “the Institution”)

(Registration Number: 1959/035896/08)

Prepared in accordance with Section 51(1)(a) of the
Promotion of Access to Information Act, No 2 of 2000.

The Promotion of Access to Information Act creates the framework to the right to access information enshrined in the Constitution of the Republic of South Africa, Act 108 of 1996. The purpose of this legislature is to promote a culture of transparency, accountability and governance both in the public and private sectors. Therefore the Act places specific compliance requirements on both state institutions and private sector.

Version Control

Version No.	Summary of Changes	Author	Date
<i>1</i>	<i>First Created</i>	<i>B Peckham</i>	<i>13-0732012</i>
<i>2</i>	<i>Updated</i>	<i>K Braithwaite</i>	<i>02/06/2021</i>

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1. Introduction

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 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. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

1.2 Purpose of the manual

This manual is intended to foster a culture of transparency and accountability within the Education Industry as a whole, by giving effect to 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 more fully exercise and protect their rights. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies. Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- 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. Wherever reference is made to “the Institution” or “SCE” in this Manual, it will refer to Saint Catherine’s Empangeni, for whom this manual has been compiled.

PART I

2. Contact Details & General Information

Information Officer : HOD Administration, Karen Braithwaite
(karen@saintcatherines.co.za)

Head of Organisation: Principal, Gillian Dalais
(principal@saintcatherines.co.za)

Postal address : PO Box 162, Empangeni, 3880

Physical Address : 13 Higgs Road
Empangeni

Telephone No : 035-772 3041

Fax No : 035 772 6114

E-mail : info@saintcatherines.co.za

Website : www.saintcatherines.co.za

All requests for access to information in terms of this Act must be made in writing.

PART II

3. Guide of South African Human Rights Commission (SAHRC)

The SAHRC has compiled a guide in terms of Section 10 of the Act to assist individuals waiting to exercise their rights as provided by the Act.

The Guide is available from the SAHRC using the details below

Please direct any queries to:

The South African Human Rights Commission : PAIA Unit
The Research and Documentation Department

Postal Address : Private Bag X 2700, Houghton, 2041

Telephone : 011 877 3600

Fax : 011 403 0625

Website : www.sahre.org.za

E-mail : PAIA@sahrc.oprg.za

From 1 July 2021 the contact details will be for

Information Regulator South Africa
JD House , 27 Stiemens Street
Braamfontein, Johannesburg, 2001

P.O. Box 31533
Braamfontein, Johannesburg, 2017

General enquiries email: infoereg@justice.gov.za

PART III

4. Records of the Institution

This clause serves as a reference to the records that the institution holds in order to facilitate a request in terms of the Act. The information is classified and grouped according to records relating to the following subjects and categories. It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

4.1 Records

- Employed staff records (which are only available to the member of staff and employer are not available to third parties without the relevant staff member's consent)

4.2 Human resources records

- Personal records provided by employees of Curro
- Salary records
- Conditions of employment and other personnel-related contractual and quasi-legal records
- Internal evaluation records
- UIF records
- PAYE records
- Leave records
- Training records
- Human Resources policies and procedures

4.3 Customer-related records

- Records provided by a customer/client
- Records generated internally by or within Curro relating to customer/clients including transactional records
- Contractual records

4.4 Financial records

- Annual reports
- Management reports
- VAT returns
- Income tax returns and assessments
- Invoices
- Receipts

- SETA returns
- Asset records
- Insurance policies and claims

4.5 Company information

- Trademarks
- Databases
- Information Technology
- Marketing records
- Internal correspondence
- Operational records
- Product-related records
- Internal policies and procedures
- Compliance records
- Records relating to board members
- Minutes of meetings (including resolutions taken)
- Contractual records and information relating to suppliers, service providers, contractors, professional advisors (such as attorneys and auditors) and financiers.

4.6 Products and services

- Product specifications
- Product documentation (including application forms)

4.7 Other records

- Employment Contracts: Availability to be determined upon receipt of request
- School's Domain Name Registration: Availability to be determined upon receipt of request
- Database of School's Staff and Management: Availability to be determined upon receipt of request
- Website Information: Freely available through www.saintcatherines.co.za
- Trust Deeds: Availability to be determined upon receipt of request
- School's Constitutions: Availability to be determined upon receipt of request
- Licences: Availability to be determined upon receipt of request

These records include, but are not limited to, the records which pertain to the institution's own affairs.

The accessibility of the records may be subject to the grounds of refusal set out in the Act. Amongst other, records deemed confidential on the part of a third party, will necessitate

permission from the third party concerned, in addition to normal requirements, before SCE will consider access.

5. Records Available Without Having to Request Access in Terms of the Act

5.1 Annual Reports.

5.2 Newsletters/Brochures/Marketing material/Product Information.

5.3 Information on website.

6. Purpose of Processing of Personal Information

- To support sales and marketing activities
- To support recruitment and management of staff and learners
- To support engagement with suppliers
- To support engagement with the media

7. Data Subjects Categories and their Personal Information

- Learners: records of learner life cycle
- Employees: record of employee life cycle
- Suppliers: record of supplier life cycle
- Media: records of media interaction

8. Planned Recipients of Personal Information

- Law enforcement
- Tax authorities
- Employee pension and provident funds

Statutory authorities 11.2 Law enforcement 11.3 Tax authorities Page | 8 PAIA Manual 1 May 2021
11.4 Financial institutions 11.5 Medical schemes 11.6 Employee pension and provident funds 11.7
Industry bodies 11.8 Non – Curro schools (when leaving Curro)

9. Planned Trans-border Flow of Personal Information

- Flows to learners and parents/guardians
- Flows through the use of social media

10. Security Measures to Protect Personal Information

The institute has implemented a number of security measures to protect personal information processed by the institution as the Responsible Party in terms of the POPI Act #4 of 2013:

- Physical security measures
- Cyber security measures
- Training in information security
- Policies in information security

PART IV

11. Grounds for Refusal of Access to Records

The main grounds for the institution to refuse a request for information relates to the:

- 11.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 11.2 Mandatory protection of the commercial information of a third party, if the record contains –
 - 11.2.1 Trade secrets of that third party;
 - 11.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 11.2.3 Information disclosed in confidence by a third party to the institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 11.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 11.4 Mandatory protection of the safety of individuals, including physical, moral and spiritual safety and the protection of property;
- 11.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 11.6 Mandatory protection of information which is likely to cause harm to the spiritual or moral interests of a person.
- 11.7 Information where access to same is prohibited by legislation/law.
- 11.8 The research information of the institution or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused.

12. Remedies Available When the Institution Refuses a Request for Information

12.1 Internal Remedies

The institution does not have internal appeal procedures regarding the provision of documentation in terms of this Act. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

12.2 External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision apply to a Court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

13. Request Procedure

- 13.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 13.2 The requester must complete the prescribed form enclosed herewith in Appendix 1, and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2 above.
- 13.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
 - 13.3.1 The record or records requested;
 - 13.3.2 The identity of the requester,
 - 13.3.3 Which form of access is required, if the request is granted;
 - 13.3.4 The postal address or fax number of the requester.
- 13.4 The requester must state that he requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

- 13.5 The institution will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time period not be complied with.
- 13.6 The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 13.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 13.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 13.9 The requester must pay the prescribed fee, before any further processing can take place.

14. Access to Records Held by the Institution

- 14.1 Records held by the Institution may be accessed by requests only once the prerequisite requirements for access have been met.
- 14.2 A requester is any person making a request for access to a record of the Institution. There are two types of requesters:
- 14.2.1 Personal Requester**
- 14.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 14.2.1.2 Subject to the provisions of the Act and applicable law, the Institution will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.
- 14.2.2 Other Requester**
- 14.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the institution is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

15. Fees

- 15.1 The Act provides for two types of fees, namely:
- 15.1.1. A request fee, which will be a standard fee; and 10.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 15.2 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 (if any), before further processing of the request.
- 15.3 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.
- 15.4 The Information Officer shall withhold records until the requester has paid the fees as Indicated in Appendix 2.
- 15.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 15.6 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.

16. Decision

- 16.1 The institution will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 16.2 The 30 day period with which the institution has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original 30 day period. The institution will notify the requester in writing should an extension be sought.

17. Records available in terms of other legislation: S 51 (1) (d)

A list of other applicable legislation in terms of which records are available are set out in Appendix 3.

18. Availability of the Manual

- 13.1 This manual is made available in terms of Regulation Number R. 187 of February 2002.
- 13.2 The PAIA Manual of the institution will also be available on the institution's Website.