INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 IN RESPECT OF JUST GRACE NPC (REGISTRATION NO.: 2012/205872/08)

1 INTRODUCTION

1.1 Just Grace is a people-focused non-profit Organisation established in 2012 in the community of Langa Township, Cape Town, South Africa. The Organisation designs and implements effective and sustainable initiatives to develop under-resourced communities and achieve reduced poverty, better quality education, decent work and holistically thriving individuals.

1.2 Just Grace recognises everyone's right of access to information and is committed to providing access to relevant records where the proper substantive and procedural requirements have been met as set out in the *Promotion of Access to Information Act, 2000* (**PAIA**).

1.3 The purpose of this manual is to inform the public about the process for requesting records of Just Grace, explaining what information is available and how to access it. This manual serves as a guide to facilitate the exercise of the right to access information.

1.4 This manual is available on Just Grace's website, at its principal place of business for public inspection during normal business hours, to any person on request and on payment of a reasonable amount, and to the Information Regulator on request. Just Grace will update this manual regularly.

2 JUST GRACE'S CONTACT DETAILS

Name: Just Grace NPC

Managing Director: Delphino Machikicho

Directors: Karimi Fondaumiere, Grant Edmond, Laura Macfarlane, Zukile Keswa and Greg Macfarlane

Company Secretary: N/A

Physical Address: 6 MOFFAT STREET
LANGA
WESTERN CAPE
7456

Postal Address: 6 MOFFAT STREET
LANGA
WESTERN CAPE
7456

Tel: +27 79 043 8932

Email: contact@justgrace.co.za

Website: https://justgrace.co.za

Information Officer: Delphino Machikicho

E-mail: delphino@justgrace.co.za

Tel: +27 78 422 0765

3 THE PROMOTION OF ACCESS TO INFORMATION ACT

3.1 PAIA, which gives effect to section 32 of the Constitution, provides that a requester must be given access to a record of a private body if the record is required for the exercise or protection of any rights, the requester complies with the procedural requirements of PAIA, and access is not refused on any ground set out in PAIA.

3.2 Requests in terms of PAIA must be made in accordance with the prescribed procedures and may be charged at the rates provided in terms of the *Regulations Relating to the Promotion of Access to Information, 2021* (**PAIA Regulations**). The prescribed tariffs and form are provided for in Annexures 1 and 2 to this manual.

3.3 For additional guidance, requesters are referred to the Guide in terms of Section 10 of PAIA which contains relevant information as may reasonably be required by a person who wishes to exercise rights contemplated in PAIA. The Guide is available in each of the official languages and available on the Information Regulator's website, accessible at: https://inforegulator.org.za/paia-guidelines/.

3.4 The contact details of the Information Regulator are:

Address: 27 Stiemens St, Braamfontein, Johannesburg, 0001

Tel: 010 023 5200 or 0800 017 160
Email: enquiries@inforegulator.org.za
Website: https://inforegulator.org.za/

4 PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 (POPIA)

POPIA regulates and controls the processing, including the collection, use, and transfer of a person's personal information. In terms of POPIA, Just Grace (as the Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another person's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the conditions for lawful processing as set out under POPIA.

4.1 *Description of the categories of data subjects and the information and categories of information*

Just Grace processes the following categories of Data Subjects and their related categories of Personal Information:

- Beneficiaries and programme participants, including learners and other children (names, ages, dates of birth, contact details, identity numbers, school and education records, attendance records, household and socio-economic information, and, where relevant, health information);
- Current and former employees, staff and contractors of Just Grace (names, addresses, contact details, employment history, copies of identity documents, references, provident fund, medical aid and beneficiary information and academic qualifications; banking details, race, employee leave records, employee qualifications, police clearance or screening records);
- Current and former service providers and vendors (names, addresses, contact numbers, Identity or registration numbers, banking details, credit history and race);
- Donors or funders (names, addresses, contact details, identity or registration numbers, banking details, credit history and race);
- Job applicants and prospective employees of Just Grace (names, addresses, contact details, employment history, qualification, references, academic qualifications; race);
- Special personal information and children's personal information: Just Grace processes special personal information (including race, health information and criminal records) and the personal

information of children only where permitted by sections 27 and 35 of POPIA, including with the consent of a competent person (a parent or guardian) where required; and

- Visitors to Just Grace's offices premises or website (name, contact details, identity or registration numbers).

4.2 Reasons why Just Grace Processes Personal Information

Just Grace processes Personal Information relating to Data Subjects for the purposes set out below, as more fully described in its Privacy Policy, available on its website.

This processing is required by Just Grace to allow it to perform the following:

- to pursue its charitable and programme objectives;
- to design, deliver, monitor and evaluate its programmes, and to report on their impact;
- to safeguard children and other beneficiaries, including screening staff and volunteers who work with children;
- to comply with its legal and regulatory obligations, including its obligations as a registered NPO and PBO;
- to report to donors and funders and to issue section 18A receipts;
- to raise funds and to communicate with donors, supporters and the public about its work;
- to carry out actions necessary for the conclusion and performance of a contract between Just Grace and Data Subjects;
- to fulfil obligations to beneficiaries, partners and vendors;
- to put in place mechanisms to protect the Data Subject's and/or Just Grace's legitimate interests, including the performance of risk assessments;
- for the purpose of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
- for the purpose of providing the Data Subject, where required, with information about Just Grace, its officers, employees and programmes;
- to pursue Just Grace's legitimate interests, or those of a third party to whom the Personal Information is supplied;
- for historical record keeping and statistics necessary to fulfil Just Grace's charitable objectives;
- for the purposes of performing internal operations, including the recruitment and selection of employees and volunteers, management of employees, employee wellness programmes, the performance of human resources functions, attending to financial matters including budgeting, planning, invoicing and making payments, sending receipts, and generally providing administrative support where needed, requested or required; and
- for the purpose of preventing fraud and abuse of Just Grace's processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

4.3 ***Recipients or categories of recipients of Personal Information to whom Just Grace may disclose***

Just Grace may disclose a Data Subject's Personal Information to other parties, including:

- organs of state;
- internal personnel and staff;
- donors and funders (where possible, in aggregated or de-identified form);
- implementing partners, schools and community organisations;
- third-party service providers, including IT and cloud service providers, security service providers, auditors and payroll administrators;
- financial institutions;
- the South African Revenue Service;
- the Nonprofit Organisations Directorate of the Department of Social Development;
- regulators and governmental authorities; and
- legal advisors.

4.4 ***Planned cross-border flows of Personal Information***

Just Grace may transfer Personal Information outside South Africa when reporting to international donors and funders, and when using cloud-based systems (such as email, document storage and donor management platforms) hosted outside South Africa.

Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's Personal Information will only be transferred to a foreign recipient that is subject to substantially similar data privacy laws, where the recipient of the Personal Information is bound contractually to obligations substantially similar to those imposed by POPIA, or if there is another basis to effect the transfer in terms of section 72 of POPIA.

4.5 ***General description of information security measures***

Just Grace has established and maintains appropriate, reasonable technical and organisational measures to ensure the confidentiality, integrity and availability of Personal Information in its care and control, and to ensure that such Personal Information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements of POPIA.

This may include measures such as firewalls, virus protection, appropriate access controls, restricted access to beneficiary and children's records, internal reviews of our practices and implementation of our information security measures.

5 APPLICABLE LEGISLATION

Legislation that is applicable to Just Grace includes (without limitation) the following:

- Basic Conditions of Employment Act, 75 of 1997;
- Broad-Based Black Economic Empowerment Act, 53 of 2003;
- Children's Act 38 of 2005;
- Companies Act, 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- Copyright Act, 98 of 1978;
- Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007;
- Electronic Communications and Transactions Act, 25 of 2002;
- Employment Equity Act, 55 of 1998;
- Financial Intelligence Centre Act, 38 of 2001;

- Income Tax Act, 95 of 1967;
- Labour Relations Act, 66 of 1995;
- Nonprofit Organisations Act 71 of 1997;
- Occupational Health and Safety Act, 85 of 1993;
- Pension Funds Act, 24 of 1956;
- Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998;
- Promotion of Access to Information Act, 2 of 2000;
- Protection of Personal Information Act, 4 of 2013;
- Skills Development Act, 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- Trade Marks Act, 194 of 1993;
- Unemployment Insurance Act, 63 of 2001;
- Unemployment Insurance Contributions Act 4 of 2002; and
- Value Added Tax Act, 89 of 1991.

6 RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO THE PUBLIC

The following records are automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA:

- Just Grace's annual reports and annual financial statements (where published);
- impact reports, newsletters and media releases;
- Just Grace's NPO and PBO registration certificates; and
- all other information freely available on Just Grace's website Just Grace – Evidenced-based community empowerment

Requests for the above-mentioned records may be sent to the email address provided under paragraph 2 (Just Grace's Contact Details) and copies are available for a fee as prescribed.

7 RECORDS HELD BY JUST GRACE THAT ARE AVAILABLE ON REQUEST

In terms of various regulatory and operational requirements of Just Grace, various records of Just Grace **are not automatically available** and any request for access to such information will be assessed in accordance with Just Grace's internal policies and legislative requirements. These records include, but are not limited to, the following:

Companies Act Records

- Memorandum of Incorporation, Charters, Terms of Reference, Company Rules;
- Minutes of meetings of the Board of Directors and Committees of the Board;
- register of members and minutes of members' meetings (if the Memorandum of Incorporation provides for members);
- Records relating to the appointment of:
  - directors.
  - auditors.
  - secretary.
  - public officer.
  - Any other Officer.
- Statutory registers and other statutory records and/or documents;
- Statutory returns.

NPO and PBO Compliance Records

- NPO registration certificate and annual narrative and financial reports submitted to the NPO Directorate;
- PBO approval letter and correspondence with SARS;
- section 18A receipt records.

Income Tax Records

- PAYE Records;
- Skills Development Levies;
- Unemployment Insurance Fund;
- Compensation Fund;
- Value Added Tax;
- Documents issued to employees for income tax purposes;
- Records of payments made to the South African Revenue Service;
- All or any statutory compliances.

Labour Relations / Employment-related Records

- Employment Contracts.
- Employment applications and recruitment records.
- Employee Records.
- Medical Aid Records.
- Pension or Provident Fund Records.
- Employment Equity Plan.
- Disciplinary Records and Procedures.
- Organisational charts.
- Salary Records.
- Leave Records.
- Training Manuals and Records.
- Internal Telephone Lists.
- Correspondence.
- Internal evaluation and performance management records.
- Skills Development Plan.
- Volunteer and Intern Records.

Financial Information

- Financial statements.
- Asset register.
- Management accounts and reports.
- Cash books and accounting ledgers.
- Banking records and statements.
- Information generated in relation to service providers.

Fundraising and donor records

- Donor and funder database;
- Grant and funding agreements;
- Funding proposals and reports to funders;
- Fundraising and communications material, including social media content.

Programme and beneficiary records

- Beneficiary and participant records;
- Attendance registers;
- Consent forms;
- Monitoring and evaluation data and reports;
- Agreements with schools and partner organisations.

Vendor and third-party records

- Product and services supplier information.
- Third-party service provider details, related agreements and correspondence.
- Non-disclosure agreements

8 PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60 OF PAIA)

8.1 To make a request for access to a record of Just Grace, kindly complete and submit the prescribed form in **Annexure 2** of this manual and submit it to our Information Officer as stipulated in paragraph **Error! Reference source not found.** above.

8.2 It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. The requester must comply with all the procedural requirements as set out in PAIA relating to the request for access to a record and demonstrate why the records are required for the exercise or protection of any rights.

8.3 Completion of the prescribed form in Annexure 2 must contain sufficient particularity to enable the Information Officer to identify:

(1) the records requested;

(2) the identity of the requester;

(3) which form of access is required; and

(4) the postal address, fax number or email address of the requester.

8.4 The requester must identify the right that the requester is seeking to protect or exercise. The requester must provide an explanation of why the requested record is required for the exercise or protection of any right.

8.5 In addition to a written reply, the requester must indicate whether they wish to be informed of the decision in any other manner (for example, by email or hard copy).

8.6 If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.

8.7 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may request the assistance of the Information Officer in making the request.

8.8 The requester must pay the prescribed fee (if applicable) before Just Grace may process the request. The prescribed fees are detailed in **Annexure 1**. A requester who seeks access to a record containing their own personal information (a personal requester) does not pay the request fee.

9 NOTIFICATION

9.1 Just Grace will, as soon as reasonably possible but in any event within 30 (thirty) days after receipt of the request (or of any further particulars required), decide whether to grant access to the records requested and notify the requester of its decision.

9.2 The 30 (thirty) day period may be extended once by a further period of not more than 30 (thirty) days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with Just Grace's activities, or on any other ground permitted by section 57 of PAIA.

9.3 Just Grace will notify the requester in writing of any extension within the original 30 (thirty) day period, stating the period of and reasons for the extension and that the requester may lodge a complaint with the Information Regulator or apply to court against the extension.

9.4 If a record requested cannot be found, or does not exist, Just Grace will notify the requester thereof by way of affidavit or affirmation. Such notice is regarded as a refusal of the request.

9.5 If Just Grace fails to give a decision within the applicable period, it is regarded as having refused the request.

10 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF PAIA)

10.1 Subject to Sections 7 and 70 of the Act, the main grounds for Just Grace to refuse a request for information as contemplated in PAIA relates to the following:

(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, including the personal information of beneficiaries and children;

(2) Mandatory protection of commercial information of a third party as defined by PAIA, if the record contains:

(a) trade secrets of that third party;

(b) financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the financial or commercial interests of that third party; or

(c) information disclosed in confidence by a third party to Just Grace, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

(3) Mandatory protection of confidential information if the disclosure would constitute a breach of a duty of confidence owed to a third party in terms of any agreement, including agreements with donors and funders;

(4) Mandatory protection of the safety of individuals and the protection of safety of property;

(5) Mandatory protection of records which would be regarded as privileged in legal proceedings, unless the person so entitled to privilege waives the privilege;

(6) The protection of the commercial information of Just Grace, which includes:

(a) trade secrets of Just Grace;

(b) financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the financial or commercial interests of Just Grace;

(c) information which if disclosed could put Just Grace at a disadvantage in negotiations;

(d) a computer program which is owned by Just Grace, and which is protected by copyright; and

(e) the research information of Just Grace or a third party on behalf of Just Grace, if the disclosure would expose the third party, Just Grace or the researcher of the subject matter of the research to serious disadvantage.

11 THE OUTCOME OF THE REQUEST

11.1 If the request for access is granted, Just Grace will provide the requester with a notice stating the access fee (if any) to be paid upon access in terms of Annexure 1, the form in which access will be given, and that the requester may lodge a complaint with the Information Regulator or apply to court against the access fee to be paid or the form of access granted, and the procedure (including the period) for doing so.

11.2 If the request for access is refused, the notice must state adequate reasons for the refusal, including the provisions of PAIA relied on (without referring to the content of the record), and must state that the requester may lodge a complaint with the Information Regulator or apply to a court against the refusal of the request, and the procedure (including the period) for doing so.

12 REMEDIES AVAILABLE ON REFUSAL OF A REQUEST FOR INFORMATION

12.1 Just Grace does not have an internal appeal procedure and as such, the decision made by the Information Officer is final, subject to further recourse available in law.

12.2 A requester aggrieved by a decision of Just Grace to refuse a request, or by a decision regarding fees, an extension or the form of access, may within 180 days lodge a complaint with the Information Regulator in

terms of section 77A of PAIA or apply to a court with appropriate jurisdiction for relief in terms of section 78 of PAIA.

ENCLOSURE:

(1) Annexure 1 – prescribed fees payable

(2) Annexure 2 – prescribed form

Annexure 1

Prescribed Fees

Item	Description	Amount
1.	The request fee payable by every requester	R140.00
2.	Photocopy / printed black & white copy of A4-size page	R2.00 per page or part thereof
3.	Printed copy of A4-size page	R2.00 per page or part thereof
4.	For a copy in a computer-readable form on: Flash drive (to be provided by requester) Compact disc – If provided by the requester If provided to the requester	 R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation from the service provider
6.	Copy of visual images (service to be outsourced; will depend on the quotation from the service provider)	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: Flash drive (to be provided by requester) Compact disc – If provided by the requester If provided to the requester	 R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed the total cost of	R145.00 R435.00
10.	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items 2 – 8
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

Annexure 2

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

_____
_____
_____
_____
(Address)

E-mail address: _____

Fax number: _____

*Mark with an **"X"***

☐ Request is made in my own name ☐ Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made *(when made on behalf of another person)*				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made *(if applicable):*				
Identity Number				
Postal Address				

Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

PARTICULARS OF RECORD REQUESTED

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. (*If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

TYPE OF RECORD

*(Mark the applicable box with an "**X**")*

Record is in written or printed form	☐
Record comprises visual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	☐
Record consists of recorded words or information which can be reproduced in sound	☐

Record is held on a computer or in an electronic, or machine-readable form	☐
FORM OF ACCESS *(Mark the applicable box with an "**X**")*	
Printed copy of record *(including copies of any visual images, transcriptions and information held on computer or in an electronic or machine-readable form)*	☐
Written or printed transcription of visual images *(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)*	☐
Transcription of soundtrack *(written or printed document)*	☐
Copy of record on flash drive *(including visual images and soundtracks)*	☐
Copy of record on compact disc drive*(including visual images and soundtracks)*	☐
Copy of record saved on cloud storage server	☐
MANNER OF ACCESS (Mark the applicable box with an "**X**")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	☐
Postal services to postal address	☐
Postal services to street address	☐
Courier service to street address	☐
Facsimile of information in written or printed format (including transcriptions)	☐
E-mail of information (including soundtracks if possible)	☐
Cloud share/file transfer	☐
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	☐

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED *If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*	
Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right	

FEES
a A request fee must be paid before the request will be considered. b You will be notified of the amount of the access fee to be paid. 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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	**Facsimile**	**Electronic communication (Please specify)**

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

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FOR JUST GRACE USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

_____

Signature of Information Officer