

PEPPS MOTHEONG SCHOOL

ACCESS TO INFORMATION MANUAL

Promotion of Access to Information Act ("PAIA")



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Pro Forma Document

Version 2021

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ACCESS TO INFORMATION MANUAL

Promotion of Access to Information Act (“PAIA”)

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, Number 2 of 2000.

1. INTRODUCTION

- 1.1. The Promotion of Access to Information Act, 2 of 2002 (PAIA) gives effect to the constitutional right of access to any information held by the State and also to any information that is held by another person which is required for the exercise or protection of the rights of the person requesting the information. Section 51 of PAIA requires a private Organisation to provide such information to a requester that can demonstrate that a specific record is required for the exercise or protection of any of his/her legal rights and he/she has complied with the procedural requirements. The record will not be supplied where access is refused on any of the grounds set out in PAIA.
- 1.2. The Protection of Personal Information Act, 4 of 2013 (POPIA) gives effect to the constitutional right of privacy in order to promote the protection of personal information processed by public and private bodies and introduces certain conditions so as to establish minimum requirements for the processing of personal information.
- 1.3. The Organisation is a Private Organisation as defined in PAIA.

2. Definitions and Interpretation

- 2.1. In this Manual, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention, an expression which denotes:
 - 2.1.1. any gender includes the other genders;
 - 2.1.2. a natural person includes an artificial or juristic person and vice versa;
 - 2.1.3. the singular includes the plural and vice versa;
- 2.2. The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

- 2.2.1. “**CEO**” means the Chief Executive Officer/Managing Director and Executive Head of the Organisation / Head of School;
- 2.2.2. “**Competent Person**” means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a minor child, such as a parent or a guardian and who is supplying the personal information required by the enrolment contract and binds itself to the terms and conditions of this enrolment contract;
- 2.2.3. “**Data Protection Policy**” means the Data Protection Policy of the Organisation describing the manner in which the Organisation deals with Personal Information of Data Subjects, as available on its website and as amended from time to time;
- 2.2.4. “**Data Subject**” means the natural or juristic person to whom personal information relates;
- 2.2.5. “**Day**” means a calendar day;
- 2.2.6. “**Deputy**” means the Deputy Information Officer duly appointed and delegated with authority by the CEO to facilitate or assist with any information request in terms of PAIA and the person registered as such with the Information Regulator to fulfil the duties set out for information officers in POPIA;
- 2.2.7. “**Guide**” means the Guide on how to use the Promotion of Access to Information Act, issued by the Information Regulator in terms of section 10 of PAIA;
- 2.2.8. “**Information Officer**” means the Head of the Organisation, or the person duly authorised by the Head of the Organisation, who facilitates, or assists, the Head of the Organisation with any information request in terms of PAIA and the person registered as such with the Information Regulator to fulfil the duties set out for information officers in POPIA;
- 2.2.9. “**Information Regulator**” means the Information Regulator established in terms of section 39 of POPIA;
- 2.2.10. “**Manual**” means this PAIA Manual together with all its annexures, as amended from time to time;
- 2.2.11. “**Minister**” means the Minister of Justice and Correctional Services;
- 2.2.12. “**Organisation**” means Pepps Motheong School, EMIS number 700232090, and all references to the Organisation in this Manual includes its subsidiaries and divisions;
- 2.2.13. “**PAIA**” means the Promotion of Access to Information Act No.2 of 2000, as amended from time to time, and includes the regulations promulgated in terms thereof;

- 2.2.14. **“Personal Information”** means means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - (b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - (d) the biometric information of the person;
 - (e) the personal opinions, views or preferences of the person;
 - (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - (g) the views or opinions of another individual about the person; and
 - (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 2.2.15. **“POPIA”** means the Protection of Personal Information Act, 4 of 2013, as amended from time to time, and includes the regulations promulgated in terms thereof; and
- 2.2.16. **“Request Form”** means the prescribed form Request for Access to Record of Private Body, form J752, attached hereto as Annexure “D”.
- 2.3. Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the publication date, and as amended or substituted from time to time.
- 2.4. If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the Organisation of this Manual.
- 2.5. Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this Manual.
- 2.6. Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

- 2.7. The use of the word “including” followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 2.8. Insofar as there is a conflict in the interpretation of or application of this Manual, PAIA or POPIA, as the case may, shall prevail.
- 2.9. This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA.

3. The Organisation

3.1. Overview

Pepps Motheong School is a Co-educational Independent Christian School from Grade 00 to Grade 10, situated in Pretoria West. It was established as a primary school in 1991. The secondary school came into being in 2020.
We will grow to Grade 12 in 2024

3.2. Contact Details

Name of organisation:	Pepps Motheong School
Physical address:	37 Khoza Street Atteridgeville
Postal address:	PO Box 97803 Westpark, 0146
Telephone number:	012 3736201
Facsimile number:	N/A
E-mail address:	admin@motheong.com head@motheong.com

4. CEO/Information Officer

The Information Officer for the Organisation is: JJ Berrangé.

4.1. Contact Details

Physical address:	5 Jan Groentjie Singel Ninapark 0182
Postal address:	As above
Telephone number:	0829340488
Facsimile number:	N/A
E-mail address:	head@motheong.com

5. Deputy

The Deputy Information Officer for the Organisation is: A. Fickling.

5.1. Contact Details

Physical address:	7 Deneys Reitz Road Meerhof, Hartbeespoort
Postal address:	PO Box 1647, Hartbeespoort,0216
Telephone number:	0828256015
Facsimile number:	N/A
E-mail address:	alison@motheong.com

6. PURPOSE OF PAIA MANUAL

This Manual provides information to the public to understand:

- 6.1. The categories of records held by the Organisation which are available without having to submit a formal PAIA request;
- 6.2. How to make a request for access to a record of the Organisation, by providing a description of the subjects on which the Organisation holds records and the categories of records held on each subject;
- 6.3. The description of the records of the Organisation which are available in accordance with any other legislation;
- 6.4. How to access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

- 6.5. The description of the Guide, as updated by the Regulator and how to obtain access to it;
- 6.6. Whether the Organisation processes 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;
- 6.7. The description of the categories of data subjects and of the information or categories of information relating thereto; and
- 6.8. Who the recipients or categories of recipients are to whom the personal information may be supplied.

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 7.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 7.2. The Guide is available in each of the official languages and in braille.
- 7.3. The Guide contains the description of:
 - 7.3.1. the objects of PAIA and POPIA;
 - 7.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 7.3.2.1. the Information Officer of every public Organisation, and
 - 7.3.2.2. every Deputy Information Officer of every public and private Organisation designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 7.3.3. the manner and form of a request for access to a record of a private Organisation contemplated in section 50;
 - 7.3.4. the assistance available from the IO of a public Organisation in terms of PAIA and POPIA;
 - 7.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 7.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
 - 7.3.6.1. a complaint to the Regulator; and

- 7.3.6.2. an application with a court against a decision by the information officer of a public Organisation, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private Organisation;
- 7.3.7. the provisions of sections 14 and 51 requiring a public Organisation and private Organisation, respectively, to compile a manual, and how to obtain access to a manual;
- 7.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public Organisation and private Organisation, respectively;
- 7.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 7.3.10. the regulations made in terms of section 92.
- 7.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 7.5. The Guide can also be obtained:
 - 7.5.1. upon request to the Information Officer;
 - 7.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 7.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours:
 - 7.6.1. English and Afrikaans
 - 7.6.2. Also included is a copy of the Guide by the South African Human Rights Commission which includes all 11 official languages.

8. PURPOSE FOR WHICH INFORMATION IS REQUIRED

- 8.1. PAIA provides that a person may request information where the information is required for the exercise or protection of a right.

9. WHO MAY REQUEST INFORMATION

- 9.1. PAIA entitles the following persons to request information to if the record is required for the exercise or protection of a right:

- 9.1.1. Any person may request information that pertains to him/her/itself (Personal Requester);
- 9.1.2. Any person who are acting on behalf of the person to who the information pertains or who needs the information for the protection or exercise of a legal right; or
- 9.1.3. A public company or an official of the public company.

10. HOW TO REQUEST ACCESS TO A RECORD

- 10.1. Records requested in terms of PAIA must be requested on the Request Form which is attached to this Manual and also available at the head office of the Organisation.
- 10.2. The Requester must send a properly completed and signed prescribed Request Form to the Information Officer.
- 10.3. Where a representative request the record on behalf of someone else, a signed mandate must be submitted with the request.
- 10.4. It must be specified in which form (inspection of copy, paper copy, electronic copy, transcript, etc.) access is required.
- 10.5. Where the record requested forms part of another record, the Requester will only be granted access to that part of the record that pertains to the information that was requested.
- 10.6. A requester may be required to pay the prescribed fees for access to the record as prescribed by the Minister from time to time and is published in the Guide.
- 10.7. Access to information shall only be granted where the requester can clearly demonstrate that he/she/it needs the information to exercise or protect a legal right and where a ground for refusal of access does not exist. The grounds for refusal are set out in sections 34 to 45 of PAIA, which include, but is not limited to, the protection of the privacy of a third party natural person, protection of commercial information of a third party, the protection of certain confidential information of a third party, the protection of safety of individuals, and protection of property, the protection of privileged records, the protection of research information of a third party and manifestly frivolous or vexatious requests or where compliance of the request would constitute a substantial and unreasonable diversion of resources.
- 10.8. The Organisation is obliged under PAIA to respond to the request for access to information held by it within 30 days of receipt of the request.
- 10.9. Proof of identity is required to authenticate the request and the requester. In view hereof, a requester will be required to submit acceptable proof of identity such as a certified copy of their Identity Document or other legal form of identification.

- 10.10. Information will not be furnished unless a person clearly provides sufficient particulars to enable the Organisation to identify the right the requester is seeking to protect, an explanation of why the requested information is required for the exercise or protection of that right and the record is identified with sufficient clarity to enable the Organisation to identify it.
- 10.11. The prescribed forms can be obtained on the Information Regulator's website at <https://www.justice.gov.za/inforeq/>

11. REMEDIES OF THE REQUESTER

- 11.1. Should the requester or third party not be satisfied with any decision made by the Information Officer, he/she/it may submit a complaint to the Regulator within 180 days of receipt of the decision from the Organisation.
- 11.2. The process of how to complain to the Information Regulator can be found in the Guide.
- 11.3. The Information Regulator has wide powers to investigate and assess the complaint, make a decision on the complaint and enforce the decision.
- 11.4. The decision of the Information Regulator may be taken on review to court with jurisdiction.
- 11.5. The requester may alternatively choose to apply to a court with jurisdiction for appropriate relief in terms of section 82.
- 11.6. For further information, please refer to the Guide.

12. RECORDS THAT ARE AUTOMATICALLY AVAILABLE

- 12.1. The categories of records set out in Annexure "A" are automatically available without the need for a specific request. Copies of the records are available on the website of the Organisation at www.peppsmotheong.com or from the head office of the Organisation.

13. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

- 13.1. The categories of records set out in Annexure "B" are available in terms of other legislation.

14. RECORDS HELD THE ORGANISATION

- 14.1. The categories of records set out in Annexure "C" are held by the Organisation.

15. PROCESSING OF PERSONAL INFORMATION

- 15.1. The Organisation processes personal information in the course and scope of its operations, inter alia, to administer employment and enrolment contracts, to keep records and support of academic and educational objectives and obligations and to procure goods and services that are necessary for its operations.
- 15.2. A description of the categories of Data Subjects and of the information or categories of information relating thereto is attached hereto as part of Annexure "C".
- 15.3. The organisation only supplies personal information in terms of statutory requirements to institutions such as the South African Police Services, the Provincial Department of Education, the Employment Equity Commission, the Department of Labour and the South African Revenue Services. Personal Information may be supplied to third parties where the Organisation has to exercise a contractual right or obligation or by the consent of the Data Subject or Competent Person, or as otherwise permitted in terms of the Protection of Personal Information Act and related provisions.
- 15.4. Information regarding the privacy of personal information of data subject can be found in our Data Protection policy, which is available on [http:// www.peppsmotheong.com](http://www.peppsmotheong.com).

16. AVAILABILITY OF MANUAL

- 16.1. This manual is available for inspection free of charge at the Admin Office at Peps Motheong School..
- 16.2. A copy is available on our website www.peppsmotheong.com.

17. UPDATING OF THE MANUAL

- 17.1. The CEO/Information Officer/Head will on a regular basis update this manual.

Issued by the CEO/Information Officer/Head

Date:

Annexure “A”

Categories of Records that are Automatically Available

Any information contained in any publicly accessible website of the Organisation

The information referred to above may include, without limitation, the following:

- The mission and objectives of the organisation;
- Documentation and information relating to the Organisation held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in set out in section 25 of the Companies Act 71 of 2008;
- Product, Service and Promotional Brochures;
- News and other Marketing Information;
- Policies

Annexure “B”

Records available in terms of other legislation

A Requester may, where applicable, request information that is available in terms of legislation, other than PAIA and POPIA, to the persons or entities specified in such legislation, including, but not limited to, the attached list of legislation.

As legislation changes from time to time, and new laws may stipulate new procedures and scopes of access, this list should not be read as final and complete without recourse to amendments, if any, of the relevant legislation.

A

B

Basic Conditions of Employment Act, 75 of 1997
Broad-based Black Economic Empowerment Act, 53 of 2003;

C

Civil Proceedings Evidence Act, 25 of 1965
Companies Act, 71 of 2008
Compensation for Occupational Injuries Act, 130 of 1993
Competition Act, 89 of 1998
Constitution of South Africa, 108 of 1996
Consumer Protection Act, 68 of 2008
Copyright Act, 98 of 1987
Criminal Procedure Act, 51 of 1977
Customs and Excise Act, 1964

D

Debt Collectors Act, 114 of 1998
Deeds Registries Act, 57 of 1937

E

Electronic Communications and Transactions Act, 25 of 2002
Employment Equity Act, 55 of 1998

F

Financial Advisory and Intermediary Services Act, 37 of 2002
Financial Intelligence Centre Act, 38 of 2001
Financial Markets Act, 19 of 2012
Firearms Control Act, 60 of 2000

G

H

I

Income Tax Act, 58 of 1962
Insider Trading Act 135 of 1998
Insolvency Act, 24 of 1936

J

K

L

Labour Relations Act, 66 of 1995
Long Term Insurance Act, 52 of 1998

M

Magistrates Court Act. 32 of 1944

N

National Credit Act, 34 of 2005
Non Profit Organisations Act, 71 of 1997

O

Occupational Health and Safety Act, No. 85 of 1993

P

Patents Act, 57 of 1987
Pension Funds Act, 24 of 1956
Prevention of Organised Crime Act, 14 of 1998
Protection of Information Act, 84 of 1982

Q

R

Regulation of Interception of Communications and Provision of Communication Related Information Act, 70 of 2002

S

Securities Services Act, 36 of 2004
Short Term Insurance Act, 53 of 1998
Skills Development Act, 97 of 1998
Skills Development Levies Act, 9 of 1999
South African Revenue Service Act, 34 of 1997
Statistics Act, 6 of 1999
South African Schools Act, 84 of 1996

T

Tax on Retirement Funds Act, No 38 of 1996
Telecommunications Act, 103 of 1996;
Trust Property Control Act, 57 of 1988

U

Unemployment Insurance Act, 63 of 2001

V

Value Added Tax Act, 89 of 1991

W

X

Y

Z

Annexure “C”

Records held by the Organisation

Record Subjects and Categories

- Corporate Affairs and Investor Relations / Communications
 - Newsletters and Publications
 - Corporate Social Investment

- Administration of the organisation:
 - Governance structures and personal data of governance office-bearers
 - Internal rules, regulations and policies, minutes of meetings
 - Financial records
 - Contracts, Partnerships, service providers, clients
 - Employment equity data and BBBEE status
 - Statutory and other licenses

- Corporate Secretariat and Governance
 - Applicable Statutory Documents
 - Annual Reports
 - Board of Directors and Board Committee Terms of Reference
 - Codes of Conduct
 - Legal Compliance Records
 - Memoranda of Incorporation
 - Minutes of Board of Directors and Board Committee Meetings
 - Group Policies and Procedures
 - Strategic plans
 - Statutory Returns to Relevant Authorities

- Academic Records
 - Records of students
 - Curriculum and programme material and accreditations
 - ISASA and Umalusi records
 - Facilitation and Materials

- Finance and Taxation
 - Policies and Procedures
 - Accounting Records
 - Annual Financial Statements
 - Audit Reports
 - Capital Expenditure Records
 - Investment Records
 - Invoices and Statements
 - Management Reports
 - Purchasing Records
 - Sale and Supply Records
 - Tax Records and Returns

- Transactional Records
- Human Resources
 - Education and Training Records
 - Employee Benefit Records
 - Employment Contracts
 - Employment Equity Records
 - Employee Information
 - Policies and Procedures
 - Group Life – Old Mutual
 - Leave Records
 - Medical Records
 - Pension and Retirement Funding Records
 - Study assistance scheme/s
 - Tax Returns of employees
 - UIF Returns
- Information Technology
 - Agreements
 - Disaster Recovery
 - Hardware and Software Packages
 - Policies and Procedures
 - Internal Systems Support and Programming
 - Licenses
 - Operating Systems
- Intellectual Property
 - Agreements relating to intellectual property
 - Copyright
- Legal
 - Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation
 - Material licenses, permits and authorizations
- Infrastructure
 - Property deeds, Lease agreements – with the Pepps Trust
 - Third party rights
- Sales, Marketing and Communication
 - Brochures, Newsletters and Advertising Material
 - Client Information
 - Marketing Brochures
 - Marketing Strategies
 - Product Brochures
 - Policies and Procedures

- Personal information of data subjects for the purposes of Sec 51(1)(c)(i)
 - Fulfilling its statutory obligations in terms of applicable legislation;
 - Verifying information provided to organisation;
 - Obtaining information necessary to provide contractually agreed services to clients, parents and students;
 - Monitoring, maintaining and managing contractual obligations to clients, suppliers, service providers, employees, parents, students, directors, donors and other third parties;
 - Marketing and advertising;
 - Resolving and tracking complaints;
 - Records and footage of monitoring and securing the assets, employees and visitors to the premises of the Organisation;
 - Historical record keeping, research and recording statistics necessary for fulfilling business objectives.

- The nature of personal information processed in respect of the above data subjects may include, as may be applicable: Sec 51(1)(c)(ii)
 - Name, identifying number, symbol, email address, physical address, telephone number, other contact details, location information, online identifier or other particular assignment to the person;
 - Tax and VAT numbers, financial information and organisation data, confidential correspondence;
 - Contract data captured on system;
 - Biometric information;
 - Information relating to the education or the medical, financial, criminal or employment history of the data subject;
 - Information relating to the race, gender, marital status, national origin, age, disability, language and birth of the data subject;
 - The personal opinions, views or preferences of the data subject;
 - Confidential correspondence sent by the data subject;
 - The views of opinions of another individual about the data subject.

Annexure “D”

Request for Access to Record of Private Body