

IQRAA TRUST(SOUTH AFRICA)

Manual prepared in accordance with Section 51 of The Promotion of Access to Information Act 2/2000 (“the Act”)

DECEMBER 2011

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Promotion of Access to Information Act Manual December 2011

1. INTRODUCTION

The Promotion of Access to Information Act No 2 of 2000 was enacted to give effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

This manual is to assist potential requesters as to the procedure to be followed when requesting access to information from Iqraa Trust(South Africa) in terms of the Act.

This manual may be amended from time to time and any new versions of the manual will be made public.

2. PURPOSE OF THE MANUAL

This manual is intended to foster and proclaim Iqraa Trust(South Africa)'s commitment to fostering a culture of transparency and accountability within the organisation as a whole, by giving effect to the right to access 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 the effective governance of all private institutions Iqraa Trust(South Africa) recognises the fundamental requirement that all the people of South Africa be empowered and educated to understand their rights in terms of this Act in order for them to exercise their rights in relation to all institutions, whether those institutions are of a private or public nature.

In following the example set out in terms of Section 36 of the Constitution of South Africa (Act 108 of 1996), Section 9 of the Act recognises that such right to access information cannot be unlimited and should be subject to justifiable limitations.

3. DEFINITIONS

“Client” refers to any natural or juristic entity that receives services from Iqraa Trust(South Africa) and *“customer”* has a similar meaning.

“Employee” refers to any person who works for or provides services to or on behalf of the organisation, and receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting the business of the organisation, and who has a written contract of employment with Iqraa Trust(South Africa).

“Information Officer” means a person or persons acting on behalf of Iqraa Trust(South Africa) who is responsible for discharging the duties and responsibilities assigned to the *“head”* of Iqraa Trust(South Africa), as prescribed in terms of this Act, and may include a deputy information officer.

“*Organisation*” refers to Iqraa Trust(South Africa)

“*Other Requester*” means any requester other than a personal requester.

“*Personal Requester*” means a requester who is seeking to access a record containing personal information about that requester.

“*Requester*” means any person making a request for access to a record that is under the control of Iqraa Trust(South Africa).

“*Third Party*” means any natural or juristic person other than the requester or such party acting on behalf of the requester or Iqraa Trust(South Africa) itself.

4. IQRAA TRUST-CONTACT INFORMATION

Chairman: Mr Mahmoud Youssef Baker

Designated Information Officer: Mr Ebrahim Vawda

Postal address:

P.O. Box 50888
Musgrave
4062
KwaZulu Natal

Street address

15/17 Hunt Road
Glenwood
Durban
4001

Telephone number : (031) 201 2911

Fax No: (031) 201 3004

E-mail: info@iqraatrust.org

Website Address: www.iqraatrust.org

5. SOUTH AFRICAN HUMAN RIGHTS COMMISSION – GUIDE ON THE ACT

In terms of section 10 of the Promotion of Access to Information Act 2 of 2000, the SA Human Rights Commission has compiled a guide on the use of this Act. It is available from the Human Rights Commission at any of the following offices or on their website: <http://www.sahrc.org.za>

Johannesburg: Private Bag 2700, Houghton, 2041
Tel: 011 484 8300
Fax: 011 484 1360

Bloemfontein: PO Box 4245, Bloemfontein, 9300
Tel: 051 447 1130
Fax: 051 447 1128

Port Elizabeth: PO Box 1854, Port Elizabeth, 6001
Tel: 041 582 2611
Fax: 041 582 2204

Polokwane: PO Box 55796, Polokwane, 0700
Tel: 015 291 3500
Fax: 015 291 3505

Durban: PO Box 1456, Durban, 4000
Tel/Fax: 031 304 7323/4/5

Cape Town: PO Box 3563, Cape Town, 8000
Tel: 021 426 2277
Fax: 021 426 2875

6. OVERVIEW AND STRUCTURE OF IQRAA TRUST(SOUTH AFRICA)

Iqraa Trust was established in 1994. Iqraa Trust is a registered trust. Therefore the policies, activities and delegation of authority comply with the provisions of the Trust Deed..

Iqraa Trust is registered as a Non Profit Organisation(NPO) with the Department of Social Development.

Iqraa Trust is a registered Public Benefit Organisation with the South African Revenue Services (SARS) in South Africa.

Iqraa Trust has been granted Section 18A status by SARS

The beneficiaries of the trust are charitable, welfare and educational institutions which are engaged in humanitarian activities. Over the years the Trust has facilitated and promoted capacity building within organisations by funding the development of infrastructure, equipment and the acquisition of skills.

The Trust has also provided assistance for humanitarian programmes and projects designed to alleviate the effects of poverty and disease, for drug rehabilitation and to provide relief for the victims of domestic violence and sexual abuse. The scope of the Trust's activities covers the fields of

education, health, welfare and social development. In emergencies the Trust has also provided assistance for disaster relief.

7. IQRAA TRUST'S PHILOSOPHY ON ACCESS TO INFORMATION

Iqraa Trust supports the intended purpose of the Act, namely, to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights. It is Iqraa Trust's policy therefore to endeavour to timeously assist Requesters as far as possible.

8. SUBJECTS AND CORRESPONDING CATEGORIES OF RECORDS

Iqraa Trust records can be found in various forms including electronic and paper. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records Iqraa Trust holds, the records have been categorised by subject area. The table below provides an indication of the subjects of information that Iqraa Trust holds and the corresponding categories;

Subject Categories

Accounting Records

- Audited Financial Statements
- Banking Records
 - Bank Statements
 - Paid Cheques
 - Electronic banking records
 - Deposit slips
 - Cheque Books
- Asset Register
- Record of Liabilities and Obligations
- Record of Revenue
- Record of Expenses
- Monthly Financial Records

Insurance Records

- Insurance Policies
- Details of Insurer, cover and limits
- Insurance Claims Records

Tax Information

- Income Tax Returns and Assessments
- VAT Returns
- PAYE Records

Legal and Registration Documentation

Trust Deed
NPO Registration Certificate
PBO Status Documentation
Section 18A Status Documentation
Section 10(1)(f) Status Documentation
Contracts and Agreements

Fixed Property

Title Deeds
Lease Agreements

Human Resources

Employment contracts
Records relating to the appointment of remuneration of staff members
UIF Records
Documents issued to employees for income tax purposes
Personnel guidelines, policies and procedures
Disciplinary Policies, Procedures and Records
Salary records
Disciplinary code
Leave records

Information Technology

Hardware
Software
Internet
Operating Systems
Licences
Telephone and Data Lines

Operational Records

Minutes of meetings.
Internal Policies and Procedures

Information Available in terms of other Legislation

Certain information is available in terms of certain provisions of the following Acts:

Trust Property Control Act
Basic Conditions of Employment Act No. 75 of 1997
Consumer Protection Act 68 of 2008
Financial Intelligence Centre Act 38 of 2001
Income Tax Act 58 of 1962
Promotion of Access to Information Act 2 of 2000
Value Added Tax Act 89 of 1991

Records that can be accessed without a formal request

Certain records can be accessed without the submission of a formal request (refer to Section 13 of this document for particulars regarding formal requests)including:

- Information available on Iqraa Trust website
- Promotional material
- Records lodged with various statutory bodies.

These records can be accessed by contacting Iqraa Trust's Head Office or the respective statutory body, as appropriate

9. ACCESS TO RECORDS HELD BY IQRAA TRUST(SOUTH AFRICA)

To facilitate the processing of a request, the requester must:-

- Use the prescribed form attached to this manual or on Iqraa Trust(South Africa's)website <http://www.iqraatrust.org>
- Address the request to the Information Officer or authorised person supplied within this manual, and fax or e-mail the request form as per provided details;
- Provide sufficient particulars to enable the Information Officer of the Organisation to identify the record/s requested;
- The requester must indicate in which form (medium/method) access is required;
- Specify a postal address or fax number of the requester;
- Identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
- If the requester, in addition to a written reply, intends to be informed of the decision on the request in any other manner, state that manner and the necessary particulars to be so informed;
- If the request is made on behalf of another person, submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the organisation.

10. . PRESCRIBED FEES

On receipt of a request for access to information, the Information Officer, or duly authorised person, will by notice require the requester, other than a personal requester, to pay the prescribed fee as set out below before processing the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the authorised person shall notify the requester to pay as a deposit the prescribed portion of the access fee.

A requester, whose request for access 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 requested form.

If a deposit has been paid in respect of a request for access, which is refused, the deposit will be repaid to the requester.

The applicable fees are prescribed in terms of the regulations that relate to the Promotion of Access to Information Act.

There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees.

- The non-refundable request fee (currently R57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is for personal records of the Requester in which event there is no applicable fee).
- The access fee is payable prior to gaining access to the records in the required form. The applicable access fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

If access is required to personal information of the Requester, payment of a request fee is not required.

Fee Structure

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body as per Part III of Regulation 187 published in the Government Gazette on 15 February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) 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) are as follows:

	<u>R</u>
(a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00

3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is : 50,00

The access fees payable by a Requester referred to in Regulation 11(3) are as follows:

	<u>R</u>
(1) (a) For every photocopy of an A4-size page or part thereof	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	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(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 preparation.	

(2) For purposes of section 54(2) of the Act, 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.

***All fees exclude VAT**

11. AVAILABILITY OF THE MANUAL

- This manual is available for inspection at the offices of Iqraa Trust(South Africa)free of charge;
- Copies of the manual may be obtained by request at the prescribed fees from Iqraa Trust(South Africa)
- The manual can also be accessed on Iqraa Trust(South Africa's)website (<http://www.iqraatrust.org>),
- The Manual can also be obtained from The South African Human Rights Commission
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12. REMEDIES AVAILABLE TO A REQUESTER UPON REFUSAL OF ACCESS

a) Internal remedies:

Iqraa Trust(South Africa) does not have any internal appeal procedures that may be followed after a request for access information has been refused. 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.

b) 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 an competent court for relief. Likewise, a third party that is dissatisfied with an Information Officer's decision not to grant a request for information, may within 30 days of notification of the decision, apply to a competent 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 with similar status.

13. REQUEST PROCEDURE

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

The requester must complete the prescribed form enclosed herewith in *ANNEXURE 1* and submit same as well as payment of a request fee (if applicable) and a deposit, where a request is made for access to information relating to a third party, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in Section 4 above.

The prescribed form must be completed with enough particularity at least to enable the Information Officer to identify the following:

- o The record or records required by the requester;
- o The identity of the requester and such person acting on behalf of the requester where applicable;
- o What form of access is required, if the request is granted;
- o The telephone number, postal address or fax number of the requester (within the Republic of South Africa).

Iqraa Trust's Information Officer will respond to the Iqraa Trust request within *30 days* of receiving the request by indicating whether the request for access has been granted.

It should be noted that the successful completion and submission of an access request form does not automatically allow the Requester access to the requested record.

The request form must be completed **CLEARLY** and **COMPLETELY** in block letters.

If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.

Denial of access

Access may be refused under limited circumstances including:

- Protecting personal information that Iqraa Trust(SouthAfrica)holds about a third person (who is a natural person) from unreasonable disclosure;
- Protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in a breach of a duty of confidence owed to a third party;
- If disclosure would jeopardize the safety or life of an individual;
- If disclosure would prejudice or impair the security or property or means of transport;
- If disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings unless the privilege has been waived;
- If the record is a computer programme;
- Disclosure of the record will put Iqraa Trust(South Africa) at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Iqraa Trust(South Africa); and
- Records containing information about research being carried out or about to be carried out on behalf of a third party or Iqraa Trust(South Africa)

Request for access to information about third parties

If access is requested to a record that contains information about a third party, Iqraa Trust is obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event that the third party furnishes reasons for the support or denial of access, Iqraa Trust's designated Information Officer will consider these reasons in determining whether access should be granted.

Records that cannot be found or that do not exist

If Iqraa Trust(South Africa) has searched for a record and concludes that it either does not exist or cannot be found, the Requester will be notified by way of an affidavit or affirmation that it is not possible to give access to the requested record as the Organisation is unable to locate it. Iqraa Trust will also provide the Requester with details on the steps that were taken to try to locate the record. If at a later stage the record is located, Iqraa Trust(South Africa) will grant the Requester access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

REQUEST FORM 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: IQRAA TRUST(SOUTH AFRICA)
Registration number : 059-150 – NPO

Authorised Person: Ebrahim Vawda

Postal Address: P O Box 50888
Musgrave,Durban
4062

Physical Address: Iqraa Trust(South Africa)
15/17 Hunt Road
Glenwood
Durban
4001

Telephone: +27 (031) 2012911
Fax: +27 (031) 201 3004
E-mail address: info@iqraatrust.org

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:
Fax number:
Telephone 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:

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 annexure and attach it to this form. **The requester must sign all the additional annexures.***

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

E. Fees

Request fee:

Where a requester submits a request for access to information held by an organisation on a person other than the requester himself/herself/itself a request fee in the amount of R 50,00 plus VAT is payable up-front before the institution will further process the request received.

Access fee:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

- (a) A request for access to a record, other than 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 (currently R 50.00).*
- (c) The **fee payable for access** to a record depends on the form (mode) 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:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____

Form in which record is required:

Mark the appropriate box with an X below

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such instances you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:		
copy of record*	Inspection of record	
2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)		
view the images	copy of the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:		
listen to the soundtrack	transcription of soundtrack*	
4. If record is held on computer or in an electronic or machine-readable form:		
printed copy of record*	printed copy of information derived from record*	copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate annexure and attach it to this form.

The requester must sign all the additional annexures.

1. Indicate which right is to be exercised or protected: _____
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE