



SONKE GENDER JUSTICE NPC

PROMOTION OF ACCESS TO INFORMATION MANUAL

Contents

1.	INTRODUCTION	2
2.	SONKE'S DETAILS	2
3.	FURTHER INFORMATION OF PAIA	3
4.	RECORDS IN OUR POSSESSION	3
	Organisation's records	4
	Financial records	4
	Insurance records	4
	Income tax records	5
	Staff and Volunteer records	5
	Organisational Policies and Protocols	5
	Agreements	6
	Statutory documents	6
	Published information	6
	Beneficiary information	6
	Donor information	6
5.	INFORMATION WE HOLD TO COMPLY WITH THE LAW	6
6.	ACCESSING INFORMATION HELD BY SONKE	7
7.	GROUND FOR REFUSAL	8
8.	HOW WE WILL GIVE YOU ACCESS	8
9.	COSTS TO PROVIDE ACCESS TO INFORMATION	8
10.	CATEGORIES OF PERSONAL INFORMATION	8
11.	PURPOSES	9
12.	CATEGORIES OF PERSONAL INFORMATION	9
13.	THIRD-PARTY DISCLOSURES	9
14.	CROSS-BORDER TRANSFERS	10
15.	SECURITY	10
16.	REMEDIES	10
17.	AVAILABILITY OF THIS MANUAL	10

1. INTRODUCTION

This manual is aimed at helping third parties to exercise their rights as provided under section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA). SONKE conducts public benefit activities as a non-profit organisation and this manual is prepared and published in accordance with Section 51 of PAIA. It provides, amongst others, guidance to data subjects and third parties who may request access to records processed by SONKE.

The South African Constitution provides that everyone has the right to access information: held by the State; and held by another person (not being a public or state institution) that is required for the exercise or protection of any right.

PAIA provides, among its primary objectives, gives effect to the constitutional right of access to information.

The Protection of Personal Information Act 4 of 2013 (POPIA) gives effect to the constitutional right of privacy and balancing the right of privacy against other rights, particularly the constitutional right of access to information as governed by PAIA.

POPIA defines “Information Officer” in relation to a private body as “Head of the Private Body” (in the case of the SONKE its Executive Director).

2. SONKE’S DETAILS

Organisational details:

2.1	Organisation’s legal name:	SONKE GENDER JUSTICE NPC
2.2	CIPC registration number:	2006/023739/08
2.3	NPO registration number:	064-502 NPO
2.4	Public Benefit Organisation number:	930027294
2.5	Postal address:	PO Box 3126, Cape Town, 8000
2.6	Physical address:	Suite 101 Sir Lowry Studios, 95 Sir Lowry Road, Woodstock, Cape Town, 7925
2.7	Phone number:	+27 21423 7088
2.8	Information Officer:	Heather van Niekerk
2.9	Preferred contact email address:	info@genderjustice.org.za
2.10	Website:	https://genderjustice.org.za

3. FURTHER INFORMATION OF PAIA

To obtain further information and guidance on how to access information pursuant to PAIA, the South African Human Rights Commission (SAHRC) can be contacted.

The SAHRC has published a guide which is available at:

[https://www.sahrc.org.za/home/21/files/SAHRC PAIA Section 10 Guide 2020 FINAL WEB.pdf](https://www.sahrc.org.za/home/21/files/SAHRC_PAIA_Section_10_Guide_2020_FINAL_WEB.pdf).

In terms of Section 110 of POPIA provides that the functions of the Human Rights Commission have been transferred to the Information Regulator.

The contact details of the Information Regulator:

- | | | |
|-----|-------------------|---|
| 3.1 | Postal address: | P.O Box 31533, Braamfontein, Johannesburg, 2017 |
| 3.2 | Physical address: | JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 |
| 3.3 | Website: | https://www.justice.gov.za/inforeg/index.html |
| 3.4 | General e-mail: | inforeg@justice.gov.za |
| 3.5 | Complaints email: | complaints.IR@justice.gov.za |

4. RECORDS IN OUR POSSESSION

We hold the following subjects and categories of records:

- 4.1 Organisational records
- 4.2 Supplier and service provider records
- 4.3 Technical records
- 4.4 Financial records
- 4.5 Insurance records
- 4.6 Staff and volunteer records
- 4.7 Policies and directives
- 4.8 Donor records
- 4.9 Agreements
- 4.10 Regulatory documents
- 4.11 Published information
- 4.12 Beneficiaries or Programme Participants information
- 4.13 Reference materials

Please note that records that are 'not automatically available,' must be requested using the process outlined in the '[Accessing information held by Sonke](#)' section of this manual.

Organisation's records

SONKE's records relate primarily to the incorporation and administration of the organisation.

Certificate of Incorporation and Memorandum of Incorporation	Not automatically available.
Directors' names	Available in Annual Report
Minutes of board meetings	Not automatically available
Written resolutions	Not automatically available
Records relating to appointment of Directors, auditor, public officer, or other officers	Not automatically available
Other statutory records	Not automatically available
Operational records	Not automatically available
Databases	Not automatically available
Published works	Automatically available
Internal correspondence	Not automatically available
Product records	Not automatically available

Financial records

Financial records are records related to SONKE's finances.

Annual financial statements	Automatically available from website.
PBO approval letter	Automatically available on request.
Accounting records	Not automatically available
Banking records	Not automatically available
Banking details	Automatically available on request
Bank statements	Not automatically available
Electronic banking records	Not automatically available
Asset register	Not automatically available
Rental agreements	Not automatically available
Financial agreements	Not automatically available

Insurance records

Insurance records are all our records related to SONKE's insured assets.

Insurance policies held by SONKE	Not automatically available
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Register of all immovable property owned by SONKE	Not automatically available
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Income tax records

Income tax records related to SONKE's income tax obligations.

PAYE Records	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Records of payments made to SARS on behalf of employees	Not automatically available
VAT records	Not automatically available
Skills Development Levy-related	Not automatically available
Unemployment Insurance Fund	Not automatically available
Compensation for Occupational Injuries and Diseases Act	Not automatically available

Employee and volunteer records

Employee and volunteer records pertain to information about employment contracts, benefits, as well as staff development information.

List of employees and volunteers	Not automatically available
Employee personal information	Not automatically available
Employment contracts	Not automatically available
Employment policies and procedures	Not automatically available
Employment Equity Plan, if applicable	Not automatically available
Medical aid records	Not automatically available
Pension and/or provident fund records	Not automatically available
Salaries and stipends	Not automatically available
Leave records	Not automatically available
Internal evaluations and performance appraisals	Not automatically available
Disciplinary records	Not automatically available
Training records	Not automatically available
Operating manuals, policies and protocols	Not automatically available
Personal records provided by employees and volunteers	Not automatically available
Records required in terms of legislation	Not automatically available
Correspondence relating to employees and volunteers	Not automatically available

Organisational Policies and Protocols

Organisational policies and protocols (internal and external).

Internal relating to employees and SONKE	Not automatically available
External relating to donors and other third parties	Not automatically available
ICT Policies and systems	Not automatically available

Agreements

Standard Agreements with third parties	Not automatically available
Contracts concluded with suppliers and service-providers	Not automatically available
Employment contracts	Not automatically available
Volunteer contracts	Not automatically available

Statutory documents

Statutory documents include any documents required to comply with any laws.

Permits	Not automatically available
Licences	Not automatically available

Published information

Published information includes any document that we prepare and produce.

External newsletters and circulars	Automatically available
Annual Reports	Automatically available

Beneficiary information

Beneficiary information, including those providing goods or services to beneficiaries.

Beneficiary details	Not automatically available
Communications with Beneficiaries	Not automatically available

Donor information

Donor information	Not automatically available
Communication with donors	Not automatically available
Donation information	Not automatically available

5. INFORMATION WE HOLD TO COMPLY WITH THE LAW

We hold records for the purposes of PAIA in terms of the following main laws, amongst others:

- 5.1 Basic Conditions of Employment Act 75 of 1997;
- 5.2 Broad Based Black Economic Empowerment Act 53 of 2003;

- 5.3 Companies Act, Not 71 of 2008;
- 5.4 Consumer Protection Act 68 of 2008;
- 5.5 Copyright Act 98 of 1978;
- 5.6 Disaster Management Act 57 of 2002;
- 5.7 Electronic Communications and Transactions Act 25 of 2002;
- 5.8 Compensation for Occupational Injuries and Disease Act 130 of 1993;
- 5.9 Employment Equity Act 55 of 1998;
- 5.10 Income Tax Act 58 of 1962;
- 5.11 Labour Relations Act 66 of 1995;
- 5.12 Occupational Health and Safety Act 85 of 1993;
- 5.13 Non-profit Organisations Act No. 71 of 1997;
- 5.14 Promotion of Access to Information Act No 2 of 2000
- 5.15 Protection of Personal Information Act 4 of 2013;
- 5.16 Skills Development Act 97 of 1998;
- 5.17 Skills Development Levies Act 9 of 1999;
- 5.18 Tax Administration Act 28 of 2011;
- 5.19 Unemployment Insurance Act 63 of 2001;
- 5.20 Unemployment Insurance Contributions Act 4 of 2002; and
- 5.21 Value Added Tax Act 89 of 1991.

6. ACCESSING INFORMATION HELD BY SONKE

SONKE's Information Officer is authorised to deal with PAIA-related matters and to ensure compliance with SONKE's obligations in terms of PAIA.

Form C must be completed to access information in the possession of SONKE. The form is available at:

- The SAHRC website at <http://www.sahrc.org.za/index.php/understanding-paia> at this link: <http://www.sahrc.org.za/home/21/files/Form%20C.doc%20August%202013.doc>; or
- The Department of Justice and Constitutional Development website at www.justice.gov.za at this link: http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf.

Submit the completed form to SONKE's Information Officer together with the relevant fee (details here: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>) at our information officer's email address or our physical address.

Ensure that the completed form:

- Has adequate information for SONKE's Information Officer to identify the requested records;
- Captures the requester's email address and postal addresses;
- Provide an indication of the right that the requester seeks to exercise or protect;
- Describes why the requester needs the record to exercise or protect that right; and
- Provides proof of the capacity in which the requester is making the request if on behalf of someone else.

7. GROUNDS FOR REFUSAL

Access to records may be refused in order to protect, amongst other:

- 7.1 Legally privileged records;
- 7.2 Someone's right to privacy and/or confidential information;
- 7.3 SONKE's commercial information; and
- 7.4 Someone's security and/or safety.

8. HOW WE WILL GIVE YOU ACCESS

If the request for access to information is approved, SONKE will determine the appropriate manner in which the information shall be provided to the requester. access.

9. COSTS TO PROVIDE ACCESS TO INFORMATION

The prescribed fees are as set out in the fee schedule which is available at:

<http://www.sahrc.org.za/index.php/understanding-paia> at this link:

<http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>.

The fees are payable before any information will be provided to the requester. A further access fee for excess time spent to locate and prepare the record for disclosure.

10. CATEGORIES OF PERSONAL INFORMATION

SONKE processes personal information of various categories of persons, including:

- 10.1 Beneficiaries and their relatives or friends;
- 10.2 donors;
- 10.3 volunteers;

- 10.4 employees;
- 10.5 contractors, vendors or suppliers.

11. PURPOSES

Personal information gets processed to, amongst other:

- 11.1 provide public benefit services and products to our beneficiaries;
- 11.2 comply with legislative provisions;
- 11.3 combat money laundering;
- 11.4 resource mobilisation purposes;
- 11.5 volunteer management;
- 11.6 keep all our data subject records updated
- 11.7 manage employees in general;
- 11.8 manage supplier contracts in general; and
- 11.9 process personal information of employees for forensic purposes.

12. CATEGORIES OF PERSONAL INFORMATION

SONKE processes many different categories of personal information, including:

- 12.1 contact details, such as phone numbers, physical and postal addresses, and email addresses;
- 12.2 personal details, such as names and ages;
- 12.3 health information;
- 12.4 biometric information;
- 12.5 account numbers;
- 12.6 background information;
- 12.7 special personal information; and
- 12.8 contract information.

13. THIRD-PARTY DISCLOSURES

SONKE may, in appropriate circumstances, disclose personal information that it processes in the ordinary course of our operation to fulfil our obligations to:

- 13.1 Our beneficiaries or donors;
- 13.2 Contractors, vendors, or suppliers;
- 13.3 Regulators;
- 13.4 Operators, other responsible parties, or co-responsible parties; and
- 13.5 Third party vendors (such as software developers) to help us maintain our services.

14. CROSS-BORDER TRANSFERS

SONKE may send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

15. SECURITY

SONKE secures data by maintaining reasonable measures to protect personal information from loss, abuse, and unauthorised access, unlawful disclosure and alteration. SONKE takes reasonable steps to keep personal information accurate, current, complete, confidential and reliable for its intended use. Sonke has adopted an Information Technology Policy and Procedure Manual aimed at safeguarding the information being processed by SONKE.

16. REMEDIES

The requester's may, if access to information is denied:

- 16.1 Accept the outcome of the decision;
- 16.2 Apply to a court of law with appropriate jurisdiction; or
- 16.3 Lodge a complaint with the Information Regulator.

17. AVAILABILITY OF THIS MANUAL

An English copy of this manual is available:

- 17.1 At office address at: Suite 101 Sir Lowry Studios, 95 Sir Lowry Street, Woodstock, Cape Town, 7925.
- 17.2 On request from our Information Officer, Heather van Niekerk.
- 17.3 On our website: <https://genderjustice.org.za>
- 17.4 From the South African Human Rights Commission ("SAHRC") at the addresses and or telephone numbers as specified here below or by the Commission on their website: <https://www.sahrc.org.za>