

**HOT
CARES**



HOT CARES NPC PROMOTION OF ACCESS TO INFORMATION ACT

as prescribed in terms of the

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

1. DEFINITIONS

- 1.1. **"Biometrics"**- shall mean a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprint, DNA analysis, retinal scanning and voice recognition;
- 1.2. **"Conditions for Lawful Processing"**- shall mean the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- 1.3. **"Consent"**- shall mean any voluntary, specific and informed expression of will in terms of which permission is given for the processing personal information;
- 1.4. **"Data Subject"**- shall mean the natural or juristic person to whom personal information relates, such as an individual member, employee or an entity that provides the Organisation with products or services;
- 1.5. **"Head"**- shall mean the "head" as defined in section 1 of PAIA, in relation to, a private body means-
 - a) in the case of a natural person, that natural person or any person duly authorised by that natural person;
 - b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
 - c) partnership;
 - d) in the case of a juristic person:
 - 1.i. the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
 - 1.ii. the person who is acting as such or any person duly authorised by such acting person;
- 1.6. **"Information Officer"**- shall mean the head of a private body. Once appointed the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties which include handling requests for information amongst others. Deputy Information Officers can also be appointed to assist the Information Officer;
- 1.7. **"Deputy Information Officer"**- shall mean the person to whom any power or duty conferred or imposed on an Information Officer in terms of POPIA has been delegated to assist the requester in their information request. PAIA does not provide for private bodies to designate a Deputy Information Officer, however it is recommended by the Information Regulator that they do so for efficiency and convenience;
- 1.8. **"Information Regulator"**- shall mean the Regulator established in terms of section 39 of POPIA;
- 1.9. **"Manual"**- shall mean this Information and Privacy Standard prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations;
- 1.10. **"Person"**- shall mean a natural person or a juristic person;
- 1.11. **"Personal Information"**- shall mean 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, wellbeing, 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 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;
- 1.12. **"Requester"**- shall mean the natural or juristic person making an access to information request. A Requester also refers to the person who is making the information request on behalf of somebody else;
- 1.13. **"Third Party"**- shall refer to any natural or juristic person who is not the Requester of the information, or the body to whom the information request is made.
- 1.14. **"Personal Requester"**- shall mean a requester seeking access to a record containing personal information about the requester;
- 1.15. **"Personnel"**- shall refer to any person who works for or provides services on behalf of the Organisation and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Organisation.
- 1.16. **"POPIA Regulations"** – shall mean the regulations promulgated in terms of section 112(2) of POPIA;
- 1.17. **"Processing"**- shall mean any operation or activity or any set of operations, whether by automatic means or not, concerning personal information, including
- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - b) dissemination by means of transmission, distribution or making available in any other form; or products and legal matters relating to those products; or
 - c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 1.18. **"Organisation"** – shall mean HOT CARES NPC;
- 1.19. **"Responsible Party"** – shall mean a public or private body or any other person which, alone or in conjunction with others determines the purpose of and means for processing personal information;
- 1.20. **"Record"**- shall mean any recorded information regardless of the form, including, for example, written documents, video materials etc. A record requested from a public or private body would refer to a record that was in that body's possession regardless of whether that body created the record;
- 1.21. **"Request Fee"**- shall mean the cost to be paid for making an access to information request;
- 1.22. **"Request for Access"** -shall in relation to a private body, means a request for access to a record of a private body in terms of section 50 of PAIA; and

2. INTRODUCTION

HOT CARES NPC ("Organisation") respects and values your data privacy rights. The Organisation is committed to make certain that all personal data collected from you is processed properly, lawfully and transparently. The status of the Organisation as a private body is confirmed in line with the definition in Promotion of Access to Information Act, 2 of 2000 (PAIA) and as a Responsible Party in accordance with the definition in the Protection of Personal Information Act, 4 of 2013 (POPIA). PAIA gives effect to the Constitutional Right embodied in section 32, which grants everyone the right to access information held by the State or any other person.

In line with PAIA, a person must get access to any record of a private body provided that the record is required for the exercise of any right and the procedural requirements in respect to a request have been complied in terms of the Act. In terms of PAIA, information requested by an individual from a private body or public body must be released, except where PAIA expressly provides that such information must not be released.

Take note, the Organisation reserves the right to amend this Manual or add provisions to it at any time by publishing an updated version on its website.

3. PURPOSE OF THIS PAIA MANUAL

The main purpose of this Manual is to give you a clear outline of the categories of records under the possession of the Organisation, furthermore to explain the data protection and security measures put in place by the Organisation. As well as to serve as a guide in exercising rights as per the Protection of Personal Information Act, 4 of 2013 (POPIA) and inform you on how to submit requests for access to records in terms of PAIA. POPIA and PAIA give effect to all individual's Constitutional Rights to privacy and access to information under the control of private bodies in the likes of companies, or public bodies such as Government institutions that is required for the exercise and/or protection of the Requester's rights.

4. CONTACT DETAILS (SECTION 51(1)(a))

For purposes regarding to this Manual, please contact our Information Officer using the following contact details:

Managing Director	Carmen Roma Rocha
Physical Address	44 Felstead Road, Boundary Park, Roodepoort, 2196
Postal address	Postnet Suite 525, Private Bag x3, Northriding, 2162
Telephone number	010 157 1027
Email	info@hotcares.co.za

5. ACCESS TO INFORMATION IN TERMS OF PAIA (SECTION 51 (1)(b))

A guideline on how to access information as prescribed in terms of section 10 of the South African Human Rights Commission Act, 2013 has been provided by the South African Human Rights Commission (SAHRC). This guide has been made available to the public free of charge and contains information on the following:

- 5.1. understanding and how to use the Act,
- 5.2. the objectives of the Act,
- 5.3. particulars of every public and private body,
- 5.4. the manner and form for requests and,
- 5.5. contents of the Regulations promulgated under the Act.

All queries in respect to this guide must be directed to:

The South African Information Regulator:

Postal Address	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Website	www.justice.gov.za/inforeg/
Complaints Email Address	complaints.IR@justice.gov.za
General Enquiries	inforeg@justice.gov.za

6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION (SECTION 51(1)(c))

Where applicable to its operations, the Organisation retains records and documents in accordance with the listed legislations below. The granting of access to information in terms of such other legislation will be provided if the manner of request is not more onerous than a request under PAIA and POPIA.

This would include the following legislation, amongst others:

NO.	ACT
1.	Administration of Estates Act No. 66 of 1965
2.	Basic Conditions of Employment Act No. 75 of 1997
3.	Broad-Based Black Economic Empowerment Act No. 53 of 2003
4.	Broadcasting Act No. 4 of 1999
5.	Companies Act No. 71 of 2008
6.	Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
7.	Consumer Protection Act No. 68 of 2008
8.	Copyright Act No. 98 of 1978
9.	Employment Equity Act No. 55 of 1998
10.	Electronic Communications and Transactions Act No. 25 of 2002
11.	Financial Intelligence Centre Act No. 38 of 2001
12.	Income Tax Act No. 58 of 1962
13.	Information Act No. 70 of 2002
14.	Intellectual Property Amendment Act No. 28 of 2013
15.	Insolvency Act No. 24 of 1936
17.	Labour Relations Act No. 66 of 1995
16.	National Credit Act No. 34 of 2005
18.	Occupational Health and Safety Act No. 85 of 1993
19.	Pension Funds Act No. 24 of 1956
20.	Promotion of Access of Information Act No. 2 of 2000
21.	Preferential Procurement Policy Framework Act No. 5 of 2000
22.	Unemployment Insurance Act No. 63 of 2001
23.	Value Added Tax Act No. 89 of 1991

7. SCHEDULE OF RECORDS HELD BY THE ORGANISATION (SECTION 51(1)(d))

The following is a list of subjects on which records are held by the Organisation as well as the categories into which the said subjects fall. The information in the following categories is not available without a formal request as per the instructions of the request procedure and may be declined by the Organisation to protect its interests.

DEPARTMENT	DESCRIPTION OF RECORDS HELD
MANAGEMENT	Documents pertaining to the Executives and Shareholders
FINANCE	Financial Records and Tax Records
	Insurance records
	Auditors' reports
	Banking records for business and trust accounts
MARKETING	All sales related information including rate cards and pricing, promotions and sales collateral
	Internal and external communication collateral
HUMAN RESOURCES	Staff training material
	List of employees
	Correspondence relating to personnel
	Employment contracts
	Personnel records including personal details, disciplinary records, performance and internal evaluation records
	Unemployment Insurance Fund contribution records
	Payroll records
	Health and safety records
	Internal policies and procedures
	Codes of conduct
ADMINISTRATION	Supplier lists, Agreements and details of suppliers, donors, sponsors Advertisers and media partner information and agreements
	Asset registers
	Operational documents
	Records of beneficiaries and recipients
INFORMATION TECHNOLOGY	Records relating to computer software used by the Organisation, including software, license, support and maintenance agreements. Programming, production, on air scheduling and other information and recordings Personal Information from competition entries and listeners communication
MISCELLANEOUS	Various types of correspondence

The right to request access to Personal Information in terms of section 23 of POPIA:

CATEGORY	DESCRIPTION OF RECORDS HELD
<p>PERSONAL INFORMATION</p>	<p>Any recorded piece of information relevant to a Data Subject, including Personal Information but not limited to the following, which can be in either hard copy or electronic format:</p> <ol style="list-style-type: none"> 1. race, gender, sex, pregnancy, marital status, nationality, ethnicity, or social origin; colour; sexual orientation; age; physical or mental health and well-being 2. belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history 3. an identifying number or symbol 4. disability, personal opinions, blood type, biometric information 5. disability, personal opinions, blood type, biometric information 6. views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person 7. name of a person if it appears with other Personal Information 8. consumer or purchasing pattern 9. e-mail address and physical address, location information or online identifier and telephone number and mobile number.
<p>SPECIAL PERSONAL INFORMATION</p>	<p>A special category of Personal Information - is religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information. Where Personal Information is referenced, it will automatically include special Personal Information unless otherwise indicated.</p>

8. REQUEST PROCESS TO ACCESS RECORDS OF THE ORGANISATION (SECTION 51(1)(e))

To enable the Organisation to process a request for access to information, kindly complete the prescribed Form C marked as "Annexure A", which is made available on the website of the SAHRC at www.sahrc.org.za

Upon completion of the prescribed form C, please ensure that you provide the Organisation with clear, sufficient and unambiguous details to enable the Organisation to ascertain:

- 8.1. The identity of the Requester (If the Requester is represented by an agent, sufficient proof showing authority to represent the Requester and the identity of the agent);
- 8.2. The record/s requested;
- 8.3. The right which the Requester wishes to exercise or protect with an explanation of the reason the record is required to exercise or protect the right;

- 8.4. The form of access required;
- 8.5. If the Requester wishes to be informed of the decision in any manner (in addition to a written decision) the manner and particulars thereof; and
- 8.6. The postal address or fax number of the Requester in the Republic;
- 8.7. The form must be submitted for the attention of the Information Officer as per the contact details provided in this Manual;
- 8.8. The Information Officer will assess the request and advise the requestor within 30 days of the decision made;
- 8.9. As per the regulations to the Act the applicable prescribed fee must accompany the request for access to information.

9. ACCESS TO RECORDS HELD BY THE ORGANISATION

Records/information which are automatically available to a person without the requirement of a formal request or the person having to request access in terms of PAIA:

- 9.1. Address and telephone details of the Organisation;
- 9.2. Website and Organisation e-mail address;
- 9.3. Show line up and show profiles;
- 9.4. Selected interviews, podcasts and on air content including competitions.

10. GRANTING OR DECLINING OF INFORMATION (SECTION 56)

Within a period of 30 (thirty) days after receipt of a request, the Organisation shall advise the Requester whether the request has been granted or declined. Written reasons will be provided to the Requester if the request has been declined. Furthermore, if the record pertains to a Third Party, the Act requires the Organisation to notify the Third Party of the request and be given an opportunity to either consent to the release of such information or make representations in favour of or declining the request. A Requester or Third Party who is not satisfied with the outcome is entitled to an appeal process by way of application to court.

11. FEES

- 11.1. A Requester is required to pay the prescribed fees in the amount of R50-00 (fifty rand) before a request is processed.
- 11.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be payable (of not more than one third of the access fee which would be payable if the request were granted).
- 11.3. Records may be withheld until the fees have been paid.
- 11.4. The fees that the Requester must pay to a private body will depend on the format of the information being requested. The Requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee in terms of section 54(3)(b). For a complete fee schedule please visit the Information Regulator at www.justice.gov.za/inforeg/

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- 11.5. After the head of the private body has decided on the request, the Requester must be notified in the required form.
 - 11.6. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (section 54(6)).

CARMEN ROCHA
(MANAGING DIRECTOR)

ANNEXURE A

FORM C

REQUEST 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

The Head:	
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B. Particulars of person requesting access to the record

<i>(a) The particulars of the person who requests access to the record must be recorded below.</i>			
<i>(b) The address and/or fax number in the Republic to which information must be sent.</i>			
<i>(c) Proof of the capacity in which the request has been made, if applicable, must be attached.</i>			
Full names and surname:			
Identity number:			
Postal address:			
Telephone number:		Fax number:	
Email 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 folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of the record or relevant part of the record:	
2. Reference Number (if available)	
3. Any further particulars of the record	

E. Fees

- (a) *A request for access to a record other than a 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.*
- (c) *The **fee payable for the 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 the exemption of the payment of any fee, please state the reason for exemption.*

Reason for the exemption from payment of fees:

F. Form of access to record

<p><i>If you are prevented by disability to read, view of 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.</i></p>			
Disability:		Form in which record is required:	
<p><i>Mark the appropriate box with an X.</i></p> <p>NOTES:</p> <p>(a) <i>Compliance with your request for access in the specified form may depend on the form in which the record is available.</i></p> <p>(b) <i>Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</i></p> <p>(c) <i>The fee payable for the access to the record, if any, will be determined partly by the form in which access is requested</i></p>			
1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If the record consists of visual images- (this includes photographs, slides, video recording computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	printed copy of record	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (flash stick / cd)
<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be couriered to you?</p> <p>Courier fee is payable.</p>			<p>YES</p>
			<p>NO</p>

G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.*

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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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?

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Signed at _____ this _____ day of _____.

SIGNATURE OF REQUESTER / PERSON ON WHO'S BEHALF REQUEST IS MADE