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PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

MSUNDUZI HOSPICE ASSOCIATION

MANUAL IN TERMS OF

SECTION 51 OF

PROMOTION OF ACCESS TO INFORMATION ACT

2 OF 2000

Table of Contents

Introduction:.....	3
Organisational contact details:.....	3
The Act:.....	3
Introduction:.....	3
How to make a request for access to information:.....	4
For further information on this:.....	4
Availability of this manual:.....	4
Applicable legislation:.....	4
Schedule of available records:.....	5
Records in the public domain:.....	5
Records that can be requested in terms of Section 51(1):.....	5
Form of request:.....	6
Prescribed fees:.....	6
Annexure.....	8
Form C.....	8
Schedule of fees.....	8

Introduction:

Msunduzi Hospice Association is a Non-profit organisation registered with the Department of Social Development. We provide Palliative Home Based Care services to patients with life limiting and/or life threatening illnesses.

Organisational contact details:

Board:

The Board are elected at an annual AGM.

The current chairperson is Praveen Jugmohan.

Management details:

CEO:	Warren Oxford-Huggett
Information officer:	Warren Oxford-Huggett
Postal address:	P.O. Box 22023, Mayor's Walk, 3208
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The Act:

Introduction:

This manual is published in terms of Section 51 of the Promotion of Access to Information Act No 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution. The Constitution of the Republic of South Africa, Act No 108 of 1996, stipulates that everyone has the right of access to any information held by the State, and any information that is held by another person that is required for the exercise or protection of any rights and that national legislation must be enacted to give effect to this right.

The Promotion of Access to Information Act gives effect to this constitutional right and came into effect on 9 March 2001. The object of the Act is to foster a culture of transparency and accountability in public and private bodies 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 all of their rights.

Section 10 of PAIA provides that the South African Human Rights Commission must compile simple and easily comprehensible guidelines on how to use the Promotion of Access to Information Act. This guide is available for access and viewing in all languages at the South African Human Rights Commission offices, Private Bag X2700, Houghton, 2041. Tel – 0118773600. Fax 0114030625. Website: www.sahrd.org.za

Due to the fact that some private bodies (private bodies other than public companies in

terms of section 20 of the Companies Act) have been temporarily exempted from publishing section 51 manuals the South African Human Rights Commission have not included the contact details of the private bodies in this first publication of the the guide. An electronic version of the guide is kept on the website of the South African Human Rights Commission, www.sahrc.org.za and is updated monthly to keep the public abreast of developments and changes regarding the contact details of information officers of public bodies and general information on PAIA.

How to make a request for access to information:

A request for access to a record is made by completing a request 'Form C' for private bodies. Form C is available on request from the Msunduzi Hospice Association offices, can be viewed at the end of this manual or can be obtained from the offices and website of the South African Human Rights Commission at www.sahrc.org.za. The request forms must be completed and submitted to the head of the private body from whom access to a record is sought. The head of a private body must respond to the request within 30 days.

For further information on this:

Please see section below.

There are costs associated with requests to access information. These costs are determined by the South African Human Rights Commission and are available from their website www.sahrc.org.za.

Availability of this manual:

A copy of this manual is available at the offices of the organisation: 200 Zwartkop Road, Prestbury, Pietermaritzburg.

The website of the organisation www.hospicekzn.co.za

Applicable legislation:

In terms of section 51 (1) of the Act, records are available in accordance with the following legislation:

- Basic Conditions of Employment Act 75 of 1997;
- Employment Equity Act 55 of 1998;
- Health Professions Act 56 of 1974;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995
- Non-Profit Organisations Act 71 of 1997;
- Promotion of Access to Information Act 2 of 2000;
- South African Revenue Services Act 34 of 1997;
- Skills Development Levies Act 9 of 1998;
- Skills Development Act 97 of 1998;
- Unemployment Insurance Act 63 of 2001;

- Value Added Tax Act 89 of 1991;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;

Schedule of available records:

In terms of section 51(1) the following records are available:

Records in the public domain:

- Newsletters;
- Pamphlets/brochures;
- Posters;
- Website;
- Facebook (social media);

Records that can be requested in terms of Section 51(1):

- Organisational:
 - NPO certificate;
 - Board attendance registers and minutes;
 - Schedule of board members;
 - AGM minutes;
- Operational:
 - Employee records;
 - Employment applications;
 - Employment contracts;
 - Disciplinary records;
 - Provident fund details;
 - IRP 5 and IT 3 certificates;
 - Leave details;
 - Medical aid records;
 - Payroll;
 - UIF and PAYE returns;
 - Policies procedures;
 - Annual Financial Statements;
 - Asset register;
 - Tax & VAT returns;
 - Investment records;

- Building plans;
- Title deeds;
- Management reports and minutes;
- Statistical information on activities;
- Care related records:
 - Patient files;
 - Assessment documentation;
 - Care plans;
 - Records of interventions;

Form of request:

To facilitate your request please:

- Use the prescribed form available on the website of the South African Human Rights Commission www.sahrc.org.za
- Address your request to the head of the organisation, the CEO.
- Provide sufficient detail to enable the organisation to identify:
 - The records requested;
 - The requester (or if an agent is lodging the request, proof of capacity);
 - The form of access required;
 - The postal address or fax number of the requester (in the republic);
 - If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - The right the requesters is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right;

Please see Form C attached.

Prescribed fees:

The following fee structure applies to requests made:

- A requester is required to pay the prescribed fee (R50.00) before a request can be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid;
- The fee structure is available on the website of the South African Human Rights

Commission www.sahrc.org.za

Please see attached the fee structure.

Annexure

Form C

Schedule of fees