

### **MANUAL**

Prepared in accordance with

THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT NO. 2 OF 2000)

and

THE PROTECTION OF PERSONAL INFORMATION ACT (ACT NO. 4 OF 2013)

of

ASSOCIATION FOR ALCOHOL RESPONSIBILITY AND EDUCATION NON-PROFIT COMPANY

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#### 1. **INTERPRETATION**

- 1.1 In this manual, unless otherwise specified or the context clearly indicates the contrary, the following words and expressions have the meanings assigned to them below:
  - 1.1.1 "Aware" the Association for Alcohol Responsibility and Education NPC (registration number: 2014/064732/08);
  - 1.1.2 "Manual" this manual prepared in terms of section 51 of the PAIA.
  - 1.1.3 "PAIA" the Promotion of Access to Information Act (Act no. 2 of 2000), as amended;
  - 1.1.4 "POPIA"- the Protection of Personal Information Act (Act no. 4 of 2013);
  - 1.1.5 "Personal Information" the information described in section 1 of the POPIA, relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person;
  - 1.1.6 "**Services**" the range of programs and initiatives undertaken by Aware to reduce alcohol-related harm in the Republic of South Africa;

#### 2. INTRODUCTION

- 2.1 The PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to the records of private and public bodies that is required for the exercise or protection of persons' rights, and to enforce a culture of transparency and accountability.
- 2.2 The POPIA promotes the protection of Personal Information processed by public and private bodies, and grant protection and certain rights to natural persons and juristic persons regarding their Personal Information.
- 2.3 This Manual sets out how persons may obtain access to certain records of information held by Aware in order to exercise their rights and further how persons can access, or object to, or request correction or deletion of, any Personal Information that Aware holds of them.

#### 3. PURPOSE OF THIS MANUAL

The purpose of this Manual is to -

- 3.1 inform and assist persons requesting access to information or records held by Aware, in respect of the procedure to be followed and the criteria to be applied when they request access to the aforementioned information or records; and
- 3.2 inform persons on –
- 3.2.1 the categories of Personal Information that Aware collects and processes;
- 3.2.2 how access to the Personal Information may be requested for the purposes of correcting and/or updating it, objecting to its processing or requesting its deletion;
- 3.2.3 whether Aware transfers or processes Personal Information outside the Republic of South Africa;
- 3.2.4 the recipients or categories of recipients to whom the Personal Information may be supplied;
- 3.2.5 whether Aware has appropriate and reasonable organisational measures in place to ensure the confidentiality, integrity and availability of the Personal Information that is processed.

#### 4. **AVAILABILITY OF THIS MANUAL**

- 4.1 This Manual is published on Aware's website which can be accessed at https://www.aware.org.za.
- 4.2 A copy of this Manual can also be requested from Aware's Information Officer.

#### 5. **REQUEST FOR ACCESS TO INFORMATION**

All requests for access to information or records in terms of this Manual must be in writing and must be addressed to Aware as follows:

#### 5.1 Information Officer

Name:	Mokebe Thulo
Telephone number:	010 110 7160
E-mail:	mokebe@aware.org.za
E-mail:	mokebe@aware.org.za

#### 5.2 Access to Information General Contact

E-mail:	info@aware.org.za

#### 5.3 **Head Office**

Physical address:	First Floor, Atholl Towers, 129 Patricia Road, Sandown, Sandton, 2031
Postal address:	First Floor, Atholl Towers, 129 Patricia Road, Sandown, Sandton, 2031
Telephone number:	010 110 7160
E-mail address:	info@aware.org.za
Website:	https://www.aware.org.za

#### 6. **GUIDE ON PAIA AND POPIA**

- 6.1 As of 1 July 2021, the Information Regulator is responsible for PAIA and POPIA queries.
- The Information Regulator has, in terms of section 10(1) of PAIA, published a guide to assist persons wishing to exercise their rights in terms of PAIA and POPIA, which guide can be accessed through the Information Regulator's website at https://inforegulator.org.za/paia-guidelines.

- 6.3 The guide is available in each of the official languages and in braille.
- 6.4 Members of the public can inspect or make copies of the guide from the offices of public and private bodies or the office of the Regulator, during normal office hours.
- The guide can also be obtained on request from the Information Regulator or from the website of the Information Regulator which can be accessed at https://www.justice.gov.za/inforeg/.
- Any information or queries related to the guide, or to PAIA or POPIA should be directed to the Information Regulator at the following contract details:

Telephone number:	010 023 5200
E-mail:	enquiries@inforegulator.org.za

#### 7. RECORDS HELD BY AWARE IN TERMS OF LEGISLATION

- Aware is required in terms of legislation to retain certain records, and accordingly holds records for the purposes of PAIA in accordance with, amongst others, the following legislation:
  - 7.1.1 Companies Act (Act no. 71 of 2008)
  - 7.1.2 Income Tax Act (Act no. 58 of 1962)
  - 7.1.3 Broad-Based Economic Empowerment Act (Act no. 53 of 2003)
  - 7.1.4 Electronic Communications and Transactions Act (Act no. 25 of 2002)
  - 7.1.5 Labour Relations Act (Act no. 66 of 1995)
  - 7.1.6 Employment Equity Act (Act no. 55 of 1998)
  - 7.1.7 Occupational Health and Safety Act (Act no. 85 of 1993)
  - 7.1.8 Compensation for Occupational Injuries and Diseases Act (Act no. 130 of 1993)

7.1.9	Basic Conditions of Employment Act (Act no. 75 of 1997)
7.1.10	Skills Development Act (Act no. 97 of 1998)
7.1.11	Skills Development Levies Act (Act no. 9 of 1999)
7.1.12	Unemployment Insurance Contributions Act (Act no. 4 of 2002)
7.1.13	Unemployment Insurance Fund Act (Act no. 63 of 2001)
7.1.14	Value-Added Tax Act (Act no. 89 of 1991)
7.1.15	Trademarks Act (Act no. 194 of 1993)
8. RECORD	S HELD BY AWARE
Aware ke	eps records with information falling in the following categories:
8.1 <b>Adm</b>	inistration and Management
8.1.1	Statutory records
8.1.2	Policies and procedures
8.1.3	Minutes of meetings
8.1.4	Risk insurance and insurance records
8.1.5	Operational records
8.2 <b>Fina</b>	ncial Records
8.2.1	Annual Financial Statements
8.2.2	Auditor's reports
8.2.3	Banking records

8.2.4	Creditors and debtors records
8.2.5	Invoices and Statements
8.3	Operational Records
8.3.1	PAYE records
8.3.2	Documents issued to employees for income tax purposes
8.3.3	Records of payment made to SARS on behalf of employees
8.3.4	Records of Unemployment Insurance Fund contributions
8.3.5	Workmen's compensation records
8.4	Employee Records
8.4.1	List of employees
8.4.2	Appointment records and employment contracts
8.4.3	Payroll records
8.4.4	Health and Safety records
8.4.5	Internal policies and administrative forms
8.4.6	Training schedules
8.4.7	Employee medical aid contribution records
8.4.8	Employee pension fund contribution records
8.4.9	Personnel records including personal details, disciplinary records, performance and assessment records.

#### 8.5 Information Technology

- 8.5.1 Computer software
- 8.5.2 User statistics
- 8.5.3 Software licenses

#### 9. AVAILABILITY OF RECORDS WITHOUT REQUEST

#### 9.1 Educational Resources

Articles, infographics, and tools related to responsible alcohol consumption.

#### 9.2 Campaign Materials

Details of initiatives such as #NOtoU18, Road Safety, and Sober Pregnancies.

#### 9.3 **News and Updates**

Press releases, blog posts, newsletters, and media statements.

#### 9.4 **Membership Information**

Membership criteria, fee structures, and application forms.

#### 9.5 **Reports and Programmes**

Project summaries, impact assessments, and program overviews.

9.6 Any records that are required to be made available in terms of the provisions of the Companies Act (Act no. 71 of 2008), as amended from time to time, shall be made available for inspection pursuant to a request in terms of the relevant section of the Companies Act.

#### 10. **REQUEST PROCEDURES**

- 10.1 A request for access to records held by Aware in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information, 2002 (Form C). A copy of the form is attached as Appendix 1 to this Manual. The request must be made to the Information Officer at the address or email address, specified above.
- The requester must provide sufficient detail on the prescribed form to allow Aware to identify the record or records which have been requested and to identify the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Aware. The requester is also required to indicate the form of access to the relevant record that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 10.3 The requester is required to identify the right he, she or it is seeking to exercise or protect by accessing records held by Aware and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 10.4 Aware may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which includes that access would result in the unreasonable disclosure of Personal Information about a third party.
- 10.5 Aware is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Aware's decision in another reasonable manner as well, this manner must be set out in the request and the relevant details must be included to allow Aware to inform the requester in the preferred manner.
- 10.6 Aware will make a decision in relation to a request for access to records within 30 (Thirty) days of receipt of the request, unless third parties are required to be notified of the request or the 30 (Thirty) day period is extended as provided for in PAIA and will notify the requester accordingly.
- 10.7 A requester aggrieved by the Information Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may apply to court within 180 (One Hundred and Eighty)

days of being informed of the decision in question for an appropriate order. The Court may confirm, amend or set aside the decision complained of and make certain ancillary orders.

10.8 A requester must pay the prescribed fee before processing of the request will take place.

#### 11. **FEES**

- 11.1 The requirement to pay the R100.00 request fee now applies to all requesters, including those seeking access to their own personal information. The previous definition of a "personal requester" has been removed from PAIA. As a result, any person requesting access to a record whether it contains their own personal information or not is liable to pay the R100.00 request fee. This includes authorized representatives such as attorneys, insurers, parents of a minor child, or next of kin.
- 11.2 The Information Officer will notify the requester by notice, to pay the prescribed fee before further processing the request.
- 11.3 The fees for the reproduction of a record as prescribed by the Minister of Justice are set out in Appendix 2 to this Manual.
- 11.4 A fee is charged for each hour or part thereof spent searching for and preparing a record, excluding the first hour, which is free.
- 11.5 If search and preparation time exceeds six hours, Aware may require a deposit equal to one-third of the estimated access fee.
- 11.6 Single persons whose annual income after permissible deductions does not exceed R14 712.00 (Fourteen Thousand Seven Hundred and Twelve Rand), as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 192.00 (Twenty Seven Thousand One Hundred and Ninety-Two Rand), are exempted from paying access fees.

#### 12. **INFORMATION OR RECORDS NOT FOUND**

12.1 If all reasonable steps have been taken to find a record and such a record cannot be found or if the records sought do not exist, then the Information Officer shall inform the requester, by way of an affidavit or affirmation, that it is not possible to give access to the record requested.

- 12.2 The affidavit or affirmation shall provide a full account of all steps taken to find the record or to determine the existence thereof, including the details of all communications by the Information Officer with the persons who conducted the search.
- 12.3 If the record in question is found at a later stage, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Information Officer.

#### 13. PROCESSING OF PERSONAL INFORMATION

In terms of POPIA, Personal Information must be processed for a specified purpose. The purpose for which Personal Information is processed by Aware depends on the nature of the information. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the information is collected. Aware however generally processes the following Personal Information

#### 13.1 Employee and Contractor Information

- 13.1.1 Names, ID numbers, contact details
- 13.1.2 Employment contracts and payroll data
- 13.1.3 Tax numbers, UIF and PAYE records
- 13.1.4 Bank account details for salary payments

#### 13.2 Membership and Stakeholder Information

- 13.2.1 Names and contact details of member organisations and representatives
- 13.2.2 Membership applications and correspondence
- 13.2.3 Records of participation in campaigns or initiatives

#### 13.3 Beneficiary and Programme Participant Data

13.3.1 Names, ages, and demographic details of individuals involved in awareness campaigns

13.3.2	Survey responses or feedback from programme participants
13.4	Website and Communication Data
13.4.1	Email addresses and names submitted via contact forms or newsletter sign-ups
13.4.2	Analytics and cookies data
13.5	Aware holds information and records relating to the following categories of persons and entities -
13.5.1	Employees and Contractors – Including staff, interns, and consultants
13.5.2	Members and Stakeholders – Representatives of affiliated organizations
13.5.3	Programme Participants – Individuals engaged in awareness initiatives
13.5.4	Website Users – Individuals interacting via the website or subscribing to updates
13.5.5	Partners and Donors – Supporters and collaborators
13.5.6	Suppliers and Service Providers – Entities providing goods or services
13.5.7	Regulatory Contacts – Government and oversight representatives
13.6	Depending on the nature of the Personal Information, Aware may supply information or records to the following categories of recipients for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality -
13.6.1	statutory oversight bodies, regulators or judicial commissions of enquiry making a request therefor;
13.6.2	any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of its applicable rules;
13.6.3	the South African Revenue Services, or another similar authority;

- anyone making a successful application for access in terms of PAIA or POPIA; and
- 13.6.5 Aware's service providers and sub-contractors.
- 13.7 Should Aware disclose Personal Information to third parties, they will be obliged to use that Personal Information for the reasons and purposes the information was disclosed for. To this end, we have agreements in place with the relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which Personal Information is being transferred to.
- 13.8 Where Aware may need to transfer any Personal Information to service providers in countries outside South Africa, it shall ensure that such countries can offer such information an "adequate level" of protection.

#### 14. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

Section 11 (3) of POPIA and regulation 2 of POPIA Regulations provides that a person may, at any time object to the processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3, subject to exceptions contained in POPIA.

#### 15. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

Section 24 of POPIA and regulation 3 of POPIA Regulations provides that a person may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual.

#### 16. **UPDATING OF AND AMENDMENTS TO THIS MANUAL**

- 16.1 Aware may update this Manual every 12 (Twelve) months or at such intervals as may be deemed necessary.
- As and when any updates or amendments are effected, the latest version of this Manual will be made public on Aware's website or can be requested from Aware's Information Officer.

A. Particulars of private body

### **APPENDIX 1**



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# REPUBLIC OF SOUTH AFRICA 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]

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							
(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							
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(b) The address and/or fax number in the Republic to which the information is to be sent must							
(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:							
Telephone number: ( ) Fax number: ( )							
Telephone number: ( ) Fax number: ( )							

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:												
			L			-I				<u> </u>	<u> </u>	
D. Particulars of record	d											
(a) Provide full particulars								l, incl	luding	the r	efere	nce
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.												
Description of record contract	or relevant	part c	of the	record	d:							
2. Reference number, if a	available:											

3. Any further particulars of record:									
E. Fees									
(a) A request for access to a recordabout yourself, will be processed		<b>.</b>	nal information						
(b) You will be notified of the amount required to be paid as the request fee.									
(c) The fee payable for 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 exemption of the payment of any fee, please state the reason for exemption.									
Reason for exemption from payment of fees:									
1 1 7									
F. Form of access to record									
If you are prevented by a disability provided for in 1 to 4 below, state									
Disability:		Form in which record is required:							
Mark the appropriate box with an X.									
NOTES:									
(a) Compliance with your request which the record is available.	for ac	cess in the specified form may de	pend on the form in						
(b) 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.									
(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 the images*										
3. If record consists of recorded words or information which can be reproduced in sound:										
listen to the soundtrack (audio cassette) transcription of soundtrack* (written or printed document)										
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 the 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.										
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.										
Indicate which right is to be exercised or protected:										

2. Explain why the record requested is required for the exercise or protection of the aforementio 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
year
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALE REQUEST IS MADE

#### **FEES**

1

#### **REQUEST FEE**

The deputy information officer who handles the request must complete Part A of the SAPS 512(b) Notice of Fee Payable-form and provide it to the requester, informing him or her of the Request Fee payable before the request will be processed any further.

		<u> </u>
Ite m	Description	Amount
1.	The Request Fee payable by a requester	R 100,00

#### **ACCESS/REPRODUCTION FEE**

When access is granted, the deputy information officer who handles the request must complete Part A of the SAPS 512(e) Decision on Request for Access to a Record-form and notify the requester, amongst other, the access fee which is payable.

lte m	Description	Amount	
2.	Photocopy of A4-size page or part thereof		R 1,50
4.	Printed copy of A4-size page or part thereof		R 1,50
5.	For a copy in a computer-readable form on:  (1) Flash drive (to be provided by the requester)  (2) Compact disc:  (a) If provided BY the requester  (b) If provided TO the requester	(1) (2)(a) <b>00</b> (2)(b)	R 40,00 R 40, R 60, 00
6.	For a transcription of visual images per A4-size page	Service to outsourced depend on from Service provider.	d. Will quotation
7.	Transcription of an audio record, per A4-size page	-	R 24,00
8.	Copy of an audio record on:  (1) Flash drive (to be provided by the requester)  (2) Compact disc:  (a) If provided BY the requester  (b) If provided TO the requester	(1) (2)(a) <b>00</b> (2)(b)	R 40,00 R 40,
9.	To search for and prepare the record for the disclosure for each hour or part of an hour, excluding the first hour (i.e. the first hour is free of charge), reasonably required for such search and preparation.  To NOT EXCEED a total cost of:		R 100,00
10.	Deposit if search exceeds 6 hours  NOTE: the amount payable as a deposit must not exceed one third of the amount payable, if the request is granted.	One third of per request calculated of items 2	t in terms

11.	Postage, email or any other electronic transfer	Actual expense, if
		any.

#### **APPENDIX 3**

# OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

#### **REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

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- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
В	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
С	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at	this	day of	20
		Signatu	re of data subject/designated persor

#### **APPENDIX 4**

# REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

#### **REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

#### [Regulation 3]

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ı	N		٧.	0	

- 1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3. Complete as is applicable.

Mark the appropriate box with an "x".

Request 1	for:
	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
	Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

	DETAIL O OF DATA OUR LEGT
A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
В	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	

С	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)
---	---

D	REASONS FOR *CORRECTION OR
	DELETION OF THE PERSONAL
	INFORMATION ABOUT THE DATA SUBJECT
	IN TERMS OF SECTION 24(1)(a) WHICH IS IN
	POSSESSION OR UNDER THE CONTROL
	OF THE RESPONSIBLE PARTY; and or
	REASONS FOR *DESTRUCTION OR
	DELETION OF A RECORD OF PERSONAL
	INFORMATION ABOUT THE DATA SUBJECT
	IN TERMS OF SECTION 24(1)(b) WHICH THE
	RESPONSIBLE PARTY IS NO LONGER
	AUTHORISED TO RETAIN. (Please provide
	detailed reasons for the request)