

PAIA AND POPIA MANUAL version 2 POPIA (S.E. 13) November 2023

PAIA AND POPIA MANUAL

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to:

ST FRANCIS HOSPICE ASSOCIATION Registration number: 003721NPO (hereinafter St Francis Hospice)

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1. Background to the Promotion of Access to Information Act

- 1.1 The Promotion of Access to Information Act, No. 2 of 2000 ('the Act') was enacted on 3 February 2000, giving effect to the constitutional right of section 32 of the Bill of Rights, as contained in the Constitution of the Republic of South Africa, No. 108 of 1996 ('the Constitution'), of access to any information held by the state and any information that is heldby another person and that is required for the exercise or protection of any rights.
- **1.2** In terms of section 51 of the Act, all private bodies are required to compile an information manual, known as a 'PAIA Manual'.
- 1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a public or private body.

2. St Francis Hospice

- 2.1 St Francis Hospice Association trading as St Francis Hospice conducts business as a health care service provider of palliative care and support for the terminally ill. St Francis Hospice's registration number is 003721NPO.
- 2.2 This PAIA Manual of St Francis Hospice is available at its premises: Malvern House, Hospice Lane, Taybank, Gqeberha 6025 as well as on its website: www.hospice-pe.co.za

3. Purpose of the PAIA Manual

3.1 The purpose of this PAIA Manual is intended to ensure that St Francis Hospice complies with the Act and fosters a culture of transparency and accountability within St Francis Hospice by giving effect to the right to 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

St Francis Hospice: PAIA AND POPIA MANUAL (Version 2): November 2023 Page 3 of 41 have effective access to information to enable them to exercise and protect their rights.

- 3.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in orderfor them to exercise their rights in relation to public and private bodies.
- **3.3** Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subjected to justifiable limitations, including, but not limited to:
 - 3.3.1 limitations aimed at the reasonable protection of privacy;
 - 3.3.2 commercial confidentiality; and
 - 3.3.3 effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

- 3.4 This PAIA Manual has been drafted in accordance with the PAIA and POPIA Act, as well as allamendments to PAIA, with regards to the requirements of this manual, as effected by POPIA. This manual will be amended to reflect all the necessary provisions, as required by the Information Officer, once the Information Officers publishes the template on its website.
- 3.5 In addition, this PAIA Manual complies with the requirements of Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act, 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by public and private bodies.

4. Contact details of the Director [Section 51(1)(a)]

Director:	Kerry-Lynn Gardner
Registered address:	Malvern House, Hospice Lane, Taybank, Gqeberha 6025
Postal address:	Malvern House, Hospice Lane, Taybank, Gqeberha 6025
Telephone number:	041 360 7070
Fax number:	041 360 1279
E-mail address:	kerry@stfrancishospice.za.org
Website:	www.hospice-pe.co.za

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5. The Information Officer [Section 51(1)(b)]

- 5.1 The Act prescribes the appointment of an Information Officer for private bodies where such Information Officer is responsible to, *inter alia*, assess requests for access to information. The Head of a private body fulfils such a function in terms of section 51. St Francis Hospice has opted to appoint an Information Officer to assess requests for access to information, as well as to oversee its required functions in terms of the Act.
- 5.2 The Information Officer appointed in terms of the Act also includes the Information Officer as referred to in the Protection of Personal Information Act, 4 of 2014. The Information Officer oversees the functions and responsibilities as required in terms of both this Act, as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act, 4 of 2013, after registering with the Information Regulator.
- 5.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed for in terms of section 17 of the Act, as well as section 56 of the Protection of Personal Information Act, 4 of 2013. This is in order to render **St Francis Hospice** as accessible as reasonably possible for requesters of its records and to ensurefulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act, 4 of 2013. All requests for information in terms of the Act must be addressed to the Information Officer.

Contact details of the Information Officer

Information Officer:	Kerry-Lynn Gardner
Physical Address:	Malvern House, Hospice Lane, Taybank, Gqeberha 6025
Telephone number:	041 360 7070
E-mail address:	kerry@stfrancishospice.za.org
Alternative e-mail address:	mail@stfrancishospice.za.org

Contact details of the Deputy Information Officer

Deputy Information Officer:

Tenielle Grobler

St Francis Hospice: PAIA AND POPIA MANUAL (Version 2): November 2023 Page 5 of 41 Physical Address:Malvern House, Hospice Lane, Taybank, Gqeberha 6025Telephone number:041 360 7070E-mail address:tenielle@stfrancishospice.za.org

6. Guide of Information Regulator [Section 51(1)(b)]

- 6.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in public interest.
- 6.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.
- 6.3 Requesters are referred to the Guide in terms of section 10, which has been compiled by the Information Regulator, which will contain information for the purposes of exercising constitutional rights of access to information. The Guide is available from the Information Regulator.

6.4 The Guide further:

- 6.4.1 contains information on understanding and how to use the Act;
- 6.4.2 includes: the objectives of the Act; particulars of every public and private body; the manner and form of requests; contents of the regulations promulgated under the Act;
- 6.4.3 will be updated and published every two years; and
- 6.4.4 is available in all the official languages of the Republic of South Africa.
- 6.5 The contact details of the Information Regulator are:

Name:	Information Regulator of South Africa
Physical address:	JD House
	27 Stiemens Street
	Braamfontein
	Johannesburg
Postal address:	P.O Box
	31533

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	Braamfontein
	Johannesburg
	2017
Telephone number:	010 023 5220
E-mail address:	inforeg@justice.gov.za
Website:	www.justice.gov.za/inforeg/index.html
7. The latest notice in terms of Sec	ction 52(2) (if any) [Section 51(1)(c)

At the time of compilation and/or update of this Manual, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request accessin terms of section 52(2) of the Act.

8. Subjects and categories of records available only on request to access on terms of Act [Section 51(1)(e)]

8.1 Records held by **St Francis Hospice**

For the purposes of this clause, "personnel" refers to any person who works for, or provides services to, or on behalf of **St Francis Hospice**, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting business of orfor **St Francis Hospice**. This includes, but is not limited to, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers. This clause serves as a reference to the categories of information that **St Francis Hospice** holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Companies Act	All trust deeds
Records	Documents of incorporation
	• Index of names of directors
	Memorandum of incorporation
	 Minutes of meetings of the Board of Directors
	 Minutes of meetings of Shareholders
	 Proxy forms
	Register of debenture-holders
	 Register of directors' shareholdings
	 Share certificates
	• Share register and other statutory registers and/orrecords and/or
	documents
	• Special resolutions/resolutions passed at General and Class Meetings
	Records relating to the appointment of:
	 Auditors
	 Directors
	 Prescribed officers
	• Public officers
	 Secretaries
Financial Records	Accounting records
	Annual financial reports
	Annual financial statements
	Asset registers
	Bank statements
	Banking details and bank accounts
	Banking records
	Debtors/ creditors statements and invoices
	General ledgers and subsidiary ledgers
	General reconciliations
	Invoices
	Paid cheques
	Policies and procedures
	Rental agreements
	• Tax returns
Income Tax Records	PAYE records
	Documents issued to employees for income taxpurposes
	• Records of payments made to SARS on behalf of employees
	All other statutory compliance records and documents
	• VAT
	Regional services levies
	Skills development levies
	• UIF
	Workmen's Compensation

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Subject	Category			
Personnel Documents	•			
andRecords	Address lists			
	Disciplinary code and records			
	• Employee benefits and arrangement rules and records			
	Employment contracts			
	• Employment Equity Plan			
	• Forms and applications			
	Grievance procedures			
	Leave records			
	Medical aid records			
	• Payroll reports / wage register			
	 Pension fund records 			
	• Safety, health and environmental records			
	• Salary records			
	• SETA records			
	• Standard letters and notices			
	• Training manuals			
	• Training records			
	• Workplace and union agreements and records			
Procurement	• Standard terms and conditions for supply of services and products			
Department	• Contractor, client and supplier agreements			
1	• Lists of supplier, products, services and distribution			
	 Policies and procedures 			
Sales Department	Customer details			
~	Credit application information			
	 Information and records provided by a third party 			
Marketing Department				
Risk Management and	Audit reports			
Audit	Risk management frameworks			
Audit	 Risk management plans 			
Safety, Health and				
Environment	 Complete safety, health and environment risk assessment 			
Environment	 Environmental management plans 			
	 Inquiries, inspections and examinations by 			
	environmental authorities			
IT Department	Computer / mobile usage policy documentation			
. r	 Disaster recovery plans 			
	 Hardware asset registers 			
	 Information security policies/standards/procedures 			
	 Information technology systems and user manuals 			
	 Information usage policy documentation 			
	 Project implementation plans 			
	 Software licensing 			
	System documentation and manuals			
	- System documentation and manuals			

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Subject	Category
Corporate Social	• CSR schedule of projects / record of organisations that receive
Responsibility (CSR)	funding
	• Reports, books, publications and general informationrelated to CSR
	spend

8.2 Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before **St Francis Hospice** will consider access.

9. Records available without a request to access in terms of the Act

- 9.1 Records of a public nature, typically those disclosed on the **St Francis Hospice** website and in its various annual reports, may be accessed without the need to submit a formal application.
- 9.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

10.Description of the records of the body which are available in accordance with any other legislation [Section 51(1)(d)]

- 10.1 Where applicable to its operations, St Francis Hospice also retains records anddocuments in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to bemade available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.
 - 1.1.1 Attorneys Act No. 53 of 1979;
 - 1.1.2 Auditing Professions Act No. 26 of 2005;
 - 1.1.3 Basic Conditions of Employment Act No. 75 of 1997;
 - 1.1.4 Births and Deaths Registration Act No. 51 of 1992;
 - 1.1.5 Broad-Based Black Economic Empowerment Act, 2003;
 - 1.1.6 Business Act No. 71 of 1991;
 - 1.1.7 Children's Act No. 38 of 2005;
 - 1.1.8 Companies Act No. 71 of 2008;
 - 1.1.9 Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
 - 1.1.10 Competition Act No. 71 of 2008;
 - 1.1.11 Constitution of the Republic of South Africa 2008;
 - 1.1.12 Copyright Act No. 98 of 1978;
 - 1.1.13 Customs and Exercise Act No. 91 of 1964;
 - 1.1.14 Debt Collectors' Act No. 114 of 1998;
 - 1.1.15 Designs Act No. 195 of 1993;
 - 1.1.16 Disaster Management Act No. 57 of 2002;
 - 1.1.17 Electronic Communications Act No. 36 of 2005;
 - 1.1.18 Electronic Communications and Transactions Act No. 25 of 2002;
 - 1.1.19 Employment Equity Act No. 55 of 1998;
 - 1.1.20 Financial Advisory and Intermediatory Services Act of 2002;
 - 1.1.21 Financial Intelligence Centre Act No. 38 of 2001;
 - 1.1.22 Health Professions Act No. 56 of 1974;
 - 1.1.23 Identification Act No. 65 of 1997;

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- 1.1.24 Income Tax Act No. 58 of 1962;
- 1.1.25 Insider Trading Act No. 135 of 1998;
- 1.1.26 Insolvency Act No. 24 of 1963;
- 1.1.27 Inspection of Financial Institutions Act No. 18 of 1998;
- 1.1.28 Intellectual Property Laws Amendment Act No. 38 of 1997;
- 1.1.29 Labour Relations Act No. 66 of 1995;
- 1.1.30 Leases of Land Act No. 18 of 1969;
- 1.1.31 Long Term Insurance Act No. 52 of 1998;
- 1.1.32 Machinery and Occupational Safety Act No. 6 of 1983;
- 1.1.33 Medical Schemes Act No. 131 of 1998;
- 1.1.34 Medicines and Related Substances Act No. 101 of 1965;
- 1.1.35 Mental Health Care Act No. 17 of 2002;
- 1.1.36 National Credit Act No. 34 of 2005;
- 1.1.37 National Health Act No. 61 of 2013;
- 1.1.38 National Health Laboratory Services Act No. 37 of 2000;
- 1.1.39 National Road Traffic Act No. 93 of 1996;
- 1.1.40 National Environmental Management Act No. 107 of 1998;
- 1.1.41 Non-Profit Organisations Act No. 71 of 1997;
- 1.1.42 Nursing Act No. 33 of 2005;
- 1.1.43 Occupational Health and Safety Act No. 85 of 1993;
- 1.1.44 Patents Act No. 57 of 1978;
- 1.1.45 Pension Funds Act No. 24 of 1956;
- 1.1.46 Prescription Act No. 68 of 1969;
- 1.1.47 Prevention of Organised Crime Act No. 121 of 1998;
- 1.1.48 Promotion of Access to Information Act No. 2 of 2000;
- 1.1.49 Protection of Personal Information Act No. 4 of 2013;
- 1.1.50 Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2002;
- 1.1.51 Revenue Laws Second Amendment Act No. 61 of 2008;
- 1.1.52 Road Transportation Act No. 74 of 1977;
- 1.1.53 Skills Development Levies Act No. 53 of 1998;
- 1.1.54 Short-term Insurance Act No. 53 of 1998;
- 1.1.55 Stock exchanges Control Act No. 1 of 1985;
- 1.1.56 Taxation Laws Amendment Act No. 7 of 2010;

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- 1.1.57 Trademarks Act No. 194 of 1993;
- 1.1.58 Transfer Duty Act No. 40 of 1949;
- 1.1.59 Trust Property Control Act No. 57 of 1988;
- 1.1.60 Uncertificated Securities Tax Act No. 31 of 1998;
- 1.1.61 Unemployment Contributions Act No. 63 of 2001;
- 1.1.62 Unemployment Insurance Act No. 30 of 1996;
- 1.1.63 Value Added Tax Act No. 89 of 1991.

*Although we have applied our best efforts to supply a list of applicable legislation, it is possible that this list may be incomplete, or possibly too extensive. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

10.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

11. Detail to facilitate a request for access to a record of St Francis Hospice [Section 51(1)(e)]

- 11.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 11.2 The requester must complete the prescribed form enclosed herewith and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 5 above.
- **11.3** The prescribed form must be filled in with sufficient information to enable the Information Officer to identify the:
 - 11.3.1 record or records requested; and
 - 11.3.2 identity of the requester.

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- 11.4 The requester should indicate which form of access is required and specify a postal address, email address or a fax number of the requester in the Republic.
- 11.5 The requester must state that he/she requires the information in order to exercise or protecta right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such right [Section 53(2)(d)].
- **11.6 St Francis Hospice** will process the request within 30 (thirty) days, unless the requester has stated special reasons, to the satisfaction of the Information Officer, that circumstances dictate that the above time periods not be complied with.
- 11.7 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- **11.8** If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer [Section 53(2)(f)].
- **11.9** If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- **11.10** The requester must pay the prescribed fee, before any further processing can take place.
- 11.11 All information as listed in clause 11 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information officer shall serve a record, if possible, and only grant access to that portion requested and which is not prohibited from being disclosed.

12. Refusal of access to records

Grounds to refuse access:

A private body, such as **St Francis Hospice**, is entitled to refuse a request for information.

- 12.1 The main grounds for St Francis Hospice to refuse a request for information relatesto the:
 - 12.1.1 Mandatory protection of the privacy of a third party who is a natural person or adeceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act, 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
 - 12.1.2 Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act, 4 of 2013;
 - 12.1.3 Mandatory protection of the commercial information of a third party (section 64)if the record contains:
 - 12.1.3.1 Trade secrets of the third party;
 - 12.1.3.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 12.1.3.3 Information disclosed in confidence by a third party to St Francis Hospice, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 12.1.4 Mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
 - 12.1.5 Mandatory protection of the safety of individuals and the protection of property (section 66);
 - 12.1.6 Mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

St Francis Hospice: PAIA AND POPIA MANUAL (Version 2): November 2023 Page 15 of 41 12.2 The commercial activities (section 68) of a private body, such as **St Francis Hospice**, which may include:

12.2.1 Trade secrets of St Francis Hospice;

- 12.2.2 Financial commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of **St Francis Hospice**;
- 12.2.3 Information which, if disclosed, could put **St Francis Hospice** at a disadvantage in negotiations or commercial competition;
- 12.2.4 A computer program which is owned by **St Francis Hospice** and which is protected by copyright;
- 12.2.5 The research information (section 69) of **St Francis Hospice** or a third party, if its disclosure would disclose the identity of **St Francis Hospice**, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 12.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 12.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 12.5 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the InformationOfficer refuses access to such record.

13. Remedies available when St Francis Hospice refuses a request

13.1 Internal remedies

St Francis Hospice does not have internal appeal procedures. The decision made by the Information officer is final. 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.

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13.2 External remedies

- 13.2.1 A requester that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.
- 13.2.3 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a 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 of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated Magistrate.

14. Access to records held by St Francis Hospice

- 14.1 Prerequisites for access by personal/other requester
 - 14.1.1 Records held by **St Francis Hospice** may be accessed by request only once the prerequisite requirements for access have been met.
 - 14.1.2 A requester is any person making a request for access to a record of St Francis Hospice. There are two types of requesters:
 - 14.1.2.1 Personal requester
 - 14.1.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
 - 14.1.2.1.2 **St Francis Hospice** will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.
 - 14.1.2.2 Other requester
 - 14.1.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties.
 - 14.1.2.2.2 In considering such a request, **St Francis Hospice** will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the information.

St Francis Hospice: PAIA AND POPIA MANUAL (Version 2): November 2023 Page 17 of 41 **St Francis Hospice** is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5, Part 3, including the payment of a request and access fee.

15. Prescribed fees [Section 51(1)(f)]

15.1 Fees provided by the Act

15.1.1 The Act provides for two types of fees, namely:

- 15.1.1.1 A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- 15.1.1.2 An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.
- 15.1.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).
- 15.1.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 15.1.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 15.1.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 request form.
- 15.1.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

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16. Reproduction fee

16.1 Where **St Francis Hospice** has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a feefor reproduction of the record in question.

Reproduction of information fees	Fees to be charged
Information in an A4-size page photocopy or part thereof	R1.10
A printed copy of an A4-size page or part thereof	R0.75
A copy in computer-readable format, for example:	R70.00
Compact Disc	
USB Stick	
A transcription of visual images, in a A4-size page or part thereof	R40.00
A copy of visual images	R60.00
A transcription of an audio record for an A4-size page or part thereof	R20.00
A copy of an audio record	R30.00

16.2 Request fees

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request received.

16.3 Access fees

16.3.1 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).

The applicable access fees which will be payable are:

Access of Information Fees	Fees to be Charged
Information in an A4-sizepage photocopy or part thereof	R1.10
A printed copy of an A4-size page or part thereof	R0.75
A copy in computer-readable format, for example:	R70.00
Compact Disc	
USB Stick	
A transcription of visual images, in a A4-size page or part thereof	R40.00
A copy of visual images	R60.00
A transcription of an audio record for an A4-size page or part thereof	R20.00
A copy of an audio record	R30.00*
* Per hour or part of an hour reasonably required forsuch a search	
Where a copy of a record needs to be posted the actual postal fee is payable	

16.4 Deposits

- 16.4.1 Where the institution receives a request for access to information held on a person other than the requester herself/himself, and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by therequester.
- 16.4.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

16.5 Collection fees

- 16.5.1 The initial "request fee" of R50.00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via email. Banking details will be provided on request thereof.
 - 16.5.2 The Information Officer will collect the initial "request fee" of applications received directly by the Information Officer via e-mail.
 - 16.5.3 All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

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17. Decision

- 17.1 Time allowed to institution
 - 17.1.1 **St Francis Hospice** will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
 - 17.1.2 The 30 (thirty) day period within which St Francis Hospice has to decide whether to grant or refuse the request, may be extended for a further period ofnot more than 30 (thirty) days if the request is for a large amount of information, or the request requires a search for information held at another office of St Francis Hospice and the information cannot reasonably be obtained within the original 30 (thirty) day period.
 - 17.1.3 **St Francis Hospice** will notify the requester in writing should an extensionbe sought.

18. Protection of personal information that is processed by St Francis Hospice

- 18.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of personal information by a responsible party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 18.2 St Francis Hospice needs personal information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by St Francis Hospice. St Francis Hospice is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:
 - 18.2.1 Is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data is collected by St Francis Hospice, in the form of privacy or data collection notices. St Francis Hospice must also have a legal basis (for example, consent) to process personal information;
 - 18.2.2 Is processed only for the purposes for which it was collected;
 - 18.2.3 Will not be processed for a secondary purpose unless that further processing is compatible with the original purpose, or any of the exclusions regarding the prohibition of further processing applies;

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- 18.2.4 Is adequate, relevant and not excessive for the purposes for which it was collected;
- 18.2.5 Is accurate and kept up to date;
- 18.2.6 Will not be kept for longer than necessary;
- 18.2.7 Is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that personal information, both in physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by St Francis Hospice, in order to protect it against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 18.2.8 Is processed in accordance with the rights of data subjects, where applicable. Data subjects have the right to:
 - (a) Be notified that their personal information is being collected by St Francis
 Hospice, as well as the purpose for which it is being collected. The datasubject also has the right to be notified in the event of a data breach;
 - (b) Know whether St Francis Hospice holds personal information about them, and to access that information. Any request for information or access to information must be handled in accordance with the provisions of this Manual;
 - (c) Request the correction or deletion of inaccurate, irrelevant, excessive, outdated, incomplete, misleading or unlawfully obtained personal information;
 - (d) Object to [COMPANY NAME HERE]'s use of their personal information and request the deletion of such personal information (deletion would be subject to [COMPANY NAME HERE]'s record keeping requirements, rules, obligations and policies);
 - (e) Object to the processing of their personal information for the purposes of direct marketing by means of unsolicited electronic communications; and
 - (f) Submit a complaint to the Information Regulator regarding any alleged infringement on any of the rights protected under POPIA and PAIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his/her or its personal information.

18.3 Purpose of the processing of personal information by **St Francis Hospice**

As outlined above, personal information may only be processed for a specific, legal and clearly defined purpose. The purposes for which **St Francis Hospice** processes or will

process personal information is set out in Part 1 of Appendix 2.

18.4 Categories of data subjects and personal information / special personal informationrelating thereto

As per section 1 of POPIA, a data subject may either be a natural or a juristic person. Part 2 of Appendix 2 sets out the various categories of data subjects that **St Francis Hospice** processes personal information of and the types of personal information relating there to.

18.5 Recipients of personal information

Part 3 of Appendix 2 outlines the recipients to whom **St Francis Hospice** may provide personal information of their data subjects.

- 18.6 Cross-border flows of personal information
 - 18.6.1 Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if the:
 - (a) Recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the conditions for lawful processing as contained in POPIA; or
 - (b) Data subject consents to the transfer of their personal information across borders; or
 - (c) Transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party; or
 - (d) Transfer is necessary for the performance of a contractual obligation between the responsible party and a third party, in the interest of the data subject; or
 - (e) The transfer is for the benefit of the data subject, and if it were, the data subject would in all likelihood provide such consent.
 - 18.6.2 Part 4 of Appendix 2 sets out the planned cross-border transfers of personal information and the condition(s) from above that applies thereto.

18.7 Description of information security measures to be implemented by St Francis Hospice

Part 5 of Appendix 2 sets out the types of security measures to be implemented by **St Francis Hospice** in order to ensure that personal information is respected and protected. A preliminary assessment of the sustainability of the information security measures implemented by **St Francis Hospice** may be conducted in order to ensure that the personal information that is processed by **St Francis Hospice** is safeguarded and processed in accordance with the conditions for lawful processing.

18.8 Objection to the processing of personal information by a data subject

Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provide that a data subject may, at any time, object to the processing of his/her/its personal information in the prescribed manner – a form for which is attached to this manual, as Appendix 3, subject to any relevant exceptions contained in POPIA.

18.9 Requests for correction or deletion of personal information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provide that a data subject may request for their personal information to be corrected/deleted in the prescribed form, attached as Appendix 4 to this manual.

19. Availability and updating of the PAIA Manual

- **19.1** Regulation Number R187 of 15 February 2002
 - 19.1.1 This PAIA Manual is available in terms of Regulation Number R. 187 of 15 February 2002. St Francis Hospice will update this PAIA Manual at such intervals as may be deemed necessary.
 - **19.1.2** This PAIA Manual of **St Francis Hospice** is available to view at its premises and on its website.

Appendix 1:

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

- 1. Proof of identity must be attached by the requester.
- 2. If requests made on behalf of another person, proof of such authorisation, must be attached to thisform.

TO: The Information	Officer			
(Addres	s)			
E-mail address:			l	
Fax number:			1	
Mark with an ''X''				
Request is made	in my own name	Req	uest is made on be	half of another person.
PERSONAL INFORMA	ΓΙΟΝ			
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
Contact Numbers	Cellular:			
Full names of person on whose behalf request is made (<i>if applicable</i>):				
Identity Number				
Postal Address				

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Street Address					
E-mail Address					
Contact Numbers	Tel. (B)			Facsimile	
Contact Numbers	Cellular				
	PAR	FICULARS OF	F RECORD REQ	UESTED	
	the record t	to be located. (A	If the provided sp	pace is inadeq	reference number if that is quate, please continue on a
Description of recordor relevant part of the record:					
Reference number, if available					
Any further particularsof					
record					
		E OF RECORD the applicable) box with an "X")		
Record is in written or pri	nted form				
Record comprises virtual generated images, sketche		includes photog	graphs, slides, vid	leo recordings	,computer-
Record consists of recorde	ed words or i	information whi	ich can be reprodu	uced in sound	
Record is held on a compu	iter or in an	electronic or m	achine-readable f	orm	

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FORM OF ACCESS

(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and informationheld on computer or in an electronic or machine-readable form)

Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

Transcription of soundtrack (*written or printed document*)

Copy of record on flash drive (including virtual images and soundtracks)

Copy of record on compact disc drive (including virtual images and soundtracks)

Copy of record saved on cloud storage server

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)

Postal services to postal address

Postal services to street address

Courier service to street address

Facsimile of information in written or printed format (including transcriptions)

E-mail of information (including soundtracks if possible)

Cloud share/file transfer

Preferred language

(Note that if the record is not available in the language you prefer, access may be granted inthe language in which the record is available)

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. Therequester must sign all the additional pages.

Indicate which right is tobe	
exercised or protected	

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

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FEES

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- 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	

You will be notified in writing whether your request has been approved or denied and if approved the costsrelating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address Fac	ncsimile	Electronic communication (Please specify)

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name andSurname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

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Appendix 2: Part 1 – Processing of personal information in accordance with

POPIAFor clients:

- a. Performing duties in terms of any agreement with clients
- b. Make, or assisting in making, credit decisions about clients
- c. Operate and manage clients' accounts and manage any application, agreement or correspondence clients may have with **St Francis Hospice**
- d. Communicating (including direct marketing) with clients by e-mail, SMS, letter, telephone or in any other way about **St Francis Hospice's** products and services, unless clients indicate otherwise
- e. To form a view as individuals and to identify, develop or improve products, that may be of interest to clients
- f. Carrying out market research, business and statistical analysis
- g. Performing other administrative and operational purposes including the testing of systems
- h. Recovering any debt clients may owe St Francis Hospice
- i. Complying with St Francis Hospice's regulatory and other legislative and other obligations
- j. Any other reasonably required purpose relating to St Francis Hospice's business and operation

For prospective clients:

- a. Verifying and updating information
- b. Pre-scoring
- c. Direct marketing
- d. Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to **St Francis Hospice's** business

For employees:

- a. The same purposes as for clients (above)
- b. Verification of applicant employees' information during recruitment process
- c. General matters relating to employees:
 - (i) Pension
 - (ii) Medical aid
 - (iii) Payroll
 - (iv) Disciplinary action
 - (v) Training

d. Any other reasonably required purpose relating to the employment or possible employment relationship

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For vendors / suppliers / other businesses:

- a. Verifying information and performing checks
- b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between these parties
- c. Payment of invoices
- d. Complying with St Francis Hospice's regulatory and other obligations
- e. Any other reasonably required purpose relating to St Francis Hospice's business.

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Appendix 2: Part 2 – Categories of data subjects and categories of personal information relating thereto

Employees

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Banking and financial details
- e. Details of payments to third parties (deductions from salaries and/or wages)
- f. Employment contracts
- g. Employment equity plans
- h. Medical aid records
- i. Pension fund records
- j. Remuneration / salary / wage records
- k. Performance appraisals
- I. Disciplinary records
- m. Leave records
- n. Training records

Clients and prospective clients (which may include employees)

- a. Postal and/or physical address
- b. Title and name
- c. Contact numbers and/or e-mail address
- d. Ethnic group
- e. Employment history
- f. Age
- g. Gender
- h. Marital status
- i. Nationality
- j. Language
- k. Financial information
- I. Identity or passport number
- m. Browsing habits and click patterns on St Francis Hospice's website

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Vendors / suppliers / other businesses:

- a. Name and contact details
- b. Identity and/or company information and directors' information
- c. Banking and financial information
- d. Information about products or services
- e. Other information not specified, reasonably required to be processed for business operations

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Appendix 2: Part 3 – Recipients of personal information

- a. Any firm, organisation or person that **St Francis Hospice** uses to collect payments and recover debts orto provide a service on its behalf
- b. Any firm, organisation or person that/who provides St Francis Hospice with products or services
- c. Any payment system **St Francis Hospice** uses
- d. Regulatory and governmental authority or ombudsmen, or other authorities, including tax authorities, where St
 Francis Hospice has a duty to share the information in terms of legislation
- e. Third parties to whom payments are made on behalf of employees
- f. Financial institutions from whom payments are received on behalf of data subjects
- g. Any other operator not specified
- h. Employees, contractors and temporary staff
- i. Agents

Appendix 2: Part 4 – Cross border transfers of personal information

Personal information may be transmitted transborder to **St Francis Hospice's** suppliers in other countries, and personal information may be stored in data servers hosted outside of South Africa, which have adequate data protection laws. **St Francis Hospice** will endeavour to ensure that its service suppliers will make all reasonable efforts to secure said data and personal information.

Appendix 2: Part 5 – Description of information security measures

St Francis Hospice undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. **St Francis Hospice** may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access control of persons

St Francis Hospice shall implement suitable measures in order to prevent unauthorised persons from gaining access to the data processing equipment where the data is processed.

2. Data media control

St Francis Hospice undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by [**St Francis Hospice** and containing personal data of clients and/or employees.

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3. Data memory control

St Francis Hospice undertakes to implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User control

St Francis Hospice shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access control to data

St Francis Hospice represents that the persons entitled to use **St Francis Hospice's** data processing systems, are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transmission control

St Francis Hospice shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilisation of **St Francis Hospice's** data communication equipment / devices.

7. Transport control

St Francis Hospice shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by authorised persons during the transmission thereof or during the transport of the data media.

8. Organisation control

St Francis Hospice shall maintain its internal organisation in a manner that meets the requirements of this Manual.

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Appendix 3: Objection to the processing of personal information in terms of Section 11(3) of the Protection of Personal Information Act, 4 of 2013

Regulations relating to the protection of personal information, 2018 Note:

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

Α	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 Information Officer of responsible party	
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 ______on this ______day of ______20_____

Signature of data subject/designated person

St Francis Hospice: PAIA AND POPIA MANUAL (Version 2): November 2023 Page 36 of 41 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, 4 of 2013.

Regulations Relating to the Protection of Personal Information, 2018 [Regulation 3]

Notes:

- **1**. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2. If the space provided 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 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.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of datasubject	
Unique identifier / identity number	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	

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В	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of Information Officer of responsible party	
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 theobjection)
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 nolonger Authorised to Retain. (Please Provide Detailed Reasons for the Request)

 Signed at ______on this _____day of ______20__.

Signature of data subject/designated person

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FORM 3

OUTCOME OF REQUEST AND OF FEES PAYABLE

Note:

[Regulation 8]

1. If your request is granted the—

(a) amount of the deposit, (if any), is payable before your request is processed; and

(b) requested record/portion of the record will only be released once proof of full payment is received.

2. Please use the reference number hereunder in all future correspondence.

TO:

Reference number:

Your request dated_____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (*including listening to recorded words, information which can be reproduced in sound, or information heldon computer or in an electronic or machine-readable form*) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.

2. You requested:

OR

1041		
Printe	d copies of the information (including copies of any virtual images, transcriptions and	
inform	ation held on computer or in an electronic or machine-readable form)	
Writte	n or printed transcription of virtual images (this includes photographs, slides, videorecordings,	
сотри	ter-generated images, sketches, etc.)	
Transo	cription of soundtrack (written or printed document)	
Copy	of information on flash drive (including virtual images and soundtracks)	
Copy	of information on compact disc drive (including virtual images and soundtracks)	
Copy	of record saved on cloud storage server	

3. To be submitted:

Postal services to postal addressImage: Constant of the service to street addressCourier service to street addressImage: Constant of the service to street addressFacsimile of information in written or printed format (including transcriptions)Image: Constant of the service to street addressE-mail of information (including soundtracks if possible)Image: Constant of the service to street addressCloud share/file transferImage: Constant of the service to street address

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Preferred language:

(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)

Kindly note that your request has been:

Denied, for the following reasons:

Approved

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4. Fees payable with regards to your request

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
 For a copy in a computer-readable form on: (i) Flash drive To be provided by requestor (ii) Compact disc If provided by requestor If provided to the requestor 	R40.00 R40.00 R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the		
Copy of visual images	quotation of the service provider		
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record (i) Flash drive • To be provided by requestor (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes	
Hours of	Amount of deposit
search:	(calculated on one third of total amount perrequest)

The amount must be paid into the following Bank account:

Name of Bank:			
Name of account holder:			
Type of account:			
Account number:			
Branch Code:			
Reference Nr:			
Submit proof of payment to:			
Signed at	this	day of	20
			Information officer
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