

PAIA MANUAL

of

**THE TRUSTEES FOR THE TIME
BEING OF THE ZEITZ MOCAA
FOUNDATION TRUST
(MASTER NO. IT000844/2015)**

**Prepared in accordance with Section 51 of the Promotion of Access to Information Act,
No 2 of 2000.**

(Private Body)

1 INTRODUCTION

This manual is compiled in accordance with section 51 of the of the Promotion of Access to Information Act, 2000 (act no 2 of 2000) (“the act”) and in accordance with the spirit of the Constitution of the Republic of South Africa Act No 108 of 1996, to enable and facilitate Requests for access to a Record held by a private body that is required for the exercise or protection of any rights. The reference to any information in addition to that specifically required in terms of section 51 of the act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the 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 access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released**. The Act sets out the requisite procedural issues attached to such request.

1.2 PURPOSE OF THE MANUAL:

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 order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- 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.

Wherever reference is made to “Private Body” in this manual, it will refer to **THE TRUSTEES FOR THE TIME BEING OF THE ZEITZ MOCAA FOUNDATION TRUST**, a private body which operates as a general trading company.

Wherever reference is made to a “document” or “record”, it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

PART I

2 CONTACT DETAILS

2.1 **Information Officer: FAWAZ MUSTAPHA**

Physical address: Silo District, V&A Waterfront, Cape Town, 8002

Tel: 087 350 4777

Email address: info@zeitzmocaa.museum

Chief Operating Officer: FAWAZ MUSTAPHA

Physical address: Silo District, V&A Waterfront, Cape Town, 8002

Tel: 087 350 4777

Email address: info@zeitzmocaa.museum

GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 2.2 The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available a Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 2.3 The Guide is available in each of the official languages and in braille.
- 2.4 The aforesaid Guide contains the description of-
- 2.4.1 the objects of PAIA and POPIA;
 - 2.4.2 the postal and street address, phone, and fax number and, if available, electronic mail address of-
 - 2.4.2.1 the Information Officer of every public body, and
 - 2.4.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 2.4.3 the manner and form of a request for-
 - 2.4.3.1 access to a record of a public body contemplated in section 11 of PAIA; and

- 2.4.3.2 access to a record of a private body contemplated in section 50 of PAIA;
- 2.4.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 2.4.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 2.4.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 2.4.6.1 an internal appeal;
 - 2.4.6.2 a complaint to the Regulator; and
 - 2.4.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 2.4.7 the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 2.4.8 the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

- 2.4.9 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- 2.4.10 the regulations made in terms of section 92 of PAIA.
- 2.5 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 2.6 The Guide can also be obtained-
- 2.6.1 upon request to the Information Officer;
- 2.6.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 2.7 A copy of the Guide is also available in the following three official languages, for public inspection during normal office hours-
- 2.7.1 English;
- 2.7.2 Afrikaans; and
- 2.7.3 IsiZulu

PART IV

3 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 3.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 3.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 3.2.1 trade secrets or any other such intellectual property of that third party;
 - 3.2.2 financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 3.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in present or future negotiations and/or commercial competition;
- 3.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- 3.4 mandatory protection of the safety of individuals and the protection of property;
- 3.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 3.6 the commercial activities of the Private Body, which may include –
 - 3.6.1 trade secrets or any other such intellectual property of the Private Body;
 - 3.6.2 financial, commercial, scientific, or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
 - 3.6.3 information which, if disclosed could put the Private Body at a disadvantage in present or future negotiations and/or commercial competition;
 - 3.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 3.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a disadvantage;

- 3.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

4 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION

4.1 INTERNAL REMEDIES

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and 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.

4.2 EXTERNAL REMEDIES

A requester that is dissatisfied with an information officer's refusal to disclose information may, within 180 days of notification of the decision, lodge a complaint with the Information regulator on the prescribed form which can be found at <https://info regulator.org.za/> or apply to the relevant Court for relief.

A third party dissatisfied with an information officer's decision not to grant a request for information, may within 180 days of notification of the decision, lodge a complaint with the Information regulator on the prescribed form which can be found at <https://info regulator.org.za/> or 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 any other court with similar status.

5 ACCESS: REQUEST PROCEDURE

- 5.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record (Section 53).

- 5.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1** or visit <https://info regulator.org.za/> for the form and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 above.

- 5.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –

- 5.3.1 The record or records requested;

- 5.3.2 The identity of the requester,

- 5.3.3 Which form of access is required if the request is granted;

- 5.3.4 The manner of access, postal address or fax number of the requester.

- 5.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 5.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 5.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 5.7 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.
- 5.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 5.9 The requester must pay the prescribed fee before any further processing can take place.

6 ACCESS TO RECORDS HELD BY THE PRIVATE BODY

- 6.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 6.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:
 - 6.2.1 **PERSONAL REQUESTER**
 - 6.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
 - 6.2.1.2 The Private Body 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.
 - 6.2.2 **OTHER REQUESTER**
 - 6.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not

obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

7 FEES

- 7.1 The Act provides for two types of fees, namely:
- 7.1.1 A request fee, which will be a standard fee; and
 - 7.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 7.2 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 (if any) before any further processing of the request.
- 7.3 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.
- 7.4 The information officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.
- 7.5 A requester whose request for access to a record has been granted, must pay an access 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.
- 7.6 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.

8 DECISION

- 8.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 8.2 The 30-day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than 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 the Private Body and the information cannot reasonably be obtained within the original 30-day period. The Private Body will notify the requester in writing should an extension be sought.

9 PROCESSING OF PERSONAL INFORMATION

9.1 Purpose of Processing Personal Information

To give effect to the constitutional right of access to any information held by the State or any other person and that is required for the exercise or protection of any rights.

9.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed but not limited to the list below
Operators	Name and Surname
Individuals	Contact Details
Private Entities	Email Addresses
Public Entities	Home Address
Service Providers/Suppliers	Identification Numbers/Passport Numbers
	Bank Account Details
	Photographs
	Financial Information/Values
	Artwork Information

9.3 Information Security Measures implemented across various platforms to ensure the confidentiality, integrity, and availability of the information.

This may include but not limited to, Data Encryption; Anti-Virus, Anti Malware Solutions, Two-Factor Authentication and Firewall.

10 AVAILABILITY OF THE MANUAL

10.1 A copy of the Manual is available-

10.1.1 on <http://zeitzmocaa.museum/>

- 10.1.2 at the office of the Zeitz MOCAA for public inspection during normal business hours.
- 10.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 10.2 to the Information Regulator upon request.

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 this form.*

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD			
<i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
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 <i>(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)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

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. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

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

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made.

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name and Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

- 1 If your request is granted the—
- 1.1 amount of the deposit, (if any), is payable before your request is processed; and
 - 1.2 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.

Reference number: _____

TO:

Your request dated _____

3 You requested:

Personal inspection of information at registered address of public/private body (<i>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</i>) 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.	
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OR

4 You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

5 To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: <i>(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)</i>	

Kindly note that your request has been:

- Approved
- Denied, for the following reasons:

1. 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	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail, or any other electronic transfer:	Actual costs		
TOTAL:			

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

Yes

No

Hours of search	Amount of deposit (Calculated on one third of total amount per request)

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