

SOUTH AFRICAN SOCIETY FOR LABOUR LAW

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000**

1. Introduction

- 1.1 This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (“Act”).
- 1.2 The aim of this Manual is to assist potential requesters in requesting access to information (documents or records) from the South African Society for Labour Law, a Non-Profit Organisation (“NPO”) with NPO number 047-618 NPO (“SASLAW”).
- 1.3 The Manual may be amended from time to time and as soon as any amendments have been effected, the latest version of the Manual will be published and distributed in accordance with the Act.
- 1.4 A requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.

2. Contact details

Name of NPO :	SOUTH AFRICAN SOCIETY FOR LABOUR LAW (SASLAW)
NPO No.:	047-618
Postal address:	PO BOX 4858, Cresta, 2118
Telephone:	074 457 5840 / 082 364 5976
Website:	https://www.saslaw.org.za/
Email:	accounts@saslaw.org.za
Head of NPO	Anastasia Vatalidis
	Telephone: 011-535-8000
	Fax: 011-535-8600
	Email: avatalidis@werksmans.com
Information Officer:	Anastasia Vatalidis
	Telephone: 011-535-8000
	Fax: 011-535-8600
	Email: avatalidis@werksmans.com
Deputy Information Officer:	Venolan Naidoo
	Telephone: 011 586 6085
	Fax: 011 586 6185
	Email: vnaidoo@fasken.com

3. Access to Guide in terms of section 10 of the Act

- 3.1 The South African Human Rights Commission (“SAHRC”) has, in terms of section 10 of the Act, published a Guide to assist persons wishing to exercise any rights in terms of the Act.
- 3.2 The Guide may be obtained from the SAHRC. Any person wishing to obtain the Guide may either access it through the website of the SAHRC at www.sahrc.org.za or should contact:

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department

Postal address: Private Bag X2700

Houghton

2041

Telephone: +27 (0)11 877 3600

Fax: +27 (0)11 403 0625

Email: paia@sahrc.org.za

Website: www.sahrc.org.za

4. Records automatically available

All information pertaining to SASLAW at <https://www.saslaw.org.za/> is freely available for inspection and does not need to be requested in terms of the Act.

5. Records that are available in terms of other legislation

- 5.1 Certain records held by SASLAW are available in terms of legislation other than the Act.
- 5.2 The specific records which are available in terms of such legislation are set out in that legislation and these records may in certain instances only be accessed by the persons specified in the relevant legislation.
- 5.3 The legislation is as follows (but is not limited to):
- 5.3.1 Companies Act, No. 71 of 2008;
- 5.3.2 Copyright Act, No. 98 of 1978;
- 5.3.3 Electronic Communications and Transactions Act, No. 25 of 2002;
- 5.3.4 Protection of Personal Information Act, No. 4 of 2013;
- 5.3.5 Regulation of Interception of Communications and Provision of Communication Related Information Act, No. 70 of 2002;

5.3.6 Value Added Tax Act, No. 89 of 1991.

6. **Categories of records of information held by SASLAW**

Categories of Record	Description of Record
Finance	<ul style="list-style-type: none"> • accounting records • tax records • debtors' records • creditors' records • insurance records • auditors' reports • financial statements • bank statements and other banking records • invoices issues in respect of debtors and billing information
Members	<ul style="list-style-type: none"> • list of members • statistics regarding members
Suppliers/contractors/vendors/ other businesses	<ul style="list-style-type: none"> • list and details of suppliers/contractors/vendors/ other businesses • agreements with suppliers/contractors/vendors/ other businesses • support and maintenance agreements • records regarding computer systems
Stakeholders/sponsors	<ul style="list-style-type: none"> • List and details of stakeholders • agreements with stakeholders/sponsors

7. **The request procedure**

- 7.1 A request for access to records held by SASLAW in terms of section 50 of the Act must be made in the form contained in the Regulations regarding the Promotion of Access to Information (form C). A copy of this form is attached as Annexure A to this manual.
- 7.2 The request must be made to the Information Officer at the address, fax number or electronic mail address of the body concerned.

- 7.3 A requester must provide sufficient detail on the prescribed form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address.
- 7.4 The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- 7.5 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 7.6 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

8. Fees

- 8.1 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 8.2 Every other requester, who is not requesting access to a record containing personal information about him/her or itself, must pay the request fee.
- 8.3 The Information Officer must by notice require the requester (other than a personal requester) to pay the prescribed fee before further processing the request).
- 8.4 The fee that the requester must pay to SASLAW is R50,00. The requester may lodge an application the court against the tender or payment of the request fee.
- 8.5 If access to a record/s is granted by SASLAW, the requester may be required to pay an access fee for the search for and preparation of the records and for re-production of the record/s.
- 8.6 The access fees which apply are set out below and can be found in Part III of Annexure A of the Regulations to the Act. SASLAW can without a record/s until such access fee has been paid.

	Reproduction	Fee
1.	Photocopy of an A4-size page or part thereof	R1,10
2.	Printed copy of an A4 -size page or part thereof held on a computer or in electronic or machine redactable form	R0,75
3.	For a copy in a computer readable form on - stifty disk	R7,50

	- compact disk	R70,00
4.	Transcript of visual images on an A4-page or part thereof	R40,00
5.	Copy of visual images	R60,00
6.	Transcription of an audio record on an A4-size page or part thereof	R20,00
7.	Copy of an audio record	R30,00

9. Grounds for Refusal of Access to Information

9.1 SASLAW may in certain instances refuse access on the grounds set out in the Act. These grounds include:

- 9.1.1 professional privilege;
- 9.1.2 that it is necessary to protect the commercial information or the confidential information of a third party;
- 9.1.3 that the record constitutes privileged information for the purposes of legal proceedings;
- 9.1.4 that it is necessary to protect the commercial information of SASLAW;
- 9.1.5 that it is necessary to protect the safety of individuals or property;
- 9.1.6 that granting access would result in the unreasonable disclosure of personal information about a third party;
- 9.1.7 any other lawful grounds available to SASLAW on which to refuse access to the information requested.

10. PROTECTION OF PERSONAL INFORMATION

10.1 The purpose of processing:

10.1.1 SASLAW processes personal information to, *inter alia*:

- 10.1.1.1 perform duties in terms of any agreements with suppliers;
- 10.1.1.2 operate and manage members' membership and registration with SASLAW;
- 10.1.1.3 performing administrative and operational functions in relation seminars and events;
- 10.1.1.4 recover any monies members may owe SASLAW;
- 10.1.1.5 payment of invoices;
- 10.1.1.6 comply with SASLAW's regulatory and other obligations.

10.2 Categories of data subjects and categories of information

10.2.1 Members

- 10.2.1.1 name and contact details;
- 10.2.1.2 banking and financial details;
- 10.2.1.3 billing addresses;
- 10.2.1.4 vat numbers and business addresses.

10.2.2 Suppliers, contractors/ vendors / other business

- 10.2.2.1 name and contact details;
- 10.2.2.2 identity and company/entity and directors/members information;
- 10.2.2.3 banking and financial information;
- 10.2.2.4 information about products or services;
- 10.2.2.5 vat numbers and business addresses;
- 10.2.2.6 other information required for business operation purposes

10.2.3 Stakeholders/sponsors

- 10.2.3.1 name and contact details;
- 10.2.3.2 identity and company/entity and directors/members information;
- 10.2.3.3 banking and financial information;
- 10.2.3.4 information about products or services;
- 10.2.3.5 vat numbers and business addresses;
- 10.2.3.6 other information required for business operation purposes.

10.3 Cross-border flows of Personal Information

- 10.3.1 Personal Information may only be transferred out the Republic of South Africa if –
 - 10.3.1.1 the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:
 - 10.3.1.1.1 effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and
 - 10.3.1.1.2 includes provisions that are substantially similar to POPIA relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
 - 10.3.2 the data subject consents to the transfer;
 - 10.3.3 the transfer is necessary for the performance of a contract between the data subject and SASLAW, or for the implementation of pre-contractual measures taken in response to the data subject's request;

- 10.3.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between SASLAW and a third party; or
- 10.3.5 the transfer is for the benefit of the data subject and –
 - 10.3.5.1 it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - 10.3.5.2 if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

10.4 **Description of information security measures to be implemented**

- 10.4.1 SASLAW shall take reasonable, appropriate, technical, and organisational measures to protect Personal Information from loss, damage, unauthorised access, processing, destruction or manipulation. SASLAW will implement the following security measures:
 - 10.4.1.1 SASLAW's Information Officer whose details are set out in this Manual is responsible for the compliance with the conditions of the lawful processing of Personal Information and other provisions of POPIA.
 - 10.4.1.2 The Information Officer is assisted by the Deputy Information Officer whose details are set out in this Manual.
 - 10.4.1.3 This Policy has been put in place and training of the responsible managers on this Policy and POPIA will take place without any undue delay.
- 10.4.2 Should SASLAW employ employees, each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of the employee's Personal Information, or any other action so required, in terms of POPIA.
- 10.4.3 SASLAW's Third Party service providers will be required to sign an addendum to the relevant service level agreement guaranteeing their commitment to the protection of Personal Information.
- 10.4.4 All current suppliers of SASLAW will, where appropriate, be required to sign an addendum to their contracts with SASLAW containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA.
- 10.4.5 SASLAW will introduce an electronic document management system whereby hard copy files are to be captured electronically for back up purposes. All files will be archived and will be available both electronically and in hard copy form.
- 10.4.6 All electronic files or data are backed up by the SASLAW department that is responsible for system security which protects third party access and physical threats.
- 10.4.7 A Security Incident Management Register will be kept to log any security incidents and to report on and manage said incidents this register will be maintained by an appointed security manager.
- 10.4.8 SASLAW's Information Officer and its IT department shall identify all reasonably foreseeable internal and external risks to Personal Information, establishing and

maintaining appropriate safeguards against the risks identified, regularly verifying that the safeguards are effectively implemented, and ensuring that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

- 10.4.9 Data subjects, to the extent applicable, will be informed should their Personal Information be accessed or acquired by any unauthorised person.

11. **Updating of Manual**

- 11.1 SASLAW will update this Manual as and when required.

12. **Availability of this Manual**

- 12.1 A copy of this Manual will be made available –
- 12.1.1 on SASLAW's website <https://www.saslaw.org.za/>;
 - 12.1.2 at SASLAW's principal place of business for public inspection during normal business hours;
 - 12.1.3 to any person upon request and upon payment of a reasonable amount; and
 - 12.1.4 to the Information Officer upon request.

ANNEXURE A
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body:

The Head:

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 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: _____

Attention: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made:

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record:

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. Fees

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.*
- (b) *You will be notified of the amount required to be paid as the request fee.*
- (c) *The fee payable for access to a record depends on the form in which access is required and*
- (d) *the reasonable time required to search for and prepare a record.*
- (e) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- (a) *Compliance with your request for access in the specified form may depend on the form in which the record is available.*
- (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
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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 of the images
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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)
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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 disk)
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*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	YES	NO
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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:

Explain why the record requested is required for the exercise or protection of the aforementioned 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 _____ 20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF
REQUEST IS MADE