



HARAMBEE YOUTH EMPLOYMENT ACCELERATOR NPC

Promotion of Access to Information Act (PAIA) Manual

Version 1.1
15 June 2023



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1. Introduction

1.1. Background

1.1.1. The right of access to information is entrenched under section 32 of the Constitution of the Republic of South Africa. Section 32 provides that everyone has the right of access to any information held by the state; or held by any other person that is to be used for the protection or exercise of any right. The Promotion of Access to Information Act 2 of 2000 (“PAIA”) gives effect to section 32 by prescribing that a private body must provide details of records held by such body so that any request for information may be accommodated.

1.1.2. In terms of section 51 of PAIA, all private bodies are required to compile an Information Manual (“PAIA Manual”).

1.1.3. Where a request is made in terms of PAIA, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where PAIA expressly provides that the information may or must not be released. PAIA sets out the relevant procedure to be adopted when requesting information from a public or private body.

1.1.4. PAIA must be read together with the Protection of Personal Information Act 4 of 2013 (“POPIA”), which also seeks to promote the right to access to information held by public or private bodies.

1.2. About Harambee

1.2.1. Harambee is a not-for-profit social enterprise (registration number: 2011/009632/08) building solutions for the global challenge of youth unemployment.

1.2.2. Harambee develops solutions to promote inclusive growth and reduce unemployment by:

1.2.3. identifying and creating jobs and work experiences for young people in the formal and informal economy,

1.2.4. breaking barriers for young people to access work, and

1.2.5. linking young work-seekers to opportunities inclusively

1.2.6. Harambee partners with government, business, civil society, and young people to achieve practical and scalable impact that is shaped by evidence, innovation, and technology.

1.2.7. Harambee is governed by an independent Board of Directors.

1.2.8. This PAIA Manual is available to view at our premises during normal business hours:

19 Ameshoff Street

Braamfontein

Johannesburg 2001

The manual is also available on request at dataprivacy@harambee.co.za.

1.2.9. Harambee may charge a fee of R0,60 for every photocopy of an A4-size page or part thereof and actual postage if relevant as prescribed in the Regulations Regarding the Promotion of Access to Information 187 of 2002 (“Regulations”) to make and provide a copy of this Manual on request. The Regulation may be accessed here.

2. Details of this Policy

2.1. The Information Officers below have been appointed in terms of both PAIA and POPIA to ensure compliance with those Acts and oversee the functions and responsibilities relating to the protection of personal information and access to information.

Information Officers		
Information Officer	Hanlie de Bod	Chief Information Officer
Deputy Information Officer	Sudika Sekonyela	Office of the CEO
Contact details	dataprivacy@harambee.co.za	
Date of adoption	01 July 2022	
Revisions	15 June 2023	

3. Definitions

3.1. For the purpose of this policy, the following definitions are applicable:

3.1.1. “child” means a natural person under the age of 18 (eighteen) years who is not legally competent, without the assistance of a competent person, to take any action or decision;

3.1.2. “Constitution” means the Constitution of the Republic of South Africa Act 108 of 1996;

3.1.3. “data subject” means a person to whom personal information pertains;

3.1.4. “information officer” means, in respect of either a private body or a public body, the head of that body. In the case of a public body which is not a national department, provincial administration or an organisational component, PAIA defines “information officer” as the chief executive officer, or equivalent officer of that body or the person who is acting as such;

3.1.5. “operator” means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;

3.1.6. “PAIA” means the Promotion of Access to Information Act 2 of 2002;

3.1.7. “personal information” means information relating to an identifiable, living natural person, and where it is applicable, an existing juristic person.

3.1.8. “personal requester” means a requester seeking access to a record containing personal information about the requester;

- 3.1.9. "POPIA" means the Protection of Personal Information Act 4 of 2013;
- 3.1.10. "record" means any recorded information, regardless of the form or medium, in the possession or under the control of the responsible party, whether or not it was created by the responsible party, and regardless of when it came into existence;
- 3.1.11. "request for access", in relation to a private body, means a request for access to a record of a private body in terms of section 50 of PAIA;
- 3.1.12. "requester", in relation to a private body, means—
- 3.1.12.1. Any person, including but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- 3.1.12.2. A person acting on behalf of the person contemplated in paragraph 3.1.12.1;
- 3.1.13. "responsible party" means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;
- 3.1.14. "SAHRC" means the South African Human Rights Commission, referred to in section 1818(1)(b) of the Constitution.

4. Scope and Application

- 4.1. For the purpose of this policy, Harambee is the responsible party.
- 4.2. This policy applies to all fixed-term employees, independent contractors, employees partnered with Harambee, and consultants engaged by Harambee, from the date of adoption and is subject to any revisions.
- 4.3. Every person who works for or with Harambee has some responsibility for ensuring that the objectives of PAIA and POPIA are advanced and that access to information is meaningfully enabled and must ensure compliance with this policy.
- 4.4. This policy should be read in conjunction with the provisions of POPIA and PAIA.

5. Purpose of the Policy

- 5.1. As a not-for-profit social enterprise, Harambee recognises the need to give effect to the constitutional right of access to information, subject to justifiable limitations aimed at balancing transparency against the right to privacy and other rights and important interests. Section 9 of PAIA recognises that the right to access information must be subject to justifiable limitations, including, but not limited to:
- 5.1.1. Limitations aimed at the reasonable protection of privacy;
- 5.1.2. Commercial confidentiality; and
- 5.1.3. Effective, efficient, and good governance.

5.2. This policy serves as Harambee’s PAIA Manual, comprising an index of records held by the organisation and a guide for requesters of information. Specifically, the purpose of this policy is as follows:

5.2.1. To ensure that everyone is empowered and educated to understand their rights in terms of PAIA in order for them to exercise their rights in relation to public and private bodies;

5.2.2. To outline the specific ways in which a person may request information from Harambee and/or request access to, a copy of, correction, or deletion of personal information related to them held and processed by Harambee;

5.2.3. To comply with relevant legislation pertaining to information governance and follow good practice in this regard;

5.2.4. To protect the rights of staff, partners, young people, funders, suppliers and other affected data subjects; and

5.2.5. To facilitate the right of access to information as provided for in terms of the law.

6. Guide described in Section 10 of PAIA

6.1. The South African Human Rights Commission (“SAHRC”) has compiled a Guide in terms of section 10 of PAIA which contains information required by a person who wishes to exercise any right contemplated by PAIA or POPIA.

6.2. This Guide contains information on understanding PAIA and how to use it, includes information on how to request access to information from public and private bodies, and will be updated and published every two years.

6.3. The Guide is available in all official languages of South Africa and can be accessed from the SAHRC here, by e-mail: PAIA@sahrc.org.za, or at the SAHRC’s offices at:

Braampark Forum 3

33 Hoofd St

Braampark, Johannesburg, 2017

6.4. The Information Regulator is also required to make the guide available in each of the official languages of South Africa on their website and at their office, and to provide copies or access to the guide free of charge.

6.5. Harambee’s Information Officer is required to have a copy of this guide in two official languages available for inspection at the head offices during normal business hours. Any person may request access to the guide or a copy of it free of charge by using the Form 1 of Annexure A of the Regulations issued on 27 August 2021.

7. Records held by Harambee

7.1. Records available without a request in terms of PAIA

7.1.1. Harambee has not submitted any request to the Minister in accordance with sections 52(1) and (2) of PAIA, which pertains to the voluntary disclosure and automatic availability of certain data.

7.2. Harambee is committed to making a wide range of information within its control as easily and freely available as widely as reasonably possible. Accordingly, Harambee provides information requested either telephonically, by e-mail, or through its website (<https://harambee.co.za/>). Records available freely from Harambee include the following:

7.2.1. Information about our executive team and our board;

7.2.2. Publications by Harambee;

7.2.3. Media and press engagements; and

7.2.4. Harambee's Privacy Policy and Terms and Conditions of our SAYouth Platform.

7.2.5. Other records of a public nature, such as those disclosed on Harambee's website and in other publications, may be accessed without the need to submit a formal application.

8. Records available on request in terms of PAIA

8.1. Harambee maintains records under various categories and subject matters and in accordance with legislation. All requests for access to records will be evaluated on a case by case basis in accordance with the provisions of PAIA and POPIA and the process outlined below. The following types of records are held by Harambee.

8.1.1. Employee records:

8.1.1.1. Personal records provided by employees of Harambee;

8.1.1.2. Records relating to employees provided by third parties;

8.1.1.3. Conditions of employment and other personnel-related contractual and quasi-legal records;

8.1.1.4. Internal evaluation records and other internal records;

8.1.1.5. Correspondence relating to employees;

8.1.1.6. Information relating to former and prospective employees;

8.1.1.7. Training schedules and material.

8.2. Work-seekers:

8.2.1. Information relating to individuals who are being supported by Harambee to secure employment opportunities.

8.3. Employers:

8.3.1. Information provided by employers who partner with Harambee to engage with work-seekers.

8.4. Third-party contractors:

8.4.1. Information relating to third-party service-providers and operators.

8.5. Funders, donors, and other stakeholders:

8.5.1. Information relating to persons and entities that have provided funding or in-kind support to Harambee or have participated in Harambee's events.

8.6. Research participants:

8.6.1. Information relating to persons who have willingly participated in Harambee's research activities, including interviews and/or other forms of engagement.

8.7. Harambee also maintains records and documents in terms of other legislation, including, but not limited to, the Basic Conditions of Employment Act 75 of 1997, the Formalities in Respect of Leases of Land Act 18 of 1969, and the Unemployment Contributions Act 63 of 2001.

8.8. A request to access such information must be done in accordance with PAIA and related records will be made available for inspection unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise.

9. How to request records held by Harambee

9.1. Form of request

9.1.1. Requests for access to records held by Harambee must be made on the prescribed Form 2 of Annexure A of the Regulations issued on 27 August 2021 (attached here as Annexure A) to Harambee's physical or e-mail address.

9.1.2. The form must:

9.1.2.1. Provide sufficient information to enable the Information Officer to identify the record(s) requested and to identify the requester;

9.1.2.2. Indicate which form of access is required;

9.1.2.3. Specify the postal or e-mail address of the requester in the Republic of South Africa;

9.1.2.4. Identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;

9.2. If, in addition to a written reply, the requester wishes to be informed of the outcome of the request in any other manner, to state the manner and the necessary particulars to be informed in the other manner;

9.3. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer;

9.4. If a person is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. In this case, the Information Officer must complete Form 2 of Annexure A in the Regulations issued on 27 August 2021 and provide a copy to the requester.

9.5. Fees

9.5.1. If a request for information is received from a personal requester — someone who is seeking personal information related to themselves — no request fee will be charged.

9.5.2. If a request for information is received from a requester who is not a personal requester — i.e., someone requesting information about a person other than themselves — Harambee will notify the requester to make payment of a request fee of R140,00. The requester may lodge an application with a court against the payment of the request fee.

9.5.3. In addition, Harambee will charge reproduction fees in the event that a request is granted which covers Harambee’s costs in obtaining and preparing a record for delivery to the requester. The fees for reproduction of records are as follows:

Item	Fee
Every photocopy/printed black and copy of an A4-size page or part thereof	R2,00
Every printed copy of an A4-size page or part thereof	R2,00
A copy in a computer-readable form on a USB stick provided by the requester	R40,00
A transcription of visual images: an A4-size page or part thereof	Service to be outsourced and will depend on the service provider
A transcription of visual images: a copy of visual images	Service to be outsourced and will depend on the service provider
A transcription of an audio record: an A4-size page or part thereof	R24,00
A transcription of an audio record: a copy of an audio record on a USB drive to be provided by the requester	R40,00

9.6. The actual postage is payable when a copy of a record must be posted to a requester.

9.7. The requester must pay the prescribed fee before any further processing can take place.

- 9.8. In the event that preparing a record for disclosure requires more than 6 (six) hours, the Information Officer shall notify the requester to pay a portion of the access fees that would be payable if the request is granted as a deposit, up to one third of the total amount that would be payable. If the request is subsequently refused, the deposit will be repaid to the requester.
- 9.9. Harambee may charge R145,00 per hour or part thereof to compensate for time reasonably required to search for and prepare the record for disclosure, excluding the first hour.
- 9.10. Bank details for payment of the access fees and any relevant deposit are available on request to the Information Officer.
- 9.11. Harambee 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 will not be complied with.
- 9.12. This period may be extended for a further period of no more than 30 (thirty) days if the request is for a large amount of information and the information cannot be reasonably obtained within the original 30 (thirty) day period without unreasonably interfering with Harambee's activities.
- 9.13. The prescribed time periods will not commence until the requester has furnished all the necessary and required information.
- 9.14. Harambee will advise the requester whether access is granted or denied in writing.

10. Refusal of Access to Records

Grounds for refusal of records

- 10.1. A private body such as Harambee is entitled to refuse a request for information on the following main grounds:
- 10.1.1. Mandatory protection of the privacy of a third party in terms of POPIA and section 63 of PAIA;
- 10.1.2. Mandatory protection of personal information in terms of POPIA;
- 10.1.3. Mandatory protection of the commercial information of a third party, as provided for in section 64 of PAIA;
- 10.1.4. Mandatory protection of confidential information of third parties if it protected in terms of any agreement, as provided for in section 65 of PAIA;
- 10.1.5. Mandatory protection of the safety of individuals and the protection of property, as provided for in section 66 of PAIA;
- 10.1.6. Mandatory protection of records which would be regarded as privileged in legal proceedings, as provided for in section 67 of PAIA;
- 10.1.7. If the record comprises the commercial activities of a private body, in terms of section 68 of PAIA;

10.1.8. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources;

10.2. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of 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 purposes of PAIA. 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 Information Officer refuses access to such record in terms of PAIA.

Remedies available when Harambee refuses a request

10.3. Harambee has no internal appeals procedure.

10.4. A requestor or third party that is dissatisfied with the Information Officer's refusal to disclose information may, within 180 (one hundred and eighty) days of notification of the decision, apply to a Court for appropriate relief.

Other Information

Notification of third parties

10.5. If information requested relates to a third party, the Information Officer will take all reasonable steps to inform the third party that a request is being considered.

10.6. The third party will be informed as soon as reasonably possible, but within 21 days after the request is received and by the fastest means reasonably possible.

10.7. The Information Officer will provide the third party all necessary information as provided for in section 71(3) of PAIA.

10.8. A third party may make written or oral representation to the Information Officer why the request should be refused or give written consent for the disclosure of the record to the requester.

11. Validity and document management

This version of the document is valid as of 15 June 2023.

This manual will be updated from time to time as required.