

# **The Babyhouse Westville**

## **Section 51 Manual**

### **Promotion of Access to Information Act (“Proatia”)**

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## 1. INTRODUCTION

The Babyhouse Westville (“the entity”) is a non-profit organisation which manages a care home for abandoned babies.

The object of PROATIA is to give you access to the records of the entity under certain circumstances. PROATIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right. 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. PROATIA seeks to promote a society in which you have access to information to enable you to exercise and protect your rights, and to promote a culture of transparency and accountability. Section 51 of PROATIA requires all private bodies to compile a manual containing various information including:

- the entity details
- a description of the records of the entity
- means by which a record may be accessed.

The entity is a private body and therefore this manual has been compiled in terms of and in order to comply with Section 51 of PROATIA.

## 2. ENTITY DETAILS

In terms of Section 51 (1) (a) The entity’s details are as follows

Registration number	153-305 NPO
Postal Address	17 Tweed Rd, Westville
Telephone number	061 125 0887
General contact e-mail for the entity	thebabyhousewestville@gmail.com
E mail address for the director of the entity	thebabyhousewestville@gmail.com
Website	www.thebabyhouse.co.za

### **3. HUMAN RIGHTS COMMISSION'S 'PROATIA' GUIDE**

In Terms of Section 10 of PROATIA, the South African Human Rights Commission ("SAHRC") is required to compile a guide, in each official language, containing information for any person who wishes to exercise any right contemplated in PROATIA. Please direct any queries to:

The South African Human Rights Commission:

PROATIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700

Houghton

2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc](mailto:paia@sahrc)

### **4. RECORDS OF THE ENTITY**

A description of the records held by the entity, as required by section 51(1)(e) of PROATIA, is set out in the Description of Records Table which is attached to this manual as Annexure A.

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

In order to comply with our obligations in terms of PROATIA the Entity has authorised and designated to deal with all matters relating to PROATIA. In order to request access to a record please complete the Request for Access Form which is available at [www.sahrc.org.za](http://www.sahrc.org.za) and submit it to the Entity at its physical address or general contact email address provided above.

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to our information officer. This request must be made to the address or electronic mail address provided [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the information officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].

- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)] However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

## **6. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

In terms of Section 51 (1)(c) the Entity may hold information in accordance with the following legislation:

1. Basic Conditions of Employment No. 75 of 1997
2. Companies Act No. 71 of 2008
3. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
4. Consumer Protection Act 68 of 2008
4. Employment Equity Act No. 55 of 1998
5. Income Tax Act No. 95 of 1967
6. Insolvency Act No.24 of 1936
7. Labour Relations Act No. 66 of 1995
8. Occupational Health & Safety Act No. 85 of 1993
9. Unemployment Contributions Act No. 4 of 2002
10. Unemployment Insurance Act No. 63 of 2001 35
11. Value Added Tax Act No. 89 of 1991

## **7. DECISION REGARDING REQUEST**

PROATIA provides for numerous grounds upon which the Entity may refuse to grant you access to a record of the Entity.

These grounds for refusal are to protect –

- the privacy of another person
- commercial information of another entity
- confidential information of another person
- the safety of individuals and property
- records privileged from production in legal proceedings
- research information

You will be notified in writing whether your request has been approved or denied within 30 calendar days after receipt by the entity of the completed Request for Access Form. Should any record of the entity requested by you not be found or not exist, the entity will, by way of affidavit, notify you that it is not possible to give access to that particular record.

## **8. REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED**

### **8.1 Internal Remedies**

The Entity does not have internal appeal procedures. As such, the decision made by the information officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

### **8.2 External Remedies**

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **9. ACCESS TO INFORMATION**

If your request for access to records of the entity is approved, access will be provided in the form as the entity reasonable determines, unless you have requested access in a specific form.

## **10. FEES**

Section 52(3) states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Fee Schedule, which is available on the SAHRC website: [www.sahrc.org.za](http://www.sahrc.org.za)

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].

If the request is granted then a further access fee must be paid for the search, reproduction, and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

## **11. PROCESSING OF PERSONAL INFORMATION**

### **11.1 Purpose of Processing**

The Entity uses the Personal Information under its care in the following ways:

- Facilitate the care of minors in its care;

- Facilitate the adoption process;
- Staff administration;
- Keeping of accounts and records; and
- Complying with the relevant tax laws.

### **11.2 Categories of Data Subjects and their Personal Information**

The Entity may possess records relating to trustees, service providers, staff, donors and children:

<b>Entity type</b>	<b>Personal Information Processed</b>
Trustees	Gender, pregnancy, marital status, race, age, language, education information, financial information, ID number, physical and postal address, contact details, criminal behaviour.
Service providers	ID number, physical and postal address, contact details.
Staff	Gender, pregnancy, marital status, race, age, language, education information, financial information, ID number, physical and postal address, contact details, criminal behaviour.
Children	ID number, race, medical history, birth mothers' name and ID number.
Donors	Contact details.

### **11.3 General Description of Information Security Measures**

The Entity employs up to date technology to ensure the confidentiality, integrity and availability of the personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of the Company are contracted to implement security controls;
- Physical documents are stored in a locked filing cabinet.

## **12. AVAILABILITY OF THE MANUAL**

The manual is available for inspection, on reasonable prior notice, at the premises of the entity free of charge. Copies of the manual of the Entity are also available from the SAHRC.

**13. APPROVAL SIGNED ON BEHALF OF THE ENTITY ON THIS 31ST DAY OF DECEMBER 2021.**



## ANNEXURE A

### DESCRIPTION OF RECORDS TABLE

In terms of Section 14 and Section 51(1) (d) the following are records pertaining to the entity.

Categories of records for each subject
<b>1. Statutory records</b>
NPO Certificate
PBO Certificate
Names of board members
<b>1. Financial records</b>
Financial statements
Documents relating to taxation of the entity
Banking details
<b>2. Insurance</b>
Insurance policies held by the entity.
<b>3. Other internal records</b>
Internal policies and procedures
Internal correspondence
Minutes of meetings
<b>4. Employees</b>
List of employees
Personal information of employees
Employee contracts of employment
Salaries of employees
Leave records
Internal evaluation records
Disciplinary records
<b>5. Entity policies</b>
Internal relating to employees and the entity
External relating to donors and other third parties
<b>6. Agreements or contracts</b>
Service level agreement for human resource management
<b>7. Childrens' information</b>
Childrens' details
Road to health cards
Other medical information
Photographs
<b>8. Published information</b>
Newspaper articles
Social media posts

**“ANNEXURE B”**

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

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

(Act No. 2 of 2000)

[Regulation 10]

**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:

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.

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. 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 the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

**F. Form of access to record**

NOTES:			
a) Compliance with your request 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.			
(Mark the appropriate shaded box with an X.)			
<b>1. If the record is in written or printed form:</b>			
Copy of record	<input type="checkbox"/>	inspection of record	<input type="checkbox"/>
<b>2. If the record consists of visual images: (this includes photographs, slides, video recordings, computer generated images, sketches, etc.):</b>			
View the images	<input type="checkbox"/>	transcription of the images	<input type="checkbox"/>
<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
Listen to the soundtrack	<input type="checkbox"/>	transcription of soundtrack (written or printed)	<input type="checkbox"/>
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
Printed copy of information	<input type="checkbox"/>	Derived from record	<input type="checkbox"/>
		Copy in computer	<input type="checkbox"/>

				readable form	
If you requested a copy or transcription of a record (above), do you wish the copy or transactions to be posted to you?		YES:			
		NO:			

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	
Form in which record is required:	
<b>Particulars of right to be exercised or protected</b>	
<b>Explanation of why record is required for exercise or protection of abovementioned right</b>	
<b>Notice of decision regarding request for access</b>	
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.	
<b>Signature</b>	
Signed at:	Date:
Signature of requester:	