

# **PAIA MANUAL**

**(prepared in terms of section 14 of the Promotion of Access to Information  
Act, 2 of 2000 (“*PAIA*”))**

**of**

**YZERFONTEIN SPORT AND RECREATION CLUB**

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- A. Form A [Request Form]
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## **1. DEFINITIONS**

- 1.1. **“Club”** means the Yzerfontein Sport and Recreation Club
- 1.2. **“Constitution”** means the Constitution of the Republic of South Africa, 1996;
- 1.3. **“Information Officer”** has the meaning assigned to it in section 1(x)(c) of PAIA;
- 1.4. **“PAIA”** means the Promotion of Access to Information Act, 2 of 2000;
- 1.5. **“PAJA”** means the Promotion of Administrative Justice Act, 3 of 2000;
- 1.6. **“personal information”** has the meaning assigned to it in terms of section 1(xviii) of PAIA;
- 1.7. **“requester”** has the meaning assigned to in section 1(xxvii) of PAIA;
- 1.8. **“request for access”** has the meaning assigned to in section 1(xxxvi)(a) of PAIA;
- 1.9. **“SAHRC”** means the South African Human Rights Commission;

## **2. INTRODUCTION**

- 2.1. In terms of section 32 of the Constitution *“everyone has the 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”*.
- 2.2. PAIA gives effect to section 32, providing for the procedures in terms of which access to information may be requested and the grounds upon which such requests may be refused. These grounds seek to strike a balance between the right to access information on the one hand, and the reasonable protection of privacy and commercial confidentiality, on the other hand.

- 2.3. In compliance with its duties as a “public body” in terms of section 1(xxiii)(b)(ii) of PAIA, the Club has compiled this manual to assist members of the public in exercising their rights under PAIA. The Manual outlines: (1) the Club’s (i) establishment and statutory mandate; (ii) structure, functions and objectives; and (iii) contact details; (2) The procedure for requesting information from the Club; (3) An outline of the Club’s records, identifying information that is automatically available and information that may be requested under PAIA.
- 2.4. The Manual can be accessed on the Club website: [Club Website](#). For any information not contained in this manual, kindly contact the Information Officer identified below.

### **3. ORGANISATIONAL PROFILE**

- 3.1. The Club is governed and managed by a Non-executive Honorary Board (“Board”) without remuneration.
- 3.2. The Board must appoint an Executive Management (“Management”) which can at the sole discretion of the Board, consist of but not be limited to, a manager, administrator and bookkeeper with such duties as the Board may from time to time determine.

### **4. CONTACT DETAILS & INFORMATION OFFICER**

- 4.1. The Information Officer is the Chairperson of the Board, **Name and Surname**.
- 4.2. The Club’s details are as follows:

#### **Physical Address**

**Club PHYSICAL ADDRESS**

#### **Postal Address**

**Club POSTAL ADDRESS**

**Telephone number:**

**Chairperson Contact Number**

**Fax number:**

.....

**Website:**

**Club Website**

**Email address of Information Officer:**

**Chairperson Email Address**

## 5. OBJECTIVES

The objectives of the Club are the following:

- 5.1. To promote all forms of public non-profit welfare activities for sport and recreation and related activities within the area of Yzerfontein.
- 5.2. To create and maintain facilities and an efficient administration for the practice of sport and recreation within the area of Yzerfontein.

## 6. **SOUTH AFRICAN HUMAN RIGHTS COMMISSION PAIA GUIDE**

- 6.1. Section 10 of PAIA requires the South African Human Rights Commission ("SAHRC"), to compile a guide containing such information as may be reasonably required by a person seeking to exercise any right provided for in the Act. This guide is available from the SAHRC.

- 6.2. Kindly direct any queries to:

The South African Human Rights Commission  
 PAIA Unit  
 The Research and Documentation Department  
 Private Bag 2700  
 Houghton  
 2014  
 Tel: (011) 877 3600; Fax: (011) 403 0668  
 Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
 Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **7. ACCESS TO RECORDS OF THE CLUB**

- 7.1. The records listed below are automatically available without a formal request. They are available: (1) on the Club's website; and/or (2) for inspection and copying at the Club's offices upon prior arrangement (copying charges may be applicable):

|       | <b>RECORDS</b>      | <b>SUBJECT-MATTER</b>                                                                                                                                                                                                                                                        |
|-------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.1.1 | Club details        | Name; address; telephone numbers; contact persons and business hours.                                                                                                                                                                                                        |
| 7.1.2 | Club Records        | a. AGM Agendas and Minutes;<br>b. Minute book of resolutions passed at members' meetings (only available for inspection and copying at offices);<br>c. Register of board members;<br>d. Internal standard forms (such as consent forms, membership forms, proxy forms etc.); |
| 7.1.3 | Financial Records   | a. Audited Financial Statements.<br>b. Annual budget                                                                                                                                                                                                                         |
| 7.1.4 | Procurement Records | a. Public notices;<br>b. Invitations to tenders.                                                                                                                                                                                                                             |
| 7.1.5 | Legislation         | a. Various Policies                                                                                                                                                                                                                                                          |

- 7.2. The records listed below must be formally requested in terms of PAIA, access to which may be refused on the grounds outlined in para 9:15.

|       | <b>RECORDS</b>      | <b>SUBJECT-MATTER</b>                                                                                                                                                                               |
|-------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.2.1 | Club Records        | a. Board Meeting Minutes and Agendas.<br>b. Register of Disclosed Conflicts of Interest of Directors; and<br>c. Members' Register.                                                                  |
| 7.2.2 | Financial Records   | a. Monthly Financial Accounts;<br>b. Register of Assets;<br>c. Tax, VAT and PAYE records (Club and employees);<br>d. Accounting and banking records;<br>e. Invoices; and<br>f. Management Accounts. |
| 7.2.3 | Procurement Records | a. Tender applications;<br>b. Tender adjudication decisions and minutes;<br>c. Letters of tender awards;<br>d. Tender contracts; and<br>e. Correspondence with contractors                          |
| 7.2.4 | Human Resources     | a. Employee/ staff records; and<br>b. Employment contracts                                                                                                                                          |

## **8. RECORDS AVAILABLE IN TERMS OF LEGISLATION**

- 8.1. The Club holds records in terms of the following legislation (the list is not exhaustive) where applicable. Links are available on the Club website:

- 8.1.1. Basic Conditions of Employment Act 75 of 1997;
- 8.1.2. Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
- 8.1.3. Employment Equity Act 55 of 1998;
- 8.1.4. Income Tax Act 95 of 1967;
- 8.1.5. Labour Relations Act 66 of 1995;
- 8.1.6. Occupational Health & Safety Act 85 of 1993;
- 8.1.7. Protection of Personal Information Act 4 of 2013;
- 8.1.8. Unemployment Insurance Contributions Act 4 of 2002;
- 8.1.9. Unemployment Insurance Act 63 of 2001; and
- 8.1.10. Value Added Tax Act 89 of 1991.

## **9. REQUEST PROCEDURE**

### **Who May Request Access?**

- 9.1. Upon satisfying the statutory requirements detailed below, a requester may access records held by the Club.
- 9.2. In terms of s. 11(1) of PAIA, a requester must be given access to a record of a public body, such as the Club, if:
  - 9.2.1. That requester complies with all the procedural requirements under PAIA governing requests for access to that record; and
  - 9.2.2. Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 2 of PAIA.
- 9.3. PAIA distinguishes between two types of requesters:
  - 9.3.1. Personal requester: The Club will provide the requested information, or give access to any record with regard to the requester's personal information. While the personal requester does not have to pay an access fee, the Club may charge the prescribed fee for reproduction of the information.
  - 9.3.2. Other requester: This requester is entitled to request access to information on third parties. However, the Club is not obliged automatically to grant access. The requester must comply with all procedural requirements for access under PAIA, including payment of a request and access fee.

### **Form of Request**

- 9.4. Complete Form A, available on the SAHRC website, and included as Annexure A hereto for ease of reference.

- 9.5. Requests must be addressed to the Club's Information Officer.
- 9.6. The application must contain sufficient details to enable the Club to identify:
  - 9.6.1. The record/(s) requested;
  - 9.6.2. The identity of the requester and his/her representative, if any;
  - 9.6.3. The form of access required;
  - 9.6.4. The requester's contact details in the Republic of South Africa; and
  - 9.6.5. Whether the requester wishes to be informed of the decision in any manner other than in writing, such as by telephone or email.

### **Fees**

- 9.7. PAIA provides for the payment of two types of fees:
  - 9.7.1. The request fee: a standard non-refundable fee, payable prior to consideration of request. This fee is not payable in the event the request pertains to a record containing personal information about the requester. The request fee is currently R35.00.
  - 9.7.2. The access fee: if the request is granted, this fee is payable for the reproduction of records and for time in excess of one (1) hour to search and prepare the records for disclosure. These fees are indicated in Annexure "B" attached hereto.
- 9.8. Upon receipt of the request, the Information Officer, shall by notice require the requester (excluding a personal requester), to pay the prescribed request fee before further processing the request.
- 9.9. If, having undertaken the search for the record, it becomes apparent that the preparation of the record for disclosure (including arrangements to make it available in the requested form), is likely to exceed six (6) hours, the Information Officer may require the requester to pay a deposit of one third of the anticipated access fee.

### **Decision and Notice**

- 9.10. The Club will process the request within thirty (30) days, unless the request raises considerations that require an extension of this time period.
- 9.11. Where an extension of the 30-day time period is required, the requester shall be notified of the Information Officer's decision in this regard, together with the reasons for such extension.

- 9.12. The requester will be notified of the Information Officer's decision in the manner specified in the request form.
- 9.13. If the Information Officer fails to give the decision on the request within the 30-day period or within any extended period, the Information Officer will be deemed to have refused the request.

#### **Records not Found/ do not Exist**

- 9.14. In the event the Information Officer is, notwithstanding all reasonable steps, unable to find the requested record, he/she will by way of affidavit or affirmation inform the requester accordingly and provide full reasons.

#### **Refusal of Access to Records**

- 9.15. Access to a record may be refused on one or more of the grounds contemplated in Part 2, Chapter 4 of PAIA.

#### **Remedies**

- 9.16. Should the requester be dissatisfied with the decision of the Information Officer, the requester may apply to Court for judicial review. Under PAJA, such an application must be made within 180 days after the date on which the requester was informed of the decision and the reasons for it, or might reasonably have been expected to become aware of the decision and reasons.

### **10. UPDATING THIS MANUAL**

- 10.1. This Manual will be updated as and when necessary, but at least on an annual basis.
- 10.2. The most recent version of the Manual will be available on the CID NPC's website at [Club Website](#)