



Promote, Monitor and Protect

**Section 14 Manual of the
South African Human Rights Commission**

**(Prepared in terms of the Promotion of Access to Information Act of 2 of
2000)**

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1. Introduction

The South African Human Rights Commission (Commission) is committed to the observance of and compliance with the directives of the Constitution and national legislation like the Promotion of Access to Information Act (PAIA). It eschews the key principles of good governance, transparency and accountability.

In the pursuit of its objectives the Commission encourages the sharing of information with requesters and members of the public as optimally as is possible. Informed public scrutiny can only strengthen the democratic ideals the Commission advances.

The information in this manual provides a roadmap to the Commission which clearly demonstrates the services the Commission provides together with the information necessary to ensure that the processes of information sharing are expeditious and affirming.

1.1 Establishment of the Commission

The South African Human Rights Commission was established pursuant to Section 181 of the Constitution of the Republic of South Africa, 1996.

The legislative powers of the Commission are given force through the Human Rights Commission Act of 2013.

1.2 Objectives of the Commission

The Commission's primary objective is to provide support to a constitutional democracy. Section 184 (1) of the Constitution provides the broad primary functions of the Commission in the execution of this mandate. The key functions are:

- Promoting respect for human rights and a culture of human rights;
- Promoting the protection, development and attainment of human rights; and

- Monitoring and assessing the observance of human rights in the country.

2. Structure of the Commission

The Commission consists of a national office situated in Gauteng and regional offices in each of the 9 provinces.

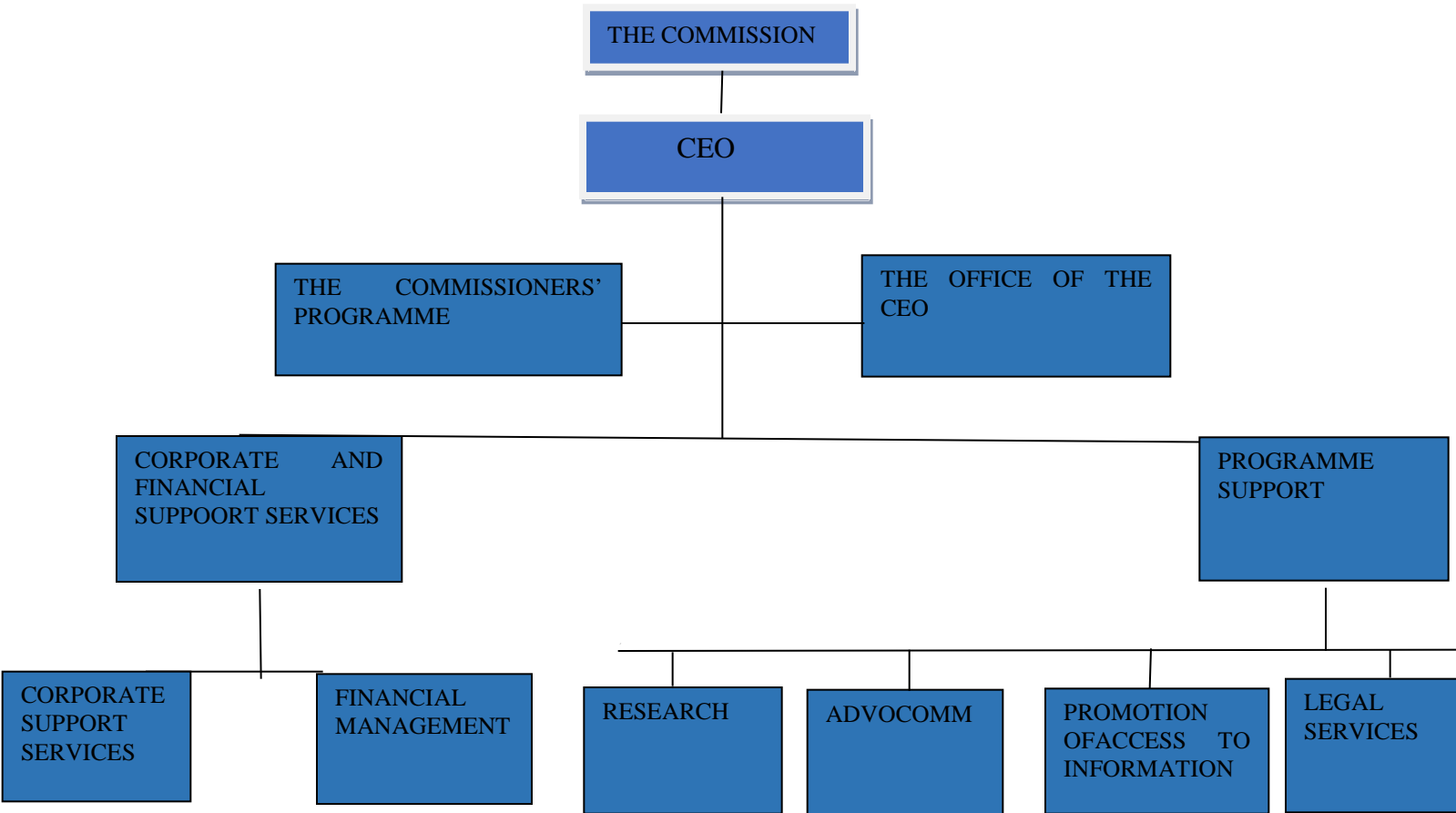
- Eastern Cape: East London
- Free State: Bloemfontein
- Gauteng: Johannesburg
- Kwa Zulu Natal: Durban
- Limpopo: Polokwane
- Mpumalanga: Nelspruit
- Northern Cape: Upington
- North West: Rustenburg
- Western Cape: Cape Town

The Commission is served by eight Commissioners appointed by the President of the country. Professor Bongani Majola and Commissioner Priscilla Jana serve respectively as the Chairperson and Deputy Chairperson of the Commission.

Commissioners, Adv. M Ameerma, B Malatji, Adv. A Gaum and Commissioner A Makwetla are full time Commissioners and, Commissioners Adv. B Sibanyoni and Commissioner A Nissen serve as part-time Commissioners of the Commission.

The secretariat performs its functions through various departments and is headed by the Chief Executive Officer, Adv. Tseliso Tipanyane, the Chief Operations Officer, Ms Chantal Kisoona, and the Chief Financial Officer, Petrus Makeneta.

3. Organogram of the South African Human Rights Commission



4. Key Contact Details for Access to Information Queries

Information Officer:

Adv. Tseliso Tipenyane

PA: Ms J Hollenbach

Tel: 011 877 3622

Email: jhollenbach@sahrc.org.za

Deputy Information Officer:

Dr. Shanelle Van Der Berg

Tel: 011 877 3685

Email: svanderberg@sahrc.org.za

Access to information general contacts:

PAIA Helpdesk: tsebulela@sahrc.org.za / bmchunu@sahrc.org.za

National Head Office

Postal Address: Private Bag x2700
Houghton
2041

Physical Address: The South African Human Rights Commission
33 Hoofd Street
2nd Floor
Forum III, Braampark
Braamfontein, Gauteng

Telephone (011) 877 3600
 Fax (011) 403 0625
 Email paia@sahrc.org.za
 Website www.sahrc.org.za

5. Contact Details for Regional Offices of the Commission

<p><u>North West Province</u></p> <p>25 Heystek Street, Rustenburg Tel: 014 592 0694 Fax: 014 594 1069</p>	<p><u>Northern Cape Province</u></p> <p>45 Mark and Scott Road, Ancorley Building, Upington PO Box 1816 Upington 8800 Tel: 054 332 3993 Fax:054 332 7750</p>
<p><u>Western Cape Province</u></p> <p>ABSA Building 7th Floor 132 Adderley Street PO Box 3563 Cape Town 8001 Tel: 021 426 22 77 Fax: 021 426 28 75</p>	<p><u>Mpumalanga Province</u></p> <p>4th Floor Carltext Building 32 Bell Street PO Box 6574 Nelspruit 1200 Tel: 013 752 5870/8292 Fax: 013 752 6890</p>
<p><u>Eastern Cape Province</u></p> <p>4th floor Oxford House</p>	<p><u>Limpopo Province</u></p> <p>1st Floor, Office 102 Library</p>

86 Oxford Street East London 5200 Tel:043 722 7828 Fax: 043 722 7830	Garden Square Corner of Schoeman and Grobler Streets, Polokwane Tel: 015 291 3500 Fax: 015 291 3505
<u>Gauteng Province</u> 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein Tel: 011 877 3600 Fax 011 403 0668	<u>Kwa - Zulu Natal</u> First Floor, 136 Margaret Mncadi, Durban Tel: 031 304 7323/4/5 Fax: 031 304 7323
<u>Free State Province</u> 18 Keller Street Bloemfontein 9300 T: 051 447 1130 F: 051 447 1128	

6. Guide on use of the Access to Information Legislation. Section 14(1)(c)

The Commission launched a Guide in terms of section 10 of PAIA on 01 March 2005. The Guide, which is available in eleven official languages, has been distributed to public bodies. Members of the public can inspect or make copies of the Guide from the offices of these public bodies. The Guide can also be obtained from the website of the Commission (see link on pg 8 above).

7. Categories of Records

Records held by the Commission are generated through each of its programs, through the core operations processes and through the Commissioners.

Each program of the Commission generates substantive records which relate specifically to the outputs of the program and operational records in the course of organizational operations.

The categories of records generated in the Commission are classified in the manner listed below.

According to the file plan for correspondence, files on strategic support, core functions, and operational processes of the Commission; The Records Control Schedule for Other records including publications and audio-visual records and the electronic information systems of the Commission.

Certain records are acquired in the course of work of the Commission and in certain instances records are received from multiple levels of government in accordance with legislation such as PAIA.

The Commission reserves the right to transfer requests for records to relevant bodies where these bodies were the primary holders or generators of the information requested, or where the Commission no longer has possession of such record. The Commission also reserves the right to create new categories of records where this is necessary. This manual will be updated to reflect changes in categories of records accordingly.

ANNEXURE 1: LIST OF COMPONENTS / PROGRAMMES AND SUMMARY OF FUNCTIONS / OPERATIONS

8. Category A – Strategic and Support

COM	COMMISSIONERS
CP	CHAIRPERSON
DCP	DEPUTY CHAIRPERSON
CEO	CHIEF EXECUTIVE OFFICER
COO	CHIEF OPERATIONS OFFICER
CFO	CHIEF FINANCIAL OFFICER
IAA	INTERNAL AUDIT AND RISK MANAGEMENT
STR	STRATEGIC SUPPORT AND GOVERNANCE
COMP	COMMUNICATIONS AND PUBLICATIONS
ICT	INFORMATION COMMUNICATIONS TECHNOLOGIES
MED	MEDIA
CORP	CORPORATE SERVICES
HR	HUMAN RESOURCES
ADM	ADMINISTRATION AND SUPPLY CHAIN MANAGEMENT

9. Category B – Programs of the Commission

Services to the public and stakeholders are primarily provided through the work of the programs listed below:

ADCOM	ADVOCOM- ADVOCACY AND COMMUNICATIONS
COMOUT	COMMUNITY OUTREACH
EL	E-LEARNING
NE	NATIONAL EVENTS
PAC	PUBLIC AWARENESS CAMPAIGNS
LSP	LEGAL SERVICES UNIT
CPM	COMPLAINTS AND INFORMATION MANAGEMENT
LIT	LITIGATION
LAW	LAW CLINIC
PLC	PROVINCIAL LEGAL COORDINATION
PAIA	PROMOTION OF ACCESS TO INFORMATION (PAIA)
RM	RECORDS MANAGEMENT
RES	RESEARCH
ACJ	ACCESS TO JUSTICE
BUS	BUSINESS AND HUMAN RIGHTS
LIB	LIBRARY AND DOCUMENTATION CENTRE
ERP	EQUALITY RIGHTS
RAC	RACISM
CHI	CHILDREN'S RIGHTS
DIS	DISABILITIES
HOU	HOUSING
OLD	OLDER PERSONS
ENV	ENVIRONMENT
PLLM	PARLIAMMENTARY LIAISON AND LEGISLATION MONITORING

10. Automatically Available Records

The access to information legislation provides for records which are automatically available from the Commission. Such automatically available records usually do not have information which can reasonably be said to be of a sensitive nature. Most records which fall into this category of information are available from the central registry of the Commission at its Head Office or on the Commission's website: www.sahrc.org.za

Records Automatically Available

CATEGORY	DOCUMENT TYPE	AVAILABILITY	WEBSITE
Strategic Documents Plans Proposals	Establishment Legislation Charters Funding Proposals Risk HR Contingency	√	√
Operational Policies / Plans /Procedures / Frameworks /	Protocols Agreements, Supply Chain Management, Procurement Plans, Specific Tenders & Contracts, Donations, Funds,	√	

	Supplies, Revenue Statements, Reports and Returns, Risk Management, Audit, IT, Finance Management, Human Resources, Marketing and Branding Records Management,		
PAIA Manuals	Public Bodies Private Bodies	√	
Publicity & Marketing Material	Publications, Reports etc	√	√

Publications	Booklets, Books, Periodicals, Journals, Reports, Newsletters, Bulletins, Magazines, Pamphlets, E- Publications.	√	√
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Media	Press releases, Radio & TV Interviews, Statements, Participation details, Official Speeches and Messages, Gifts & Awards.	√	√
Events Functions Seminars, Conferences	Presentations, Discussions, documents.	√	√ Subject to availability and timelines of event
Registers	Internal Directories, File Plan, Records Control Schedule.	√	
Reports / Minutes / Decisions	Conferences, Research & Findings, Subpoena based hearings, HR Interventions, Public Hearings, Plenary reports, Annual Reports, Monitoring & Evaluation, Statistics,	√	√ Subject to availability

	Surveys and submissions on Legislation.		
Supply Chain Matters	Tender Documents, Contracts, Purchase orders, Quotations, Tenders, Terms of reference, Leases	√	
Finances	Estimates, Statements, Budgets, Reports, Audit Records.	√	
Audio-Visual Recordings	Slides, Photographs, Films, Videos.	√	

11. Categories of Records Not Automatically Available

Category B (These records must be formally requested by lodging a request form* see form on page 23 below)

CATEGORY OF RECORD	ON REQUEST ONLY
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Commissioner service assessment reports	√
Commissioner internal communiqués	√
Executive Management internal sensitive communication	√
Security related information	
Records held by Legal Services Department	√
Research conducted by service providers for the organization or programs subject to contractual exemptions on disclosure	√
Confidential client communications to programs	√
Privileged information: held in the course of closed hearings, attorney client information, national security based information, third party information;	√
Specific Human Resource Personnel information, including files relating to discipline, medical information etc	√
Asset disclosures and asset protection procedures	√
Certain Service Level Agreements	√

Certain Tender Documentation	√
Agendas and Minutes of Meetings and correspondence	√
Draft reports, policies and discussions documents	√

**The records listed in the categories above may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds.*

The Commission further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources. Access will also be refused where requests are clearly frivolous and / or vexatious.

12. Public Involvement in the Formulation of Policy and the Exercise of Power.

Section 14 (1) (g)

A substantial degree of public participation informs policy formulation at the Commission. Traditionally, participation is integrated through the general thematic work of the programs in the form of hearings and workshops, campaigns, through committees which include civil society actors and members of the public and through development programs. The platform for public participation and involvement is extended to the 'walk in' policy observed at the Commission. The policy allows for robust engagement with the Commission which is unhindered by challenges of access.

The inputs and submissions of members of the public are considered intensively during the formulation of the Commission's strategy planning at the end and commencement of each new financial year.

13. Request Procedure

13.1 Telephonic Requests

Telephonic requests to the Commission are permitted. Such requests may be directed to the deputy information officer or to the PAIA help-desk through the contact information stated in this manual. Requesters may be directed to lodge formal requests where this is established from the nature of the verbal request.

13.2 Voluntary Access

Information that is automatically available can be obtained from the website of the Commission, or through its central registry. In certain instances, reproduction fees may be imposed. Transcription and copying of records in other formats attract reproduction fees. The manner of access to these documents is not limited to inspection and perusal.

13.3 Formal Requests and Fees Section 14 (1) (d)

The requester must complete the form attached to this manual, Form A. Requesters will be assisted in completing the form if required (See form on pg 24).

- The requester must indicate the form or manner of access required.
- The Commission will endeavour to provide information in the form indicated where possible.
- A thirty working day time frame is permitted for a response to the request where this is necessary. These thirty days may further be extended for another 30 working days on notification to the requester.
- Fee impositions are required in terms of PAIA. The prescribed fee schedule is attached to this manual.
- Fees are paid at the inception of a request and thereafter fees are incurred for search processes and reproduction costs. Certain categories of persons are exempt from paying fees. These categories include those who qualify on the basis of their annual income and those who are requesting personal information.

Persons requesting personal information about themselves or their minor children do not have to pay a request fee. All other persons have to pay the request fee of R35.00.

If a request is granted, further access or search fees, are required. These fees are calculated in terms of the rates fixed in the attached regulation. Fees are charged for time spent searching for the record and preparing and / or reproducing the record/s.

14. Payment Method

All payments can be made in revenue stamps available from the post offices. Requests for voluminous non personal records will not be accepted without payment.

15. Remedies Available if provisions of PAIA are not complied with

The aggrieved party has the right to approach the courts for relief where they are dissatisfied with the imposition of fees; the time frames within which they received a response from the Commission or with a decision to refuse access in part or fully.

The aggrieved party can approach the Magistrate Courts in their regions for resolution of their grievances or High Courts.

16. Updating of the Manual

This manual will be updated at a periodic basis not less frequently than once each year at the cost of the Commission.

17. Availability of the Manual

The manual is available in English and two other official languages, and will be available at the Commission itself and on the website of the Commission.

The manual is also electronically available on the website of the Commission at: www.sahrc.org.za.

18. Request to the Minister for Compilation of One Manual

This manual is compiled solely for the Commission and no requests for combined manuals with other constitutional or public bodies have been submitted to the Minister.

19. Exemption from the Minister from any Provision of Section 14 (5) of PAIA for a Determined Period

The Commission is not exempt from any provision of this section.

20. Records that cannot be found or do not exist

Requesters have the right to receive a response in the form of an affidavit where records cannot reasonably be located, but to which a requestor would have had access had the record been available. Requesters also have the right to receive a response in the form of an affidavit where requested records do not exist.

21. Disposal of Records

The Commission reserves the right to lawfully dispose of certain records in terms of authorities obtained from the National Archives and Records Service.

Requesters will be advised whether a particular record has been disposed of where this is relevant to the records requested.

Schedule of Fees in respect of Public Bodies	
Description of record	Fee
The fees for reproduction referred to in Section 15(3) of the Act is as follows:	
a. For every photocopy of an A4-size page or part thereof:	R0.60
b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form:	R0.40
c. For a copy in a computer-readable form on –	
(i) Stiffy disc	R5.00
(ii) Compact disc	R40.00
d. For a transcription of visual images,	
(i) for an A4-size page or part thereof	R22.00
(ii) For a copy of visual images	R60.00
e. For a transcription of an audio record	
(i) for an A4-size page or part thereof:	R12.00
(ii) For a copy of an audio record	R17.00
The request fee payable by every requester, other than a personal requester, referred to in Section 22(1) of the Act is:	R35.00
The access fees payable by a requester referred to in Section 22(7) of the Act, unless exempted under Section 22(8) of the Act are as follows:	

a. For every photocopy of an A4-size page or part thereof:	R0.60
b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form:	R0.40
c. For a copy in a computer-readable form on –	
(i) Stiffy disc	R5.00
(ii) Compact disc	R40.00
d. For a transcription of visual images –	
(i) for an A4-size page or part thereof:	R22.00
(ii) For a copy of visual images	R60.00
e. For a transcription of an audio record –	
(i) For an A4-size page or part thereof:	R12.00
(ii) For a copy of an audio record:	R17.00
f. To search for the record for disclosure, R15.00 , for each hour or part of an hour. Excluding the first hour reasonably required for such search.	
The actual postal fee is payable when a copy of a record must be posted to a requester.	
For the purposes of Section 22(2) of the Act, the following applies:	
a. Six hours as the hours to be exceeded before deposit is payable; and	
b. One third of the access fee is payable as a deposit by the requester	

Formal Request Form for Documents not automatically available

Form A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000)

[Regulation 6]

FOR DEPARTMENTAL USE

Reference number:

Request received by

name and surname of information officer/deputy information officer on
(date) at (place)

Request fee (if any): R.....

Deposit (if any): R

Access fee: R.....

.....Signature of information officer/deputy
Information Officer

A Particulars of public body

The Information Officer/Deputy Information Officer:

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.

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

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.

<u>Disability:</u>		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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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 disc)	
*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
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.						
In which language would you prefer the record?						

G. Notice of decision regarding request for access

Requesters will be notified whether their 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 Thisday of.....20_____

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE