



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) as amended

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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 embraces 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 SAHRC

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 SAHRC

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. PURPOSE OF THE MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the nature of the records which may already be available at the Commission, without the need for submitting a formal PAIA request;
- 2.2 understand how to make a request for access to a record of the Commission;
- 2.3 access all the relevant contact details of the persons who will assist the public with the records they intend to access;
- 2.4 know all the remedies available from the Commission regarding request for access to the records, before approaching the Regulator or the Courts;
- 2.5 the description of the services available to members of the public from the Commission, and how to gain access to those services;
- 2.6 a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.7 if the Commission will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know if the Commission has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.9 know whether the Commission has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. 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 Fatima Cohen serve respectively as the Chairperson and Deputy Chairperson of the Commission.

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

The secretariat performs its functions through various departments and is entrusted with the implementation of the organisational strategy of the Commission and it is headed by the Chief Executive Officer, Adv. Tseliso Thipanyane, the Chief Operations Officer, Ms. Chantal Kisoona, and the Chief Financial Officer Mr Rushay Singh (Acting).

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE COMMISSION

Information Officer:
Adv. Tseliso Thipanyane

PA: Ms Hilda Pule
Tel: 011 877 3622
Email: hpule@sahrc.org.za

Deputy Information Officer:
Mr Tshepang Sebulela

Tel: 011 877 3685
Email : tsebulela@sahrc.org.za

Access to information general contacts:
PAIA Helpdesk: tsebulela@sahrc.org.za

National Head Office

Postal Address: Private Bag x2700
Houghton
2041

Physical Address: The South African Human Rights Commission
27 Siemens Street
Braamfontein, Gauteng
2098

Telephone (011) 877 3600
Fax (011) 403 0625
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>5 Mark and Scot Road, Ancorley Building, Upington Tel: 054 332 3993/4 Fax: 0864162980</p> |
| <p><u>Western Cape Province</u></p> <p>7th Floor ABSA building, 132 Adderley Street, Cape Town</p> | <p><u>Mpumalanga Province</u></p> <p>34 Brown Street, Mbombela (Nelspruit) Tel: 013 752 5890/5870 Fax: 086 548 0929</p> |
| <p><u>Eastern Cape Province</u></p> <p>Address: 13 – 33 Phillip Frame Road, Waverley Park, Chiselhurst, East London, 5200 Tel: 043 722 7828/21/25 Fax: 086 635 6898</p> | <p><u>Limpopo Province</u></p> <p>29A Biccadd Street, Polokwane Tel: 015 291 3500 Fax: 086 608 4097</p> |
| <p><u>Gauteng Province</u></p> <p>27 Siemens Street, Braamfontein Tel: 011 877 3600 Fax 011 403 0668</p> | <p><u>Kwa - Zulu Natal</u></p> <p>First Floor, 136 Margaret Mncadi, Durban Tel: 031 304 7323 Fax: 086 439 3581</p> |

| | |
|---|--|
| <p><u>Free State Province</u></p> <p>18 Kellner Street, Bloemfontein Tel: 051 447 1130 Fax: 086 620 8096</p> | |
|---|--|

6. GUIDE ON USE OF THE ACCESS TO INFORMATION LEGISLATION. SECTION 14(1)(C)

- 6.1. The Information Regulator (" Regulator") has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and the Protection of Personal Information Act, Act Number 4 of 2013 ("POPIA").
- 6.2. The Guide is available in each of the official languages.
- 6.3. The aforesaid Guide contains the description of-
 - 6.3.1. the objects of PAIA and POPIA;
 - 6.3.2. the postal and street address, phone, and fax number and, if available, electronic mail address of-
 - 6.3.2.1. the Information Officer of every public body, and
 - 6.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
 - 6.3.3. the manner and form of a request for-
 - 6.3.3.1. access to a record of a public body contemplated in section 11; and
 - 6.3.3.2. access to a record of a private body contemplated in section 50;
 - 6.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
 - 6.3.5. the assistance available from the Information Regulator in terms of PAIA and POPIA;

- 6.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 6.3.6.1. an internal appeal;
 - 6.3.6.2. a complaint to the Regulator; and
 - 6.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 6.3.7. the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 6.3.8. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 6.3.9. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 6.3.10. the regulations made in terms of section 92.
- 6.4. Members of the public can inspect or make copies of the Guide from the offices of the public or private bodies, including the office of the Regulator, during normal working hours. The Guide can also be obtained-
 - 6.4.1. upon request to the Information Officer;
 - 6.4.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

7. CATEGORIES OF RECORDS OF THE COMMISSION

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.

7.1. Categories of records of the Commission which are available without a person having to request access

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

| Category | Document Type | Available on website | Available upon request |
|---|--|-----------------------------|-------------------------------|
| Legislation | Constitution of the Republic of South Africa | | X |
| | Bill of Rights | X | X |
| Strategic Documents Plans Proposals | Establishment Legislation Charters Funding Proposals Risk HR Contingency | X | X |
| Publications | Annual Reports | X | |
| | Section 184(3) Reports | X | |
| | Strategic Planning | X | |
| | Hearing Reports | X | |
| | General Reports | X | |
| | Trends Analysis | X | |
| | Investigative Reports | X | |
| | Equality Reports | X | |
| | Submission on Legislation | X | |
| | PAIA Reports | X | |
| | Pamphlets | X | |
| | Pfanelo Newsletter Editions | X | |
| Other Publications | Booklets, Books, | X | X |

| | | | |
|---|---|---|--|
| | Periodicals, Journals, Reports, Newsletters, Bulletins, Magazines, Pamphlets, E- Publications. | | |
| Complaints | Complaints handling process | X | |
| | Own complaint | X | |
| | Complaint on behalf of another | X | |
| | Complaint on behalf of an organisation | X | |
| | Forms for download | X | |
| PAIA | Section 32 template | X | |
| | Form A – Requesting information from Public Body | X | |
| | Form B – Appeal form | X | |
| | Form C – Requesting information from Private Body | X | |
| | Understanding PAIA | X | |
| | Lodging a PAIA request with the SAHRC | X | |
| Operational Policies / Plans /Procedures / Frameworks / | Protocols Agreements, Supply Chain Management, Procurement Plans, | X | |

| | | | |
|--|---|---|---|
| | Specific Tenders & Contracts, Donations, Funds, Supplies, Revenue Statements, Reports and Returns, Risk Management, Audit, IT, Finance Management, Human Resources, Marketing and Branding Records Management, | | |
| Publicity and Marketing Material | Publications, Reports etc. | X | |
| Media | Press releases, Radio and TV Interviews, Statements, Participation details, Official Speeches and Messages, Gifts and Awards. | X | X |
| Events Functions Seminars, Conferences | Presentations, Discussions, documents. | X | X Subject to availability and timelines of event |
| Registers | Internal Directories, File Plan, Records Control | X | |

| | | | |
|----------------------------------|--|---|---------------------------------|
| | Schedule. | | |
| Reports / Minutes / Decisions | Conferences, Research & Findings, Subpoena based hearings, HR Interventions, Public Hearings, Plenary reports, Annual Reports, Monitoring and Evaluation, Statistics, Surveys and submissions on Legislation. | X | X Subject to availability |
| Supply Chain Matters | Tender Documents, Contracts, Purchase orders, Quotations, Tenders, Terms of reference, Leases | X | |
| Finances | Estimates, Statements, Budgets, Reports, Audit Records. | | X |
| Audio-Visual Recordings | Slides, Photographs, Films, Videos. | X | X |

7.2. Categories of Records Not Automatically Available

Category B (These records must be formally requested by lodging a request form* see Annexure A below)

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

| | |
|--|---|
| Certain Tender Documentation | X |
| Agendas and Minutes of Meetings and correspondence | X |
| Draft reports, policies, and discussions documents | X |

**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.

8. LIST OF COMPONENTS / PROGRAMS AND SUMMARY OF FUNCTIONS / OPERATIONS

8.1. 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 |
| IO/DIO OFFICER/S | INFORMATION OFFICER AND DEPUTY INFORMATION |

8.2. 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 | PARLIAMENTARY LIAISON AND LEGISLATION MONITORING |
| ITBM | INTERNATIONAL TREATY BODY MONITORING |
| PLM | PROVINCIAL LEGISLATION MONITORING |

9. 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.

10. PROCESSING OF PERSONAL INFORMATION

10.1 Purpose of Processing

The purpose for processing of personal information by the Commission is to fulfil its mandate as provided for in the Constitution of the Republic of South Africa. POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe the Data Subject's privacy. The type of personal information that the Commission processes will depend on the purpose for which it is

collected. The Commission will, at the time of obtaining the information, disclose to the Data Subject why the personal information is being collected and will process the personal information for that purpose only.

10.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

| Categories of Data Subjects | Personal Information that may be processed |
|-----------------------------|---|
| Natural persons | Names and surname; contact details (contact number(s), fax number, email address); Residential, postal or business address; Unique Identifier/Identity Number and confidential correspondence |
| Juristic persons | Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number; financial, commercial, scientific, or technical information and trade secrets |
| Complainants | Gender, pregnancy; marital status; race, age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details (contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person |
| | |

10.3 The recipients or categories of recipients to whom the personal information may be supplied

The Commission will at times share personal the information it processes with the individual themselves and with other third parties. Where necessary or required the Commission may share information with:

- a) Parties to a complaint lodged with the Commission
- b) personal information verification and credit reference agencies;
- c) regulatory and reporting authorities;
- d) government institutions;
- e) professional advisors and consultants;
- f) suppliers and service providers;
- g) current, past, and prospective employers;
- h) family, associates, and representatives of the person whose personal information we are processing;
- i) survey and research organisations; and
- j) police forces and courts.

10.4 Trans-border flows of personal information

The Commission may transfer personal information across borders out of SA, to secure or backup the data, or for operational or technical reasons. The nature of cloud computing means that some data may be transferred across borders. Where it is within the Commission's control, it will only transfer data to other countries who have similar privacy and data protection laws as our own.

10.5 Information security measures to protect personal information

The Commission is committed to ensuring that the Data Subject's personal information is secure. In order to prevent unauthorised access or disclosure to such information, the Commission has put in place appropriate physical, electronic and managerial procedures to safeguard and secure the information it collects.

The Commission secures its data by maintaining reasonable measures to protect personal information from loss or misuse and unauthorised access, disclosure,

alteration, and destruction. The Commission also takes reasonable steps to keep personal information accurate, current, complete, and reliable for its intended use.

10.6 Objection to the processing of personal information

POPIA provides that a Data Subject may object, at any time, to the processing of personal information by the Commission, on reasonable grounds relating to his/her/its particular situation, unless legislation provides for such processing. In order to object, the Data Subject must complete the prescribed form attached hereto as Annexure 2 - FORM 1 - Objection to the processing of personal information in terms of section 11(3) of POPIA Regulations relating to the protection of personal information, 2018 [Regulation 2] and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

10.7 Correction/deletion of personal information

A Data Subject may also request the Commission to correct or delete personal information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or destroy or delete a record of personal information about the Data Subject that the Commission is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

A Data Subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Annexure 3 - FORM 2 - Request for correction or deletion. of personal information or destroying or deletion of record of personal information in terms of section 24(1) of POPIA relating to the protection of personal information, 2018 [Regulation 3]

10.8. Remedies

If the Information Officer decides to grant a requester access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is an appeal procedure that may be followed after a request to access information has been refused, which will be described in the correspondence addressed to the requester by the Information Officer.

If the requester is not satisfied with the outcome of the appeal, the requester is entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Information Officer has decided to grant the requester access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, the requester must be granted access to the record.

10.9 Remedies available when the Commission refuses a request for information

Internal remedies

The Commission does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

External remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 180 days of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator. For purposes of POPIA,

the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

11. REQUEST PROCEDURE

11.1 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.

11.2 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.

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

The requester must complete the form attached to this manual as Form A. Requesters will be assisted in completing the form if required (See Annexure 1).

- The requester must indicate the form or manner of access required.
- The Commission will endeavor 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 R100.00.

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.

12. PAYMENT METHOD

All payments can be made to the Commission using the banking details to be made available upon request. Requests for voluminous non personal records will not be accepted without payment.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. PAIA FEES GOVERNMENT GAZETTE NO 45057 NOTICE 757 - 27 AUGUST 2021

| Item | Description | Amount |
|------|---|--|
| 1 | The request fee payable by every requester | R100-00 |
| 2 | Photocopy of A4 size page | R1-50 per page or part thereof |
| 3 | Printed copy of A4 size page | R1-50 per page or part thereof |
| 4 | For a copy in a computer-readable form on: (i) Flash drive (to be provided by requester) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to requester | R40-00 R40-00 R60-00 |
| 5 | For transcription of visual images per A4 size page | Service to be outsourced. Will depend on quotation from service provider |
| 6 | Copy of visual images | |
| 7 | Transcription of an audio record, per A4 size | R24-00 |
| 8 | Copy of an audio record on: (i) Flash drive (to be provided by requester) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to requester | R40-00 R40-00 R60-00 |
| 9 | To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonable required for such search and preparation. To not exceed a total cost of | R100-00 R300-00 |
| 10 | Deposit: If search exceed 6 hours | One third of amount per request calculated in terms of items 2 - 8 |
| 11 | Postage, e-mail, or any other electronic transfer | Actual expense if any |

Prescribed Form A

**REQUEST FOR ACCESS TO RECORDS OF:
The South African Human Rights Commission
Promotion of Access to Information**

FOR INTERNAL USE ONLY

| | |
|------------------------|--|
| Reference number | |
| Request received by | |
| Date request received | |
| Place request received | |
| Request fee (if any) | |
| Deposit (if any) | |
| Access fee | |

Signature of
Information Officer/Deputy Information Officer

A) Particulars of the Information Officer / Deputy Information Officer

The Information Officer/Deputy Information Officer:

Attention:
Telephone number:
E-mail address:
Postal Address:

B) Particulars of requester (person requesting access to information)

- (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 | |
| Postal address | |
| Identity number | |
| 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/company 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 page and attach it to this form.
Please sign all additional pages.

| |
|---|
| 1. Full description of the record or relevant part of the record |
| |

| |
|---|
| 2. Reference number(s), if available |
| |

| |
|---|
| 3. Any further particulars of the 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.

| <p>Mark the appropriate box with an X. Notes:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p> | |
|--|----------------------------------|
| Disability | Form in which record is required |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| <p>1. If the record is in written or printed form:</p> <p><input type="checkbox"/> copy of record*</p> <p><input type="checkbox"/> inspection of record</p> | |
| <p>2. If record consists of visual images: This includes photographs, slides, video recordings, computer-generated images, sketches, etc.</p> <p><input type="checkbox"/> view the images</p> <p><input type="checkbox"/> copy of the images*</p> <p><input type="checkbox"/> transcription of the images*</p> | |
| <p>3. If record consists of recorded words or information which can be reproduced in sound:</p> <p><input type="checkbox"/> listen to the soundtrack (audio cassette)</p> <p><input type="checkbox"/> transcription of soundtrack* (written or printed document)</p> | |
| <p>4. If record is held on computer or in an electronic or machine-readable form:</p> <p><input type="checkbox"/> printed copy of record</p> <p><input type="checkbox"/> printed copy of information derived from the record*</p> <p><input type="checkbox"/> copy in computer readable form* (compact disc)</p> | |
| <p>*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.</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> | |
| <p>In which language would you prefer the record?</p> <p>_____</p> <p>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</p> | |

G) Notice of decision regarding request for access

You will be notified whether your request has been approved or 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?
 Postal address E-mail Fax Other. Specify:

Signed at _____ this _____ day of _____ 20 _____

Signature of Requestor

**FORM 1 - OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION
IN TERMS OF SECTION 11(3) OF POPIA**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

| A | DETAILS OF DATA SUBJECT |
|---|------------------------------|
| Name(s) and surname/ registered name of data subject: | |
| Unique Identifier/ Identity Number | |
| Residential, postal, or business address: | |
| | |
| | |
| | Code () |
| Contact number(s): | |
| Fax number / E-mail address: | |
| B | DETAILS OF RESPONSIBLE PARTY |
| Name(s) and surname / Registered name of responsible party: | |
| Residential, postal or business address: | |
| | |
| | Code () |

| | |
|--------------------------------|--|
| Contact number(s): | |
| Fax number/ address: E-mail | |

| | |
|---|---|
| C | REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection) |
| | |
| | |
| | |
| | |
| | |
| | |

Signed at this day of20.....

.....
Signature of data subject/designated person

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

| A | DETAILS OF THE DATA SUBJECT |
|---|------------------------------|
| Name(s) and surname / registered name of data subject: | |
| Unique identifier/ Identity Number: | |
| Residential, postal, or business address: | |
| | Code () |
| Contact number(s): | |
| Fax number/E-mail address: | |
| B | DETAILS OF RESPONSIBLE PARTY |
| Name(s) and surname / registered name of responsible party: | |
| Residential, postal, or business address: | |
| | |

| | |
|-----------------------------|---|
| | Code () |
| Contact number(s): | |
| Fax number/ E-mail address: | |
| C | INFORMATION TO BE CORRECTED / DELETED / DESTROYED / DESTROYED |
| | |
| | |
| | |
| D | <p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p>(Please provide detailed reasons for the request)</p> |
| | |
| | |
| | |
| | |

Signed at this day of20.....

.....
Signature of data subject/ designated person