



Bringing Hope, Breaking Despair

PROMOTION OF ACCESS TO INFORMATION ACT
SECTION 51: MANUAL OF LIVING HOPE

This manual is published in terms of section 51 of the Promotion of Access to Information Act (Act no 2 of 2000) and the Protection of Personal Information Act 2013 (Act no 4 of 2013) The Act gives provisions to Section 32 of the Constitution, which provides the right to access of information held by the state and/or held by a private person or entity where such information is required to protect the requestors rights.

OVERVIEW

Living Hope is a Christian Faith Based organisation operating mainly in the South Peninsula of Cape Town

We seek to reach people for Christ, bringing hope and breaking the despair of poverty and disease.

Our Mission

- To spread the good news of Jesus Christ in a life changing way and to encourage people to follow Him.
- To play a vital role in the prevention, care, treatment and support of people infected and affected by HIV and AIDS and other chronic illnesses.
- To undertake community development, inter alia through education, social and health related programmes.

Living Hope seeks to impact South Africa's Southern Cape Peninsula and Buffalo City with a holistic approach that strengthens the health care systems, builds resilient families, provides farmer training, offers rehab to substance and abusers and works with all ages to provide life skills.

PURPOSE OF THIS MANUAL

This manual serves to inform members of the public of the categories of information we hold and which may be subject to the grounds of refusal authorised by the Act, be disclosed after the evaluation for a request to access to information being made in terms of the Act.

AVAILABILITY OF THIS MANUAL

A copy of this manual is available:

- for download on our website: www.livinghope.co.za
- on request from the Human Resources department: hr@livinghope.co.za

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

INFORMATION OFFICER/S DETAILS:

INFORMATION OFFICER:

John Victor Thomas
Executive Director
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021 784 2800

DEPUTY INFORMATION OFFICER:

Kerry-ann Ives
Human Resources Manager
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021 784 2800

HOW THE PROTECTION OF PERSONAL INFORMATION WORKS

The Act provides that the requestor may be provided access to the records of a private body, if the record is required for the protection of any rights. If a public body lodges a request, the public body must be acting in the best interest of the public.

Requests under the Act must be made in terms of the procedures prescribed by the Act, and at the rates provided.

HOW TO REQUEST RECORDS FROM LIVING HOPE

Requests for information held by Living Hope must be made on the request form that is attached to this manual – ANNEXURE A – Form C (J752) and is also available for download at:

www.livinghope.co.za

https://www.justice.gov.za/forms/form_paia.htm

In addition the request form – Form C (J752) - can be obtained from:

Living Hope

Human Resources Department

hr@livinghope.co.za

PLEASE NOTE:

When a record is requested the following will apply:

1. Fees may be payable as per the PAIA regulations
2. The request form must be completed by the Requestor
3. On the request form ALL details must be completed, including the right the Requestor wants to protect by requesting the information and WHY access to the information is required.
4. If the Requestor is acting on the behalf of someone else, the signature of the other person who has authorised this request, must be provided. In order to verify this, Living Hope may require further proof such as an Identity Document or may contact the person whose information it is to verify that she/he has given permission to the person to access the information on her/his behalf.
5. The requestor must state in which format (inspection of copy, paper copy, electronic copy, etc.) she/he wants to access the information.
6. If the information is part of another record, the requestor will only be able to access the part(s) that pertains to the information she/he is entitled to, and not the rest of the record.
7. The request will be acknowledged.
8. The answer will be provided within thirty (30) days, and if not granted, the reasons will be stated for the denial in reference to the specific provisions within the Act.
9. If the requestor is not satisfied, she/he may approach the courts within thirty (30) days after the full or partial denial of the records.

VOLUNTARY DISCLOSURE

The following information is made known automatically and persons requesting information do not need to fill out a form to request such information:

GENERAL PUBLIC

- The History of Living Hope
- General information about Living Hope programmes
- Newsletter

- Living Hope Annual Report
- Contact information
- Physical address
- Banking details

All the above information is available on our website: www.livinghope.co.za

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of the following legislation, subject to conditions set by laws. As legislation changes from time to time, new laws may stipulate new matters and extend the scope of access by persons specified in such entities. This list should not be read as being a final and complete list.

Business legislation (including all regulations issued in terms of such legislation):

Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991; Labour Relations Act 66 of 1995; Basic Conditions of Employment Act 75 of 1997; Employment Equity Act 55 of 1998; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; Compensation for Occupational Injuries and Disease Act 130 of 1993; Occupational Health and Safety Act 85 of 1993; Electronic Communications and Transactions Act 25 of 2002; Telecommunications Act 103 of 1996; Electronic Communications Act 36 of 2005; Consumer Protection Act 68 of 2008; Broad-based Black Economic Empowerment Act 53 of 2003; National Credit Act 345 of 2005; Protection of Personal Information Act 4 of 2013; etc.

Health legislation (including all regulations issued in terms of such legislation):

This legislation is of extreme relevance in the health sector and Requesters should familiarise themselves with it.

The National Health Act 61 of 2003; Company's Act 121 of 1998; Medicines and Related Substance Act 101 of 1965; Children's Act 38 of 2005; Mental Healthcare Act 17 of 2002; Choice on Termination of Pregnancy Act 92 of 1996; Sterilisation Act 44 of 1998; Health Professions /act 56 of 1974; etc.

RECORDS HELD BY LIVING HOPE AND RELATED CATEGORIES OF DATA SUBJECTS

We hold records in the categories listed below. **The fact that we list a record type here does not necessarily mean that we will disclose such records**, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Internal records relating to our Organisation, which includes our founding and other documents (e.g. registration as a non-profit organisation), minutes and policies; annual and monthly reports; financial records; claims records; reimbursement records; **records submitted to the CMS (Counsel for Medical schemes); scheme application forms, appeals and complaints / disputes**, operational records, policies and procedures; contracts; licences, trademarks and other intellectual property; production, marketing records; other internal policies and procedures; internal correspondence; statutory records; insurance policies and records; records relating to the Trustees and the Principal Officer / Executive Director; etc.

Personnel (employee) records, which includes records of temporary/fixed temp/part-time/permanent employees, contractors, partners, directors and Trustees (all volunteers) Records included in personal files are employee personal details, banking details, CV's, criminal checks,

educational qualifications, conditions of employment; workplace policies; disciplinary records; termination records; performance management records and systems and all employment-related correspondence. Such information is available to employees or ex-employees (relative to the time period of such records kept in archives) directly through the Human Resources department. Such records to the direct data subject concerned would not need the Form C application process.

Health records, which includes referrals, motivations, chronic forms, etc.; client/patient lists; client progress plans; medical reports; funding records; consents; needs assessments; household assessments. **It must be noted that, in the health sector, personal-health and patient information are protected by legislation and ethical rules, and disclosure can only take place, if at all, within those frameworks.**

Supplier and service provider records, which includes supplier registrations; contracts; confidentiality agreements/ Service level agreements, communications; logs delivery records; and similar information, some of which might be provided to us by such suppliers and providers under services and other contracts.

Third party information, which may be in our possession, but which would be subject to the conditions set in relation to such possession and use purpose limitations.

Marketing information, which include information bought; publicly available information; commissioned information which pertains to the specific sector and market of our organisation and factors that affect the business; information relating to professional and healthcare environment.

CATEGORIES OF RECIPIENTS OF PERSONAL INFORMATION

We may share relevant personal and health information with the Department of Health, Department of Social Development, City of Cape Town Health Department, agencies to whom we refer clients, our Operators, i.e. those who manage parts of our business on our behalf.

PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION

The Organisation does not have any planned trans-border flow of personal information.

PURPOSE OF THE PROCESSING OF THE RECORDS REFERRED TO

The purpose of processing the information contained in the records listed above, is:

In relation to **the Organisation/internal records**: For good corporate governance and to comply with funder, financial and organisation policies.

In relation to **Employees**: for retention of employment records as legislated and execution of employer/employee agreements and labour legislation.

In relation to our **Beneficiaries**: for retention of records as required by law and to provide reimbursement to defray the cost of healthcare, to facilitate obtaining healthcare services, and to facilitate access to health care services. To effectively report statistics to donors/funders.

In relation to **Suppliers and Service Providers**: for record retention as legislated and for the execution of the supplier and service level agreements.

THE SUITABILITY OF THE INFORMATION SECURITY MEASURES

The Company stores information electronically and physically as follows:

- Physical records are kept at relevant departments / programmes / branches in locked up filing cabinets and / or cupboards, access is controlled through a designated individual (administrator and/or manager) related to the department or programme.
- Physical records of employee and client information are kept at: Living Hope, Capri; the Health Care Centre, Capricorn branch, Muizenberg – Recovery programme, Masiphumelele branch, Ocean View branch, Red Hill branch and Mzamomhle branch. The Human Resources department has access to staff personal information and exclusive access to staff special personal information.
- Copies of staff records are kept (leave forms, time-sheets, disciplinary records and performance appraisals) at the branches and with department/ programme managers. These Copies are kept for a year in locked cabinets and then shredded.
- Electronic records are kept on a server. Departments are access controlled with secure shared drives on the server
- Office computers are password protected.
- Microsoft and internet security software is updated regularly to protect against hacking, unauthorised access and tampering.
- Data from the server is backed up daily onto hard drives which are kept locked up in a fire-proof safe on the premises.
- Staff are trained to avoid behaviours and practices that could place records at risk and on good practice that would keep electronic information reasonably secure.
- Records are archived annually and such archiving facility is secure in that it is kept in locked storage facilities
- Retention and destruction takes place in terms of Living Hope's Policy ASA4 – Management of Information Policy and Procedures.

Additional Security measures:

- Living Hope Health Care Centre has a fire alarm installed. The organisation has Armed Response units for its Capri Campus and the branches in Mzamomhle, Muizenberg, Ocean View and Capricorn. In addition, Living Hope employs 24 hour security for its Capri Campus and Capricorn branch.

PRESCRIBED FEES

The following applies to the request other than personal requests:

- The requestor is required to pay the prescribed fee of R50 before the request will be processed.
- If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of not more than one third of the access fee, if the access was granted, shall be payable.
- The requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until fees have been paid.
- The latest fee structure is available on the website of the SAHRC at www.sahrc.org.za and attached hereto as **Annexure B**.

This manual is signed by Mr John Victor Thomas on this 17th day of June 2021.

Signature:



Information Officer

ANNEXURE B

GENERAL: VALUE ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No.89 of 1991) as vendors may add Value Added Tax to all fees prescribed in this annexure.

PART 1

FEES IN RESPECT OF GUIDE

1. The fee for a copy of this guide as contemplated in regulations 2 (3) (b) and 3 (4) (c) is R0.60 for every photocopy of an A4 page or part there-of.

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of this guide as contemplated in regulation 9 (2) (c) is R R1.10 for every photocopy or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:
 - a. For every photocopy of an A4 size page or part thereof: R1.10
 - b. For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form R0.75
 - c. For a copy in a computer readable form on:
 - i Flash Drive R100.00
 - ii for a transcription of visual images, for an A4 size page or part thereof R40.00
 - iii for a copy of visual images R60.00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50.00
4. The access fees payable by the requester referred to in regulation 11 (3) are as follows:
 - a. For every photocopy of an A4 size page or part thereof: R1.10
 - b. For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable form R0.75
 - c. For a copy in a computer readable form on:
 - i Flash Drive R100.00
 - ii for a transcription of visual images, for an A4 size page or part thereof R40.00
 - iii for a copy of visual images R60.00
 - d. To search for and prepare the record for disclosure, R50.00 for each hour or part of an hour reasonably required for such search and preparation
5. For purposes of section 54 (2) of the Act, the following applies:
 - a. Six hours as the hours to be exceeded before a deposit is payable; and
 - b. One third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to the requester.