

# Allan Gray Orbis Foundation – Access to Information Manual



We respect your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA).

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

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## Introduction

We are the Allan Gray Orbis Foundation, we conduct business as a non-profit organisation, and this is our 'Access to Information Manual'. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

**This manual exists to tell you what information we have and help you get access to it.**

## Our details

Our details are as follows:

- **Organisation's legal name:** Allan Gray Orbis Foundation Trust
- **Registration number:** IT 745/2006
- **Public Benefit Organisation (PBO) number:** 930 019 772
- **Postal address:** Same as physical address
- **Physical address:** 46 Hof Street, Oranjezicht, Cape Town, 8001
- **Phone number:** 021 481 5400
- **Fax number:** 086 554 0000
- **Information officer:** Yogavelli Nambiar
- **Information officer email address:** [yogavellin@allangrayorbis.org](mailto:yogavellin@allangrayorbis.org)
- **Preferred contact email address:** [paia@allangrayorbis.org](mailto:paia@allangrayorbis.org)
- **Website:** <https://www.allangrayorbis.org/>

**These are all our details, but please rather contact us by email at [paia@allangrayorbis.org](mailto:paia@allangrayorbis.org) whenever possible.**

## Further guidance

If you would like further guidance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission (SAHRC) to find out more information about PAIA. They have a guide in each official language of South Africa on how to exercise any right under PAIA. The guide is available here: [https://www.sahrc.org.za/home/21/files/SAHRC PAIA Section 10 Guide 2020 FINAL WEB.pdf](https://www.sahrc.org.za/home/21/files/SAHRC_PAIA_Section_10_Guide_2020_FINAL_WEB.pdf).

In terms of Section 110 of the Protection of Personal Information Act 4 of 2013 the functions of the Human Rights Commission have been transferred to the Information Regulator. Their contact details are as follows:

- **Phone number:** 010 023 5200 or 010 023 5207
- **Fax number:** 011 403 0668
- **Postal address:** P.O Box 3153, Braamfontein, Johannesburg, 2017
- **Physical address:** 33 Hoofd Street, Forum III, 3rd Floor Braampark, Braamfontein, Johannesburg, 2017
- **Website:** <https://www.justice.gov.za/inforeg/index.html> and <http://www.sahrc.org.za/index.php/understanding-paia>
- General e-mail: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)
- Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

**For further guidance on how you can get access to information, please visit:**  
<http://www.sahrc.org.za/index.php/understanding-paia> or <https://www.justice.gov.za/inforeg/index.html>.

## Records we hold

We hold the following subjects and categories of records:

- **Technical records;**
- **Organisation's records;**
- **Environment and market information;**
- **Financial records;**
- **Insurance records;**
- **Personnel records;**
- **Policies and directives;**
- **Agreements or contracts and related records;**
- **Regulatory documents;**
- **Published information;**
- **Programme Participants information;** and
- **Donor information.**

Please note that records that are 'not automatically available,' must be requested using the process outlined in the 'How to request access' section of this manual.

**We hold various subjects and categories of records in electronic or physical form that are available automatically or in other ways.**

### Technical records

Technical records are all our records related to our technical information, which includes manuals, logs, electronic and cached information, product registrations, product dossiers, membership body records, approvals, conditions and requirements, research information and similar trends.

<b>Electronic and cached information</b>	Not automatically available
<b>Product registrations and dossiers</b>	Not automatically available
<b>Membership body records</b>	Not automatically available
<b>Research information</b>	Not automatically available

**Technical records are all our records related to our technical information.**

### Organisation's records

Organisation's records are all our records related to the incorporation and administration of our organisation. Some of them are available from the Master of the High Court.

**Trust Deed**

Automatically available at the Master of the High Court

<b>Trustees' names</b>	Automatically available from the Master of the High Court
<b>Minutes of board of Trustees' meetings</b>	Not automatically available
<b>Written resolutions</b>	Not automatically available
<b>Records relating to appointment of Trustees, auditor, secretary, public officer, or other officers</b>	Not automatically available
<b>Other statutory records</b>	Not automatically available

**Organisation's records include our Trust Deed and Letter of Authority and Trustees' names.**

<b>Operational records</b>	Not automatically available
<b>Databases</b>	Not automatically available
<b>Published works</b>	Not automatically available
<b>Internal correspondence</b>	Not automatically available
<b>Product records</b>	Not automatically available

#### **Environment and market records**

Environment and market records include information bought, publicly available information and commissioned information which pertains to the specific sector and market of our organisation and factors that affect the education, professional and healthcare environment.

<b>Publicly available information</b>	Automatically available on written request
<b>Commissioned information</b>	Not automatically available

**Environment and market records include information about the market or environment in which we operate.**

#### **Financial records**

Financial records are all our records related to our finances, which we typically only share after the conclusion of a Non-Disclosure Agreement (NDA).

<b>Financial statements</b>	Not automatically available (NDA required)
<b>Tax-related documents</b>	Not automatically available (NDA required)
<b>Accounting records</b>	Not automatically available (NDA required)
<b>Banking records</b>	Not automatically available
<b>Banking details</b>	Automatically available on written request
<b>Bank statements</b>	Not automatically available (NDA required)
<b>Electronic banking records</b>	Not automatically available

<b>Asset register</b>	Not automatically available
<b>Rental agreements</b>	Not automatically available
<b>Invoices</b>	Not automatically available
<b>Financial agreements</b>	Not automatically available (NDA required)

**Financial records include our financial statements and banking details.**

### **Insurance records**

Insurance records are all our records related to our insurable assets.

<b>Insurance policies held by the organisation</b>	Not automatically available
<b>Register of all immovable property owned by the organisation</b>	Not automatically available

### **Income tax records**

Income tax records are all our records related to our income tax obligations.

<b>PAYE Records</b>	Not automatically available
<b>Documents issued to employees for income tax purposes</b>	Not automatically available
<b>Records of payments made to SARS on behalf of employees</b>	Not automatically available
<b>VAT records</b>	Not automatically available

<b>Skills Development Levies</b>	Not automatically available
<b>UIF</b>	Not automatically available
<b>Workmen's Compensation</b>	Not automatically available

### **Personnel records**

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors, and other personnel.

<b>List of employees</b>	Not automatically available
<b>Employee personal information</b>	Not automatically available
<b>Employee employment contracts</b>	Not automatically available
<b>Employment policies and procedures</b>	Not automatically available
<b>Employment Equity Plan</b>	Not automatically available
<b>Medical aid records</b>	Not automatically available
<b>Pension and provident fund records</b>	Not automatically available
<b>Salaries of employees</b>	Not automatically available
<b>Leave records</b>	Not automatically available
<b>Internal evaluations</b>	Not automatically available
<b>Disciplinary records</b>	Not automatically available
<b>Disciplinary codes</b>	Not automatically available
<b>Training records</b>	Not automatically available
<b>Operating manuals</b>	Not automatically available

<b>Personal records provided by personnel</b>	Not automatically available
<b>Other statutory records</b>	Not automatically available
<b>Related correspondence</b>	Not automatically available

**Personnel records include records about our employees and contractors.**

### **Policies and directives**

Policies and directives include both internal and external documents.

<b>Internal relating to employees and the organisation</b>	Not automatically available
<b>External relating to donors and other third parties</b>	Not automatically available
<b>External relating to Programme Participants</b> (such as Privacy Policy)	Available on website or on written request
<b>Information technology systems and documents</b>	Not automatically available

### **Agreements or contracts and related records**

Agreements or contracts include the documents themselves and all related documents.

<b>Standard Agreements</b>	Not automatically available
<b>Contracts concluded with suppliers and other third parties</b>	Not automatically available
<b>NDA's</b>	Not automatically available
<b>Employment contracts</b>	Not automatically available

### **Regulatory documents**

Regulatory documents include any documents required to comply with any laws.

<b>Permits</b>	Not automatically available
<b>Licences</b>	Not automatically available
<b>Authorities</b>	Not automatically available

### **Published information**

Published information includes any document that we prepare and produce.

<b>External newsletters and circulars</b>	Automatically available
<b>Annual Reports</b>	Automatically available
<b>Internal newsletters and circulars</b>	Not automatically available

### **Programme Participant information**

Programme Participant information includes any information about anyone that we provide goods or services to.

<b>Programme Participant details</b>	Not automatically available
<b>Communications with Programme Participant</b>	Not automatically available

### **Donor information**

Donor information includes any information about anyone that provides funding to us.

**Donor details**

Not automatically available

**Communications with donors**

Not automatically available

**Donation information**

Not automatically available

## Information we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad Based Black Economic Empowerment Act 53 of 2003;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Disaster Management Act 57 of 2002;
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993;
- Protection of Personal Information Act 4 of 2013;
- Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002;
- Skills Development Act 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001;
- Unemployment Insurance Contributions Act 4 of 2002; and
- Value Added Tax Act 89 of 1991.

## How to request access

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA. To request access to a record, please complete Form C which is available from:

- the SAHRC website at <http://www.sahrc.org.za/index.php/understanding-paia> at this link: <http://www.sahrc.org.za/home/21/files/Form%20C.doc%20August%202013.doc>; or
- the Department of Justice and Constitutional Development website at [www.justice.gov.za](http://www.justice.gov.za) at this link: [http://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf).

Please submit the completed form to our information officer together with the relevant request fee (details here: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>) at our information officer's email address, our physical address, or by fax in terms of our details provided above. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and which form of access you require;
- specifies your email address, postal address, or fax number, in the Republic of South Africa;
- describes the right that you seek to exercise or protect;
- explains why you need the requested record to exercise or protect that right;

- provides any other way you would like to be informed of our decision other than in writing; and
- provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form we may:

- reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- delay it.

**You may request information by completing a request for access form and submitting it to our information officer together with a request fee.**

## Grounds for refusal

We may have to refuse you access to certain records in terms of PAIA to protect:

- someone else's privacy;
- another organisation's commercial information;
- someone else's confidential information;
- the safety of individuals and property;
- records privileged from production in legal proceedings; or
- research information.
- If the record is part of another record, the requester may only be able to access the part(s) that pertains to the information they want or are entitled to, and not the rest of the record.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

**We may have to refuse you access to a record to protect others.**

## How we will give you access

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

## How much it will cost you

You must pay us a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out in the Fee Schedule which is available from <http://www.sahrc.org.za/index.php/understanding-paia> at this link: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>. You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

## How we process and protect personal information

We process the personal information of various categories of people for various purposes as set out in this clause.



## **Categories of people**

We process the personal information of the following categories of people:

- beneficiaries (programme participants and their guardians);
- donors;
- employees;
- external stakeholders (teachers, principals, assessors and interviewees)
- recruiters and medical practitioners providing services related to employees; and
- contractors, vendors, or suppliers.

## **Purposes**

We process the personal information to:

- provide benefits to our programme participants (which may be in the form of goods or services);
- better understand our data subjects' needs when doing so;
- keep our data subject records up-to-date;
- manage employees in general;
- manage supplier contracts in general;
- educate children in general; and
- process personal information of employees for forensic purposes.

## **Categories of personal information**

We process many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- demographic details, such as races and age groups;
- health information;
- biometric information;
- account numbers;
- background information;
- contract information;
- credit information;
- market intelligence information; and
- learner information.

## **Third-party disclosures**

We give the following people personal information that we process in the ordinary course of our operation to fulfil our obligations to our beneficiaries or donors:

- contractors, vendors, or suppliers;
- operators, other responsible parties, or co-responsible parties; and
- third party vendors (such as software developers) to help us maintain our services.

## **Security**

We secure data by maintaining reasonable measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration and destruction. We also take reasonable steps to keep personal information accurate, current, complete, confidential and reliable for its intended use. Where necessary, we conclude NDAs as part of securing the information and ensuring its confidentiality. We

also use appropriate software, strong passwords, and endeavour to continually train our employees on the need to secure information.

**We do our best to keep all data in our possession secure and up-to-date.**

## **Remedies**

If your request for access is denied, you may:

- apply to a court with appropriate jurisdiction, or
- lodge a complaint with the Information Regulator, for the necessary relief.

## **Availability of this Manual**

An English copy of this manual is available:

- At our reception desk at our Cape Town office at 46 Hof Street, Oranjezicht, Cape Town, 8001
- At our reception desk at our Sandton office at 1st Floor, Cliffe Dekker Hofmeyr, 1 Protea Place, Cnr of Fredman Drive and Protea Place, Sandton, Johannesburg
- On our website: <https://www.allangrayorbis.org>

## **Updates to this Manual**

This manual will be updated whenever we make material changes to the current information.