



**INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 IN RESPECT OF THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS TSHWANE NPC (REGISTRATION NUMBER: 1949/033797/08) ("SPCA TSHWANE")**

**1. INTRODUCTION**

As an animal welfare organisation, SPCA Tshwane acknowledges all animals as sentient beings and strive to prevent their cruelty and exploitation. SPCA Tshwane's aim to achieve this by proactively promoting animal welfare, enforcing animal protection legislation, and prosecuting offenders. SPCA Tshwane's mission is to maintain a high profile within the community through visibility and interaction. SPCA Tshwane strives to do so by deploying competent personnel who project enthusiasm and commitment, supported by education and community outreach programmes.

The functions of SPCA Tshwane are prescribed by the Societies for the Prevention of Cruelty to Animals Act No Act 169 of 1993.

**2. SPCA TSHWANE'S CONTACT DETAILS**

<b>Name:</b>	SPCA Tshwane (Society for the Prevention of Cruelty to Animals Tshwane NPC)
<b>General Managers:</b>	D Wahlstrand (Waltloo) / K Gelderblom (Centurion)
<b>Directors:</b>	F du Plessis, C Bester, S Valla
<b>Physical Address:</b>	Waltloo: 316 Petroleum Street, Waltloo Pretoria, 0184 Centurion: Kruger Avenue, Lyttelton Manor, 0157
<b>Postal address:</b>	PO Box 912-185, Silverton, 0127 PO Box 14106, Lyttelton 0140
<b>Tel:</b>	+27 12 803 5219 / +27 12 644 5644
<b>E-mail:</b>	admin@spcapta.org.za
<b>Website:</b>	www.spcapta.org.za
<b>Information Officer:</b>	S Dube
<b>E-mail:</b>	finance@spcapta.org.za
<b>Tel:</b>	+27 12 803 5219

**3. THE PROMOTION OF ACCESS TO INFORMATION ACT**

The Promotion of Access to Information Act, 2 of 2000 (PAIA) grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of PAIA.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

**The contact details of the Commission are:**

Postal Address: Private Bag 2700, Houghton, 2041

Tel.: +27-11-877 3600

Fax: +27-11-403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

**4. PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013 (POPIA)**

POPIA regulates and controls the processing, including the collection, use, and transfer of a person's personal information. In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 processing conditions set out under POPIA.

***Reasons why SPCA Tshwane Processes Personal Information***

SPCA Tshwane does and will from time-to-time process Personal Information which belongs or is held by a Data Subject.

This processing is required by SPCA Tshwane to allow it to perform the following:

- to pursue its business objectives and strategies;
- to comply with a variety of obligations prescribed by legislation;
- to carry out actions for the conclusion and performance of a contract between SPCA Tshwane and Data Subjects;
- to put in place protective mechanisms to protect the Data Subject's and/or SPCA Tshwane's legitimate interests including the performance of risk assessments and risk profiles;
- to obtain as required by law or to protect the respective party's legitimate interests, Personal Information from a credit bureau or credit provider or credit association information about certain Data Subject's credit record, including personal information about any judgement or default history;
- to provide as required by law or to protect the respective party's legitimate interests Personal Information to credit bureaus, credit providers or credit associations, information about certain Data Subject's credit record, including Personal Information about any judgement or default history;
- for the purposes of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;

- for the purpose of providing the Data Subject from time to time with information pertaining to SPCA Tshwane, their officers, employees, services and goods and other ad hoc business-related information;
- to pursue the Data Subject's and/or SPCA Tshwane's legitimate interests, or that of a third party to whom the Personal Information is supplied;
- for the purposes of providing, maintaining, and improving SPCA Tshwane's products and services, and to monitor and analyse various usage and activity trends pertaining thereto;
- for the purposes of performing internal operations, including the management of employees, employee wellness programs, the performance of all required human resources functions, customer services and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required; and
- for the purpose of preventing fraud and abuse of SPCA Tshwane's processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

### ***Storage and Retention and Destruction of Information***

SPCA Tshwane will ensure that the Data Subject's Personal Information is stored electronically in a data base, which, for operational reasons, will be accessible to various employees within SPCA Tshwane on a need to know and business basis, save that where appropriate, some of the Data Subject's Personal Information may be retained in hard copy.

All such Personal Information will be held and/or stored securely. In this regard SPCA Tshwane will ensure that it performs regular audits regarding the safety and the security of all Data Subject's Personal Information.

Once the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the required prescribed periods or longer should this be required by SPCA Tshwane. SPCA Tshwane thereafter will ensure that such Personal Information is permanently destroyed.

### ***Access by Others and Cross Border Transfer***

SPCA Tshwane may from time to time have to disclose a Data Subject's Personal Information to other parties, including organs of state, other departments or subsidiaries, product or third-party service providers, regulators and or governmental officials, service providers and/or agents; however, such disclosure will always be subject to an agreement which will be concluded between SPCA Tshwane and the party to whom it is disclosing the Data Subject's Personal Information to, which contractually obliges the recipient of this Personal Information to comply with strict confidentiality and data security conditions. Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by POPIA.

Where a Data Subject is desirous of obtaining details of the Personal Information which

SPCA Tshwane may hold and which pertains to such Data Subject, then it must make application to SPCA Tshwane in accordance with the provisions contained in this manual.

## 5. APPLICABLE LEGISLATION

Legislation that is applicable to SPCA Tshwane includes (without limitation) the following:

- Basic Conditions of Employment Act, 75 of 1997;
- Broad-Based Black Economic Empowerment Act, 53 of 2003,
- Companies Act, 71 of 2008;
- Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- Competition Act, 89 of 1998;
- Copyright Act, 98 of 1978;
- Employment Equity Act, 55 of 1998;
- Income Tax Act, 95 of 1967;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;
- Pension Funds Act, 24 of 1956;
- Promotion of Access to Information Act, 2 of 2000;
- Protection of Personal Information Act, 4 of 2013.
- Skills Development Act, 97 of 1998;
- The Societies for the Prevention of Cruelty to Animals Act, 169 of 1993
- Trademarks Act, 194 of 1993;
- Unemployment Insurance Act, 63 of 2001;
- Value Added Tax Act, 89 of 1991.

## 6. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO THE PUBLIC

The following records are automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA:

- SPCA Tshwane's audited annual financial statements and records or presentations published by SPCA Tshwane in the public domain;
- All other information freely available on SPCA Tshwane's website: [www.sacorporatefund.co.za](http://www.sacorporatefund.co.za).

Requests for the above-mentioned records may be sent to the email address provided under paragraph 2 (SPCA Tshwane's Contact Details) and copies are available for a fee as prescribed.

## 7. RECORDS HELD BY SPCA TSHWANE THAT ARE AVAILABLE ON REQUEST

In terms of various regulatory and operational requirements of SPCA Tshwane, various records of SPCA Tshwane **are not automatically available** and any request for access to such information will be assessed in accordance with SPCA Tshwane's internal policies and legislative requirements. These records include, but are not limited to, the following:

### ***Companies Act and Management Committee Records***

- Memorandum of Incorporation, Charters, Terms of Reference, Company Rules;
- Minutes of meetings of the Board of Directors, Management Committee and Committees of the Board or Management Committee;
- Minutes of meetings of members;

- Records relating to the appointment of:
  - Directors and Committee Members;
  - Auditors;
  - Secretary;
  - Public Officer;
  - Any other Officer.
- Member register and other statutory registers and/or records and/or documents;
- Statutory Returns.

***Income Tax Records***

- PAYE Records;
- Regional Services Levies;
- Skills Development Levies;
- Unemployment Insurance Fund;
- Workmen’s Compensation;
- Value Added Tax;
- Documents issued to employees for income tax purposes;
- Records of payments made to the South African Revenue Services;
- All or any statutory compliances.

***Labour / Employment-related Records, and Records pertaining to the SPCA Tshwane’s Inspectorate, Kennels, Adoptions and Clinics***

- Employment Contracts;
- Employee Records;
- Medical Aid Records;
- Pension Fund Records;
- Employment Equity Plan;
- Medical Aid Records;
- Disciplinary Records;
- Disciplinary Procedures;
- Salary Records;
- Leave Records;
- Training Manuals and Records;
- Internal Telephone Lists;
- Correspondence;
- Skills Development Plan;
- Inspectorate records, investigation records, reports and findings;
- Kennel records, admission forms, animal welfare reports;
- Adoption records and forms; and
- Clinic records, patient files, reports and findings.

***Third-party Records***

- All records held by SPCA Tshwane in respect of third parties including, without limitation, financial or corporate information, contractual agreements and correspondence of whatever nature.

***Personal Information***

- All Personal Information as defined under POPIA.

***Other information***

- All other information not listed in paragraph 6 above, without limitation.

## **8. PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60 OF PAIA)**

- 8.1 It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.
- 8.2 The requester must comply with all the procedural requirements as set out in PAIA relating to the request for access to a record.
- 8.3 The requester must complete the prescribed form enclosed herewith under Appendix 1 (Form C) and submit this form together with a request fee (if applicable) and a deposit (if applicable) to the Information Officer at the postal or physical address, facsimile number or electronic mail address referred to under paragraph 2 (SPCA Tshwane's Contact Details).
- 8.4 The prescribed form must contain sufficient particularity in order to enable the Information Officer to identify:-
  - the records requested;
  - the identity of the requester;
  - which form of access is required; and
  - the postal address, fax number or email address of the requester in the Republic of South Africa.
- 8.5 The requester must identify the right that the requester is seeking to protect or exercise.
- 8.6 The requester must provide an explanation of why the requested record is required for the exercise or protection of any right.
- 8.7 If in addition to a written reply, the requester must indicate if the requester wishes to be informed of the decision in respect of the request in any other manner i.e. by fax, email, hard copy etc.
- 8.8 If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
- 8.9 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual must submit such request orally to the Information Officer.
- 8.10 The requester must pay the prescribed fee (if applicable) before any further processing can take place.

## **9. NOTIFICATION**

- 9.1 SPCA Tshwane will inform the requester within 30 (thirty) days after receipt of the request of its decision whether or not to grant the request.
- 9.2 The 30 (thirty) day period may be extended with a further period of not more than 30 (thirty) days if the request is for a large number of records or requires SPCA Tshwane to search through a large volume of records or the records are not kept at the offices of SPCA Tshwane.
- 9.3 SPCA Tshwane will notify the requester in writing should an extension be sought.

9.4 If a record requested cannot be found, or does not exist, SPCA Tshwane shall, by means of an affidavit notify the requester thereof.

## **10. THE OUTCOME OF THE REQUEST**

10.1 If the request for access is granted, the notice must state that the access fee (if any) to be paid upon access, the form in which the access will be given and that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure for lodging the application.

10.2 If the request for access is refused, the notice must state adequate reasons for the refusal, including the provisions of PAIA relied on and it must state that the requester may lodge an application with a court against the refusal for the request, and the procedure (including the period) for lodging the application.

## **11. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF PAIA)**

11.1 Subject to Sections 7 and 70 of the Act, the main grounds for SPCA Tshwane to refuse a request for information as contemplated in PAIA relates to the following:

11.2 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

11.3 Mandatory protection of commercial information of a third party as defined by PAIA, if the record contains:-

- trade secrets of that third party;
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
- information disclosed in confidence by a third party to SPCA Tshwane, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

11.4 Mandatory protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of any agreement;

11.5 Mandatory protection of the safety of individuals and the protection of safety of property;

11.6 Mandatory protection of records which would be regarded as privileged in legal proceedings, unless the person so entitled to privilege waives the privilege;

11.7 The protection of the commercial activities of SPCA Tshwane, which includes:-

- trade secrets of SPCA Tshwane;
- financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of SPCA Tshwane; and
- information which if disclosed could put SPCA Tshwane at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by SPCA Tshwane, and which is protected by copyright; and
- the research information of SPCA Tshwane or a third party on behalf of SPCA Tshwane, if the disclosure would expose the third party, SPCA Tshwane or the researcher of the subject matter of the research to serious disadvantage.

## **12. REMEDIES AVAILABLE ON REFUSAL OF A REQUEST FOR INFORMATION**

12.1 SPCA Tshwane does not have an internal appeal procedure and as such, the decision

made by the Information Officer is final.

12.2 If your request is denied, you are entitled to apply to a court with the appropriate jurisdiction for relief.

## **APPENDIX 1**

### **Prescribed Fees**

1. The "request fee" payable by a requester, other than a personal requester, referred to in section 54(1) of the Act, is R50
2. The "fees for reproduction" referred to in section 52(3) and "access fees" payable by a requester referred to in section 54(7), unless exempted under section 54(8) of the Act, are as follows:
  - (a) for every photocopy of an A4-size page or part thereof, R1,10c
  - (b) for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form, R0,75c
  - (c) for a copy in a computer-readable form on compact disc, R70
  - (d) (i) for a transcription of visual images, for an A4-size page or part thereof, R40  
(ii) for a copy of visual images, R60
  - (e) (i) for transcription of an audio record, for an A4-size page or part thereof, R20  
(ii) for a copy of an audio record, R30
  - (f) To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search.
3. The actual postal fee is payable when a copy of a record must be posted to a requester  
Exemptions from paying "access fees"
4. Person or persons exempted from paying access fees:-
  - (i) A single person whose annual income does not exceed R14,712.00; or
  - (ii) Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00

## **FORM C**

### **REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

#### **A. Particulars of private body:**

***To the Information Officer:***

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#### **B. Particulars of Person requesting access to the record:**

- (a) *The particulars of the person who requests access to the records must be recorded below.*
- (b) *Furnish an address and/or fax and/or email number in the Republic to which information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Fax 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 Name 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 the Record or relevant part of the record:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Reference number, 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 of the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which the 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 therefore.*

**Reason for exemption of payment of the fee:** \_\_\_\_\_

**F. Form of Access to the 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 hereunder, state your disability and indicate in which form the record is required.)*

Disability: \_\_\_\_\_ Form in which record is required: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Mark the appropriate box with an "X"**

**NOTES:**

- (a) *Your indication as to the required form of access depends 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.*

<b>1. If the record is in written or printed form:</b>			
	Copy of record *		Inspection of record
<b>2. If the record consists of visual images:</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the images	Copy of the images *	Transcription of the images*
<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)
<b>4. If the record is held on computer or in an electronic or machine-readable form:</b>			
	Printed copy of record	Printed copy of information derived from the record *	Copy in computer readable form * (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? <b>A postal fee is payable.</b>			YES NO

**G. Particulars of right to be exercised or protected:**  
*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*

**Indicate which right is to be exercised or protected:**

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**Explain why the requested record is required for the exercising or protection of the aforementioned right:**

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**H. Notice of decision regarding request for access:**  
*You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof 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?**

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**Signed at.....on this the ..... day of .....20.....**

.....  
**SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE**