

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 AND THE PROTECTION OF PERSONAL
INFORMATION ACT 4 OF 2013 FOR THE OPPENHEIMER MEMORIAL TRUST**

1 INTRODUCTION

- 1.1 This manual is published pursuant to sections 14 and 51 of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to, mechanisms and procedures that empower and educate all persons.
- 1.2 PAIA requires organisations to compile a manual as a guide to requesters of information. The Manual also serves to indicate the types of records held by The Oppenheimer Memorial Trust ("**us**" or "**we**") and the availability of such records from us.
- 1.3 In addition, the manual explains how to access, or object to, or request correction or deletion of, personal information held by us, in terms of sections 23, 24 and 25 of the Protection of Personal Information Act 4 of 2013 ("**POPIA**"), and the Regulations Relating to the Protection of Personal Information, 2017 ("**POPIA Regulations**").
- 1.4 This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requestors are advised to familiarise themselves with the provisions of PAIA and POPIA before making any requests to us in terms of these Acts. However, in terms of section 19 of PAIA, and Regulations 2 and 3 of the POPIA, we will provide such assistance as is required in completing the necessary forms, by parties applying for access to information or personal information.
- 1.5 We make no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requestor is complete or accurate, or that such information is fit for any purpose. All users of any such information use such information entirely at their own risk, and we will not be

liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by us or from any error therein.

2 OVERVIEW

We are a trust specialising in grant making and awarding scholarships. We are present in South Africa.

3 INFORMATION OFFICER AND CONTACT DETAILS OF

3.1 Our Information Officer contact details are as follows

Name	Contact details
Bailey Corder	Telephone no: +27 11 551 9500 Email: informationofficer@omt.org.za

3.2 The contact details for our Head Office are as follows –

Physical address Head office	Ground Floor The Reserve 54 Melville Road Illovo 2196 South Africa
Postal address Head office	Ground Floor The Reserve 54 Melville Road Illovo 2196 South Africa

4 GUIDE ON HOW TO USE PAIA

4.1 The Information 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 POPIA.

- 4.2 The Guide is available in each of the official languages and in braille.
- 4.3 Members of the public can inspect or make copies of the Guide from us during normal working hours. The Guide is available in English and Afrikaans. The other languages of the Guide can be obtained from the website of the Information Regulator (<https://inforegulator.org.za>) (the “**IR Website**”).
- 4.4 Any information or queries related to the guide, or to PAIA or POPIA should be directed to –

Information Regulator

JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Telephone number: (012) 406 4818
Fax number: (086) 500 3351
Website: <https://inforegulator.org.za>
E-mail: enquiries@inforegulator.org.za

5 NOTICE IN TERMS OF SECTION 52 OF PAIA

- 5.1 At this stage no notices have been published by the Information Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA.
- 5.2 The records that are located on our website are however automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of PAIA. The website address is <https://www.omt.org.za/>

6 RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(B) OF PAIA

Records are kept in accordance with legislation as is applicable to us, which include (but may not be limited to) the following legislation –

- 6.1 Basic Conditions of Employment Act 75 of 1997;
- 6.2 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 6.3 Employment Equity Act 55 of 1998;
- 6.4 Income Tax Act 58 of 1962;
- 6.5 Labour Relations Act 66 of 1995;
- 6.6 Occupational Health and Safety Act 85 of 1993;
- 6.7 Skills Development Act 9 of 1999;
- 6.8 Unemployment Insurance Act 63 of 2001; and
- 6.9 Trust Property Control Act 57 of 1988

7 INFORMATION REQUIRED IN TERMS OF SECTION 51(1) OF PAIA

The following table contains a description of the types of records / subjects which we hold and the categories of records held on each subject –

Subject	Description of record
Statutory records	<ul style="list-style-type: none"> • Trust deed • Minutes of meetings of the trustees • Records relating to the appointment of trustees, auditors, and other officers
Income tax	<ul style="list-style-type: none"> • Pay-as-you-earn (PAYE) records • Documents issued to employees for income tax purposes • Records of payments made to South African Revenue Services on behalf of employees • All or any statutory compliance

	<ul style="list-style-type: none"> • Skills development levies • Unemployment Insurance Fund
Labour relations records	<ul style="list-style-type: none"> • Personnel documents and records • Employment contracts • Medical aid records • Pension Fund records • Disciplinary records • Salary records • Disciplinary code and / or procedures • Leave records • Training records • Training manuals • Address lists • Internal telephone lists
Finance	<ul style="list-style-type: none"> • Receipts and payments • Bank statements • Budgets • Management accounts • Asset registers • Orders, quotes and invoices • Minutes of Finco meetings • Correspondence
Risk and compliance	<ul style="list-style-type: none"> • Contracts • Policies and procedures • Risk assessment • Compliance records

8 PROCESSING OF PERSONAL INFORMATION

8.1 POPIA

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

8.1.2 We process personal information in accordance with POPIA. We will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. We process personal information of both living and juristic persons.

8.2 Purpose for processing of personal information by us

We process personal information for a number of reasons including, but not limited to, –

8.2.1 providing requested services;

8.2.2 manage dispute resolution;

8.2.3 create and manage supplier relationships;

8.2.4 manage contracts, orders, deliveries, invoices and accounting;

8.2.5 collect statistical information and run analytics in order to improve services understand the needs our beneficiaries better;

8.2.6 general human resource and finance functions including those obligations imposed by legislation;

8.2.7 sending marketing communications and managing our alumni network and beneficiaries who wish to not receive marketing material; and

8.2.8 to allow proper functioning of the website which includes, amongst others, proper display of content, interface personalisation and ensuring that the website is safe and secure to protect against misuse.

8.3 Categories of data subjects

We process personal information relating to the following categories of data subjects –

- 8.3.1 board of trustees;
- 8.3.2 beneficiaries;
- 8.3.3 employees and job applicants;
- 8.3.4 juristic entities (i.e. service providers, contractors, consultants)
- 8.3.5 complainants and enquirers;
- 8.3.6 visitors to premises; and
- 8.3.7 individuals captured by CCTV images.

8.4 *Types of information (and special personal information) processed*

- 8.4.1 We process the following types of personal information, amongst others, –
 - 8.4.1.1 name and surname;
 - 8.4.1.2 email address and postal address;
 - 8.4.1.3 phone number;
 - 8.4.1.4 grant and scholarship history;
 - 8.4.1.5 payment information;
 - 8.4.1.6 data relating to the commercial relationship and details regarding the service subscribed (including duration and any correspondence);
 - 8.4.1.7 information collected by cookies or similar technologies.

8.5 Disclosure of your personal information

8.5.1 We may disclose your personal information to third parties who are involved in the delivery of products and services to you such as trusted service providers (sub-contractors).

8.5.2 Where we disclose your personal information to any third party, the latter will be obliged to use that personal information for the reasons and purposes it was disclosed.

8.5.3 We may be obliged to disclose your personal information where we have a duty to disclose it in terms of law or where we believe it is necessary to protect our rights.

8.6 Trans-border/Cross border flows of personal information

Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if certain conditions are satisfied. Insofar as the transborder flow of Personal Information is applicable, we will comply with the conditions set out in section 72 of POPIA.

8.7 General description of information security measures

8.7.1 We take reasonable and appropriate technical and organisational measures to ensure that personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration disclosure or access. We contractually require that service providers who handle your personal information for us do the same.

8.7.2 We, on a regular basis, review the security controls and related processes to ensure that personal information is secure.

9 HOW TO REQUEST ACCESS TO A RECORD

- 9.1 To request a record in terms of PAIA, the requestor must complete the prescribed form that is available on the IR Website. This request must be sent to the Information Officer at the addresses provided at paragraph 3.1.
- 9.2 For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed form that is available on the IR Website.
- 9.3 The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 9.4 If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.
- 9.5 PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will make a decision whether or not to grant a request for access to information.

10 PAYMENT OF FEES

- 10.1 PAIA provides for two types of fees, namely –
- 10.1.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- 10.1.2 an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2 Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.

- 10.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, we will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 10.4 We may withhold a record until the requester has paid the fees which will be communicated to you..
- 10.5 A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 10.6 In terms of POPIA, a data subject has the right to request us to confirm, free of charge, whether we hold personal information about the data subject and request from us the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.
- 10.7 POPIA further provides that where the data subject is required to pay a fee for services provided to them, we must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

11 APPLICABLE TIME-PERIODS

- 11.1 We will inform the requester within 30 days after receipt of the request of our decision whether or not to grant the request.
- 11.2 The 30 day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with our activities or the records are not located at our premises.

12 OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

13 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

13.1 In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds –

13.1.1 protection of privacy to a third party who is a natural person;

13.1.2 protection of the commercial information of a third party;

13.1.3 protection of certain confidential information of a third person;

13.1.4 protection of the safety of individuals and the protection of property;

13.1.5 protection of records privileged from production and legal proceedings;

13.1.6 protection of our commercial information; and

13.1.7 protection of research information of a third party.

13.2 Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated (section 70 of PAIA).

14 REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

15 PAIA FORMS

Please visit the IR Website for all PAIA related forms to exercise your rights.

16 AVAILABILITY OF THE MANUAL

This manual is available in electronic and hard copies in English. The hard copies are available at our head office as contained in paragraph 3.2. The electronic version of this manual is available on our website.

17 UPDATING OF THIS MANUAL

This manual will be reviewed and updated, if necessary, on a periodic basis but no less than once each year.

18 VERSION CONTROL

Last updated December 2022.

