

Manual in terms of Section 51 of the Promotion of Access to Information Act, 2000 (the “Act”)

for

MOSHAL SCHOLARSHIP PROGRAM SOUTH AFRICA NPC

(registration number: 2016/285825/08)

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1. INTRODUCTION AND CONTACT DETAILS

MOSHAL SCHOLARSHIP PROGRAM SOUTH AFRICA NPC, a non-profit company registered in South Africa which facilitates the award and operation of scholarships granted to students for study at select donee Universities in the Republic of South Africa.

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2. SECTION 10 GUIDE ON THE ACT

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights.

A Guide has been compiled in terms of Section 10 of the PAIA by the South African Human Rights Commission (**SAHRC**). It contains information required by a person wishing to exercise any right, contemplated by PAIA.

The Guide is available from the SAHRC. The contact details of the SAHRC are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

3. APPLICABLE LEGISLATION

Certain records held by MSP are available in terms of legislation other than the Act. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. Such legislation include:

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Employment Equity Act, No 55 of 1998
- Income Tax Act, No. 58 of 1962
- Pension Funds Act, No. 24 of 1956
- Electronic Communications and Transactions Act, No. 25 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Labour Relations Act, No. 66 of 1995
- Medical Schemes Act, No. 131 of 1998
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Protection of Personal Information Act, No. 4 of 2013 (once fully effective)
- Constitution of the Republic of South Africa Act, No 108 of 2008
- Electronic Communications Act, No.36 of 2005

4. SCHEDULE OF RECORDS

General information about MSP can be accessed via the internet on our international website and social media pages.

The subjects on which MSP holds records and the categories on each subject in terms of Section 51(1)(e) of the Act are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

A. Human Resources:

- Employee records
- Contracts

Guidelines, policies and procedure

B. Corporate:

- Member records
- Members' register
- Records relating to the incorporation of MSP
- Statutory records

C. Financial:

- Tax records (MSP and Staff)
- Annual financial statements
- Bank statements
- Purchase Orders/Invoices
- Asset Register
- Insurance information

D. Operational:

- Operational reviews
- Scholarship Applicant information
- Student records
- Alumni records
- Vendor records
- Mentor and Trainer records
- Corporate and NGO records
- Guidelines, policies and procedure
- Contracts
- Internal and external correspondence
- Records provided by a third party
- Databases
- Information technology

5. FORM OF REQUEST

A requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

A request for access to records held by MSP in terms of section 50 of the Act must be made on the form contained in the Regulations Regarding the Promotion of Access to Information (Form C). A copy of the form

is attached as Annexure A to this manual. The request must be made to MSP at the address or email address, specified in Section 1 above.

A requester must provide sufficient detail on the prescribed form to allow MSP to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to MSP. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.

The requester must identify the right that he, she or it is seeking to exercise by accessing records held by MSP and must explain why the particular record or records requested is or are required for the exercise or protection of that right.

6. PRESCRIBED FEES

A requester has to pay a request fee of R50.00, other than where the requester is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on MSP's behalf may notify the requester that he, she or it needs to pay the request fee before processing the request any further. A requester may apply to Court to be exempted from the requirement to pay the request fee.

Where a request for access to a record or records held by MSP is granted, the requester also has to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. MSP is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are on the SAHRC website www.sahrc.org.za.

In addition, if the search for and preparation of the record or records requested takes more than six hours, MSP may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.

If MSP is of the opinion that the search for and the preparation of the records requested will require more than six hours, MSP is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the requester. The requester may make an application to Court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the requester.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (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:

Identity number:

Postal address:

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names 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 record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of 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 hereunder, state your disability and indicate in which form the record is required.

Disability: _____	Form in which record is required
Form in which record is required: _____	
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request in the specified form may depend 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 for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or 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? Postage is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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 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?

Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE