



Access to Information Manual (POPIA & PAIA)

May 2021

NHSPOP001

Version 1



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1. Introduction

The Promotion of Access to Information Act, 2 of 2000 (“PAIA” or “the Act”) was enacted on 3 February 2000 coming into effect 9 March 2001 and the Protection of Personal Information Act, 4 of 2013 (POPIA) was enacted in November 2013 and came into effect 1 July 2020. The Information Regulator is now responsible for regulating both the flow and protection of information in terms of PAIA and POPIA respectively. The purpose of PAIA being to exercise the rights contained in Section 32(2) of the Constitution, which provides that any person has a right to gain access to any information held by a private or public body and POPIA to protect the constitutional right to privacy. If a record is requested from a private body, the requester must prove that the record is required for the exercise or protection of a right. The Information Regulator is mandated with overseeing compliance with both PAIA and POPIA.

2. Purpose

Despite being classified as a small business, with an exemption from complying with the PAIA Manual requirement, Newton House School is committed to protecting the right to privacy while advocating transparency in all its business activities. The purpose of this policy is to set out the records and information held by Newton House School and the procedure to acquire such records and information from Newton House School. The latest version of this policy must always be consulted and can be found on www.newtonhouse.co.za

3. Contact Details

Newton House School (Pty) Limited, is a Learning Assist School.

Registration Number: 2010/010255/07

Physical Address: 118 CR Swart Drive, Sundowner, Johannesburg, South Africa.

Postal Address: Postnet Suite 20, Private Bag X11, Honeydew, 2040

Contact Number: (011) 7942878

Email Address: admin@newtonhouse.co.za

Website Address: www.newtonhouse.co.za

Information Officer: Mr Shaun Berman, Headmaster, sberman@newtonhouse.co.za

Deputy Information Officer:



4. A Guide on How to Use PAIA

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. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act 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 the Act.

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

Telephone Number: 011 877 3600

Fax Number: 011 403 0625

Website Address: www.sahrc.org.za

Email Address: PAIA@sahrc.org.za

5. Applicable Legislation

Newton House School (Pty) Limited is primarily regulated by the Department of Education. As a business and an education institution, there is a host of legislation and related regulations that Newton House School (Pty) Limited is required to comply with i.e.:

- Basic Conditions of Employment Act, 75 of 1997;
- Companies Act, 71 of 2008;
- Compensation of Occupational Injuries and Health Diseases Act No 130 of 1993;
- Employment Equity Act, 55 of 1998;
- Income Tax Act, 58 of 1962;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;
- Skills Development Levies Act, No 9 of 1999;
- Skills Deelopment Act, No 97 of 1998;
- Unemployment Insurance Act, 63 of 2001



6. Access to Records Held by Newton House School

The table below highlights the types, nature and availability of information collected and held by Newton House School

Type of Information	Nature of Information	Freely Available	On Request
Students	Student files		X
Human Resources	Staff recruitment policies		X
	Staff records and attendance register		X
	Minutes of staff meetings		X
	Employment contracts		X
	Remuneration records		X
	Employment conditions and policies		X
Financial	Financial Statements		X
	Invoices		X
	Credit Notes		X
	Receipts		X
	Asset Register		X
	PAYE and SDL Reports and Summaries		X
	UIF Reports and Summaries		X
	Compensation Commissioner Report and Summaries		X



7. Information Request Procedure

- The requester must make use of the prescribed form to make the request for access to a record. This must be made to the Rector of the School. This request must be made to the address or electronic email of the body concerned [s 52(1)].
- The requester must provide sufficient detail on the request form to enable the Head of the school to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and to provide an explanation of why the request record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must submit the proof of capacity in which the requester is making the request to the satisfaction of the Head of the school.

8. Information Request Fees

All fees applicable are as prescribed and amended. Please refer to the SAHRC website <https://www.sahrc.org.za/> for the latest fees.

The current fees are:

- » The “request fee” payable by a requester, other than a personal requester, is R50.
- » 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:
 - for every photocopy of an A4-size page or part thereof R1 - R10;
 - for every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0 - R75;
 - for a copy in a computer-readable form on:
 - (i) stiffer disc;
 - (ii) compact disc R70;
 - (i) for a transcription of visual images, for an A4-size page or part thereof R40;
 - (ii) for a copy of visual images R60;



- (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
- To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search
- The actual postal fee is payable when a copy of a record must be posted to a requester.