



**EKUKHANYENI**  
NURTURE. TOMORROW. TOGETHER

# **PAIA and POPIA MANUAL**

## **PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) AND PROTECTION OF PERSONAL INFORMATION ACT (POPIA) MANUAL**

Compiled in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") and incorporates the requirements of the Protection of Personal Information Act, No. 4 of 2013 ("POPIA")

**EKUKHANYENI RELIEF PROJECT (RF) NPC  
(Registration 2005/035291/08)  
(PBO 930026782)**

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- “CEO” Chief Executive Officer
- “CIO” Chief Information Officer
- “DIO” Deputy Information Officer
- “Minister” Minister of Justice and Correctional Services
- “PAIA” Promotion of Access to Information Act No. 2 of 2000 (as Amended)
- “POPIA” Protection of Personal Information Act No.4 of 2013
- “Regulator” Information Regulator
- “NPC” Non-Profit Company
- “Republic” Republic of South Africa

## 2. INTRODUCTION AND PURPOSE

This Manual is compiled in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") and incorporates the requirements of the Protection of Personal Information Act, No. 4 of 2013 ("POPIA").

To fully understand why this manual is necessary, it helps to look at it not just as a legal checklist, but as a dual-purpose framework that governs how a Non-Profit Company interacts with the public, its donors, and its beneficiaries.

Because South African law merges the **Promotion of Access to Information Act (PAIA)** and the **Protection of Personal Information Act (POPIA)** into a single document, the manual serves two distinct, mirror-image purposes: **giving access** to organisation records while **restricting access** to personal privacy.

### 2.1 The PAIA Purpose: Fostering Transparency and Accountability

PAIA is a piece of legislation born directly out of Section 32 of the South African Constitution, which states that everyone has the right of access to any information held by the state or by another person that is required for the exercise or protection of any rights.

For an NPC, the PAIA portion of the manual serves to:

- **Create a Roadmap for the Public:** It tells outsiders (such as investigative journalists, researchers, or state authorities) exactly what kinds of records the NPC keeps without them having to guess.
- **Establish a Legal Gatekeeping Process:** It outlines the precise mechanical steps a person must take to request a record (using Form 2) and defines the grounds on which the NPC *must* or *may* refuse access (such as protecting the commercial confidentiality of a third-party funder or vendor).
- **Promote Good Governance:** By publishing what records exist, it ensures the NPC operates transparently, which is vital for maintaining public and institutional trust.

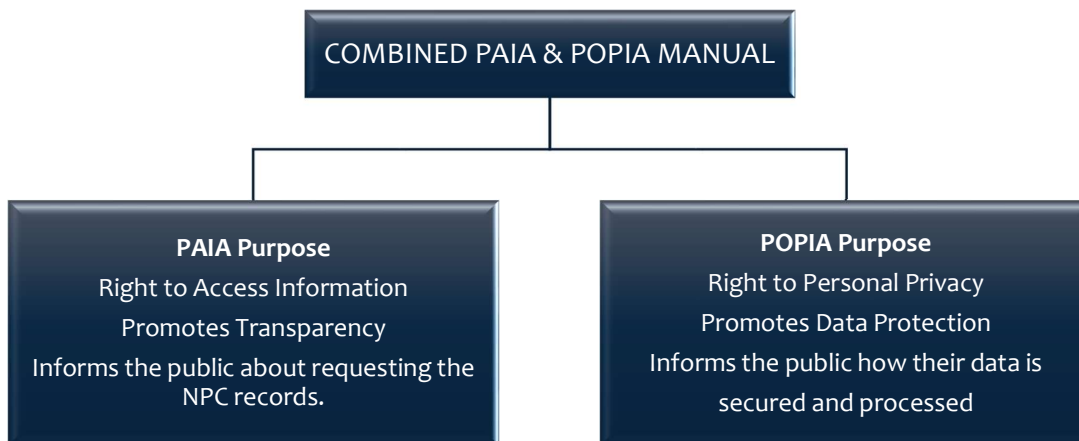
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## 2.2 The POPIA Purpose: Safeguarding Data Privacy

While PAIA is about *opening doors* to records, POPIA is about *closing doors* to unauthorised data usage. It gives life to Section 14 of the Constitution, which guarantees the right to privacy.

For an NPC—which often handles deeply sensitive data regarding vulnerable communities, children, and financial benefactors—the POPIA portion of the manual serves to:

- **Demonstrate Statutory Compliance:** It acts as a declaration to the Information Regulator that the NPC is actively complying with the 8 Conditions for Lawful Processing of Personal Information.
- **Define the Boundaries of Data Collection:** It explicitly states *why* the organisation collects data (e.g., tracking educational outcomes, issuing Section 18A tax certificates) so that data subjects know their information isn't being used for hidden agendas.
- **Outline Security Accountability:** It binds the NPC to specific technical and physical security standards, proving that the organisation has safety measures in place to prevent data breaches, identity theft, or unauthorised leaks.



Ultimately, the purpose of the manual is to strike a lawful balance: it ensures your organisation is open enough to be held accountable under PAIA, yet secure enough to protect the private lives of your donors, staff, and beneficiaries under POPIA.

## 3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

### 3.1 Chief Information Officer

Name	Geraldine Henderson
Telephone	011 026 6867
Email	<a href="mailto:geraldine@ekukhanyeni.org">geraldine@ekukhanyeni.org</a>

3.2 Deputy Information Officer (NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.

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Name	Liza Rossi
Telephone	011 026 6867
Email	<a href="mailto:liza@ekukhanyeni.org">liza@ekukhanyeni.org</a>

### 3.3 Access to information general contact information

Email	<a href="mailto:info@ekukhanyeni.org">info@ekukhanyeni.org</a>
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### 3.4 Head Office

Physical Address	79 Mimosa Road, Blue Hills, Midrand
Postal Address	P O Box 31121 Kyalami 1684
Telephone	011 026 6867
Email	<a href="mailto:info@ekukhanyeni.org">info@ekukhanyeni.org</a>
Website	<a href="http://www.ekukhanyeni.org">www.ekukhanyeni.org</a>

## 4. BOARD MEMBERS

Chairman	Dr Khulu Mbatha
Director	Liza Rossi
Director	Jacqueline Ahier
Director	Trevor Ahier

## 5. THE PAIA GUIDE

5.1 The Information Regulator has, in terms of Section 10(1) of PAIA, updated and made available a detailed Guide on how to use the Promotion of Access to Information Act. This Guide is designed in an easily comprehensible form and manner to assist any person wishing to exercise any right contemplated in PAIA and POPIA.

5.2 The Guide is available in all 11 official South African languages and contains a description of the objects of the Acts, the postal and street addresses, phone numbers, and electronic mail addresses of every Information Officer of both public and private bodies. It further details the assistance available from Information Officers and the Regulator, as well as all legal remedies available to a requester.

5.3 The public can inspect or obtain copies of this Guide, free of charge, during normal office hours at the physical offices of the Information Regulator. Alternatively, an electronic copy of the Guide in any official language can be downloaded directly from the Information Regulator's website.

- **The Information Regulator (South Africa)**
- **Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191**
- **Website:** <https://inforegulator.org.za/>
- **General Enquiries:** [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)
- **Call 010 023 5200 or Toll Free 0800 017 160**

## 6. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

The NPC maintains records and documentation in accordance with provisions of the following South African legislation, where applicable to non-profit and educational operations:

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- Non-Profit Organisations Act, No. 71 of 1997
- Companies Act, No. 71 of 2008 (specifically provisions relating to NPCs)
- Income Tax Act, No. 58 of 1962 (including Section 18A donor certificate compliance)
- Basic Conditions of Employment Act, No. 75 of 1997
- Labour Relations Act, No. 66 of 1995
- Employment Equity Act, No. 55 of 1998
- Electronic Communications and Transactions Act, No. 25 of 2002

## 7. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS HELD

The NPC holds records on the following subjects. Please note that recording a category here does not mean the information will automatically be disclosed; access is subject to the review procedures outlined in Section 7.

### 7.1 Operational & Governance Records

- Memorandum of Incorporation (MOI)
- Board Minutes and Resolutions
- NPO Registration Certificates
- Grant Proposals, Funding Agreements, and Donor Reports

### 7.2 Financial Records

- Annual Financial Statements and Tax Returns
- Section 18A Tax Certificates issued to donors
- Accounting Records, Invoices, and Banking Statements
- Asset Register

### 7.3 Human Resources (Employees, Volunteers, and Contractors)

- Employment and Volunteer Contracts
- Payroll, UIF, and PAYE Records
- Internal Policies and Codes of Conduct

### 7.4 Beneficiary and Project Records

- Early Childhood Development (ECD) or Community Project Monitoring and Evaluation data
- Attendance Registers and Training Materials
- Consent forms for data collection

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## 7.5 A description of records held and categories of records

Subject matter	Category
Organisation documents	<ul style="list-style-type: none"> <li>• Documents of incorporation;</li> <li>• Memorandum of Incorporation;</li> <li>• Minutes of board of director’s meetings and general meetings;</li> <li>• Written resolutions;</li> <li>• Records relating to the appointment of directors / auditors / Organisation officers; and other statutory records.</li> </ul>
Financial records and tax records	<ul style="list-style-type: none"> <li>• Annual financial statements;</li> <li>• Tax returns;</li> <li>• Accounting records;</li> <li>• Banking records;</li> <li>• Bank statements;</li> <li>• Electronic Fund Transfers;</li> <li>• Asset register;</li> <li>• Rental agreements;</li> <li>• Invoices;</li> <li>• PAYE records;</li> <li>• Documents issued to employees for income tax purposes;</li> <li>• Records of payments made to SARS on behalf of employees;</li> <li>• All other statutory compliances;</li> <li>• VAT records;</li> <li>• UIF; and</li> <li>• Workmen's compensation.</li> </ul>
Personnel records	<ul style="list-style-type: none"> <li>• Employment contracts;</li> <li>• Employment policies and procedures;</li> <li>• Internal evaluations and disciplinary records;</li> <li>• Salary records;</li> <li>• Disciplinary codes;</li> <li>• Leave records;</li> <li>• Training records and manuals;</li> <li>• Operating manuals;</li> <li>• Personal records provided by personnel;</li> <li>• Other statutory records; and</li> <li>• Related correspondence.</li> </ul>

Procurement and Operations records	<ul style="list-style-type: none"> <li>• Standard terms and conditions for supply of services and products</li> <li>• Contractor, client and supplier agreements</li> <li>• Lists of suppliers, products, services and distribution</li> <li>• Policies and procedures</li> <li>• Service level agreements</li> <li>• General correspondence</li> <li>• Insurance documentation</li> </ul>
Marketing records	<ul style="list-style-type: none"> <li>• Advertising and donation material</li> <li>• Proposal documents</li> <li>• Brand information management</li> <li>• Marketing strategies</li> </ul>
Risk audit records	<ul style="list-style-type: none"> <li>• Audit reports</li> <li>• Risk management frameworks and plans</li> </ul>
Information and Technology records	<ul style="list-style-type: none"> <li>• Computer/mobile device usage policy documentation</li> <li>• Hardware asset registers</li> <li>• Information technology policies/standards/procedures/manuals</li> <li>• Software licensing</li> </ul>
Fundraising records	<ul style="list-style-type: none"> <li>• Schedule of projects/record of organisations that receive funding</li> <li>• Reports, books, publication and general information related to fundraising and expenditure</li> <li>• Records and contracts of agreement with funded or funder organisations</li> </ul>

## 8. POPIA PROTECTION OF PERSONAL INFORMATION

In terms of POPIA, the NPC is a Responsible Party. This section outlines how personal information is processed.

### 8.1 Purpose of Processing Personal Information

The NPC processes personal information for purposes aligned with its socio-economic mandates, including but not limited to:

- Administering and tracking community upliftment programmes, educational distributions, and beneficiary development.
- Processing financial donations, maintaining donor databases, and issuing legal Section 18A tax receipts.
- Managing payroll, statutory reporting, and human resource administration for staff and volunteers.
- Communicating organisational updates, impact reports, and strategic expansion visions via public networks (e.g., LinkedIn, newsletters).

### 8.2 Categories of Data Subjects and Information Processed

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Data Subject Category	Categories of Personal Information Processed
Donors / Funders	Names, Organisation registration info, contact details, bank details, donation history, tax numbers.
Beneficiaries / Community Members	Names, identification numbers, demographic data, educational assessments, health/well-being indicators, photographs (with consent).
Employees & Volunteers	Full names, IDs, addresses, qualifications, banking details, tax numbers, criminal check verifications.
Suppliers / Operators	Organisation names, registration numbers, VAT details, contact information, service agreements.

### 8.3 Recipients or Categories of Recipients of Personal Information

The NPC may share personal information with third parties (Operators) under strict confidentiality agreements, including:

- The South African Revenue Service (SARS) for tax and Section 18A auditing compliance.
- Financial institutions for payment processing.
- Statutory bodies and auditors evaluating NPO/NPC compliance.
- Cloud storage or internal database providers assisting with record keeping.

### 8.4 Planned Transborder Flows of Personal Information

The NPC does not intentionally transfer personal information outside of South Africa unless it utilises secure, cross-border cloud storage solutions or enterprise operational tools (e.g., Google Workspace, Microsoft 365) that comply with binding rules or data protection laws equivalent to POPIA.

### 8.5 Information Security Measures

The NPC implements rigorous technical and organisational measures to ensure the integrity, confidentiality, and safety of personal information:

- Secure, password-protected electronic servers and encrypted cloud environments.
- Restricted access controls ensuring only authorised project personnel handle sensitive beneficiary and donor files.
- Physical security (lockable storage) for hardcopy project registers or contract documentation.
- Explicit written data privacy clauses within agreements with third-party vendors and operators.

## 9. HOW TO REQUEST ACCESS TO RECORDS (PAIA PROCEDURE)

To request access to information held by the NPC, the requester must follow these steps:

**9.1 Complete Form 2:** The requester must complete the prescribed **Form 2** (available on the Information Regulator's website under the PAIA Regulations section). Form 2 attached to Manual.

**9.2 Submit to the Information Officer:** The form must be emailed or physically delivered to the Information Officer listed in Section C.

**9.3 Provide Sufficient Detail:** The request must explicitly state:

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- The details of the requester (including contact details).
- The exact record being sought.
- Which constitutional right is being protected or exercised by accessing this record.

**9.4 Fees:** The NPC may charge the prescribed fees for reproduction and search time as regulated by law, unless the requester is legally exempt. Refer to Addendum A.

## 10. REMEDIES FOR REFUSAL

If the NPC refuses access to a record, the requester is entitled to lodge a complaint directly with the **Information Regulator** or file an application with a competent South African Court for relief, as the internal appeal processes do not apply to private bodies / NPCs.

## 11. AVAILABILITY OF THIS MANUAL

This manual is available for inspection at the principal place of business of the NPC, on the NPC's official website (if applicable), and copies can be provided to any individual upon request subject to reasonable administration fees.

## 12. UPDATING OF THIS MANUAL

Ekukhanyeni Relief Project will, if necessary, update and publish this Manual annually.

Issued by



Geraldine Henderson  
Chief Executive Officer  
Ekukhanyeni Relief Project (RF) NPC

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## ADDENDUM A

### FEES IN RESPECT OF PRIVATE BODIES IN TERMS OF PAIA

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy for every A4 page	R2.00 per page or part of the page
3.	Printed copy of A4 page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on a flash drive (provided by the requester)	R40.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester)	R40.00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure The search and preparation fee cannot exceed	R145.00 R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.

# FORM 1

## REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

**TO:** The Information Officer

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I,

Full names:			
In my capacity as (mark with "x"):	Information officer		Other
Name of *public/private body ( <i>if applicable</i> )			
Postal Address:			
Street Address:			
E-mail Address:			
Facsimile:			
Contact numbers:	Tel.(B):		Cellular:

Hereby request the following copy (ies) of the Guide:

Language ( <i>mark with "X"</i> )	No of copies	Language( <i>mark with "X"</i> )	No of copies
<input type="checkbox"/> Sepedi		<input type="checkbox"/> Sesotho	
<input type="checkbox"/> Setswana		<input type="checkbox"/> siSwati	
<input type="checkbox"/> Tshivenda		<input type="checkbox"/> Xitsonga	
<input type="checkbox"/> Afrikaans		<input type="checkbox"/> English	
<input type="checkbox"/> isiNdebele		<input type="checkbox"/> isiXhosa	
<input type="checkbox"/> isiZulu			

Manner of collection (*mark with "x"*):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of requester

# FORM 2

## REQUEST FOR ACCESS TO RECORD

[Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer


(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

**FORM OF ACCESS**  
*(Mark the applicable box with an "X")*

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

**MANNER OF ACCESS**  
*(Mark the applicable box with an "X")*

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	

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

<b>FEEES</b>	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**

-----  
**FOR OFFICIAL USE**

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_  
**Signature of Information Officer**