NOSIHLE MSOMI FOUNDATION

Manual Prepared in Terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000

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1. Definitions

"Access Fee" means a fee paid by a requester to the Nosihle Msomi Foundation to cover the costs of finding and copying records required by the requester.

"Authorised Person" means a person who makes a request on behalf of someone else, and who has been properly authorised in writing to do so.

"Automatically Available Records" means records that a public or private body will provide to a requester without them needing to file a request. These records are listed in a "voluntary disclosure notice", which should be made public.

"Calendar Day" means the exclusion of the day on which a request is received, and the inclusion of every day thereafter, including weekends and public holidays, until the final day is counted. If the final day falls on a Sunday or public holiday, the following day is regarded as the final day.

"Consent" means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.

"Constitution" means the Constitution of the Republic of South Africa, 1996.

"Data Subject" means the person to whom personal information relates.

"Days" means, unless specified as a "Working Day" in a section of PAIA, a calendar day.

"Deemed Refusal" means an instance when a response to a request is not received within the prescribed time.

"Deputy Information Officer" means a person designated or delegated by the information officer to assist a requester with an information request, and to whom an information officer can delegate PAIA powers to.

"Information Officer" means the person authorised to handle PAIA requests as per the following categories:

No.	Type of Entity	Information
1.	Natural Person	Sole proprietor who carries on any trade business or profession, but only in such capacity and not in their personal capacity
2.	Partnership	Any partner of the partnership of any person duly authorised by the partnership.
3.1	Juristic Person	The Chief Executive Officer or the Managing Director or equivalent officer of the juristic person or any person duly authorised by that officer or any person who is acting as such or any person duly authorised by such acting person.

"Personal Information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
(b) information relating to the education or the medical, financial, criminal or employment history of the person;
(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
(d) the biometric information of the person;
(e) the personal opinions, views or preferences of the person;
(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
(g) the views or opinions of another individual about the person; and
(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

"Private Body" means-

(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
(b) a partnership which carries or has carried on any trade, business, or profession; or
(c) any former or existing juristic person, but excludes a public body;

"Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
(b) dissemination by means of transmission, distribution or making available in any other form; or
(c) merging, linking, as well as restriction, degradation, erasure, or destruction of information.

"Promotion of Access to Information Act" means the Promotion of Access to Information Act, 2 of 2000

"Record" means any recorded information-

(a) Regardless of form or medium, including any of the following:

(i) Writing on any material;

(ii) Information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;

(iii) Label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;

(iv) Book, map, plan, graph or drawing;

(v) Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

(b) In the possession or under the control of a responsible party;

(c) Whether or not it was created by a responsible party; and

(d) Regardless of when it came into existence;

"Regulator" means the Information Regulator established in terms of section 39 of PAIA

"Responsible Party" means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

"Request for Access" means a request for access to a record of a private body in terms of section 50 of PAIA.

"Requester", in relation to-

(a) A private body, means-

(i) Any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or

(ii) A person acting on behalf of the person contemplated in subparagraph (i).

"Third Party", in relation to a request for access to-

(a) A record of a private body, means any person (including, but not limited to, a public body) other than the requester.

LIST OF ACRONYMS AND ABBREVIATIONS

The Promotion of Access to Information Act, 2 of 2000	PAIA
The Protection of Personal Information Act, 4 of 2013	POPIA
The South African Human Rights Commission	SAHRC

2. INTRODUCTION

PAIA gives effect to the right to access to information in terms of section 32 of the Constitution. This section provides everyone the right to access to information held by the state or any other person (or private body) when the information is required for the exercise or protection of any rights.

Section 51 of PAIA requires all private bodies to compile a PAIA Manual that provides information on both the types and categories of records held by the private body.

The purpose of PAIA is to:

- Foster a culture of transparency and accountability in public and private bodies by giving effect to the right to access to information, and;
- To actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect all their rights more fully.

POPIA is South African data privacy Legislation that regulates the processing of personal information of data subjects (both personal and juristic) by responsible parties.

The purpose of the Act is to:

- Give effect to the constitutional right to privacy, subject to justifiable limitations aimed at balancing the right to privacy against other rights.
- Regulate the processing of personal information in harmony with international standards.
- Provides minimum requirements for the lawful processing of personal information.
- Provides rights and remedies to protect against abuses of personal information.

POPIA has amended the role of the SAHRC. In terms of POPIA the function of the SAHRC in terms of PAIA has been transferred to the Information Regulator who will be empowered to monitor both POPIA and PAIA and to handle complaints relating to access to information and the protection of personal information.

This Manual provides and outlines the types of records held by the Nosihle Msomi Foundation and explains how requesters may submit requests to the records held in terms of PAIA. It further allows requesters to request access, object and request a correction of their personal information in terms of the requirements of POPIA.

The Nosihle Msomi Foundation recognises everyone's right to access to information and is committed to provide access to the organisation's records where the proper procedural requirements set out by PAIA and POPIA have been met.

3. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- Check the nature of the records which may already be available without the need for submitting a formal PAIA request.
- Have a sufficient understanding of how to make a request for access to a record of the Nosihle Msomi Foundation, by providing a description of the subjects on which the Nosihle Msomi Foundation holds records and the categories of records held on each subject.
- Know the description of the records of the Nosihle Msomi Foundation which are available in accordance with any other legislation.
- Know the description of the services available to members of the public from the Nosihle Msomi Foundation and how to gain access to those services.
- Access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access.
- Know if the Nosihle Msomi Foundation will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto.
- Know the description of the categories of data subjects and of the information or categories of information relating thereto.
- Know the recipients or categories of recipients to whom the personal information may be supplied.
- Know if the Nosihle Msomi Foundation has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- Know whether the Nosihle Msomi Foundation has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. COMPANY DETAILS

At the Nosihle Msomi Foundation, we believe that early identification and intervention are key to helping children with learning challenges thrive. Our mission is to close the gaps in early childhood education and support South Africa's most vulnerable young learners.

Company Name:	Nosihle Msomi Foundation NPC
Registration Details:	2004/124613/08
Registered Address:	Unit 2, 3 Townshend Road, Hyde Park, 2196
Postal Address:	Unit 2, 3 Townshend Road, Hyde Park, 2196
Contact Number:	0833457016
Website URL:	www.nomsofoundation.org

5. DUTIES OF THE INFORMATION OFFICER

5.1 The Information Officer of the Nosihle Msomi Foundation is responsible for:

- Encouraging compliance with the conditions for the lawful processing of personal information
- Facilitation of requests made the Nosihle Msomi Foundation in terms of PAIA and POPIA
- Providing adequate notice and feedback to the requester
- Ensuring compliance with the provisions of PAIA and POPIA
- Developing, monitoring, maintaining, and making this Manual available
- Developing internal measures together with adequate systems to process requests for the information or access thereto
- Holding internal awareness sessions regarding the provisions of PAIA and POPIA, regulations in terms of PAIA and POPIA, Codes of Conduct or information obtained from the Regulator
- When requested, providing copies of this Manual upon payment of a fee to be determined by the Regulator.
- Determining whether to grant a request for access to a complete/full record or only part of a record.
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format
- Reviewing this Manual for accuracy and communicating any amendments

5.2 The Information Officer may only provide access to any record held by the Nosihle Msomi Foundation if:

- The record is required for the exercise or protection of any right; and
- The requester complies with the procedural requirements relating to a request for access to that record, and
- Access to that record is not refused in terms of any of the listed grounds for refusal listed in this Manual.

To ensure the requirements of POPIA are undertaken and managed as effectively as possible, the Nosihle Msomi Foundation

6. CONTACT DETAILS OF THE INFORMATION OFFICER

Information Officer

Name:	DR. Busisiwe B. Mbuyisa-Vilakazi
Designation:	Director
ID Number:	7808120485080
Address:	41 First Avenue, Illovo Paradiso, Unit 5, Illovo, 2190
Telephone:	0833457016
Email:	Busi@nomsofoundation.org
Registration Number:	

Deputy Information Officer

Name:	Ms. Nomcebo Portia Nqobile Mkhize
Designation:	Director
ID Number:	78031704490860
Address:	Unit 2, 3 Townshend Road, Hyde Park, 2055
Telephone:	0836251257
Email:	nomcebo@nomsofoundation.org
Registration Number:	

Name:	Mrs. Gillian Ilsley
Designation:	Director
ID Number:	6412230212087
Address:	23 Wild Pear Crescent, Fourways Gardens, Johannesburg
Telephone:	0834140869
Email:	gilliani@nomsofoundation.org
Registration Number:	

7. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

7.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, 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.

7.2 The Guide is available in each of the official languages and in braille.

7.3 The Guide contains the description of-

- The objects of PAIA and POPIA
- The manner and form of a request for-
    - Access to a record of a public body contemplated in section 11 of PAIA; and
    - Access to a record of a private body contemplated in section 50 of PAIA
    - The assistance available from the Information Officer of a public body in terms of PAIA and POPIA
    - The assistance available from the Regulator in terms of PAIA and POPIA

- All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - An internal appeal
  - A complaint to the Regulator; and
  - An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body

- The provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual.
- The provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- The notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- The regulations made in terms of section 92 of PAIA.

7.4 Members of the public can inspect or make copies of the Guide from the offices of the Nosihle Msomi Foundation and the office of the Regulator, during normal working hours.

7.5 The Guide can also be obtained-

- Upon request to the Information Officer of the Nosihle Msomi Foundation
- From the website of the Regulator (www.inforegulator.org.za).

7.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

- English
- Afrikaans

8. CATEGORIES OF RECORDS OF NOSIHLE MSOMI FOUNDATION WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

8.1 Currently, no notice(s) has/have been published by the Minister on the categories of information available without a person having to request access in terms PAIA.

8.2 There are however some records which are freely available to the public. These are mainly records which are available on our website which a person can download, request telephonically or by sending an email or letter.

9. DESCRIPTION OF THE RECORDS OF NOSIHLE MSOMI FOUNDATION WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Legislation	Category of Records
Basic Conditions of Employment Act, 75 of 1997	Employee's name, occupation, time worked by each employee, remuneration paid to each employee, date of birth for each employee and written particulars of employment (employment contracts), leave records
Compensation for Occupational Injuries and Diseases Act, 130 of 1993	Salary and wages register (overtime), records of earnings and other prescribed particulars of employees
Income Tax Act, 58 of 1962	Remuneration paid or due to an employee, amount deducted from employee remuneration (or withheld), income tax reference number of employees, reconciliation returns.
Labour Relations Act, 66 of 1995	Disciplinary records, records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the Nosihle Msomi Foundation and reasons for the actions
Non-Profit Organisations Act, 71 of 1997	Accounting records, books of account, vouchers, records of subscriptions, levies, accounting officer reports
Occupational Health and Safety Act, 85 of 1993	Records of incidents, regulatory risk assessments, training records
Promotion of Access to Information Act, 2 of 2000	Records of all access for information requests and responses, PAIA manual
Protection of Personal Information Act, 4 of 2013	Records of processing activities, data subject request records
Tax Administration Act, 28 of 2011	Records, books of accounts or documents
Unemployment Insurance Act, 63 of 2002	Names, ID number, monthly remuneration and address of company

10. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY NOSIHLE MSOMI FOUNDATION

This section sets out the records and the categories of records held on each subject.

Subjects on Which the Body Holds Records	Categories of Records
Statutory Information	Registration Documentation
	Financial Statements
	Books of Account Regarding Information Required by the
	Supporting Schedules to Books of Account and Ancillary Books of Account
	Records of Directors
Accounting Records	Books of Account Including Journals and Ledgers
	Invoices, Delivery Notes, Orders, Statements and Receipts
Statutory Employee Records	Employees' Names and Occupations
	Time Worked by Each Employee
	Remuneration Paid to Each Employee
	Date of Birth of Each Employee
	Salary and Wages Register
Other Employee Records	Employee Contracts
	Disciplinary Records
	Leave Records
Taxation	Copies of All Income Tax Returns and Other Tax Returns and Documents
Business Records	Internal Correspondence
	Internal Policies and Procedures
	Information Technology Records
	Environmental, Health and Safety Records

11. ACCESS TO INFORMATION OR RECORDS HELD BY THE NOSIHLE MSOMI FOUNDATION

Access to information can only be granted once the requirements for access have been met.

PAIA provides that a person may only request information from a Private Body if the requested information is required for the exercise or protection of a right. POPIA provides that a Data Subject may request a Responsible Party to confirm, free of charge, all the information it holds about the Data Subject and may request access to such information, including the information of third parties who have or have had access to such information. Where a Data Subject is required to pay a fee for any request for access services, the Responsible Party:

- Must provide the Data Subject with a written estimate of the payable amount before providing the service
- May require the requester to pay a deposit for all or part of the fee

If the Information Officer is unable to find the records requested or believe that the records do not exist, they will submit a detailed affidavit or affirmation to the requester giving notice that the records in question do not exist or cannot be found. The Information Officer will outline the steps they took to locate them.

12. REQUEST FOR INFORMATION PROCEDURE

12.1 To facilitate a request for information, the following procedures apply:

- The requester must complete Form 2. Once completed, the requester must email or post it to the Information Officer at the addresses set out in this manual.
- The Information Officer will notify the requester that the request has been received and if the request is granted or refused and an estimate of the costs associated with processing the request, if any.
- The list of fees payable is set out in section 13 of this manual.

12.2 The Nosihle Msomi Foundation will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that this period is not be complied with.

12.3 The Nosihle Msomi Foundation may request an extension to the time, but will only be able to do so if:

- The request is for a large number of records or requires that a large number of records are searched, and, without an extension, the search would interfere with the normal activities of the Nosihle Msomi Foundation
- The request requires a search through records in an office of the Nosihle Msomi Foundation that is not in the same city or town and could thus not be completed within 30 days; and/or
- It requires a level of consultation to act on the request, which cannot reasonably be completed within 30 days.

The Nosihle Msomi Foundation will notify the requester of an intention to extend the initial time, and indicate the period of extension, the reason for the extension, and advise the requester that they have the right to –

- Appeal to the relevant authority
- Lodge a complaint with the regulator; or
- Institute proceedings in court against the extension as the case may be

The Nosihle Msomi Foundation will also inform the requester of the process to be followed for each of the above-mentioned rights in the notice.

Once a request has been processed, the Information Officer will inform the requester of the outcome of the request and whether any additional information or fees are required.

If the requester does not use Form 2, we may:

- Reject the request due to a lack of procedural compliance; or
- Refuse the request if sufficient information is not provided.

12.5 Notes for Requesters

When requesting information, the following must be followed:

- Ensure the form is completed in as much detail as possible.
- Provide an accurate description of the record(s) sought.
- Identify the requester.
- Specify the format in which the information is required.
- Indicate the contact details of the person requiring information.
- Indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and to provide an explanation of why the requested record is required.
- If applicable, the requester must provide any other way in which they wish to be informed other than in writing.
- Provide proof of capacity in which they are making the request if the request is being made on behalf of someone else.

13. FEES

PAIA prescribes certain fees that are payable for requests made in terms of the Act.

The requestor must request the banking details of the Nosihle Msomi Foundation from the Information Officer and make payment if required. The processing will not commence until the fees are paid.

The following fees are applicable:

Item	Description	Amount
1.	The request fee payable by every requestor	R140.00
2.	Photocopy/printed black and white copy of A4-size page	R2.00 per page or part thereof
3.	Printed copy of A4-size page	R2.00 per page or part thereof
4.	For a copy in a computer-readable form on a flash drive (to be provided by the requestor)	R40.00
5.	For a copy in a computer-readable form on a compact disc if provided by the requestor	R40.00
6.	For a copy in a computer-readable form on a compact disc if provided to the requestor	R60.00
7.	For a transcription of visual images per A4-size page	Service to be outsourced, will depend on quotation from service provider
8.	Copy of visual images	
9.	Transcription of an audio record, per A4-size page	R24.00
10.	Copy of an audio record on a flash drive (to be provided by the requestor)	R40.00
11.	Copy of an audio record on a compact disc if provided by the requestor	R40.00

12.	Copy of an audio record on a compact disc if provided to the requestor	R60.00
13.	To search for an prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00 (not to exceed R435.00)
14.	Deposit – if search exceed 6 hours	One third of the amount per request calculated in terms of items 2 – 12 above.
15.	Postage, email, or any other electronic transfer	Actual expense if any

14. GROUNDS FOR REFUSAL

If a request for access is refused, the Nosihle Msomi Foundation will advise the requester about the reason for refusal of access and may advise the requester to lodge an application with the court against the refusal for such request.

Chapter 4 of PAIA provides reasons for refusal. Note that these reasons do not mean that requests of such nature will be refused, it just means that access may be granted for such reasons.

The following may be reasons for refusal:

14.1 Mandatory Grounds for Refusal

With mandatory grounds for refusal, the Nosihle Msomi Foundation must refuse the request. The following are mandatory grounds for refusal:

- The mandatory protection of privacy of a third party who is a natural person if the disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual
- The mandatory protection of commercial information of a third party if it contains
    - Trade secrets of a third party
    - financial, commercial, scientific, or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
    - information supplied in confidence by a third party the disclosure of which could reasonably be expected-
        - to put that third party at a disadvantage in contractual or other negotiations; or
        - to prejudice that third party in commercial competition.
- The mandatory protection of certain confidential information of third parties if the disclosure of the record would constitute an action for breach of confidence owed to a third party in terms of an agreement.
- The mandatory protection of safety of individuals, and protection of property
- Mandatory protection of records privileged from production in legal proceedings
- The mandatory protection of research information of a third party, and protection of research information of the Nosihle Msomi Foundation if such disclosure would place the research or the researcher at a serious disadvantage

- A record of Nosihle Msomi Foundation if the record consists of information that was supplied in confidence by a third party if the disclosure of which could reasonably be expected to prejudice the future supply of similar information, or information from the same source and if it is in the public interest that similar information, or information from the same source, should continue to be supplied.

14.2 Discretionary Grounds of Refusal

With discretionary grounds of refusal, the Information Officer must apply their minds and consider whether to refuse a request because of the following reasons:

- Economic, financial, and commercial interests of the Nosihle Msomi Foundation, which may include
    - trade secrets
    - financial, commercial, scientific, or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Nosihle Msomi Foundation
    - contains information, the disclosure of which could reasonably be expected-
        - to put a public body at a disadvantage in contractual or other negotiations; or
        - to prejudice a public body in commercial competition; or
    - Computer programs owned by the Nosihle Msomi Foundation which are protected by copyright and intellectual property laws
- Requests that are manifestly frivolous or vexatious, or which involves substantial and unreasonable diversion of resources

Note that if only part of a record is linked to an exemption ground, the Nosihle Msomi Foundation is obliged to consider whether partial disclosure or information is possible whenever they determine that full disclosure is not possible and the Nosihle Msomi Foundation will take reasonable steps to sever or redacts the part or parts that cannot be released to the requester and grant access to the rest of the record.

15. MANDATORY DISCLOSURE OF RECORDS IN THE PUBLIC INTEREST

Even if a discretionary or mandatory ground for refusal exists in relation to a request for access to records, there is the possibility that public interest in the disclosure of the record may be more important than the harm created by the release of the record.

Where the important of the public interest exists as stated above and the disclosure of the record would reveal:

- Evidence of a substantial contravention of or failure to comply with the law; or
- An imminent and serious public safety or environmental risk

Then the Nosihle Msomi Foundation must grant access to the record despite the existence of the exemption grounds.

16. THIRD PARTY NOTIFICATION PROCESS

The Nosihle Msomi Foundation is required, to take reasonable steps to inform a third party about a request for their record or records that might be a record that contains either:

- Personal information
- A SARS record
- Trade secrets
- Information, the release of which could constitute grounds for an action for breach of a duty of confidence; or research information that could expose someone or the subject matter to serious damage

The third party will be requested to:

- Make written or oral representation to the Information Officer why the request for access should be refused; or
- Give written consent for the disclosure of the record to the requester

The Nosihle Msomi Foundation will inform the requester that a notice has been sent to a third party. Once this notification has been sent, the Nosihle Msomi Foundation must make a final decision on whether to release the records within 30 days.

17. REMEDIES

The Nosihle Msomi Foundation does not have an internal appeal procedure in relation to POPIA and PAIA. As such, the decision made by the Information Officer is final.

A requester may, amongst others, challenge the following decision of the Nosihle Msomi Foundation:

- The tender or payment of the request fee
- The tender or payment of a deposit
- The access fee to be paid is too excessive
- The form of access granted
- The refusal of a request
- The procedure (including the period) for lodging the internal appeal
- Inappropriate time extension taken to respond to request for access
- Failure to disclose records
- The granting of a request for access to a record
- Refusal to grant a request to waive the fees

If a requester is unhappy with the decision, they may

- apply to a court for relief
- lodge a complaint with the information regulator

This must be done within 180 days of the decision from the Nosihle Msomi Foundation.

A requester may lodge a complaint with the regulator, if they are not happy with a decision of the Nosihle Msomi Foundation to:

- Refuse a request for access
- Demand payment of the request fee, or a deposit of the access fee
- Extend a period to deal with a request
- Grant access in a particular form

17.1 How to Complain to the Regulator

A complaint to the Regulator must be made in writing and a complaint form (Form 5) must be completed either manually or online.

18. PROCESSING OF PERSONAL INFORMATION

18.1 Purpose of Processing Personal Information

Unless otherwise stated specifically the information may be used for the following purposes:

- Rendering services to Learners
- Obtain consent from Legal Guardians
- Transact with suppliers
- Employee administration/management
- Recruitment
- For statistical or research purposes
- Legal and regulatory purposes
- Perform in terms of a contract
- Respond to enquiries/requests
- Data analysis for improved marketing
- Social media posts
- Fundraising
- Business management and administration
- Internal accounting and administration
- Enforce our rights
- Enforce the rights of third parties

We strive to maintain the quality, accuracy, and completeness of your personal information which we process. The quality of personal information degrades over time, and you can assist us by contacting us if there are any changes to your personal information or if you become aware that we have inaccurate personal information of you. We will not be held responsible for any losses arising from poor quality personal information which is inaccurate or incomplete, that is provided to us by yourself or person acting on your behalf.

18.2 Description of the Categories of Data Subjects and of the Information or Categories of Information Relating Thereto

The following personal information of the categories mentioned in the table may be processed by the Nosihle Msomi Foundation.

Data Subject	Personal Information Collected
Donors	Name and surname, ID numbers, residential address, postal address, email address, contact details, tax number, amount donated
Suppliers/Service Providers	Bank details, address, contact details, email address, VAT number, contact persons details
Prospective Employees	CV's
Employees/Volunteers	Name and surname, bank details, address, contact details, email address, next of kin (emergency contact), age, gender, ID
Prospective donors	Name and surname, email address, contact details
Partner organisations	Organisation name, registration number, address, contact number, contact person details.
Visitors to the website	Name, email address, contact number, type of device (mobile phone, computer), browser type, IP address, pages accessed, time spent on the page, geographic location, referring website, cookies.
Learners	Name, surname, ID number, residential address, age
Legal Guardians	Name, Surname, ID number, residential address, contact number
University Students	Name, Surname, ID number, residential address, contact number

18.3 The Recipients or Categories of Recipients to Whom the Personal Information May be Supplied

The table below specifies the person or category of persons to whom the Nosihle Msomi Foundation may disseminate personal information to.

Category of Personal Information	Persons to Whom the Information May be Supplied
Invoices and accounting records	Accountants
Bank details for payments	Banking institutions

18.4 Disclosure of Personal Information to Third Parties

We will also not disclose any personal information without consent unless we reasonably believe that the disclosure is required in terms of an obligation imposed by law, if it is necessary for the proper performance of a public law duty by a public body or to protect your legitimate interest or the legitimate interest of us or a third party (for example, to prevent a threat to your or another's health and safety).

Any third parties whom we share personal information with to process such information on our behalf, are subject to data protection agreements or data protection notifications. These parties include our customers, internal third parties, content creation contractors, service providers, joint venture parties and analytics and search engine providers.

18.5 Planned Transborder Flows of Personal Information

In certain instances, the Nosihle Msomi Foundation may disclose personal information to third parties that are based in foreign countries.

The transfer of this information will only be completed if:

- the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection.
- The data subject consents to such transfer.
- The transfer is necessary for the performance of a contract between a data subject and us, or for the implementation of pre-contractual measures taken in response to a request from a data subject.
- the transfer is necessary for the conclusion or performance of a contract concluded between us and the third party that is in your interest; or
- The transfer is for the benefit of a data subject and
    - it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
    - if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

Although we will take every precaution, it is possible that personal information will be transferred to a third party in a foreign country that is in a jurisdiction where a data subject will not be able to seek redress under POPIA and does not have an equivalent level of data protection as in a data subject's jurisdiction. We will not be held liable for how such third parties process the personal information.

18.5 Security Measures

We are committed to protecting the security of personal information. While no security measures can guarantee against compromise, we use a variety of security technologies and procedures to help protect data from unauthorised access, use, or disclosure.

We hold personal information in:

- Computer systems
- In hard copy or paper files

We have implemented and maintain appropriate technical and organisational measures to ensure a level of security appropriate to protect personal information and prevent:

- loss of, damage to or unauthorised destruction of personal information; and
- unlawful access to or processing of personal information.

The following specific security measures are in place:

- Antivirus software
- Firewalls
- Strong password policy and the need for regular password updates
- Data Access controls – access to personal information is limited to authorised personnel only

We limit access to your public social data to those employees, agents, contractors and other third parties who have a business need to know. They will only process personal information on our instructions and are subject to a duty of confidentiality.

19. AVAILABILITY OF THE MANUAL

A copy of the Manual is available-

- On the Nosihle Msomi Foundation website at www.nomsofoundation.org
- At the principal place of business for public inspection during normal business hours;
- In hard copy to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

20. UPDATING OF THE MANUAL

The Nosihle Msomi Foundation will on a regular basis update this manual.

Issued by

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Dr. Busisiwe B. Mbuyisa-Vilakazi
Information Officer