

MANUAL

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000
for Unlimited Opportunities Social Projects (Association incorporated under section 21)

This Manual applies to Unlimited Opportunities Social Projects (Association incorporated under section 21) ("Unlimited Opportunities").

1. Applicability and availability of this Manual

- 1.1. The Promotion of Access to Information Act, No 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet as well as the grounds for refusing requests. This Manual informs requesters of procedural and other requirements which a request must meet.
- 1.2. The Act also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.
- 1.3. This Manual is available for inspection, free of charge, at Unlimited Opportunities' offices (see details below).

2. Unlimited Opportunities Contact Details & Information Officer

Ms. C. Maree

Postal Address

P.O. Box PO Box 1985, Hillcrest, 3650

Physical Address

1 Lucas Drive, Hillcrest, 3610

Telephone Number

(031) 716 9607

Fax Number

086 685 1107

Website

www.theunlimitedchild.co.za

E-mail Address of Information Officer

cmaree@theunlimited.co.za

3. South African Human Rights Commission Guide

The South African Human Rights Commission ("SAHRC") is required, in terms of the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC. Enquiries should be directed to:

The South African Human Rights Commission

Telephone Number:

(011) 484 8300

Fax Number:

(011) 484 7149

Website:

www.sahrc.org.za

4. Section 52 (2) Notice

Not applicable.

5. Unlimited Opportunities Records

Access to the documents listed below may be subject to the grounds of refusal set out in this Manual:

5.1. Personnel Records

"**Personnel**" refers to any person who works for or provides services to or on behalf of Unlimited Opportunities and who receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting Unlimited Opportunities' business and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers. Personnel records include:

- 5.1.1. personal records (provided by personnel themselves);
- 5.1.2. records provided by a third party relating to personnel;
- 5.1.3. conditions of employment and other personnel-related contractual and quasi-legal records;
- 5.1.4. internal evaluation records and other internal records;
- 5.1.5. correspondence relating to personnel; and
- 5.1.6. training schedules and material.

5.2. Customer Records

A "**customer**" refers to any natural or juristic entity that receives services from Unlimited Opportunities. Customer records include:

- 5.2.1. records pertaining to products sold and/or serviced by Unlimited Opportunities
- 5.2.2. records provided by a customer to a third party acting for or on behalf of Unlimited Opportunities;
- 5.2.3. records provided by a third party;
- 5.2.4. records generated by or within Unlimited Opportunities relating to its customers, including transactional data.

5.3. Private Body Records

These are records which include, but are not limited to, records which pertain to Unlimited Opportunities' own affairs including:

- 5.3.1. financial records;
- 5.3.2. operational records;
- 5.3.3. databases;
- 5.3.4. information technology systems and documents;
- 5.3.5. marketing records;
- 5.3.6. internal correspondence;
- 5.3.7. product records;
- 5.3.8. statutory records;
- 5.3.9. internal policies and procedures.

5.4. Other Party Records

- 5.4.1. Personnel, customer or private body records which are held by another party on Unlimited Opportunities' behalf, as opposed to the records held by Unlimited Opportunities itself.
- 5.4.2. Records held by Unlimited Opportunities pertaining to other parties, including without limitation, financial records, correspondence, contractual records, and records about Unlimited Opportunities' contractors / suppliers / service providers.

6. Grounds for refusal of access to records

Unlimited Opportunities may refuse a request for information on, *inter alia*, the following basis:

- 6.1. The mandatory protection of the privacy of a third party who is a natural person, in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).
- 6.2. The mandatory protection of the commercial information of a third party, if the record contains:
 - 6.2.1. trade secrets of that third party;

- 6.2.2. 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
- 6.2.3. information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
 - a. to put that third party at a disadvantage in contractual or other negotiations; or
 - b. to prejudice that third party in commercial competition.
- 6.3. The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement.
- 6.4. The mandatory protection of the safety of individuals and the protection of property.
- 6.5. The mandatory protection of records which would be privileged from production in legal proceedings.
- 6.6. The protection of Unlimited Opportunities' commercial activities including, without limitation, records that contain:
 - 6.6.1. Unlimited Opportunities' trade secrets;
 - 6.6.2. financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Unlimited Opportunities' commercial or financial interests;
 - 6.6.3. information, the disclosure of which could reasonably be expected:
 - a. to put Unlimited Opportunities at a disadvantage in contractual or other negotiations; or
 - b. to prejudice Unlimited Opportunities in commercial competition.
 - 6.6.4. computer programs owned by Unlimited Opportunities.
- 6.7. The mandatory protection of research information of Unlimited Opportunities or a third party, if disclosure would expose the identity of Unlimited Opportunities or the third party, the researcher or the subject matter of the research to serious disadvantage.
- 6.8. Requests for information that are, in Unlimited Opportunities' reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

7. Request procedure

- 7.1. A requester requiring access to information held by Unlimited Opportunities must make the request in the prescribed form and submit the request, together with the prescribed fee and deposit, if applicable, to Unlimited Opportunities' Information Officer at the postal or physical address above.
- 7.2. The prescribed form must be completed with enough particularity to enable Unlimited Opportunities to identify:
 - 7.2.1. the record(s) requested;
 - 7.2.2. the identity of the requester;
 - 7.2.3. the form of access required, if the request is granted;
 - 7.2.4. the postal address or fax number of the requester.
- 7.3. The requester must:
 - 7.3.1. state that the record is required in order to exercise or protect a right; and
 - 7.3.2. provide details of the nature of the right to be exercised or protected.
- 7.4. Subject to Unlimited Opportunities' rights relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt unless the requester has submitted special reasons, to Unlimited Opportunities' reasonable satisfaction, in support of a request that the above time periods be dispensed with.
- 7.5. Unlimited Opportunities will give the requestor written notice of its decision, including reasons if the request is declined.
- 7.6. The said 30 day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be sought.
- 7.7. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of Unlimited Opportunities.
- 7.8. If an individual is unable to submit the request in the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9. The requester must pay the prescribed fee, and deposit where applicable, before the request will be considered.

8. Access to records

- 8.1. A requestor will only be given access to a record(s) held by Unlimited Opportunities if:
- 8.1.1. the record is required for the exercise or protection of a right;
 - 8.1.2. the requestor has complied with all procedural requirements relating to a request for access to a particular record including making the request in the prescribed format; and
 - 8.1.3. access to that record is not refused in terms of any ground for refusal.

9. Remedies available when Unlimited Opportunities refuses a request for information

- 9.1. Internal Remedies
Unlimited Opportunities does not have internal appeal procedures.
- 9.2. External Remedies
A requestor or a third party, who is dissatisfied with the decision of Unlimited Opportunities in relation to a request for access to a record (including with regard to fees) may, within 30 (thirty) days apply to the High Court, or any other Court having jurisdiction, for relief.

10. Fees

- 10.1. The Act provides for two types of fees, namely:
- 10.1.1. a request fee, being a standard fee; and
 - 10.1.2. an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2. When a request is received by Unlimited Opportunities it will, by written notice, require the requestor, other than a personal requestor, to pay the prescribed request fee (if any), before further processing the request.
- 10.3. If the search for the record has been made and the preparation of the record for disclosure would require more than the hours prescribed for this purpose, the Information Officer will notify the requestor to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.
- 10.4. Unlimited Opportunities will withhold a record until the requestor has paid the prescribed fees (and deposit where appropriate).
- 10.5. A requestor whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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 requested form.
- 10.6. If a deposit has been paid in respect of a request for access, which is refused, then Unlimited Opportunities will repay the deposit to the requestor.