



Kensington Home for the Aged

Not for Profit Organisation NPO Nr: 026-367

THIS MANUAL WAS PREPARED IN LINE WITH THE REQUIREMENTS OF SECTION 14 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") AND WITH DUE CONSIDERATION FOR THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013("POPIA")

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1. INTRODUCTION

The promotion of Access to Information Act, 2000, as amended, (the "Act") gives third parties the right to approach private bodies to request information held by them, which is required in the exercise and/or protection of any rights.

On request, the private body may be obliged to release such information unless the Act expressly states that the records containing such information may or must not be released.

This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act, and further incorporates or addresses the requirements of the Protection of Personal Information Act, 2013 ("POPIA")

The Kensington Home for the Aged was established in 1971 to provide full time residential care and medical support for the aged, frail and infirm from marginalised communities.

We currently care for about 100 residents daily (male and female) who are dependent on the 'HOME' as sadly many of them have been abandoned by their families who make no effort to maintain any contact.

But thanks to the initiative of people such as you and the generosity of many organisations and families out there, their sense of belonging will be restored and ensure that they spend their remaining years in dignity.

We conduct our business in terms of the:

Non-Profit Act, Companies Act, The Companies Act, Older Persons Act, Mental Health Act, Nursing Act and related legislation mentioned below.

2.NPO CONTACT DETAILS

Duly Authorised Information Officer:

Name of NPO: Kensington Home for the Aged

Contact Person: **Leon Courie**

Physical Address: **Cnr 12th Avenue and Avro Ave, Kensington, 7405**

PO Box Address: **P O Box 809, Maitland, 7404**

Contact Number: **+27 21 593 2274/85**

Email Address: **lcourie@mweb.co.za**

Fax Number: +27 _____

Duly Authorised Deputy Information Officer:

Contact Person: **Marianna Maasdorp**

Physical Address: **Cnr 12th Avenue and Avro Ave, Kensington, 7405**

PO Box Address: _____

Contact Number: **+27 21 593 2274/85**

Email Address: **info@kenshome.co.za**

Fax Number: +27 _____

3. THE ACT

- 3.1** 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.
- 3.2** 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.
- 3.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, 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: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

4. APPLICABLE LEGISLATION

<u>No</u>	<u>Ref</u>	<u>Act</u>
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 13 of 2006	Older Persons Act
9	No 71 of 1997	Non-Profit Organisations Act
9	No 37 of 2002	Financial Advisory and Intermediary Services Act
10	No 75 of 1997	Basic Conditions of Employment Act
11	No 25 of 2002	Electronic Communications and Transactions Act
12	No 2 of 2000	Promotion of Access of Information Act
13	No 30 of 1996	Unemployment Insurance Act

5. Request of Records

5.1 Records available without a formal request

The following records are available on payment of the prescribed fees for copies without completing the prescribed form in terms of the PAIA Act. All requests must be directed to the Information Officer or the Deputy Information Officers in writing. These records include:

- (a) Newsletters;
- (b) Regulations, Ethical Rules and Guidelines Booklets;
- (c) Forms for lodging complaints; (free of charge);
- (d) General information brochures; (free of charge).

5.2 Access to records & Request Procedure

Records held by private body may be accessed on request only once the requirements for request for access have been met.

A requester in terms of the Act means:

- any person making a request to access the record of that private body;
- or a person acting on behalf of the person.

5.3 Request Procedure:

A requester must comply with all the procedural requirements contained in the Act relating to requests for access to a record. To request information the attached Request Form must be completed and sent to the Information Officer of Kensington Home for the Aged at their contact details stated above.

The records requested will be furnished on payment of the prescribed fee, in instances where request for information fees is levied. The Request Form must be completed with enough detail to enable the information officer to identify the following information:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Records**Subject****Availability**

Public
Affairs

- Public Product Information
- Public Corporate Records
- Media Releases

Freely available on web site

Financial

- Financial Statements
- Financial and Tax Records (NPO & Employees)
- Asset Register
- Management Accounts

AVAILABLE IN ANNUAL REPORT.

Request in terms of PAIA.
Request in terms of PAIA.
Request in terms of PAIA.

Marketing

- Market Information
- Public Customer Information:
 - Product Brochures
 - Owner Manuals
- Performance Records
- Marketing Strategies
- Customer Database

Limited Information available
on web site. (see above)

Request in terms of PAIA
Request in terms of PAIA
Request in terms of PAIA
Request in terms of PAIA

The requester will be informed in writing whether access has been granted or denied. Kensington Home for the Aged shall, within 30 days of receipt of a request, decide whether to grant or decline a request and provide detailed feedback in this regard

6. PRESCRIBED FEES

The following applies to requests (other than personal requests). The Act provides for two types of fees:

- a request fee, which will be a standard fee, and an access fee, which must be calculated by considering reproduction costs,
- search and preparation time and cost, as well as postal costs where applicable.

6.1 A requestor is required to pay the prescribed fees (see below) before a request will be processed;

6.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

6.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

6.5.1 FEE STRUCTURE:

FEES FOR RECORDS OF PUBLIC BODY		
<p>1. The "request fee" payable by every requester, other than a personal requester referred to in section 22(1) of the Act, is R35. The "access fees" referred to in section 22(7) of the Act (unless the requester is exempted under section 22(8)) and "fees for reproduction" referred to in section 15(3) of the Act, are as follows:</p> <p>(a) for every photocopy of an A4-size page or part thereof R0.60</p> <p>(b) for every printed copy of an A4-size page or part thereof R0.40</p> <p>(c) held on a computer or in electronic or machine readable form for a copy in a computer-readable form on -</p> <p>(i) stiffer disc R5 (ii) compact disc R40</p> <p>(d) (i) for transcription of visual images, for an A4-size of part thereof R22</p> <p>(ii) for a copy of visual images R60</p> <p>(e) (i) for a transcription of an audio record, for an A4-size page or part thereof R12</p> <p>(ii) for a copy of an audio record R17</p> <p>The actual postal fee is payable when a copy of a record must be posted to a requester.</p>		
<p>(d) (i) for a transcription of visual images, for an A4-size page or part thereof R40</p> <p>(ii) for a copy of visual images R60</p> <p>(e) (i) for transcription of an audio record, for an A4-size page or part thereof R20</p> <p>(ii) for a copy of an audio record R30</p> <p>(f) To search for the record for disclosure, R30 for each hour or part of an hour reasonably required for such search.</p>		
<p>The actual postal fee is payable when a copy of a record must be posted to a requester. Exemptions from paying "access fees"</p> <p>Person or persons exempted from paying access fees:-</p> <p>(i) A single person whose annual income does not exceed R14,712.00; or</p> <p>(ii) Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00</p>		
REQUEST FOR RECORDS OF PRIVATE BODY		
<p>Form of request</p> <p>A request for access to a record, made in terms of section 53(1) of the Act, must be made in the form of "Form C". The "Form C" is available upon request from the Deputy Information Officer of the Department (or from any Information Officer or Deputy Information Officer of a Public or Private Body) or from the Department's website (www.justice.gov.za).</p>		
FEES FOR RECORDS OF PRIVATE BODY		
<p>1. The "request fee" payable by a requester, other than a personal requester, referred to in section 54(1) of the Act, is R50</p> <p>2. 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:</p> <p>(a) for every photocopy of an A4-size page or part thereof R1 - R10</p> <p>(b) 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</p> <p>(c) for a copy in a computer-readable form on:</p> <p>(i) stiffer disc R7 - R50 (ii) compact disc R70</p>		
<p>NOTES: Please take note of the following differences when making an application for access to information to a Public Body and a Private Body</p>		
	PUBLIC BODY	PRIVATE BODY
Application form to use	"Form A"	"Form C"
Request fee payable	R35.00	R50.00
Remedy available (when not satisfied with the decision (including "deemed refusal") of the Information Officer or Deputy Information Officer)	Internal Appeal to the Relevant Authority (e.g. Minister, MEC or Mayor) <ul style="list-style-type: none"> • use "Form B" • no fee payable 	Application to Magistrates' Court (there is no Internal Appeal)
Remedy available (only when not satisfied with the outcome of the Internal Appeal)	Application to Magistrates' Court	

EXTERNAL REMEDIES

- A requestor may within 180 days of notification of the decision, apply to a court for relief.

7. REMEDIES FOR THE REFUSAL OF INFORMATION

INTERNAL PROCEDURES:

- Kensington Home for the Aged does not make provision for any internal procedures to remedy the situation/dispute.
- The decision made by the Information Officer or Deputy is final, and requestors shall have the right to refer their complaint externally.

The PAIA Manual of Kensington Home for the Aged is available for perusal, on reasonable prior notice, at no charge, at the registered address above and published on the website of Kensington Home for the Aged.

Signed on this 5th day of June 2021 at Kensington.



Kensington Home

for the Aged CEO

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