

PROMOTION OF ACCESS TO INFORMATION ACT

Act 2 of 2000

Manual in terms of Section
14 for the Human Sciences
Research Council
(HSRC), 2020



science & innovation

Department:
Science and Innovation
REPUBLIC OF SOUTH AFRICA



HSRC
Human Sciences
Research Council

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Definitions / Terms explained

“Access fee” means a fee prescribed for the purposes of reproduction and for search and preparation, and for time reasonably required in excess of the hours prescribed to search for and to prepare the record for disclosure;

“Application” means an application to a court in terms of section 78.

“Court” means –

(a) the Constitutional Court acting in terms of section 167 (6) (a) of the Constitution of the Republic of South Africa, 1996; or

(b) (i) a High Court or another court of similar status; or
(ii) a Magistrate’s Court, either generally or in respect of a specified class of decisions in terms of PAIA, designated by the Minister; by notice in the Gazette and presided over by a magistrate or an additional magistrate designated in terms of section 91a, within whose area of jurisdiction –

(aa) the decision of the information officer or relevant authority of a public body or the head of a private body has been taken;

(bb) the public body or private body concerned has its principal place of administration or business; or

(cc) the requester or third party concerned is domiciled or ordinarily resident;

“Guide” means the book produced by the Human Rights Commission in terms of s10 of the Promotion of Access to Information Act, No. 2 of 2000, for the purposes of reasonably assisting a person who wishes to exercise any right in terms of the Act;

“Information officer” means the chief executive officer, equivalent officer or the person who is acting as such.

“Official” in relation to a public body or private body means –

(a) any person in the employ (permanently or temporary and full time or part-time) of the public or private body, as the case may be, including the head of the body, in his or her capacity as such; or

(b) a member of the public or private body, in his or her capacity as such;

“Person” means a natural or a juristic person;

“Personal requester” means a requester seeking access to a record containing personal information about the requester;

“Public body” means –

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere; or
- (b) any other functionary or institution when –
 - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any other legislation;

“Record” of, or in relation to, a public or private body, means any recorded information –

- (a) regardless of the form or medium;
- (b) in the possession or under the control of that public or private body respectively; and
- (c) whether or not it was created by that public or private body, respectively;

“Request for access” in relation to a public body, means a request for access to a record of a public body in terms of section 11 of PAIA;

“Requester” in relation to a public body, means –

- (i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of “public body”, or an official thereof) making a request for access to a record of that public body; or
- (ii) a person acting on behalf of the person referred to in subparagraph (i);

“Third party” in relation to a request for access to –

- (a) a record of a public body, means any person (including, but not limited, to the government of a foreign state, an international organisation or an organ of that government or organisation) other than –
 - (i) the requester concerned; and
 - (ii) a public body or
- (b) a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but for the purposes of section 34 and 63 of PAIA, the reference to “person” in paragraphs (a) and (b) must be construed as a reference to “natural person”;

“Working days” means any days other than Saturdays, Sundays or public holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act, No. 36 of 1994).

1. Introduction and purpose of the manual

The Promotion of Access to Information Act (Act 2 of 2000) (PAIA), seeks to, inter alia, give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

The Act also requires public and private bodies to compile manuals that provide information on both the types and categories of records held by such public and private bodies.

In compliance with the Act, the HSRC PAIA manual is intended to outline the procedures to be followed in accessing information held by the HSRC. The manual also contains contact information for the Accounting Officer (also referred to as the Information Officer) and the designated Deputy Information Officer at the HSRC.

2. Particulars of the HSRC

2.1 The mandate of the HSRC

The Human Sciences Research Council (HSRC) is one of South Africa's statutory research councils. Established in terms of the 1968 Human Sciences Research Council Act (Act 23 of 1968) and preserved under the 2008 Human Sciences Research Council Act (Act 17 of 2008). The HSRC is listed as a Schedule 3 public entity as per the provisions of the Public Finance Management Act (Act 1 of 1999) as amended.

2.2 The functions and objectives of the HSRC

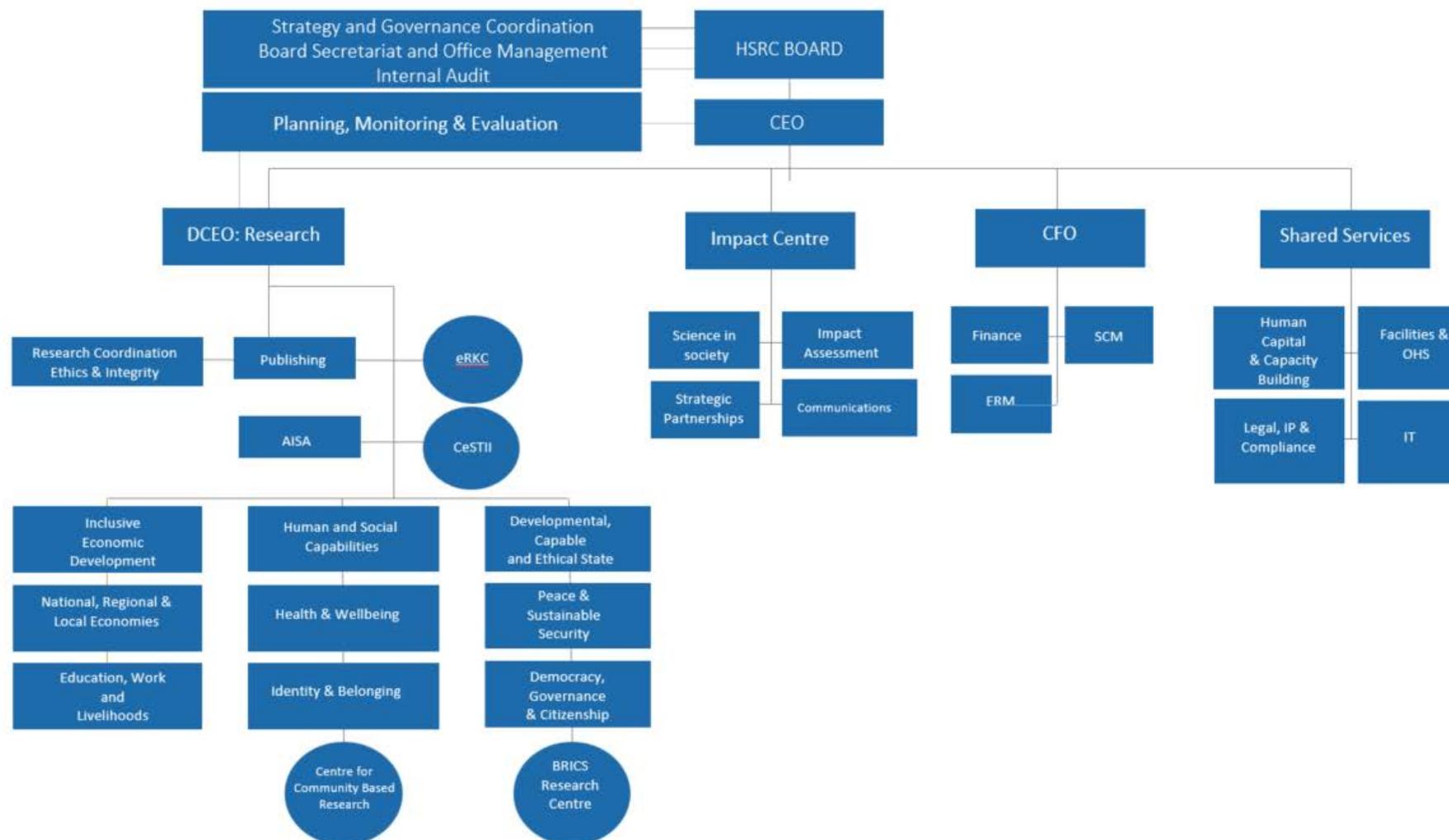
The core business of the Human Sciences Research Council (HSRC) is to conduct large-scale, policy-relevant, social-scientific projects for public-sector users, non-governmental organisations and international development agencies. This is done in partnership with researchers globally, but specifically in Africa. The HSRC supports development nationally, as well as in the Southern African Development Community (SADC) and in Africa.

As the national social science council of South Africa, the HSRC serves as a knowledge hub to bridge the gap between research, policy and action; thus increasing the impact of research. This is achieved through collaboration with key constituencies, including government, other research organisations, multinational agencies, universities, non-government organisations, and donor and development organisations.

The HSRC's staff complement numbers almost 500 and consists of professional researchers as well as technical and administrative support staff based in five offices in four different provinces across South Africa.

2.3 The Structure of the HSRC

Table 1: Structure of the HSRC



2.3.1 DCEO: Research

1. Research Coordination, Ethics & Integrity
2. eResearch Knowledge Centre (eRKC)
3. Publishing
4. Africa Institute of South Africa (AISA)
5. Centre for Science, Technology and Innovation Indicators (CeSTII)
6. Inclusive Economic Development
 - National, Regional and Local Economies
 - Education, Work and Livelihoods
7. Human and Social Capabilities
 - Health & Wellbeing
 - Identity & Belonging
8. Developmental, Capable and Ethical State
 - Peace & Sustainable Security
 - Democracy, Governance & Citizenship

2.3.2 Impact Centre

- Impact Assessment
- Strategic Partnerships
- Communications

2.3.3 Shared Services

- Human Capital and Capacity Building
- Legal, IP and Compliance
- Facilities and OHS
- Information Technology

2.3.4 Chief Financial Officer (CFO)

- Finance
- Supply Chain Management
- Enterprise Risk Management

2.3.5 Regional and Provincial Offices

- Pretoria (Head Office)
- Cape Town
- Durban
- Sweetwaters

3. Contact details [Section 14 (1) (b)]

Designation	Name and address	Telephone	e-mail
Chief Information Officer – HSRC	<p>Prof Crain Soudien – CEO of the HSRC</p> <p>Street Address HSRC Building, 134 Pretorius Street, Pretoria, 0002</p> <p>Postal Address Private Bag X41, Pretoria, 0001</p>	27 (0)21 466 7902	csoudien@hsrc.ac.za
Deputy Chief Information Officer – HSRC	<p>Dr Lucia Lötter</p> <p>Acting Director: Library and Information Services</p> <p>Street Address HSRC Building, 134 Pretorius Street, Pretoria, 0002</p> <p>Postal Address Private Bag X41, Pretoria, 0001</p>	27 (0) 12 302 2110	llotter@hsrc.ac.za

4. How to use PAIA – Section 10 guide - [Section 14 (1) (c)]

The South African Human Rights Commission (SAHRC) has, in terms of Section 10 of the PAIA Act, compiled a guide on the use of PAIA. The guide is available at the offices of the SAHRC at the following address:

The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Physical Address: Braampark Forum 3
33 Hoofd Street, Braamfontein

Postal Address: Private Bag X2700
Houghton
2041

Tel: +27 (0)11 877 3600

Website: <http://www.sahrc.org.za>

E-mail address: PAIA@sahrc.org

5. Processes and procedures for requesting information of records – [Section 14 (1) (D)]

- 5.1** The requester must use the prescribed form to request access to the HSRC's records (see Annexure A). The request must be made to the relevant Information Officer or Deputy Information Officer.
- 5.2** The requester must provide sufficient particulars (details) on the request form to enable the Information Officer or his or her Deputy to identify the records requested, as well as to identify the requester.
- 5.3** The requester must state whether the records are preferred in a particular language.
- 5.4** The requester should indicate the manner in which he or she wishes to be informed of the decision in respect of the request and should also provide the necessary details.
- 5.5** If the request is made on behalf of another person, the requester must, to the reasonable satisfaction of the Information Officer or his or her Deputy, submit proof of the capacity in which he or she is making the request.
- 5.6** The Information Officer or the Deputy Information Officer shall notify the requester by notice, regarding the payment of the prescribed fee (if any) before processing the request further.

- 5.7** A requester whose request has been granted must pay an access fee for the searching, preparation and production of the copies or transcriptions of the content of the records requested, and for the time reasonably required in excess of the prescribed hours to search and prepare the record for disclosure.
- 5.8** The Information Officer or the Deputy Information Officer will inform the requester of his or her decision within 30 days. The period within which the Information Officer or the Deputy Information Officer will inform the requester of his or her decision is subject to such extension as may be required to give a third party the chance to make a representation to the Information Officer or the Deputy Information Officer where the record requested is with regard to a record in respect of such third party.
- 5.9** In the event that the HSRC refuses to give access to the requested records, the requester may lodge an application with a court of law for a review of the decision of the HSRC.
- 5.10** If the court orders the HSRC to grant the requester access to the requested records, the requester is liable to pay the fee as stated in paragraph 5.7.

6. Categories of records that may be requested in line with PAIA [Section 14 (1) (d)]

Operational Information and Agreements

- Documents relating to the policy, objectives and governance of the HSRC
- Directives, resolutions and instructions of the Board of the HSRC
- Rental agreements, title deeds, mortgage bonds and notarial bonds relating to movable and immovable property
- Memorandums of Understanding

Finances and Accounting

- Bank account records
- Books of account and financial statements
- Auditor's annual report
- Audited financial statements
- Annual Report (i.e. balance sheets and statement of income and expenditure certified by the Auditor General)
- Annual budget and corporate plan

Human Resources

- Policies and procedures
- Employee information, including statutory employee records
- Contracts, conditions of service and other records
- Medical scheme records
- Pension fund records

Research Development and Support

- Policies and procedures
- Minutes of the meetings

Intellectual Property

- Rights in discoveries, innovations and improvements in respect of processes, apparatus and know-how made by employees of the HSRC in the course and scope of their employment by the HSRC
- License agreements
- Patents and patent applications
- Rights in a discovery, invention or improvement made by the HSRC in the course of an investigation or study for and on behalf of another person (natural or juristic), governments, other research organisations, multinational agencies, universities, non-government organisations, and donor and development organisations.

6.1 Automatic disclosure of records – [Section 15 (1) (a)]

The following records are available automatically on the HSRC website www.hsrc.ac.za and are voluntarily disclosed.

- Reports
- Booklets
- Newsletters
- Posters and pamphlets
- Report on Corporate Governance and reports by the Auditor General
- Documents relating to the policy and governance of the HSRC
- Annual Report, annual financial statements, executive reports and financial statements

7. Records that are automatically available to either HSRC employees only or to the general public and employees

The following records are automatically available to all employees and need not be requested in accordance with PAIA:

- Personnel records are available to the employee concerned.
- Records of disciplinary hearings and related matters are available to the employee concerned.
- The organisation's policy and procedure documents are available to all employees.

The following records are automatically available to the general public and all employees and need not be requested in accordance with PAIA:

- The organisation's statute
- The organisation's employment equity plan
- The organisation's skills development plan
- HSRC research outputs

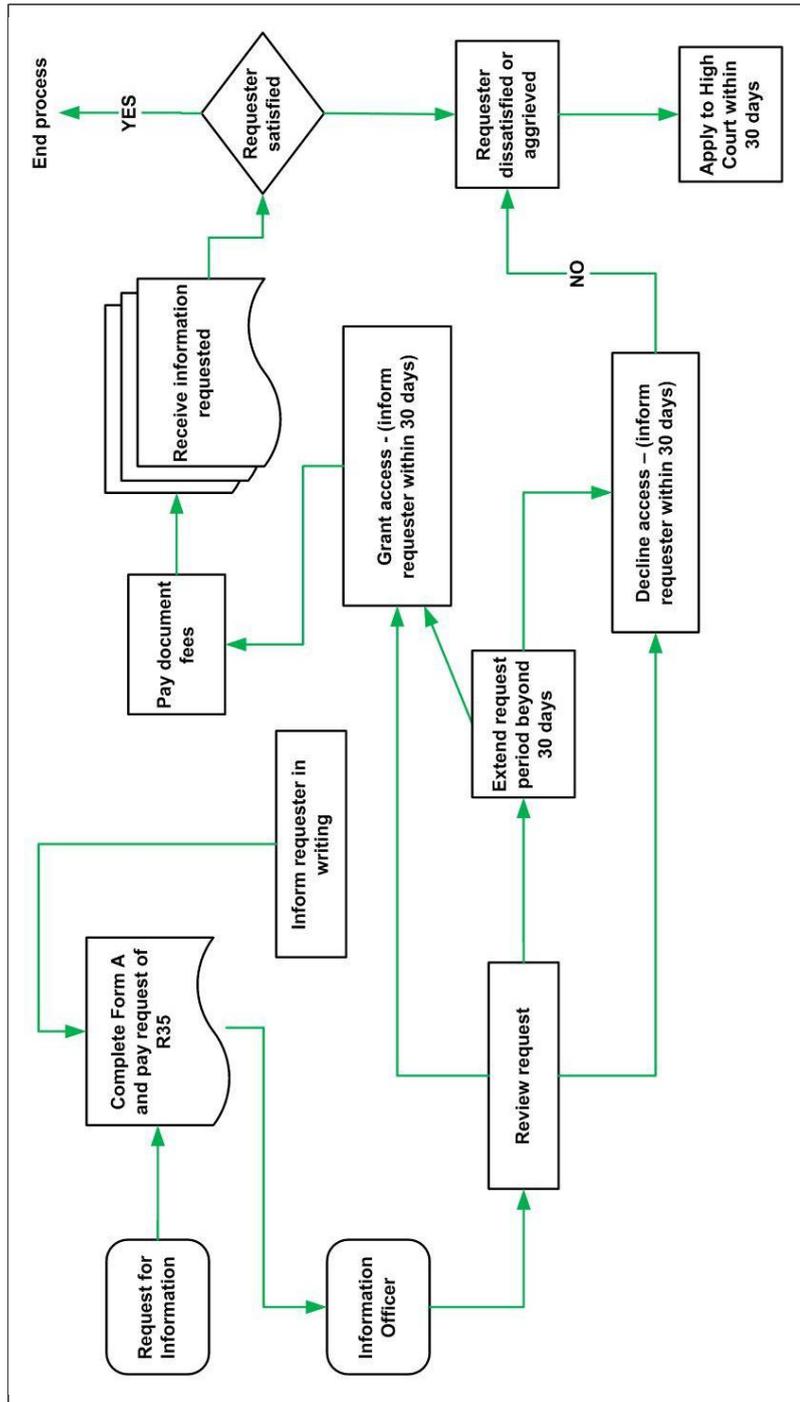
8. Remedies available if the provisions of PAIA are not complied with by the HSRC – [Section 14 (1) (h)]

Should a person wish to appeal against a decision of the Information Officer he/she must do so within 60 days from receipt of the decision. An internal appeal process will be followed and, should a person not be satisfied with the outcome, he/she (or it, in the case of juristic person) may apply to the relevant court for appropriate relief.

9. Availability of the manual – [Section 14(3)]

This manual will be made available to the Human Rights Commission in accordance with paragraph 4(1) of the regulation promulgated in terms of PAIA and will be published on the HSRC's website (<http://www.hsrc.ac.za>). Copies of the manual will also be available at the HSRC's offices for perusal.

10. Flow chart of handling PAIA requests in the HSRC



11. Annexures

The following documents are attached to this manual as annexures:

Annexure 1: FORM A: HSRC request form

Annexure 2: HSRC PAIA fee structure

11.1 Annexure 1: FORM A: HSRC request form

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

**Section 18 (10 of the Promotion of Access to Information Act, 2000
(Act no 2 of 2000) [Regulation 6]**

FOR DEPARTMENTAL USE

Reference Number: _____

Request received by: _____
(Name and surname of Information Officer / Deputy Information Officer)

On _____ (date) at _____ (place) _____

Request fee (if any): R

Deposit (if any): R

Access fee: R.....

Signature of the Information Officer/Deputy Information Officer

A: Particulars of the public body

The Information Officer/Deputy Information Officer:

B: Particulars of person requesting access to the record

- a) The particulars of the person who requests access to the record must be given below.
- b) The address and/or fax number in the Republic to which the information is to be sent, must be given.
- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which the request is made, when made on behalf of another person:

C: Particulars of person on whose behalf the request is made

This section must be completed **ONLY** if a

Full names and surname: _____

Identity number: _____

D: Particulars of the record requested

- a) 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.
- b) If the provided space is inadequate, please continue to a separate folio and attach it to this form.

The requester must sign all the additional folios.

Description of record or relevant part of the record:

Reference number, if available: _____

Any further particulars of the record: _____

E: Fees

- a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount required to be paid as the request fee.
- c) 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.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F: Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1-4 below, state your disability and indicate in which form the record is required.

Disability	Form in which record is required
<p style="text-align: center;">Notes:</p> <ul style="list-style-type: none">a) Compliance with your request for access in the specified form may depend on the form in which the record is available.b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another format.c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

Mark the appropriate box with an X				
1. If the record is in written or printed form:				
	Copy of record *		Inspection of record	
2. If the record consists of visual images (including photographs, slides, video recordings, computer-generated images, sketches, etc.)				
	View the images		Copy of the images *	Transcription of the images *
3. If the record consists of recorded words or information which can be reproduced in sound:				
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)	
4. If the record is held on computer or in an electronic or machine-readable form:				
	Printed copy of the record *		Printed copy of the information derived from the record *	Copy on computer-readable form *
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			YES	NO
Postage is payable				
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.				

G: Notice of decision regarding request for access

You will be notified whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at thisday of20.....

Signature of requester / person on who's behalf request is made

11.2 Annexure 2: HSRC PAIA fee structure

The reproduction fees are as follows:

a.	For every photocopy of an A4 page or part thereof	R0,60
b.	For every printed copy of an A4 page or part thereof, held on computer or in electronic or machine-readable format	R0,40
c.	For a copy in computer-readable format on (i) compact disc	R40
d.	(i) For a transcription of visual images on an A4 page or part thereof (ii) For a copy of visual images	R22 R60
e.	(i) For a transcription of an audio record, per A4 page or part thereof (ii) For a copy of an audio record	R12 R17
Request fee payable by every requester other than a personal requester		R35

The access fees payable by a requester who is not exempted from payment are as follows:

a.	For every photocopy of an A4 page or part thereof	R0,60
b.	For every printed copy of an A4 page or part thereof, held on computer or in electronic or machine-readable format (i) compact disc	R40
c.	(i) For a transcription of visual images on an A4 page or part thereof (ii) For a copy of visual images	R22 R60
d.	(i) For a transcription of an audio record, per A4 page or part thereof (ii) For a copy of an audio record	R12 R17
e.	The fee for searching for the record is R15 per hour or part of an hour, excluding the first hour, reasonably required for such search	

The reproduction fees are as follows:

a.	For every photocopy of an A4 page or part thereof	R1,10
b.	For every printed copy of an A4 page or part thereof, held on computer or in electronic or machine-readable format	R0,75
c.	For a copy in a computer-readable format on (i) compact disc	R70
d.	(i) For a transcription of visual images on an A4 page or part thereof (ii) For a copy of visual images	R40 R60
e.	(i) For a transcription of an audio record, per A4 page or part thereof (ii) For a copy of an audio record	R20 R30
Request fee payable by every requester other than a personal requester		R50

The access fees payable by a requester who is not exempted from payment are as follows:

a.	For every photocopy of an A4 page or part thereof	R1,10
b.	For every printed copy of an A4 page or part thereof, held on computer or in electronic or machine-readable format	R0,75
c.	For a copy in a computer-readable format on (i) compact disc	R70
d.	(i) For a transcription of visual images, per A4 page or part thereof (ii) For a copy of visual images	R40 R60
e.	(i) For a transcription of an audio record, per A4 page or part thereof (ii) For a copy of an audio record	R20 R30
f.	The fee for searching for the record is R30 per hour or part of an hour, reasonably required for such search	