



Cape Mental Health
all about ability

PROMOTION OF ACCESS TO INFORMATION MANUAL

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1. INTRODUCTION

This Manual is aimed at helping third parties to exercise their right as provided under section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA). CMH carries on public benefit activities as a non-profit organisation and this Manual is prepared and published in accordance with Section 51 of PAIA. It provides, amongst other, guidance to data subjects and third parties who may request access to records processed by CMH.

The South African Constitution provides that everyone has the right of access to information: held by the State; and held by another person (not being a public or state institution) that is required for the exercise or protection of any right.

PAIA provides, among its primary objects, giving effect to the constitutional right of access to information.

The Protection of Personal Information Act 4 of 2013 (POPIA) provides, amongst its primary purposes, giving effect to the constitutional right of privacy and balancing the right of privacy against other rights, particularly the constitutional right of access to information as governed by PAIA.

POPIA defines “Information Officer” in relation to a private body as “Head of the Private Body” (in the case of the CMH its Executive Director).

2. CMH’S DETAILS

Organisational details:

- Organisation’s legal name: **CAPE MENTAL HEALTH**
- NPO registration number: 003-264 NPO
- Public Benefit Organisation (PBO) number: 130004456
- Postal address:
- Physical address: 18 & 22 Ivy Street, Observatory, Cape Town, 7925
- Phone number: 021 447 9040
- Information officer: Dr Ingrid Daniels
- Preferred contact email address: info@cmh.org.za
- Website: <https://capementalhealth.co.za>

3. FURTHER INFORMATION OF PAIA

To obtain further information and guidance on how to access to information pursuant to PAIA, the South African Human Rights Commission (SAHRC) can be contacted.

The SAHRC has published a guide which is available at:

[https://www.sahrc.org.za/home/21/files/SAHRC PAIA Section 10 Guide 2020 FINAL WEB.pdf](https://www.sahrc.org.za/home/21/files/SAHRC_PAIA_Section_10_Guide_2020_FINAL_WEB.pdf)

In terms of Section 110 of POPIA provides that the functions of the Human Rights Commission have been transferred to the Information Regulator.

The contact details of the Information Regulator:

- Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017
- Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
- Website: **<https://www.justice.gov.za/inforeg/index.html>**
- General e-mail: inforeg@justice.gov.za
- Complaints email: **complaints.IR@justice.gov.za**

4. RECORDS IN OUR POSSESSION

We hold the following subjects and categories of records:

- a. Organisational records
- b. Supplier and service provider records
- c. Technical records
- d. Financial records
- e. Insurance records
- f. Staff and volunteer records
- g. Policies and directives
- h. Donor records
- i. Agreements
- j. Regulatory documents
- k. Published information
- l. Beneficiaries or Programme Participants information
- m. Reference materials

Please note that records that are 'not automatically available,' must be requested using the process outlined in the '**Accessing information held by CMH**' section of this manual.

Organisation's records

CMH's records relate primarily to the incorporation and administration of the organisation.

Constitution	Automatically available.
Board members' names	Automatically available from Director for NPOs
Minutes of board meetings	Not automatically available
Written resolutions	Not automatically available
Records relating to appointment of Board members, auditor, public officer, or other officers	Not automatically available
Other statutory records	Not automatically available
Operational records	Not automatically available
Databases	Not automatically available
Published works	Automatically available
Internal correspondence	Not automatically available
Product records	Not automatically available

Financial records

Financial records are records related to CMH's finances.

Annual Financial statements	Automatically available from CMH.
PBO approval letter	Automatically available from CMH.
Accounting records	Not automatically available
Banking records	Not automatically available
Banking details	Automatically available on request
Bank statements	Not automatically available
Electronic banking records	Not automatically available
Asset register	Not automatically available
Rental agreements	Not automatically available
Financial agreements	Not automatically available

Insurance records

Insurance records are all our records related to CMH's insured assets.

Insurance policies held by CMH	Not automatically available
Register of all immovable property owned by CMH	Not automatically available

Income tax records

Income tax records related to CMH's income tax obligations.

PAYE Records	Not automatically available
Documents issued to employees for income tax purposes	Not automatically available
Records of payments made to SARS on behalf of employees	Not automatically available
VAT records	Not automatically available
Skills Development Levy-related	Not automatically available
Unemployment Insurance Fund	Not automatically available
Compensation for Occupational Injuries and Diseases Act	Not automatically available

Staff and Volunteer records

Staff and volunteer records are records about CMH's employees and volunteers

List of employees and volunteers	Not automatically available
Employee personal information	Not automatically available
Employment contracts	Not automatically available
Employment policies and procedures	Not automatically available
Employment Equity Plan	Not automatically available
Medical aid records	Not automatically available
Pension and/or provident fund records	Not automatically available
Salaries and Stipends	Not automatically available
Leave records	Not automatically available
Internal evaluations and performance appraisals	Not automatically available
Disciplinary records	Not automatically available
Training records	Not automatically available
Operating manuals, policies and protocols	Not automatically available
Personal records provided by employees and volunteers	Not automatically available
Records required in terms of legislation	Not automatically available
Correspondence relating to employees and volunteers	Not automatically available

Organisational Policies and Protocols

Organisational policies and protocols (internal and external).

Internal relating to employees and CMH	Not automatically available
External relating to donors and other third parties	Not automatically available

ICT Policies and systems Not automatically available

Agreements

Standard Agreements with third parties Not automatically available
Contracts concluded with suppliers and service-providers Not automatically available
Employment contracts Not automatically available
Volunteer contracts Not automatically available

Statutory documents

Statutory documents include any documents required to comply with any laws.

Permits Not automatically available
Licences Not automatically available

Published information

Published information includes any document that we prepare and produce.

External newsletters and circulars Automatically available
Annual Reports Automatically available
Annual Review Automatically available

Beneficiary information

Beneficiary information, including those providing goods or services to beneficiaries.

Beneficiary details Not automatically available
Communications with Beneficiaries Not automatically available

Donor information

Donor information Not automatically available
Donor Contracts Not automatically available
Communication with donors Not automatically available
Donation information Not automatically available

5. INFORMATION WE HOLD TO COMPLY WITH THE LAW

We hold records for the purposes of PAIA in terms of the following main laws, amongst others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad Based Black Economic Empowerment Act 53 of 2003;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Disaster Management Act 57 of 2002;

- Electronic Communications and Transactions Act 25 of 2002;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Promotion of Access to Information Act No 2 of 2000
- Protection of Personal Information Act 4 of 2013;
- Skills Development Act 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001;
- Unemployment Insurance Contributions Act 4 of 2002; and
- Value Added Tax Act 89 of 1991.
- Mental Health Care Act 17 of 2002
- Nonprofit Organisations Act 71 of 1997

6. ACCESSING INFORMATION HELD BY CMH

CMH's Information Officer is authorised to deal with PAIA-related matters and to ensure compliance with CMH's obligations in terms of PAIA.

Form C must be completed to access information in the possession of CMH. The form is available at:

- The SAHRC website at <http://www.sahrc.org.za/index.php/understanding-paia> at this link: <http://www.sahrc.org.za/home/21/files/Form%20C.doc%20August%202013.doc>; or
- The Department of Justice and Constitutional Development website at www.justice.gov.za at this link: http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf.

Submit the completed form to CMH's Information Officer together with the relevant fee (details here: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>) at our information officer's email address or our physical address.

Ensure that the completed form:

- Has adequate information for CMH's Information Officer to identify the requested records;
- Captures the requester's email address and postal addresses;
- Provide an indication of the right that the requester seeks to exercise or protect;
- Describes why the requester needs the record to exercise or protect that right; and
- Provides proof of the capacity in which the requester is making the request if on behalf of someone else.

7. GROUNDS FOR REFUSAL

Access to records may be refused in order to protect, amongst other:

- Legally privileged records;
- Someone's right to privacy and/or confidential information;
- CMH's commercial information; and
- Someone's security and/or safety.

8. HOW WE WILL GIVE YOU ACCESS

If the request for access to information is approved, CMH will determine the appropriate manner of providing the requester with such access.

9. COSTS TO PROVIDE ACCESS TO INFORMATION

The prescribed fees are as set out in the Fee Schedule which is available at:

<http://www.sahrc.org.za/index.php/understanding-paia> at this link:

<http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>.

The fees are payable before any information will be provided to the requester. A further access fee for excess time spent to locate and prepare the record for disclosure.

10. CATEGORIES OF PERSONAL INFORMATION

CMH processes personal information of various categories of persons, including:

- Beneficiaries and their relatives or friends;
- donors;
- volunteers;
- employees;
- contractors, vendors, or suppliers.

11. PURPOSES

Personal information gets process to, amongst other:

- provide public benefit services and products to our beneficiaries;
- comply with legislative provisions;
- combat money laundering;
- fundraising purposes;
- volunteer management;
- keep all our data subject records current;
- manage employees in general;

- manage supplier contracts in general; and
- process personal information of employees for forensic purposes.

12. CATEGORIES OF PERSONAL INFORMATION

CMH processes many different categories of personal information, including:

- contact details, such as phone numbers, physical and postal addresses, and email addresses;
- personal details, such as names and ages;
- health and mental health information;
- biometric information;
- account numbers;
- background information; and
- contract information.

13. THIRD-PARTY DISCLOSURES

CMH may, in appropriate circumstances, disclose personal information that it processes in the ordinary course of our operation to fulfil our obligations to our beneficiaries or donors:

- Contractors, vendors, or suppliers;
- Regulators;
- Operators, other responsible parties, or co-responsible parties; and
- Third party vendors (such as software developers) to help us maintain our services.

14. CROSS-BORDER TRANSFERS

CMH may send personal information outside of South Africa to various countries. We will only transfer data to other countries who have similar privacy laws to South Africa's, or recipients who can guarantee the protection of personal information to the same standard we must protect it.

15. SECURITY

CMH secure data by maintaining reasonable measures to protect personal information from loss, abuse, and unauthorised access, unlawful disclosure and alteration. CMH takes reasonable steps to keep personal information accurate, current, complete, confidential and reliable for its intended use.

16. REMEDIES

The requester's may, if access to information is denied:

- Accept the outcome of the decision;
- Apply to a court of law with appropriate jurisdiction; or
- lodge a complaint with the Information Regulator.

17. AVAILABILITY OF THIS MANUAL

An English copy of this manual is available:

- At office address at: 18 & 22 Ivy Street, Observatory, Cape Town, 7925
- On request from our Information Officer, Dr Ingrid Daniel
- On our website: <https://capementalhealth.co.za>
- From the South African Human Rights Commission (“SAHRC”) at the addresses and or telephone numbers as specified here below or by the Commission on their website: <https://www.sahrc.org.za>