



SECTION 51 - PAIA MANUAL

Prepared in accordance with section 51 of the
Promotion of Access to Information Act, Number 2 of 2000 (“the Act”)

Last updated: 11 January 2012

The South African History Archive (SAHA) is an independent human rights archive dedicated to documenting, supporting and promoting greater awareness of past and contemporary struggles for justice in South Africa through archival practices and outreach, and the utilisation of access to information laws.

Section 32 (1) of South Africa's Constitution states that everyone has the right of access to any information held by both public and private bodies that is required for the exercise or protection of any right.

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) is the national legislation which seeks to give effect to this constitutional entitlement, giving all persons the right to have access to records held by public and private bodies.

This manual has been produced by SAHA in order to provide guidance to individuals who seek to access information specifically from the organization in terms of PAIA.

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1. Required contact information: section 51(1)(a)

a. Postal address:

Box 31719

Braamfontein 2017

Johannesburg, SOUTH AFRICA

b. Street address:

William Cullen Library

University of Witwatersrand, East Campus

Braamfontein

Johannesburg, South Africa

c. Phone, fax, and email contact information:

(P) +27 (0)11 717 1941

(F) +27 (0)11 717 1964

(E) foip@saha.org.za

2. Description of section 10 guide on how to use the Act: section 51(1)(b)

The South African Human Rights Commission has compiled a guide in terms of Section 10 of the *Promotion of Access to Information Act No. 2 of 2000* (PAIA). It contains information that is required by a person seeking to exercise rights under PAIA. The guide is available in all official languages of the Republic of South Africa. The Guide is available from the South African Human Rights Commission. Please direct queries to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700 Houghton 2041

Physical Address: 29 Princess of Wales Terrace, car. of York and St. Andrews Street, Parktown

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. Notices of automatic disclosure: section 52(2)

No notices have been published on the categories of records that are available automatically without persons having to request access under PAIA.

4. Records available in terms of other legislation: section 51(1)(d)

- a. *Basic Conditions of Employment Act No. 75 of 1997*
- b. *Compensation for Occupational Injuries and Disease Act No. 130 of 1993*
- c. *Income Tax Act No. 58 of 1962*
- d. *Labour Relations Act No. 66 of 1995*
- e. *Non-Profit Organisations Act No. 71 of 1997*
- f. *Skills development Levies Act No. 9 of 1999*
- g. *Unemployment Insurance Act No. 30 of 1966*

5. Subjects and categories of records held by SAHA: section 51(1)(e)

1. Governance

- 1.1 SAHA Board
- 1.2 SAHA Management Committee
- 1.3 SAHA Staff
- 1.4 Wits University
- 1.5 Historical Papers
- 1.6 GALA

2. Financial records

- 2.1 Fundraising
- 2.2 Budget
- 2.3 Expenditure
- 2.4 Income
- 2.5 Banking
- 2.6 Payroll
- 2.7 SAHA Financial statements
- 2.8 Auditing

3. Administration and IT

- 3.1 Admin Correspondence
- 3.2 SAHA hardware and software
- 3.3 Backups
- 3.4 SAHA Website
- 3.5 CiviCRM
- 3.6 SAHA publication

4. Legal

- 4.1 Opinions
- 4.2 MOUs

5. Human Resources

- 5.1 Core Staff
- 5.2 Contract Staff
- 5.3 Volunteers
- 5.4 Recruitment

6. Freedom of Information Programme (FOIP)

- 6.1 PAIA requests
- 6.2 Projects

- 6.3 Collaboration
- 6.4 Law
- 6.5 Training
- 6.6 Conferences and courses
- 6.7 Publications
- 6.8 Resources

7. Struggles for Justice Programme (SFJ)

- 7.1 Collections
- 7.2 Donor Agreements
- 7.3 Copyright in-principle agreements
- 7.4 Projects
- 7.5 Consultancy
- 7.6 Conferences and courses
- 7.7 SFJ Administration
- 7.8 Resources

8. Collections of archival records held by SAHA

- AL2184: The Neil Coleman Collection
- AL2418: The Progressive Teachers' League Collection
- AL2420: The South African Tin Workers' Union (SATWU) Collection
- AL2421: The Natal Indian Congress (NIC) Collection
- AL2423: The George B. Molefe Collection
- AL2424: The Johannesburg Democratic Action Committee (JODAC) Collection
- AL2425: The South African Youth Congress (SAYCO) Collection
- AL2431: The United Democratic Front (UDF) Collection
- AL2432: The SAHA Slide Collection
- AL2446: The SAHA Poster Collection
- AL2448: The Portraits of ANC Leaders
- AL2451: The ANC Youth League (ANCYL) Collection
- AL2457: The Original SAHA Collection
- AL2460: The Julie Frederikse Collection
- AL2461: The SAHA Exiles Project
- AL2467: The N.S. 'Murvy' Thandray Collection
- AL2491: The Kgwana Cultural Project Collection
- AL2494: The SAHA Periodicals Collection
- AL2506: The Human Awareness Programme Collection
- AL2516: The ANC Commission of Inquiry Collection
- AL2539: The IDASA South African Writers Conference Collection
- AL2540: The SAHA Ephemera Collection
- AL2547: The SAHA Original Photograph Collection
- AL2548: Jo'burg City, Whose City?

AL2554: The Christian Institute of SA Collection

AL2556: The Human Awareness Programme (HAP)

AL2563: The Transvaal Indian Congress (TIC) Collection

AL2564: The Five Freedoms Forum (FFF) Collection

AL2566: The PLANACT Collection

AL2573: The Tolstoy Farm Collection

AL2579: The Austrian Anti-Apartheid Movement (AAM)

AL2591: The Karon and Evans Interviews

AL2594: The Jeanette Schoon Collection

AL2595: The International Conference on Children, Repression & the Law in Apartheid South Africa Collection

AL2596: The Culture and Resistance Symposium Collection

AL2603: The South African Indian Teachers' Association (SAITA) Collection

AL2604: The South African Prisoners' Organisation for Human Rights (SAPOHR) Collection

AL2605: The NISAA Institute for Women's Development Collection

AL2606: The Congress of South African Writers (COSAW) Collection

AL2607: The Congress of South African Students (Mamelodi Branch)

AL2608: The Azanian Student Convention (University of the Witwatersrand)

AL2609: The SASCO (University of the Witwatersrand) Collection

AL2610: The International Socialists South Africa (ISSA) Collection

AL2611: The Workers' Organisation for Socialist Action (WOSA) Collection

AL2612: The Ceasefire Campaign Collection

AL2686: The Indian Community in the Transvaal

AL2808: The Spark Newspaper and New Sjabok Newspaper

AL2878: The Freedom of Information Programme Collection

AL2880: The AIDS in Context Conference Collection

AL2916: The Khalik Mayet Collection

AL2921: The Jean De La Harpe Collection

AL2922: The Chemical and Biological Warfare (CBW) Project Collection

AL2924: The Sally Sealey TRC Collection

AL2933: The 1981 Detainees Oral History Project

AL2934: The Dawie Bosch Collection

AL2939: The Maurice Smithers Collection

AL2946: The Jean Du Plessis Collection

AL2947: The Stan Winer Collection

AL2948: The Lucia Raadschelders Collection

AL2956: The Emilia Potenza Collection

AL2957: The Ismail Vadi Collection

AL2984: The Tucker Foundation Oral History Project

AL2985: The TRC Oral History Project

AL2991: The Patrick Fitzgerald Collection

AL2992: The Jonathan Klaaren Collection

AL3013: The Barbara Hogan Collection

AL3022: The Bart Luirink Collection

AL3041: The Dale McKinley Collection

AL3045: The Jill Geber Collection

AL3052: The SANCO Collection

AL3059: The Dealing with the Past Conference Collection

AL3060: The State vs. P.W. Both and Appeal Collection

AL3061: The Auditor-General Reports on the Accounts of the TRC

AL3062: The Office of the Public Protector's Synopsis of Cases regarding Complaints involving the TRC

AL3063: The Documents relation to the TRC Special Hearings on Health

AL3065: The Brian Currin Collection

AL3066: The TRC Faith Hearings Collection

AL3067: The Mark Swilling Collection

AL3068: The Verne Harris Collection

AL3073: The Merle Favis Collection

AL3078: The Multi-Party Negotiation Collection

AL3081: The John Barratt Collection

AL3093: The Wendy Watson Collection

AL3097: The Foundation for Equality Before the Law Collection

AL3098: The SADF Contact Bureau TRC Submission

AL3101: The Jamiatul Ulama Transvaal TRC Submission

AL3102: The Amnesty International (AI) TRC Collection

AL3103: The Institute of Healing Memories (IHOM) TRC Collection

AL3109: The UDF Working Group on International Relations

AL3110: The CSVR TRC Collection

AL3111: The Chantelle Wyley Collection

AL3112: The Penelope Maysom Collection

AL3113: The Matthew Krouse Collection

AL3115: The Jane Argall Collection

AL3116: The Janet Cherry Collection

AL3117: The Laura Pollecutt Collection

AL3118: The Gilbert Marcus Collection

AL3119: The Sheila Mintjies and Beth Gladblatt Collection

AL3120: The Fiona Ross Collection

AL3121: The Julian Knight and Rudolph Jansen Collection

AL3123: An Interview with Adriaan Vlok by Bernard Spong

- AL3125: The Challenge of Reconciliation: A Response of Church and Lay Persons to the TRC
- AL3126: The Confession and Reconciliation: A Challenge to Churches in South Africa [Conference]
- AL3128: The Christelle Terreblanche Collection
- AL3129: The Zapiro TRC Cartoon Collection
- AL3130: The ANC Submission to the TRC
- AL3131: The COSATU Submission to the TRC
- AL3132: The IFP Submission to the TRC
- AL3134: The Iphepha Ndaba Newsletters from the Khulumani Support Group (Western Cape Division)
- AL3135: The Gertrude Fester Collection
- AL3136: The Charles Villa-Vicencio Collection
- AL3137: The Mark Behr Collection
- AL3138: The David Forbes Collection
- AL3140: The TRC Submission concerning the Relevance of Economic, Social & Cultural Rights to the TRC's Mandate
- AL3141: The Human Rights Watch (HRW) TRC Collection
- AL3142: The NGO Working Committee on Reparations Collections
- AL3143: The IDASA Sound Recordings relating to the TRC
- AL3156: The Urban Research Services Collection
- AL3157: The S.J. 'Kobus' van Zyi Collection
- AL3165: The Zackie Achmat, Jack Lewis and Treatment Action Campaign Political Papers
- AL3182: The NAMDA Collection
- AL3183: The Lawyers for Human Rights (LHR) Collection
- AL3265: The Zenzo Nkobi Photograph Collection
- AL3273: The John Harris Collection
- AL3274: The Gille de Vlieg Photographic Collection
- AL3280: The Forgotten Voices of the Present Collection
- AL3282: The Sunday Times Heritage Project (STHP) Collection
- AL3282: The De Wet Potgieter Collection
- AL3284: Mark Gevisser's Research Papers for *Thabo Mbeki: The Dream Deferred*
- AL3285: The Department of Education Nkosi Albert Luthuli Young Historians' Oral History Collection
- AL3286: The Forced Migration Studies Programme on Xenophobic Violence Collection
- AL3289: The Mafela Trust Collection

Due to the expanding nature of SAHA's archival holdings, please visit www.saha.org.za/collections.htm for the most up to date list of SAHA's collections.

6. Details on how to make a request: section 51(1)(e)

- a. General
 - i. The requester must complete and submit Form C (available at: http://www.justice.gov.za/forms/form_paia.htm) together with the request fee to SAHA.
- b. Form C requirements
 - i. The form must:
 1. be submitted to the address, fax number or email address of SAHA, marked for the attention of the head of SAHA;
 2. provide sufficient particulars to enable the head of SAHA to identify the records requested and to identify the requester;
 3. indicate which form of access to the requested records are required;
 4. specify a postal address or fax number for the requester that is within the Republic of South Africa;
 5. identify the right which the requester seeks to exercise or protect by obtaining the requested record, and explain why the information is necessary to protect that right;
 6. state the manner and particulars of the desired reply from the head of SAHA in the event that the requester wishes something more than a written reply; and,
 7. in the event that the request is made on behalf of a person, other than the requester, submit proof of the capacity in which the requester makes the request to the reasonable satisfaction of the head of SAHA.
- c. The request fee
 - i. The request fee for a private body is R50.
 - ii. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
 - iii. If the requester earns below R14 712 a year or the requester and their partner's combined income is less than R27 192 per year, the requester is not required to pay the request fee.
 - iv. The requester may lodge an application to the court against the tender or payment of the request fee.
 - v. If the requester is granted access to the requested records then a further access fee must be paid for the search, reproduction, and preparation of the record for disclosure. The applicable fees are prescribed by the Minister for Justice and Constitutional Development and are available here: http://www.justice.gov.za/legislation/regulations/r2002/2002_187_access%20to%20info.pdf

7. Availability of material: section 51(3)

This manual is available on SAHA's website at: www.saha.org.za

A copy of the manual is available for inspection at SAHA's offices during office hours (between 8am and 5pm Monday to Friday).