



MILK MATTERS

Registration Number 053-121-NPO

MILK MATTERS

MANUAL

in terms of

The Promotion of Access to Information Act

2/2000

(the "ACT")

March 2015

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1. INTRODUCTION TO MILK MATTERS

Milk Matters is a non-profit organisation that arranges for the safe collection, storage and distribution of donor human milk to premature, orphaned and sick infants.

2. CONTACT DETAILS

Persons designated/duly authorised persons:

Management Committee: Elizabeth Brierley
Candice Lindgren
Jenny Wright
Louise Goosen
Pinky Ngcuka

Information Officer: Elizabeth Brierley
info@milkmatters.org
021 659 5599

Deputy Information Officer: Candice Lindgren
info@milkmatters.org
021 659 5599

Postal Address: P.O Box 18050, WYNBERG. 7824

Street Address: Mowbray Maternity Hospital, Hornsey Road, MOWBRAY. 7700

Telephone number: 021 659 5599
Fax number: 086 515 8125
Website: www.milkmatters.org

3. THE ACT

3.1 The ACT grants a requester access to records of the ENTITY, 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.

3.3 Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide will be available in August 2003. The contact details of the Commission are:

Division : PAIA UNIT

Physical address : Braampark Forum 3
33 Hoofd Street, Braamfontein
Phone number : 011 877 3600
Fax number : 011 403 0668
Email : paia@sahrc.org.za
Website : www.sahrc.org.za

4. APPLICABLE LEGISLATION

4.1 Milk Matters keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 95 of 1967
- Labour Relations Act, No. 66 of 1995
- Non-Profit Organisations Act, No. 71 of 1997
- Promotion of Access to Information Act, No. 2 of 2000

5. CATEGORIES OF RECORDS HELD

The following are the subject and categories of records held:

5.1 Human resources

- Employee information
- Policies and procedures
- Personnel files
- Conditions of employment
- Internal evaluation records
- Proof of payment of annual registration fees

5.2 Secretarial

- Constitution
- Other relevant documents

5.3 Financial and administration

- Financial statements
- Reports and returns
- Banking records
- Debtors/Creditors lists, statements and invoices
- General correspondence

5.4 Information Management and Technology

- System documentation
- Equipment Register
- Manuals
- Software licenses

5.5 Movable and Immovable Property

- Title Deeds
- Lease agreements

5.6 Operations

- Archival Administration Documentation
- Insurance (insurance arrangements, policies and claims)
- Income Tax Files

5.7 Customer/Clients and third parties related records

- Contracts with Clients
- Any records the Client has provided to Milk Matters or a third party acting for or on behalf of Milk Matters
- Records, reports, designs and the like generated by Milk Matters for their clients
- Records generated pertaining to the Client, including transactional records

5.8 Marketing and communication

- Marketing strategies
- Communications strategies
- Agreements

5.9 Other records

- Legal proceedings records

6. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE ENTITY

6.1 A requester requiring access to information held by Milk Matters must complete the prescribed form available from SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za), and submit it to the Information Officer at the address, fax number or electronic mail address provided for above, and also make the payment of the prescribed fees. Refer to Annexure 1.

6.2 The prescribed form must be completed with enough particularity to enable the Information Officer to identify:

6.2.1 the record(s) requested;

6.2.2 the identity of the requester;

- 6.2.3 indicate which form of access is required, if the request is granted;
- 6.2.4 specify the postal address or fax number of the request in the Republic.

- 6.3 The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- 6.4 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.
- 6.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 6.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.7 Milk Matters will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

7. PRESCRIBED FEES

The following applies to requests (other than personal requests):

- 7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2 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);
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>
- 7.6 Fees in respect of Private Bodies - Refer to Annexure 2.

8. GROUND(S) FOR REFUSAL OF ACCESS TO RECORDS

The main reason(s) why Milk Matters may refuse a request for information relates to the –

- 8.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (section 63);
- 8.2 mandatory protection of the commercial information of a third party, if the record contains –
 - 8.2.1 trade secrets of that third party;
 - 8.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 8.2.3 information disclosed in confidence by a third party to Milk Matters, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);
- 8.3 mandatory protection of the safety of individuals and the protection of property (section 66);
- 8.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);
- 8.5 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67);
- 8.6 the commercial activities of Milk Matters, which may include –
 - 8.6.1 trade secrets of Milk Matters;
 - 8.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of Milk Matters;
 - 8.6.3 information which, if disclosed could put Milk Matters at a disadvantage in negotiations or commercial competition;
 - 8.6.4 a computer program which is owned by Milk Matters, and which is protected by copyright (section 68);
- 8.7 Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

9. REMEDIES AVAILABLE WHEN MILK MATTERS REFUSES A REQUEST FOR INFORMATION

9.1 Internal Remedies

Milk Matters does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

9.2 External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

9.3 Availability of this Manual

- 9.3.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the physical address of Milk Matters.
- 9.3.2 Copies may also be requested from the SAHRC.
- 9.3.3 This manual is also published on Milk Matters website referred to above.

ANNEXURE 1

FORM C (of Regulation 10)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000

(Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head: _____

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

C. Particulars of person on whose behalf request is made

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

Full names and surname:

Identity number:

D. Particulars of record

- (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 on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of record:

E. Fees

- (a) *A request for access to a record, other than a 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 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an X.

NOTES:

- (a) *Compliance with your request 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 form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	YES	NO
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G. Particulars of right to be exercised or protected

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right

H. Notice of decision regarding request for access

You will be notified in writing 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 _____ this _____ day of _____ 20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE 2

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50

	(ii)	compact disc	70,00
(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii)	For a copy of visual images	60,00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii)	For a copy of an audio record	30,00
(f)		To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

(2) For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.