

AMABHUNGANE CENTRE FOR  
INVESTIGATIVE JOURNALISM

MANUAL IN TERMS OF THE  
PROMOTION OF ACCESS TO  
INFORMATION ACT, 2000

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## 1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 ('PAIA') gives effect to the constitutional right of access to information held by the state as well as information that is held by private bodies that is required for the exercise or protection of rights.

The amaBhungane Centre for Investigative Journalism ('amaBhungane') is a private body as defined in PAIA. As such, it is required to disclose information subject to the terms of that Act.

AmaBhungane also bears obligations regarding the personal information of data subjects as determined by the Protection of Personal Information Act 4 of 2013 ('POPIA'). These obligations are subject to the exclusion applicable to journalists set out in section 7 of POPIA.

This manual is published in terms of section 51 of PAIA. Its purpose is to provide relevant information to assist those who seek to request information disclosures from amaBhungane. This includes a description of the records held by amaBhungane and the procedure that must be followed in order to request access to those records. It also describes how amaBhungane processes personal information for non-editorial purposes.

The reference to any information in addition to that specifically required in terms of Section 51 of PAIA does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of PAIA.

This manual is available for inspection at our office in Johannesburg, on our website or by request to [paia@amabhungane.org](mailto:paia@amabhungane.org).

## 2. ABOUT AMABHUNGANE

Launched in 2010, amaBhungane (isiZulu for 'the dung beetles') is an independent, non-profit newsroom based in South Africa. We develop investigative journalism to promote free, capable media and open, accountable, just democracy.

Our activities include:

- Investigations: We develop best practice in our field by doing stories that are accurate and fair, advance methods and standards, expose wrongdoing and empower people to hold power to account.
- Investigations support: We help others in the media do it too via training, editorial collaborations and organisational support.
- Advocacy: We lobby, campaign, exercise laws and litigate to help secure the information rights – access to information and media freedoms – that are the lifeblood of our field.

We publish our stories on this website and via a range of publication partners and platforms.

AmaBhungane is a non-profit company registered in terms of the Companies Act of 2008 with registration number 2009/024323/08 and is governed by an independent board of directors.

### **3. CONTACT DETAILS**

Information Officer  
The Executive Director  
Sam Sole

Postal Address:  
The Media Mill  
7 Quince Street  
Milpark  
Johannesburg  
2092

Email address: [paia@amabhungane.org](mailto:paia@amabhungane.org)

Deputy Information Officer

Advocacy Coordinator  
Cherese Thakur

Email: [advocacy@amabhungane.org](mailto:advocacy@amabhungane.org)

Telephone number: +27 010 493 3320

Website: <https://amabhungane.org>

### **4. HOW TO ACCESS THE GUIDE DESCRIBED IN SECTION 10 OF PAIA**

The South African Human Rights Commission has compiled a Guide in terms of section 10 of PAIA which contains information required by a person who wishes to exercise any right contemplated by PAIA. The Guide is available in all languages. The Guide can be accessed from the South African Human Rights Commission using the contact information below.

The South African Human Rights Commission  
Forum 3 Braampark Offices  
33 Hoofd Street  
Braamfontein  
2017

Telephone: +2711 877 3600

Email: info@sahrc.org.za

Website: www.sahrc.org.za

## 5. RECORDS HELD BY AMABHUNGANE

### a. Records which are available without request in terms of PAIA

- Memorandum of incorporation
- Register of directors
- Published works
- Management narrative reports
- Audited financial statements
- Funding Policy
- Financial declarations of donations above R10 000 per annum
- Court documents where amaBhungane is a party to litigation
- Submissions made by amaBhungane in respect of draft legislation or regulations

### b. Subjects and categories of records held by amaBhungane

- Companies Act Records
  - Memorandum of Incorporation
  - Codes of Conduct
  - Legal Compliance Records
  - Minutes of Board of Directors Meetings
  - Policies
  - Records relating to the appointment of directors/ auditors/ secretary/ public office and other officers
- Financial Records
  - Accounting Records
  - Annual Financial Statements
  - Asset Register
  - Auditors' Report

- Banking Records
- Detail of Auditors
- Invoices
- Tax Returns
- Income Tax Records
  - PAYE Records
  - Records of payments made to SARS on behalf of employees
  - Value Added Tax Clearance Certificate
  - All other statutory compliances
  - Value Added Tax
- Personnel Documents and Records
  - Disciplinary Code
  - Employment Contracts
  - Leave Records
  - Records containing all employees' names and occupation
  - Unemployment Insurance Fund records
  - Salary Records
- Supporter Records
  - Receipts
  - Correspondence
  - Personal information such as name, contact details.
- Supplier Records
  - The name of the supplier
  - The address of the supplier
  - A description of the goods
  - The quantity or volume of the goods
  - Proof of date of payment
- Insurance records
- Investigations records
- Advocacy records
  - Submissions to parliament and other deliberative bodies
  - Correspondence
  - Litigation records
  - Advocacy releases
- Records available in terms of other legislation
  - The requester may also request information which is available in terms of legislation.

Note: Requests for any of the above categories of information listed may be subject to one or more grounds of refusal set out in Chapter 4 of Part 3 of PAIA, such as the protection of amaBhungane's research or commercial information, the protection of confidential or commercial information of a third party, or the privacy of an individual.

## **6. HOW TO ACCESS RECORDS HELD BY AMABHUNGANE**

### **a. Form of Request**

Requests for access to records held by amaBhungane must be made on the prescribed Form C (attached).

The prescribed form must be submitted together with a request fee, to the Information Officer at the address or electronic mail address provided (see above).

The form must:

- provide sufficient information to enable the Information Officer to identify the record(s) requested and to identify the requester;
- indicate which form of access is required;
- specify the postal address, fax number or electronic mail address of the requester in the Republic of South Africa;
- identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right;
- if in addition to a written reply, the requester wishes to be informed of the outcome of the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner;
- if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.

### **b. Applicable Fees**

The fee that the requester must pay to a private body (request fee) is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.

The Information Officer will then make a decision on the request and notify the requester in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The fees for reproduction are as follows:

- For every photocopy of an A4-size page or part thereof: R1,10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0,75
- For a copy in a computer-readable form on (a) Stiffy disc: R7,50  
(b) Compact disc: R70,00
- For transcription of visual images:
  - (a) for an A4 size page or part thereof: R40,00
  - (b) for a copy of visual images: R60,00
- For a transcription of an audio record:
  - For an A4 size page or part thereof: R20,00
  - For a copy of an audio record: R30,00

The fee payable to search for and prepare the record for disclosure is R30,00 for each hour or part of an hour reasonably required for such search and preparation.

Should the requester request that a copy of the record be posted, the actual cost of postage is payable.

Exemptions for the payment of any of the fees set out may apply, as prescribed.

## **7. PROCESSING OF PERSONAL INFORMATION (POPIA)**

Journalistic inquiry and publication may intrude on privacy, but it should do so only to the extent justifiable in the public interest. POPIA does not apply to journalists when they do bona fide journalism and are 'subject to a code of ethics that provides adequate safeguards for the protection of personal information'.

The Code of Ethics and Conduct for South African Print and Online Media is such a code. As we subscribe to it, any complaint that we intruded unjustifiably on a person's privacy in the course of our journalism should be directed to the Press Ombud. Please visit <https://presscouncil.org.za> for more information.

For the rest, we are subject to the POPIA and the jurisdiction of the Information Regulator. The following information pertains to amaBhungane’s processing of personal information for non-editorial purposes:

- Purpose of the processing:

Categories of data subjects	Personal information held and processed by amaBhungane in relation thereto
AmaBhungane Supporters	<ul style="list-style-type: none"> <li>• Via GivenGain: name as supplied by supporter, email address, and address (postal or physical). (Note: Donors up to R10 000 can remain anonymous, so there are some for whom we won’t have details.)</li> <li>• Via amaB website – giving via PayFast and PayPal: name as supplied by supporter, email address, and address (postal or physical).</li> <li>• Email and WhatsApp distribution lists: Names as provided by users, email address and/or cellphone number.</li> </ul> <p>- Information supplied for purposes of donor reporting and management reports</p> <p>- Information used as part of supporter journey e.g. to thank donors via welcome packs, to issue tax receipts, for due diligence purposes, for further communication with supporter.</p> <p>- Information supplied to external accountants</p>
Board of directors	Full names, addresses, certified and uncertified IDs, phone numbers, and details of their other directorships
Employees	Full names, addresses, certified and uncertified identity numbers, phone numbers, interest declarations, bank details, next of kin details,

	and other HR relevant detail contained in employee information form
Grantors	Generally relevant entity details, such as email or mobile contact information
Service providers	Generally relevant entity details, mainly email or mobile contact information  Only used for service-provider comms, with said service-providers
General public	Tracking general enquiries and web site visits

- Recipients or categories of recipients to whom the personal information may be supplied:
  - External accountants
- Planned transborder flows of personal information:
  - Limited contact information may be shared with service providers outside South Africa, such as banking (forex), LexisNexis, PayPal
  - Limited contact information may be supplied to amaBhungane’s foreign donors or funders
  - Where amaBhungane supporters subscribe to amaBhungane’s email newsletters or WhatsApp communications, then the contact information they supply will be accessed by relevant service providers (MailChimp, WhatsApp) for the purposes of the service.
  - Where website users make use of social media plugins on amaBhungane’s website, then their information may be accessed by the relevant platform in accordance with the relevant privacy policy (such as Facebook, Twitter, etc)

## 12. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Physical security measures
- Access controls
- Home and mobile measures
- Internal security measures
- Cyber security measures
- Anti-spam measures
- Anti-virus measures
- Firewalls
- Password control
- Training in information security and other POPO requirements

- Selective training of key staff
- Policies for information security
- Audits of information security
- Provisions concerning security in all provider contracts/agreements

## FORM C

### 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:

The Executive Director  
Sam Sole

Postal Address:  
The Media Mill  
7 Quince Street  
Milpark  
Johannesburg  
2092

Email address: paia@amabhungane.org

#### 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 request is made, when made on behalf of another person:

#### C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

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
Form in which record is required:	

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 for 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:					
	copy of record*		inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images		copy of the images"	transcription of the images*	
3. If 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 record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record"	copy in computer readable form* (stiffy or compact disc)	
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

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:

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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