

**TITLE: Promotion of Access to Information Act****PURPOSE.**

The Promotion of Access to Information Act of 2000 came into effect in March 2001. The purpose of this Act is to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights.

The Human Rights commission is responsible for compiling a guide that provides details on how to use the Act. Please direct any further queries in this regard to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal Address: Private Bag 2700
Houghton
2041
Phone: (011) 484 8300
Fax: (011) 484 0582
e-mail: PAIA@zahrc.org.za
Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This policy within the FPASA Quality Management System is intended to fulfil the requirements of such a manual.

Accordingly, this Policy provides a reference to the record we hold and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) should be addressed to the contact person as identified in section 3 of this policy.

POLICY:

The Fire Protection Association of Southern Africa (Reg No. 1973/000022/08). A copy of the FPASA Policy will be available for inspection at the FPA Fire College, 105 Springbok Road, Bartlett, Boksburg South Africa or on our website at www.fpasa.co.za and at the offices of the Human Rights Commission.

The FPASA is a Section 21 Company (Association Incorporated not for Gain). The records identified in this policy pertain to all records that relate to the FPASA

Administration of the Act.

The Board of Directors of the FPASA has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.



Accordingly, all requests for access to records should be addressed to:

Contact person: Peter R Davey, Managing Director.
 Postal address: P O Box 15467 Impala Park, 1472.
 Physical address: 105 Springbok Road, Bartlett, Boksburg.
 Phone number: +27 (0)11 397 1618/19 & +27 (0)11 397 1881-4
 Fax number: +27 (0)11 397 1160
 e-mail address: ceo@fpasa.co.za

Subjects and corresponding categories of records held.

Our records can be found in various forms including electronic and paper. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records we hold, we have categorised our records per subject area. The table below provides an indication of the subjects of information that we hold and the corresponding categories:

Subjects	Categories
Finance/administration.	<ul style="list-style-type: none"> ▪ Audited financial statements. ▪ Tax records (company & employee). ▪ Asset Register. ▪ General correspondence. ▪ Management accounts. ▪ Budgets. ▪ Contracts. ▪ Insurance information. ▪ Financial transactions. ▪ Procurement, debtors, creditors, payments. ▪ Banking records. ▪ Membership database.
Training activities.	<ul style="list-style-type: none"> ▪ General correspondence. ▪ Client specific correspondence. ▪ Training enquiries. ▪ Course registers. ▪ Training records database.
Technical Services.	<ul style="list-style-type: none"> ▪ Quotations & proposals. ▪ Fire investigation reports. ▪ Fire risk assessment reports. ▪ Other technical service reports. ▪ Classification of fire brigades reports. ▪ General correspondence.
Library.	<ul style="list-style-type: none"> ▪ Technical enquiries. ▪ General correspondence. ▪ Receipt and control of library publications.



Subjects	Categories
Human Resources.	<ul style="list-style-type: none"> ▪ Employee records. ▪ Employment contracts. ▪ General correspondence. ▪ Employee benefit records. ▪ Labour relations records. ▪ Statutory records. ▪ Performance reviews.
Quality Management System.	<ul style="list-style-type: none"> ▪ Marketing and promotion. ▪ Computer control. ▪ Corrective/preventive action. ▪ Internal and surveillance audits. ▪ Staff competence, training, responsibilities procedures. ▪ Health and safety.

Records that can be accessed without a formal request.

All records that can be accessed without the submission of a formal request (ie: a formal request as defined by the Promotion of Access to Information Act), can be accessed by contacting our Chief Executive Officer (Peter Davey).

Additionally, we are required to ensure that certain records are available (as prescribed by each Act), in terms of the following Acts:

- Basic Conditions of Employment No. 75 of 1997.
- Companies Act No. 61 of 1973.
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993.
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988.
- Copyright Act No. 98 of 1978.
- Credit Agreements Act No. 75 of 1980.
- Currency and Exchanges Act No. 9 of 1933.
- Debtor Collectors Act No. 114 of 1998.
- Employment Equity Act No. 55 of 1998.
- Finance Act No. 35 of 2000.
- Harmful Business Practices Act No. 23 of 1999.
- Income Tax Act No. 95 of 1967.
- Insolvency Act No. 24 of 1936.
- Intellectual Property Laws Amendments Act No. 38 of 1997.
- Labour Relations Act No. 66 of 1995.
- Occupational Health & Safety Act No. 85 of 1993.
- Protection of Businesses Act No. 99 of 1978.
- Regional Services Councils Act No. 109 of 1985.
- SA Reserve Bank Act No. 90 of 1989.
- Skills Development Levies Act No. 9 of 1999.
- Skills Development Act No. 97 of 1998.
- Stamp duties Act No. 77 of 1968.
- Tax on Retirement Funds Act No. 38 of 1996.
- Trade Marks Act No. 194 of 1993.
- Unemployment Contributions Act No. 4 of 2002.



- Unemployment Insurance Act No. 63 of 2001.
- Usury Act No. 73 of 1968.
- Value Added Tax Act No. 89 of 1991.

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included.

Notification of the availability of these records in terms of these Acts has not been given to the Cabinet Minister of Justice.

Procedure to follow when submitting a formal request of access to a record.

A request for access to a record (that does not fall within the categories identified in Section 5) of this policy must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also available from our offices. The prescribed request fee should be attached (refer to section 8 of this policy for more details on the fees).

Our Chief Executive Officer will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted.

Please note that the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed as follows:

- Type or print in BLOCK LETTERS and answer every question.
- If an answer does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question, state “nil” in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include.

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted.
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.



Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

Denial of access.

Access may be refused under limited circumstances including:

- Protecting personal information that we (FPASA) hold about a third person (who is a natural person) from unreasonable disclosure;
- Protecting commercial information that we hold about a third party (for example financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in a breach of a duty of confidence owed to a third party;
- If disclosure would jeopardize the safety or life of an individual;
- If disclosure would prejudice or impair the security of property;
- If disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure would prejudice or impair the protection of the safety of the public; The record is privileged from production in legal proceedings unless the privilege has been waived;
- If the record is a computer programme;
- Disclosure of the record will put the FPASA at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests if FPASA, and
- Records containing information about research being carried out or about to be carried out on behalf of a third party or the FPASA.

Fees.

The applicable fees are prescribed in terms of the regulations that relate to the Promotion of Access to Information Act. There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee is payable on submission of the request for access to a record (unless the request is for personal records of the requestor in which event there is no applicable fee). The access fee is payable prior to gaining access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.



Request for access to information about third parties.

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event that the third party furnishes reasons for the support or denial of access, our Chief Executive Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.

Records that cannot be found or that do not exist.

If we searched for a record and believe that it either does not exist or cannot be found, we will notify you by way of an affidavit or affirmation that it is not possible to give you access to the requested record as we are unable to locate it. We will also provide you with details on the steps that were taken to try to locate the record.

If at a later stage the record is located, we will grant you access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

REFERENCES AND ASSOCIATED DOCUMENTS.

Audit reference

ISO 9001 Reference: 5.1, 5.5.1.

Other minimum references, including software.

Management review.

PROCESS OWNER & OVERALL RESPONSIBILITY AND AUTHORITY.

MD has overall responsibility and authority for ensuring that this procedure is implemented.

ANALYSIS OF DATA.

MD/Manager to review applications for access to records and results on an annual basis and include in Management Review.

RECORDS TABLE.

Record	Responsibility	Minimum Retention Period	Disposal Discretionary or Shredding
Applications/requests and related correspondence file.	Accounts Dept.	Indefinite	N/A