



**PROMOTION OF ACCESS TO INFORMATION ACT MANUAL**

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF  
**ACCESS TO INFORMATION ACT NO 2 OF 2000**  
**("THE ACT")**

for

THE AURUM INSTITUTE, NPC  
(Registration number 1998/009355/08)

Date of compilation: 11 June 2021  
Date of Revision: 11 June 2022

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## 1. COMPANY OVERVIEW

**THE AURUM INSTITUTE NPC**, is a company duly registered and incorporated in accordance with the company laws of South Africa, a private body in terms of the Act, dealing with public benefit activities in healthcare in the Republic of South Africa. The business was established in 1998.

**Company Contact Details** – Section 51(1)(a) of the Act

### Duly authorised persons:

**Chief Operating Officer:** Dr Dave Clark  
 Physical Address : 29 Queens Road  
 Parktown  
 2193

Postal Address : PostNet Suit 300, Private X30500, Houghton, 2041

Website : [www.auruminstitute.org](http://www.auruminstitute.org)  
 Telephone no. : 010 5901300

**Information Officer** : Mrs Jacqueline Paterson  
 Email : [JPaterson@auruminstitute.org](mailto:JPaterson@auruminstitute.org)

## 2. THE ACT AND SECTION 10 GUIDE

2.1 The ACT grants a requester access to records of a private body, 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.

2.2 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 of the Act.

2.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
 Telephone Number: +27-11-877 3600  
 Fax Number: +27-11-403 0625  
 Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## 3. APPLICABLE LEGISLATION

1	Income Tax Act, Nr. 58 of 1962 (Section 75)
2	Companies Act, Nr. 61 of 1973
3	Copyright Act, Nr. 98 of 1978
4	Regional Services Councils Act, Nr. 109 of 1985
5	Value Added Tax Act, Nr. 89 of 1991 (Section 65)
6	Occupational Health and Safety Act, Nr. 85 of 1993
7	Compensation for Occupational Injuries and Diseases Act, Nr. 130 of 1993 (Section 97)
8	Labour Relations Act, Nr. 66 of 1995
9	Basic Conditions of Employment Act, Nr. 75 of 1997 Section 31)
10	Employment Equity Act, Nr. 55 of 1998 (Section 26)

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11	Skills Development Act, Nr. 97 of 1998
12	Medical Schemes Act, Nr. 13 of 1998
13	Skills Development Levies Act, Nr. 9 of 1999
14	Unemployment Insurance Act, Nr. 63 of 2001
15.	Protection of Personal Information Act, Nr. 4 of 2013 (POPIA)
	Promotion of Access of Information Act, Nr. 2 of 2000
	Non-profit Organisation Act, Nr. 71 of 1997

Please note that this list is not exhaustive, and records are not automatically available

#### 4. SCHEDULE OF RECORDS

Records	Subject	Availability
Financial	Financial Statements	Available on <a href="http://www.auruminstitute.org">www.auruminstitute.org</a>
	Financial and Tax Records (Company & Employees)	Not available
	Asset Register	Not available
	Management Accounts	Not available
Health Records	Client data for operational purposes	Not available
Employment	Employee records	Not available
Reports	Annual Reports	Available on <a href="http://www.auruminstitute.org">www.auruminstitute.org</a>

#### 5. FORM OF REQUEST

To facilitate the processing of your request, kindly:

- 5.1. The requester must complete the prescribed form available on <https://www.sahrc.org.za> being Schedule 1 hereto to make the request for access to a record. This must be made to the Information Officer and to the address, fax number or electronic mail address of THE AURUM INSTITUTE.
- 5.2. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address or facsimile number in the Republic. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- 5.3. The requester must identify the details of the right that is sought to be exercised or protected and provide an explanation why the requested record is required for the exercise or protection of the right.
- 5.4. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

The Information Officer will take into consideration the appropriate section of this Manual to decide whether or not access to any of the information stated above should be given to the requester of such information ("the requester")

## **6. PRESCRIBED FEES**

A requester who seeks access to a record containing personal information about this requester, is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- 6.1 The Information Officer must by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing the request.
- 6.2 The fee that the requester must pay is R50.00. The requester may lodge an application to the court against the tender or payment of the request fee.
- 6.3 After the Information Officer has decided whether or not to grant the request, the requester must be notified in the required form.
- 6.4 If the request is granted then a further access fee must be paid in accordance with section 54 of The Act for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record and disclosure as set out in Schedule II.

## **7. SECTION 51(3) OF THE ACT**

An unabridged version of this manual is available for inspection by the general public upon request, during office hours and free of charge at the office of THE AURUM INSTITUTE. Copies may also be requested from the South African Human Rights Commission at the address in paragraph 2.

## **8. PROCEDURE OF DECISION-MAKING PROCESS**

In terms of Section 55 of the Act the Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requester by way of affidavit or Affirmation that it is not possible to give access to the record which is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the request would otherwise have been granted.

Section 56 of the Act provides that the Information Officer must within thirty (30) days of receipt of a correctly completed request notify the requester of his decision as to whether or not to grant the request. If the request is:

- 8.1. **Granted:** the notification must state the application access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such a fee, and the form in which access will be given.
- 8.2. **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.

9. The Information Officer may extend the period of thirty (30) days by a further period not exceeding thirty (30) days if:

- 9.1. the request is for a large number of records or requires a search through a large number of records;
- 9.2. consultation with another private body is required; or
- 9.3. the requester consents to the extension

10. The requester must be notified within the initial thirty (30) day period in writing of the extension required, together with reasons therefore, and the procedure involved should the requester wish to apply to court opposing the extension. The Information Officer's failure to respond to the requester within the thirty (30) day period constitutes a deemed refusal of the request.

10.1. If a request for access is made to a record of THE AURUM INSTITUTE which contains information which may or must be refused, such information may be severed from the record and the balance of such information may be made available to the requester.

10.2. If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference as to form, in a form reasonably determined by the Information officer.

## 11. THIRD PARTIES

11.1. If the request is for a record pertaining to a third party in relation to Sections 63(1), 64(1), 65 and 69(1) of the Act, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within twenty one (21) days of receipt of the request.

11.2. The manner in which this is done must be by the fastest means reasonably possible. If the form of notification used is oral the Information officer must thereafter give the third party written confirmation of the oral notification.

11.3. The third party may within twenty one (21) days thereafter either make representation to THE AURUM INSTITUTE as to why the request should be refused, alternatively grant written consent to the disclosure of the record.

11.4. The third party must be advised of the decision taken by the Information officer on whether to grant or decline the request, and must also be advised of his/her/its rights to appeal against the decision by way of application to court within thirty (30) days after the notice.

## 12. GROUNDS FOR REFUSAL OF A REQUEST

Notwithstanding compliance with Section 50 of the Act, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, inter alia namely:

**12.1 Section 63** of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to a requester. Similarly, the provisions of the POPIA may apply.

**12.2 Section 64** of the Act states that a request must be refused if it relates to records containing third party information pertaining to:

**12.2.1** trade secrets;

**12.2.2** financial, commercial, scientific or technical information of a third party where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or

**12.2.3** information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

**12.2.4** The information must, however, be released if it pertains to the result of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

**12.3 Section 65** of the Act prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

- 13.1** In terms of **Section 66** of the Act, a private body must refuse a request for access of a record of the body if disclosure could reasonably be expected to:
- 13.1.1** endanger the life or physical safety of an individual;
  - 13.1.2** prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;
  - 13.1.3** THE AURUM INSTITUTE may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public;
- 13.2** **Section 67** of the Act mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 13.3** **Section 68** of the Act pertains to records containing information about the private body itself and unlike the other provisions pertaining to the request being declined, is not mandatory, but rather discretionary. THE AURUM INSTITUTE may refuse access to a record if the record:
- 13.3.1** Contains trade secrets of THE AURUM INSTITUTE;
  - 13.3.2** contains financial, commercial, scientific or technical information of THE AURUM INSTITUTE, the disclosure of which would be likely to cause harm to the commercial or financial interests of THE AURUM INSTITUTE.
  - 13.3.3** contains information which, if disclosed could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice THE AURUM INSTITUTE in commercial competition; or
  - 13.3.4** consists of a computer programme owned by THE AURUM INSTITUTE.

**Note:** Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 13.4** **Section 69** of the Act prohibits the disclosure of information to any requester about research where disclosure is likely to expose the person conducting the research or the subject matter of the research to serious disadvantage.
- 13.5** Notwithstanding any of the abovementioned provisions, **Section 70** of the Act provides that a record must be disclosed if its disclosure would:
- 13.5.1** reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
  - 13.5.2** if the public interest in the disclosure clearly outweighs the harm.

## 14 RIGHTS OF APPEAL

If a requester is dissatisfied with the Information Officer's refusal to grant access to any information the requester may, within thirty (30) days of notification of the decision, apply to court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within thirty (30) days of notification of the decision, apply to court for relief.

## 15 RECORDS AVAILABLE

Most documents are kept at the physical address of the Company. If they are not kept at the abovementioned address, the fact will be mentioned next to the subject. Old records e.g. those of past employees are archived and stored securely offsite. The request for access to a record must be made to the Information Official of The Aurum Institute, in writing on the prescribed form, to the abovementioned address, e-mail address or fax as per Section (53) (1) and (2) of the Act.

The Information Official will offer a maximum of one hour assistance, during working hours (08h30:09h30) to a requester per request of access, maximum one request per week.

## 16 CATEGORIES AND SUBJECTS OF RECORDS

The following *records* are available for inspection in terms of this Act, after the *requester* has filled in the stipulated forms and paid the stipulated fees as per Section 53 and 54, of the Act, respectively.

## 17 LEGAL SERVICES

### 17.1 Complaints

17.1.1 Records of complaints received on human rights violation.

17.1.2 Records of withdrawal of complaints on human rights violation.

## 18 HEARINGS

### 18.1 Records on disciplinary hearings

These recording are available to the complainant and accused as well Presiding Official and Human Resources department staff, during and after the enquiry. On completion of process, the recordings and documentation pertaining to the hearing are filed electronically on the persons personal folder on a secure SharePoint.

## 19 FURTHER INFORMATION AND ASSISTANCE

Further information regarding the subjects or *records* listed here are available from:

### The Information Official

**Mrs J Paterson**

**Tel: (010) 5901300**

**E-mail: JPaterson@auruminstitute.org**



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**DR DA CLARK**  
**GROUP CHIEF OPERATING OFFICER**