

**PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)
NO 2 OF 2000**

This manual was prepared in accordance with section 14 of the Promotion of Access to Information Act, 2000

This manual applies to:

THE NATIONAL COUNCIL OF SPCAs

Registration Number: 003-189 NPO

(hereinafter NSPCA)

1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- 1.1 The Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) was enacted on 3 February 2000, giving effect to the constitutional right in section 32 of the Bill of Rights, as contained in the Constitution of the Republic of South Africa, 1996 (“the Constitution”), of access to –
- (a) any information held by the state; and
 - (b) any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2 In terms of section 14 of PAIA, all public bodies are required to compile an information manual.
- 1.3 This manual provides an outline of the records held by the NSPCA and explains how to request access to such records.
- 1.4 This PAIA Manual applies solely to records held by the NSPCA. Requests for access to records held by individual SPCAs (which are separate legal entities) must be directed to the relevant SPCA concerned. The NSPCA is not the custodian of records held by independent SPCAs, except where those records have been voluntarily or statutorily submitted to the NSPCA, and fall within the records described below.

2. NATIONAL COUNCIL OF SPCA’S (NSPCA)

- 2.1 The National Council of Societies for the Prevention of Cruelty to Animals (“NSPCA”) is a public body as defined in PAIA, because:
- 2.1.1 It is established by statute: Societies for the Prevention of Cruelty to Animals Act 169 of 1993 (“SPCA Act”).
 - 2.1.2 It exercises public powers, including the enforcement of the Animals Protection Act 71 of 1962 and the power to institute private prosecutions.
- 2.2 This status was confirmed in *South African Pork Producers Organisation v National Council of Societies for the Prevention of Cruelty to Animals* (2014).
- 2.3 The NSPCA serves as the coordinating, regulatory, and standard-setting authority for Societies for the Prevention of Cruelty to Animals (“SPCAs”) across South Africa.
- 2.4 The functions of the NSPCA, as prescribed in section 3 of the SPCA Act, include:
- (a) to determine, control, and co-ordinate the policies and standards of SPCAs in order to promote uniformity;
 - (b) to promote co-operation among SPCAs;
 - (c) to prevent the ill-treatment of animals by promoting their good treatment;
 - (d) to promote the interests of SPCAs;
 - (e) to monitor and influence the application of laws affecting animals and SPCAs, and to make representations to the appropriate authorities; and

- (f) to perform all acts reasonably necessary or incidental to achieving these objectives.

3. CONTACT DETAILS OF INFORMATION OFFICER (SECTION 14(1)(a))

- 3.1 The NSPCA has appointed an Information Officer and a Deputy Information Officer in accordance with PAIA and the Protection of Personal Information Act (“POPIA”).

3.2 Information Officer

Information Officer: Hester Kotzé

Physical Address: 6 Clark Street, Florentia, Alberton, 1449

Telephone: +27 11 907-3590/1/2/3

Email: ceo@nspca.co.za

Alternative Email: nspca@nspca.co.za

3.3 Deputy Information Officer

Deputy Information Officer: Grace de Lange

Email: coo@napca.co.za

- 3.4 The Deputy Information Officer acts in the absence of the Information Officer and has the same powers and duties.

3.5 General Contact Details

Physical Address: 6 Clark Street, Florentia, Alberton, 1449

Telephone: +27 11 907-3590/1/2/3

Email: nspca@nspca.co.za

Website: www.nspca.co.za

4. GUIDE TO THE ACT (SECTION 14 READ WITH SECTION 10)

- 4.1 The Information Regulator of South Africa has compiled a guide, as required by section 10 of PAIA, containing information reasonably required by a person who wishes to exercise any right under PAIA.

- 4.2 The guide is available on the Information Regulator’s website: www.inforegulator.org.za

- 4.3 The Information Regulator can be contacted directly at:

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg

Postal Address: P.O. Box 31533, Braamfontein, 2017

Email: PAIAComplaints@inforegulator.org.za

Telephone: 010 023 52000

5. AUTOMATIC DISCLOSURE – CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS

5.1 The NSPCA makes the following records publicly available without requiring a formal PAIA request:

5.1.1 NSPCA website content;

5.1.2 Annual Reports (available on website or upon request);

5.1.3 Public statements and media releases;

5.1.4 Policies published on the website;

5.1.5 Educational and awareness materials published on the website; and

5.1.6 This PAIA Manual.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

6.1 Records are maintained in accordance with applicable legislation. These records may be requested under PAIA, subject to the provisions of the Act. The legislation includes, but is not limited to:

6.1.1 Societies for the Prevention of Cruelty to Animals Act 169 of 1993;

6.1.2 Animals Protection Act 71 of 1962;

6.1.3 Nonprofit Organisations Act 71 of 1997;

6.1.4 Labour Relations Act 66 of 1995;

6.1.5 Basic Conditions of Employment Act 75 of 1997;

6.1.6 Occupational Health and Safety Act 85 of 1993; and

6.1.7 Protection of Personal Information Act 4 of 2013 (POPIA).

7. CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

7.1 The NSPCA maintains records relating to its statutory functions, governance, operations, and administration.

7.2 **Governance and Legal**

- 7.2.1 NSPCA Constitution; and
- 7.2.2. Rules promulgated under the SPCA Act.
- 7.2.3 Policies and legislation – national and provincial – Production Animals;
- 7.3.4 Policies and legislation – national and provincial – Wild Animals;
- 7.3.5 Policies and legislation - national and provincial – Companion Animals;
- 7.3.6 Policies and legislation – national and provincial – Animals in Research; and
- 7.3.7 Promoting the interests of SPCAs.

7.3 **Policy Statements**

- 7.3.1 NSPCA Statement of Policy.
- 7.3.2 NSPCA Statement of Policy with Explanatory Notes

7.4 **Labour Relations**

- 7.4.1 Disciplinary and Grievance Procedure

7.5 **Finance**

- 7.5.1 Annual Audited Financial Statements.

7.6 **Communications / Fundraising**

- 7.6.1 Annual Reports;
- 7.6.2 SPCA Logo – Use and Endorsement; and
- 7.6.3 B-BBEE certificates.

8. **RECORDS HELD BY INDEPENDENT SPCAs**

- 8.1 The NSPCA does not ordinarily hold or control records of independent, affiliated SPCAs. Each SPCA is a separate legal entity.
- 8.2 Requesters seeking records held exclusively by an individual SPCA must direct their request to that SPCA directly.

9. **ACCESS TO RECORDS: PROCEDURE, AVAILABILITY AND FEES**

9.1 **Request Procedure**

- 9.1.1 A request for access to a record held by the NSPCA must be made in accordance with PAIA and the PAIA Regulations.

9.2 **Submission of Requests**

9.2.1 Requests must be submitted using the [prescribed Form \(Form A\)](#), as set out in the PAIA Regulations, and addressed to the Information Officer.

9.2.2 Requests may be submitted electronically or in hard copy.

9.2.3 Where a requester is unable to complete the request form due to illiteracy or disability, the Information Officer will assist in completing the request and provide a copy thereof to the requester.

9.3 **Nature of the Request**

9.3.1 The requester must indicate whether access is required as a copy of the record, inspection of the original record, or in another form, where applicable.

9.3.2 Where a specific form of access is requested, access will be provided in that form unless doing so would unreasonably interfere with the operations of the NSPCA, damage the record, or infringe any applicable legal protections.

9.3.3 The requester must indicate the preferred manner in which they wish to be Informed of the decision on the request (e.g., by email, post, or telephone).

9.3.4 Where a request is made on behalf of another person, the requester must indicate the capacity in which the request is made and provide proof of such authority.

9.4 **Requirements for a Valid Request**

9.4.1 The requester must:

9.4.1 Provide sufficient detail to enable the Information Officer to identify the requested record

9.4.2 Provide proof of identity. Proof of identity means a copy of a valid South African identity document, driver's licence, or passport. For electronic requests, a scanned copy or clear photograph is sufficient.

9.4.3 Provide contact details (physical address, email address, or telephone number); and

9.4.4 Indicate the preferred form of access.

9.5 **Decision on Request**

9.5.1 The Information Officer will notify the requester of the decision on the request within 30 days of receipt of the request.

9.5.2 This period may be extended for a further period of up to 30 days where necessary, in accordance with section 25(2) of PAIA. The requester will be notified of the extension and the reasons therefor.

9.5.3 If access is granted, the requester will be informed of any applicable access fees payable.

- 9.5.4 Access to the requested records will be provided once payment has been received, unless the requester qualifies for an exemption.
- 9.5.5 If access is refused, the requester will be provided with written reasons for the refusal and advised of the available remedies, including the right to lodge a complaint with the Information Regulator or to apply to a court of competent jurisdiction.

10. FEES

- 10.1 Fees for requests are determined in accordance with Part II of Annexure A of the PAIA Regulations, as set out on the [Information Regulator website](#), as may be amended from time-to-time
- 10.2 No request fee is payable for a request made by a personal requester (i.e., a requester seeking access to a record containing their own personal information).
- 10.3 For all other requesters, a request fee may be payable. The requester will be notified before the request is processed.
- 10.4 An access fee may be payable for:
- 10.4.1 Reproduction (photocopying or printing)
 - 10.4.2 Search and preparation of records (charged per hour or part thereof)
 - 10.4.3 Postage or other delivery costs
- 10.5 The requester will be notified of any applicable fees prior to the processing or release of the requested records.

11. AVAILABILITY OF THIS MANUAL

- 11.1 On the NSPCA website: www.nspca.co.za
- 11.2 At the NSPCA's offices during business hours, upon request
- 11.3 In electronic format, upon request, addressed to the Information Officer

12. REMEDIES IF PAIA PROVISIONS ARE NOT COMPLIED WITH

- 12.1 If a requester is dissatisfied with a decision made by the NSPCA in respect of a request for access to information, the requester may seek relief in accordance with PAIA.

12.2. Available Remedies

The requester may:

- 12.2.1 Lodge a complaint with the Information Regulator of South Africa; or
- 12.2.2 Apply to a court of competent jurisdiction (i.e., the High Court of South Africa) for appropriate relief.

12.3 Grounds for Complaint

- 12.3.1 A complaint may be lodged in relation to, among other things:
- 12.3.1.1 A refusal to grant access to a record

- 12.3.1.2 The fees charged
- 12.3.1.3 A decision to extend the time period to process a request
- 12.3.1.4 A decision relating to the form of access granted

13. PROCEDURE FOR LODGING A COMPLAINT WITH THE INFORMATION REGULATOR

- 13.1 Complaints must be submitted to the Information Regulator in the prescribed manner (available on the [Regulator's website](#)).
- 13.2 The requester must provide sufficient detail regarding:
 - 13.2.1 The original PAIA request;
 - 13.2.2 The NSPCA's decision being challenged; and
 - 13.2.3 The grounds for the complaint.
- 13.3 The Information Regulator will consider the complaint and may issue appropriate directives.

14. ANNEXURE A – PRESCRIBED REQUEST FORM

- 14.1 This annexure must be attached in full. Below is a summary of the standard fees under the PAIA Regulations for a public body. Form A, as published in the PAIA Regulations, is attached hereto as Annexure "A". It is further available on the Information Regulator's website or may be reproduced by the NSPCA.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer