

**PROMOTION OF ACCESS TO INFORMATION MANUAL
for
SILVERTREE FOUNDATION**

**Prepared in accordance with section 51 of the
Promotion of Access to Information Act 2 of 2000 (PAIA)**

(Last updated 05 October 2022)

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1. Introduction

Silvertree Foundation is a registered non-profit company incorporated in South Africa with company registration number: 2021/793889/08.

Silvertree Foundation recognises the real and pressing challenges and hardships facing South Africa with rising poverty, deepening inequality, growing unemployment rates and challenges in accessing sufficient food, clean water, quality education and health care. Silvertree Foundation further recognises that there are many excellent public benefit organisations already making meaningful and sustained contributions within South Africa. However, a persistent challenge faced by these public benefit organisations is locating and securing sufficient resources, assets and support to continue performing their valuable public benefit activities. Silvertree Foundation has been established to bridge the gap between potential donors and public benefit organisations and, in so doing, to unlock more giving in South Africa.

As such, Silvertree Foundation's principal object is to act as a conduit public benefit organisation by providing funds or assets, by way of donation, to other public benefit organisations which carry on a public benefit activity contemplated in Part II of the Ninth Schedule to the Income Tax Act and which have been approved in terms of both section 30 and section 18A of the Income Tax Act 58 of 1962 (**Income Tax Act**). Such public benefit organisations will be identified by Silvertree Foundation from time to time, in its sole discretion, on the basis of such organisations' need and impact.

Silvertree Foundation also offers a service (**DoNation**) to approved section 18A public benefit organisations and their donors by helping donors understand and easily access tax incentives and other information and providing approved section 18A public benefit organisations with the ability to centrally generate section 18A certificates for donors, maintain a secure database of issued section 18A certificates, and provide donors with regular updates and complete documentation, in turn encouraging future donations.

In order to perform these tasks, and in operating the DoNation service, the Silvertree Foundation must collect various forms of information. These include:

- Partner public benefit organisation details: To best support and serve the organisations that we provide the DoNation service to, to encourage donations to these partner public benefit organisations, and to promote the work of our partner public benefit organisations as they serve their communities.
- Donor details: To facilitate the donations from donors to eligible public benefit organisations.

All information is collected, processed and stored in compliance with POPIA.

This manual has been compiled in accordance with the requirements of PAIA and contains the information specified in section 51(1) of PAIA, which is applicable to private bodies. This information is as follows:

- the contact details of the head of the private body;
- a description of the guide referred to in section 10 of PAIA;
- the latest notice published by the Minister under section 52(2) of PAIA;

- a description of the records of the private body which are available in terms of any legislation other than PAIA;
- a description of the subjects on which the private body holds records and the categories of records held on each subject in sufficient detail to facilitate a request for access to a record;
- insofar as POPIA is concerned: the purpose of the processing, a description of the categories of data subjects and of the information or categories of information relating to those data subjects, the recipients or categories of recipients to whom the personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the private body (as the responsible party) to ensure the confidentiality, integrity and availability of the information which is to be processed; and
- other information as prescribed by regulation.

The manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA. This manual can be accessed on DoNation's website (www.thedonation.org.za), or at our principal place of business for public inspection during normal business hours, or by requesting a copy by email from the duly appointed information officer as provided for in paragraph 2 below.

In this manual, the following words bear the meaning set out below:

"Guide"	means the guide published by the Information Regulator in terms of section 10 of PAIA, as amended and updated from time to time;
"Information Regulator"	means the Information Regulator established in terms of section 39 of POPIA;
"PAIA"	means the Promotion of Access to Information Act 2 of 2000 and any Regulations published thereunder, as amended from time to time;
"personal information"	has the same meaning as set out in section 1 of POPIA;
"POPIA"	means the Protection of Personal Information Act 4 of 2013 and any regulations, guidelines or codes of conduct published thereunder, as amended from time to time;
"requester"	means any person or entity requesting access to a record that is under the control of the Silvertree Foundation;
"special personal information"	has the same meaning as set out in section 1 of POPIA;

“the manual”

means this manual which is published in accordance with section 51 of PAIA and “this manual” shall have the same meaning;

“the Minister”

means the Cabinet member responsible for the administration of justice.

2. Contact details

In the event that a person or entity requires access to information as contemplated in PAIA, the requester must contact, the duly appointed information officer of Silvertree Foundation. The contact details are as follows:

Physical address:

Information Officer
125 Buitengracht Street
Cape Town
8001

Postal address:

Information Officer
125 Buitengracht Street
Cape Town
8001

Email: info@thedonation.org.za

3. Section 10 Guide on how to use PAIA and details of the Information Regulator

The Information Regulator has, in terms of section 10 of PAIA, published a Guide to assist persons wishing to exercise any rights in terms of PAIA.

The Guide may be obtained from the Information Regulator. Any person wishing to obtain the Guide may either access it through the website of the Information Regulator at <https://www.inforegulator.org.za> or should contact:

The Information Regulator (South Africa)

JD House
27 Stiemans Street
Braamfontein
Johannesburg

Postal address:

P.O. Box 31533
Braamfontein
Johannesburg
2017

Email: PAIA.IR@justice.gov.za

4. Categories of records which are available without request as contemplated in section 51(1)(c) of PAIA

No notices relating to Silvertree Foundation have been published by the Minister in terms of section 52(2) of PAIA.

General information about Silvertree Foundation, and the DoNation service, can be accessed through the internet on www.thedonation.org.za, which is available to all persons who have access to the internet.

5. Records available in terms of any other legislation as contemplated in section 51(1)(d) of PAIA

Certain records held by Silvertree Foundation are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out in that legislation and these records may, in certain instances, only be accessed by the persons specified in the relevant legislation:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Closed Corporation Act 69 of 1984
- Close Corporations Amendment Act 25 of 2005
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Intellectual Property Laws Amendments Act 38 of 1997
- Interception and Monitoring Prohibition Act 127 of 1992
- Labour Relations Act 66 of 1995
- Non-profit Organisations Act 71 of 1997
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Protection of Businesses Act 99 of 1978
- Regional Services Councils Act 109 of 1985
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- The Fund-Raising Act 107 of 1978
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

6. Description of the subjects on which Silvertree Foundation holds records and the categories of records held on each subject as contemplated in section 51(1)(e) of PAIA

The subjects on which Silvertree Foundation hold records and the categories on each subject in terms of section 51(1)(e) are as listed below. Please note that a requestor is not automatically allowed access to these records and that access to them, in whole or in part, may be refused in accordance with the relevant provisions of PAIA. Silvertree Foundation further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources. Access will also be refused where requests are clearly frivolous or vexatious. The procedure in terms of which such records may be requested from Silvertree Foundation is set out in paragraph 8 of this manual.

Silvertree Foundation may hold the following categories of information, records and documentation:

- Accounting records
- Information technology details
- Intellectual property
- Human resources records
- Marketing records
- Statutory company records
- Partner public benefit organisation database
- Organisational records
- Internal phone lists
- Policies
- Procedures
- Minutes of meetings
- Administrative information
- Contracts and service level agreements
- Memorandums of Understanding
- Monitoring and evaluation records
- Donor and supporter information

7. Description of personal information processing in terms of POPIA

The purpose of the processing

Silvertree Foundation – for the purpose of providing the DoNation website and service – collects and processes personal information for various purposes including but not limited to the following:

- to establish and verify the identity of and/or update data subjects' details;
- to administer and manage our service to partner public benefit organisation or to donors;
- to measure impact and improve our operations through monitoring, evaluation and reporting;
- to notify data subjects of news and/or developments that may be of interest;
- to promote the work of Silvertree Foundation;
- to record receipt of donations and to process any section 18A certificates;
- to comply with any legal and regulatory requirements; and

- for other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services, or such other purpose for which it was collected.

A description of the categories of data subjects and of the information or categories of information relating to those data subjects

- **Employees:** record of employee life cycle, name and job title, contact information, title, birth date, demographic information (post code, preferences, and interests), next of kin, identity number or passport number, SARS income tax number, marital status, dependents, financial and employment history
- **Board members:** name and job title, contact information, title, birth date, demographic information (post code, preferences, and interests), general enquiries and viewing the company website, identity number or passport number, SARS income tax number, financial and employment history
- **Supporters and benefactors of the Silvertree Foundation:** name, address, contact information, and a record of donations
- **Partner public benefit organisations using the DoNation service:** name, registration number, contact details, company registration number, PBO number, VAT registration number and donation details.
- **Donors using the DoNation service:** name, age, contact information, title, birth date demographic information (post code, preferences, and interests), identity number or passport number, nationality origin, donation details and SARS income tax number.

The recipients or categories of recipients to whom the personal information may be supplied

Silvertree Foundation may share the personal information of data subjects for any of the purposes outlined above with the following:

- Data subjects
- Operators (service providers, including consultants)
- Statutory authorities
- Beneficiaries of Silvertree Foundation
- Employees of Silvertree Foundation
- Financial institutions
- Industry bodies
- Supporters and benefactors of Silvertree Foundation
- Partner public benefit organisations and donors utilising the DoNation service

Planned transborder flows of personal information

Any transnational transfer of personal information intended by Silvertree Foundation will be in accordance with the provisions of POPIA.

A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the private body (as the responsible party) to ensure the confidentiality, integrity and availability of the information which is to be processed

Silvertree Foundation has implemented reasonable technical and organisational measures for the protection of personal information processed by Silvertree Foundation and its operators (i.e. third parties that process personal information on behalf of Silvertree Foundation).

Silvertree Foundation continuously implements and monitors technical and organisational security measures to protect the personal information in its possession and control against unauthorised access, accidental or wilful manipulation, loss or destruction.

Silvertree Foundation will take steps to ensure that its operators that process personal information on its behalf (if any) apply adequate safeguards as outlined above.

Silvertree Foundation has implemented the following reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information, and unlawful access to or processing of personal information:

- Silvertree Foundation regularly reviews its security controls.
- Silvertree Foundation ensures that all paper and electronic records comprising personal information are securely stored and made accessible only to authorised individuals.
- IT infrastructure, filing systems and any other devices used for processing personal information meet acceptable security standards.
- All electronically stored personal information is backed-up on a regular basis.
- All servers and computers containing personal information are protected by the latest security software.
- All back-ups containing personal information are protected from unauthorised access, accidental deletion and malicious hacking attempts.

For more information on how Silvertree Foundation processes personal information, please see our Privacy Policy available at: www.thedonation.org.za

8. Request procedure in terms of PAIA

A person who wants access to the records must complete the necessary request form, as set out in Annexure A, and the completed form must be sent to the address or contact details set out in paragraph 2 of this manual and marked for the attention of the Information Officer.

A requester must provide sufficient detail on the prescribed form to allow Silvertree Foundation to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to Silvertree Foundation.

The requester must indicate which form of access is required and identify the right that is sought to be exercised or protected and provide an explanation of which the requested record is required for the exercise or protection of that right.

Silvertree Foundation may, and must in certain instances, refuse access to records on any of the grounds set out in PAIA.

Silvertree Foundation is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of Silvertree Foundation's decision in another manner as well, this must be set out in the request and the relevant details included, allowing Silvertree Foundation to inform the requester in the preferred manner.

Silvertree Foundation will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified or the 30-day period is extended as provided for in PAIA, and will notify the requester accordingly.

Where a request is refused, a requester may lodge a complaint in writing with the Information Regulator, or apply to the High Court within 180 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The Court will determine whether the records should be made available or not.

9. Other information as prescribed

Availability of the Manual

This manual is available for inspection by the general public on **www.thedonation.org.za** or upon request during office hours at the office address of the organisation at the address as stated in paragraph 2 of this manual. Copies of the manual may be made available subject to the prescribed fees.

Copies may also be requested from the Information Regulator at the address indicated above.

Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee:

- A fee will be required by the Information Officer before further processing of the request in terms of section 54 of PAIA;
- A requester fee of R250.00 should be paid, this amount will be refunded should the request for access be refused;
- A portion of the access fee (not more than one third) may be required before the request is considered;
- The requester may lodge an application with a court against the payment of the request fee in terms of section 54(3)(b) of PAIA;
- The Information Officer may withhold a record until the requester has paid the applicable fees.

ANNEXURE A

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 (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			

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>	
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Description of record or relevant part of the record:	

Reference number, if available	
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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 <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(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)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
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)	
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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:	

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

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 (Please specify)

Signed at _____ this _____ day of _____ 20__

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

.....

FOR OFFICIAL USE

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

SIGNATURE OF INFORMATION OFFICER