



## **PESTALOZZI TRUST**

(IT6377/1998)

(hereinafter collectively referred to as the “Trust”)

## **PAIA MANUAL**

Compiled in accordance with section 51 of the Promotion of Access to Information Act  
(Act No. 2 of 2000) (“PAIA”)

## 1. Background

- 1.1. The Pestalozzi Trust, with registration number IT6377/1998, is a public benefit organisation established in 1998 by a group of Christians to provide support and advocacy services to protect the rights and freedoms of learners in home education and their families to educate their children according to their own religious and/or philosophical persuasions, pedagogical convictions and cultural traditions, as well as any educational institution that is a member.
- 1.2. The Trust collects personal information for a specific, explicitly defined, and lawful purpose related to the functions of providing support to its members, as set out in their **Privacy Policy**, accessible at [www.pestalozzi.org](http://www.pestalozzi.org).
- 1.3. The Promotion of Access to Information Act (Act No. 2 of 200) (“**PAIA**”), gives effect to a constitutional right which provides for the right of access to information<sup>1</sup>, particularly when such information is required for the exercise or protection of any rights. PAIA aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information. PAIA therefore requires all public and private bodies (the latter include natural persons who carry any trade, business or profession, such as trusts), to compile a PAIA Manual.

## 2. Purpose of this PAIA Manual

- 2.1. The purpose of this manual is to regulate and facilitate a request for access to a record of the Trust in accordance with the provisions of PAIA.
- 2.2. It is also the purpose of this manual to provide a description of the guide which the Information Regulator is required to publish under section 10 of PAIA, and how to obtain access to it.

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<sup>1</sup> Section 32 of the Constitution of the Republic of South Africa, 1996

### **3. Records held by the Trust**

3.1. It is hereby confirmed that the Trust keeps the following records of such persons (both natural and juristic persons) for such reasons as specified below:

#### **3.1.1. Member Families**

A member family is a family that joins the Pestalozzi Trust as a member, and it consists of parents and/or guardians and the children.

##### **3.1.1.1. Parents of Member Families**

The records of the parents and/or legal guardians are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surname, identity number, age, contact particulars, address, employment particulars, relationship of the parent to the child, particulars pertaining to the person and in some cases bank details, and naturally, the particulars pertaining to the particular situation for which the assistance of the Trust is needed.

Any person who takes on the role of a parent or guardian in respect of the minor child's education will be deemed to be a competent person under POPIA. The records of such a competent person will be kept by the Trust in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surnames, identity number, age, contact particulars, address, employment particulars, relationship of the parent to the child, particulars pertaining to the person, in some cases bank details and naturally, the particulars pertaining to the particular situation for which the assistance of the Trust is needed.

##### **3.1.1.2. Children of Member Families**

The record of the children is kept in accordance with the requirements of POPIA and the Children's Act, No. 38 of 2005. Such information includes, but is not

limited to their full names, surnames, identity number/passport number, age, addresses, and particulars about parents/legal guardian or a competent person acting on behalf of the child and next of kin.

#### **3.1.1.3. Special personal information**

The following special information is kept by the Trust with the express consent of the data subject and or person acting on behalf of the data subject;

3.1.1.3.1.1. Information pertaining to the health of a minor child and specifically information relating to any learning disorders;

3.1.1.3.1.2. Whether a person who wishes to become a member of the Trust has a criminal record.

#### **3.1.2. Members of the public assisted by the Trust**

All home-schooling families may receive assistance from the Trust. Where the Trust acts on behalf of such persons, records are kept by the Trust in accordance with POPIA. Such information includes, but is not limited to their full names, surnames, gender, identity number, age, addresses, contact particulars.

#### **3.1.3. Member Community based education institutions**

It is hereby confirmed that the Trust keeps the following records of such persons (both natural and juristic persons) for such reasons as specified below:

##### **3.1.3.1. Education institution**

The details of the legal entity are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to, name of institution, nature of the juristic person/juristic nature of the institution, title, full name and surname of the owner/s, physical address, postal address, domicilium of institution, telephone, cell number of principal, fax, email address, e-mail address and web address (URL).

#### **3.1.3.2. Management, officials and employees of institution**

The records of the management, officials and employees of the institution are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surname, contact particulars, and qualifications.

#### **3.1.3.3. Parents of learners who attend an institution**

The records of the parents and/or legal guardians are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surname, contact particulars, particulars pertaining to the person and naturally the particulars pertaining to the particular situation for which the assistance of the Trust is needed.

Any person who takes on the role of a parent or guardian in respect of the minor child's education will be deemed to be a competent person under POPIA. The records of such a competent person will be kept by the Trust in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surnames, identity number, age, contact particulars, address, employment particulars, relationship of the parent to the child, particulars pertaining to the person, in some cases bank details and naturally, the particulars pertaining to the particular situation for which the assistance of the Trust is needed.

#### **3.1.3.4. Learners who attend the institution**

The record of the learners is kept in accordance with the requirements of POPIA and the Children's Act, No. 38 of 2005. Such information includes, but is not limited to their full names, surnames, identity number/passport number, age, addresses, photos, and particulars about parents/legal guardian or a competent person acting on behalf of the child and next of kin.

#### **3.1.4. Non-Member Community based education institutions**

At the sole discretion of the Trustees, community-based education institutions may receive assistance from the Trust. Where the Trust acts on behalf of such institutions, the owner's, management's, employees', learners' and parents of learners' records are kept by the Trust in accordance with POPIA.

##### **3.1.4.1. Education institution**

The details of the legal entity are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to the name of the institution, nature of the juristic person/juristic nature of the institution, title, full name and surname of the owner/s, physical address, postal address, domicilium of institution, telephone, cell number of principal, fax, email address, e-mail address and web address (URL).

##### **3.1.4.2. Management, officials and employees of institution**

The records of management, officials and employees of institution are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surname, contact particulars, and qualifications.

##### **3.1.4.3. Parents of learners who attend institution**

The records of the parents and/or legal guardians are kept in accordance with the requirements of POPIA. Such information includes, but is not limited to, their full names, surname, contact particulars, particulars pertaining to the person and naturally the particulars pertaining to the particular situation for which the assistance of the Trust is needed.

Any person who takes on the role of a parent or guardian in respect of the minor child's education will be deemed to be a competent person under POPIA. The records of such a competent person will be kept by the Trust in accordance with the requirements of POPIA. Such information includes, but is not limited to, their

full names, surnames, identity number, age, contact particulars, address, employment particulars, relationship of the parent to the child, particulars pertaining to the person, in some cases bank details and naturally, the particulars pertaining to the particular situation for which the assistance of the Trust is needed the particulars pertaining to the particular situation for which the assistance of the Trust is needed.

#### **3.1.4.4. Learners who attend institution**

The record of the learners is kept in accordance with the requirements of POPIA and the Children's Act, No. 38 of 2005. Such information includes, but is not limited to their full names, surnames, identity number/passport number, age, addresses, photos, and particulars about parents/legal guardian or a competent person acting on behalf of the child and next of kin.

#### **3.1.5. Trustees of the Trust**

Record of the trustees is kept in accordance with the Trust Property Control Act of 1998 and POPIA. Such information includes, but is not limited to their full names, surnames, identity number, age, addresses and contact particulars.

#### **3.1.6. Employees of the Trust**

Employee records are kept in accordance with South African labour laws (such as the Labour Relations Act, No. 66 of 1995, The Basic Conditions of Employment Act, No. 75 of 1997, The Employment Equity Act, No. 55 of 1998, The Skills Development Act, No. 97 of 1998, Unemployment Insurance Act, No 63 of 2001, The Occupational Health and Safety Act, No. 85 of 1993, etc.) and all laws pertaining to employee tax (Income Tax Act, No. 52 of 1962). Such information includes, but is not limited to, the employee's full names, surname, identity number, contact particulars, education, employment history, references, experience, skills, salary record, income tax number, IRP5, bank account, leave records, disciplinary records, resumé and employment contracts.

The personal information of employees is retained and processed for the following purposes:

- (i) For the performance and administration of employment contracts;
- (ii) For the maintenance of a personnel file;
- (iii) For the payment of remuneration, PAYE, UIF, SDL and/or any such other deductions required by law.

#### **3.1.7. External Service Providers, independent contractors and suppliers**

Records of external service providers, independent contractors and/or suppliers are kept in accordance with the terms of sale agreements, service level agreements, non-disclosure agreements, supplier agreements, etc. and also in accordance with any legislation or common law applicable to the industry in which such service provider, independent contractor and/or supplier operates. Such information depends entirely on the type of agreement concluded, which shall only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

#### **3.1.8. Accounting Records and Financial Statements**

The accounting records, management accounts and financial statements of the Trust, are maintained in accordance with the prescribed financial reporting standards in South Africa and the necessary returns are filed with the South African Revenue Service (SARS).

The Trust has contracted the services of Samuel Pauw Chartered Accountants (CA) for the recording of all financial transactions, drawing up management accounts, compiling financial statements, billing and debt collection.

#### **3.1.9. Records of the Trust**



The Trust keeps all the relevant documentation pertaining to a trust in accordance with the Trust Property Control Act of 1988, and Companies Act 71 of 2008.

- 3.2. All such information is retained, processed and safeguarded in compliance with the Protection of Personal Information Act (Act No. 4 of 2013) (“**POPIA**”) as confirmed in the Privacy Policy.

#### **4. Records Automatically Available**

- 4.1. The following categories of records are automatically available without a person having to request access in terms of PAIA:

- 4.1.1. The parent or guardian, curator or executor of the estate who requests access to a record kept by the Trust, containing personal information about the requester himself/herself/itself or about the person on whose behalf the request is made (if the requester is duly authorised to do so) and if that record is required for the exercise or protection of such person’s rights, is not required to submit a request in terms of PAIA. He/she shall, however, be required to provide proof of identity and/or authority for verification purposes, before such a request shall be accepted, in order to prevent access by unauthorised persons. He/she may request such personal information directly from the receptionist employed by the Trust, by contacting the receptionist as follows:

- 4.1.1.1. Telephonically by calling 021 330 1337; or

- 4.1.1.2. Via e-mail to [defensor@pestalozzi.org](mailto:defensor@pestalozzi.org)

- 4.1.2. This PAIA Manual, the Privacy Policy and all other records of a public nature, typically those disclosed on the Trust’s website, are available and accessible to any person visiting its website.

#### **5. Right of Access**

- 5.1. Any natural person or juristic person may submit a request in terms of PAIA on the prescribed form, to request access to a record held by the Trust if the record is required to exercise or protect any right, and if the procedural requirements have been complied with and access to the record has not been refused on any ground of refusal as set out in the Act and in paragraph 8 of this manual.
- 5.2. If a public body or official thereof requests access to a record held by the Trust for the protection of any rights, other than its own rights, it must be acting in the public interest.
- 5.3. The request by the public body for access to any record of the Trust shall be subject to paragraph 7 and 8 of this manual and may be refused.

## 6. The Information Officer's Contact Details

- 6.1. The trust has appointed the Executive Officer as the registered information officer of the trust in terms of PAIA, with the following contact particulars:

Information Officer:	Catharina Elizabeth van Oostrum
Postal Address:	P.O. Box 12332 Queenswood Pretoria 0121
Tel:	012 330 1337
Cel:	071 192 6070
E-mail:	<a href="mailto:karin@pestalozzi.org">karin@pestalozzi.org</a>

- 6.2. Any request made in terms of PAIA, must be submitted by using **Form C** (Attached hereto), which must be sent to the above information officer via e-mail or submitted by hand.

## **7. Decision on request and notice thereof**

- 7.1. The information officer to whom the request is made, shall, as soon as reasonably possible, but in any event within 30 days after the request has been received, decide in accordance with PAIA whether to grant the request and notify the requester of his/her decision.
- 7.2. The information officer may extend the period for a further period of not more than 30 days if it is permitted in accordance with PAIA, or if the requester consents in writing to such extension.
- 7.3. If the request for access is granted, the information officer shall confirm the prescribed access fee to be paid as well as the form in which access will be given.
- 7.4. If the request for access is refused, the information officer shall state adequate reasons for the refusal, including the provisions of relevant legislation relied on. The requester may, within 30 days, lodge a complaint to the Information Regulator or an application to court against the refusal of the request.

## **8. Grounds for refusal**

- 8.1. The information officer must refuse a request for access to a record if –
  - 8.1.1. its disclosure would involve the unreasonable disclosure of personal information about a third party, unless the relevant third party has consented in writing to such disclosure or as otherwise permitted in terms of PAIA;
  - 8.1.2. its disclosure would constitute an action of breach of a duty of confidence owed to a third party in terms of an agreement;
  - 8.1.3. its disclosure could reasonably be expected to endanger the life or physical safety of an individual;
  - 8.1.4. its disclosure would be likely to prejudice or impair the security of the building, structure or systems of the Trust;

- 8.1.5. a record constitutes privileged information for the purpose of legal proceedings unless the person entitled to the privilege has waived the privilege; or if
  - 8.1.6. any such disclosure is prohibited in terms of PAIA or any other legislation.
- 8.2. The information officer may also refuse a request for access to a record if the request is manifestly frivolous or vexatious or if the record contains trade secrets, financial, commercial, scientific or technical information of the Trust, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Trust or which could reasonably be expected to put the Trust at a disadvantage in contractual or other negotiations.
- 8.3. If a record cannot be found or does not exist, the information officer shall, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record. Such affidavit or affirmation shall give a full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including communications with every person who conducted the search.

## **9. Counselling or practical arrangements to limit, alleviate or avoid harm**

- 9.1. If the information officer who grants a request for access to a health record about an individual's mental health or well-being, is of the opinion that the disclosure of the record to the relevant person might cause serious harm to his/her physical or mental health or well-being then the information officer may only give access to the record if the requester proves to the satisfaction of the information officer, that adequate provision is made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the record to limit, alleviate or avoid such harm to the relevant person.

Before access to the record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the record.

## **10. Fees payable**

- 10.1. If a requester seeks access to a record containing information which does not relate to him/her/itself personally, then the requester has to pay a request fee of R50.00 (fifty rand). This request fee may be paid at the time a request is made or the information officer may notify the requester to pay the request fee before the request shall be processed any further.
- 10.2. In addition, if the search for and preparation of the record requested, takes more than six hours, the information officer may charge R30.00 (thirty rand) for each hour or part thereof, which is required for the search and preparation of the requested record.
- 10.3. If the information officer is of the opinion that the search and preparation of the requested record will require more than six hours, the information officer shall be entitled to request a deposit of one third of the access fees payable in respect of the records requested.
- 10.4. The requester may, within 30 days, after receiving the information officer's request for payment of the request fee, lodge a complaint to the Information Regulator or an application with a court to be exempted from the requirement to pay such request fee.
- 10.5. A requester whose request for access to a record held by the Trust, is granted, is also required to pay a reproduction fee as follows:

	<b>Reproduction method</b>	<b>Fee</b>
(a)	Photocopy of an A4-size page or part thereof (per page)	R1,10
(b)	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form (per page)	R0,75
(c)	Copy in a computer-readable form on compact disc	R70,00
(d)	Transcription of visual images for an A4-size page or part thereof (per page)	R40,00
(e)	Copy of visual images	R60,00
(f)	Transcription of an audio record, for an A4-size page or part thereof (per page)	R20,00
(g)	Copy of an audio record	R30,00

## **11. The Information Regulator's Guide**

- 11.1. It is hereby advised that the Information Regulator is, in terms of section 10 of PAIA, required to compile a guide which shall provide the necessary information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA or the Protection of Information Act (Act No. 4 of 2013) ("POPIA").
- 11.2. The guide (if available) shall be freely accessible on the Information Regulator's website, namely <https://www.justice.gov.za/inforeg/> or at its offices located at JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001.

## **12. Planned Transborder Flows**

- 12.1. The personal information which is transferred outside the borders of the Republic of South Africa, shall be done in accordance with the procedures set out in the Privacy Policy.

## **13. Safeguarding Personal Information**

- 13.1. The Trust shall take all appropriate and reasonable technical and organisational steps to protect personal information in accordance with industry best practices.
- 13.2. In addition to the security safeguard measures confirmed in their Privacy Policy, the Trust undertakes to –
- 13.2.1. store their records securely, implement strict access control measures and maintain anti-virus software;
  - 13.2.2. implement reasonable security safeguards against unauthorised access to its building and information systems;
  - 13.2.3. protect personal information against unlawful processing or against accidental loss, destruction, damage, alteration or unauthorised disclosure;

13.2.4. ensure that non-disclosure, data protection and/or privacy agreements are concluded with contractors, suppliers and/or authorised agents who have access to any personal information retained by the Trust; and

13.2.5. ensure that frequent assessments (at least once every six months) are conducted and possible risks identified to verify that security safeguards are effectively implemented.

#### **14. Complaints to the Information Regulator**

14.1. Any complaints may be submitted to the Information Regulator via e-mail to [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za) or by hand at its offices located at JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001.

14.2. Please refer to the Information Regulator's Guide for further information.

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This PAIA Manual is hereby adopted by the Trust by way of signature at Pretoria on this 11th day of June 2021.



CHAIRPERSON (B van der Eems)



INFORMATION OFFICER (CE van Oostrum)

# FORM C

## 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:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			



Postal Address	
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Street Address	
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E-mail Address	
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Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

<p><b>PARTICULARS OF RECORD REQUESTED</b></p> <p><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></p>
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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	

<p><b>TYPE OF RECORD</b></p> <p><i>(Mark the applicable box with an "X")</i></p>
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Record is in written or printed form	
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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:	

<b>FEES</b>	
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**

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**FOR OFFICIAL USE**

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

\_\_\_\_\_  
**Signature of Information Officer**