

ACCESS TO INFORMATION POLICY AND MANUAL

MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

FOR:
Westville Presbyterian Church

(PBO Registration number: 930014711)

INTRODUCTION

Westville Presbyterian Church consists of ordinary people seeking to follow Jesus Christ together. We believe the Bible is the true and living word from God to us, revealing His love and faithfulness to each person. As a community of Christians we come together to learn, share and serve.

This manual has been prepared for the purposes of requesters who seek access to information in terms of the Promotion of Access to Information Act ("the Act"). The manual may be amended from time to time, thereafter the latest version of the manual shall be made available. The requester is advised to contact the Information Officer whose details have been provided herein for assistance in regard to information requested in terms of the provisions of the Act.

PART I

CONTACT DETAILS (Section 51(1)(a) of the Act)

Name of Body: Westville Presbyterian Church
Registration No: 930014711
Physical Address: 11 Byron Place, Westville, Durban
Postal Address: PO Box 1911, Westville, 3630
Head of Body: Rev NP Wit
Information Officer: Mrs K Bartholomew
Telephone No: 031 266 0282
Email: kim@westvillepresby.co.za
Website: www.westvillepresby.co.za
Deputy Information Officer: Mrs H Wit
Telephone: 031 266 0282

PART II

GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(1)(b))

In terms of Section 10 of the Act a guide will be compiled by the South African Human Rights Commission ("SAHRC") containing such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. Any queries can be directed to:

The South African Human Rights Commission - PAIA Unit
29 Princess of Wales Terrace
Corner York and Andrews Streets
Parktown
Postal: Private Bag 2700, Houghton, 2041
Telephone: +27 11 877-3600
Fax: +27 11 403-0684
Website: www.sahrc.org.za
Email: paia@sahrc.org.za

**PART III
CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT THE NECESSITY OF A
REQUEST IN TERMS OF THE ACT (Section 51(1) (c) of the Act)**

Certain records are freely available on Church website .

**PART IV
INFORMATION/DOCUMENTS HELD IN ACCORDANCE WITH OTHER LEGISLATION
(Section 51(1) (d) of the Act)**

Westville Presbyterian Church keeps information/documents in accordance with the following legislation:

- Income Tax Act No. 58 of 1962
 - Basic Conditions of Employment Act No. 75 of 1997
 - Compensation for Occupational Injuries and Diseases Act No.130 of 1993
 - Occupational Health and Safety Act No.15 of 1973
 - Labour Relations Act No. 30 of 1966
 - Unemployment Insurance Act No. 30 of 1966
 - Unemployment Contributions Act No. 4 of 2002
 - Skills Development Act No. 97 of 1998
 - Skills Development Levy Act No. 9 of 1999
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**PART V
OTHER DOCUMENTS/INFORMATION HELD BY Westville Presbyterian Church (Section
51(1)(e) of the Act)**

Such information as is required for the day-to-day running of Westville Presbyterian Church being policies, agreements, employee records, licences, marriage documents, permits, insurance policies, financial accounts and records, databases, correspondence, internal correspondence, statutory compliance records, drawings, specifications, operational records and accounts, supplier and third party records, records held by officials of the body, including secretarial records.

Please Note: Access to records may be refused on the grounds set out in the Act.

**PART VI
AVAILABILITY OF THE MANUAL (SECTION 51(3))**

This manual is available for inspection at the offices of Westville Presbyterian Church, Westville, Durban, upon request, during office hours and free of charge. For ease it is also noted below.

WESTVILLE PRESBYTERIAN CHURCH POPIA MANUAL

Background

In compliance with the Protection of Personal Information Act (POPIA) Westville Presbyterian Church ("Westville Presby") has put together this manual to give substance to a person's constitutional right to privacy; set out a framework within which a person's information may be lawfully processed; give persons rights and remedies against the unlawful processing of their information; establish measures to promote, enforce, fulfill and ensure respect for the rights protected by POPI.

1. Accountability

As noted above, Westville Presby's intention is **to comply with the eight conditions**. We will be accountable for the personal information of members and visitors alike that we are processing.

2. Processing Limitation

The first parts of condition 2 are **processing lawfully and with minimality**. Lawfully means that we are processing data in accordance with relevant laws (even outside of POPIA) and minimality refers to only processing the information that we need to process in order to meet our defined purpose. So if we need an email address and name for purposes of our newsletter going out, we don't collect a phone number and postal address "*just in case*".

This includes:

- Welcome cards (visitor's information)
- Prayer cards
- Planned Giving documents
- Information for events, activities and small group formation
- Bank details for occasional expense reimbursement

The next part of condition 2 refers to **consent and justification**. This will be done in a manner where the members and visitors agree to our use of such information. At times it will require specific consent and at other times it will be noted on the document, giving the person options.

3. Purpose Specification

The primary section of condition 3 deals with **collection for a specific purpose**. This condition links conditions 2 and 4 into a trifecta that is a vitally important guiding light in terms of data processing across the Church. We need to specify a purpose for what and why we are processing information. We can't limit what data we need (condition 2) if we haven't specified what the purpose is for which we're processing.

The second part of condition 3 deals with **retention of information**. In short, once our purpose is complete, we need to get remove or destroy the information. There are exceptions to this though, in that other regulations (such as the Income Tax Act or other regulatory requirements) may require us to keep certain pieces of information for longer.

4. Further Processing Limitation

This condition states that **we cannot process information we've already collected for a purpose other than what we've already stated**. If we are changing our purpose for what we've collected data for we will need to gain consent for this. There are other exceptions, such as for legal action, crime prevention and compliance with tax; but in general we cannot use the information for something new without interaction with our data subjects (members and visitors).

5. Information Quality

The information that we've collected **needs to be up-to-date, complete and not misleading**. This points to keeping our data base clean and current. This may involve sending out regular update requests.

6. Openness

Section 17 of POPIA is one of the most overlooked lines in the act. It states that **we need to maintain documentation of processing activities** in terms of the Promotion of Access to Information Act (PAIA) section 52 (private bodies). This includes our PAIA

manual and a record of processing activities. The Record of Processing Activities, or ROPA, is also useful in terms of condition 8.

7. Security Safeguards

The first section deals with **integrity and confidentiality** of information. This means that we need to put in technical safeguards and processes to ensure that information is not leaked (breach of confidentiality) or deleted/modified (breach of integrity). This includes antivirus tools, passwords, locked offices, access control and more.

Next, the act talks about making sure that those processing under our authority (outsourced providers such as payroll) are **doing so with our knowledge and under our instruction**. They must also treat the information with the same care that we do and they must have security safeguards in place too. We need to ensure that our contractors / outsourced providers are obliged to use at least the same security as us when processing data on our behalf.

Lastly it deals with **breach notifications**, where our outsourced providers need to notify us, and we need to notify the regulator and possibly the public when a breach occurs. Once a breach (internal or external) has been brought to our attention we commit to notify the members and visitors whose data has been breached within a period of 7 to 14 days of us becoming aware of the breach. Concurrently, we will notify the POPIA Regulator of such breach.

8. Data Subject Participation

Data subject participation refers to **people having access to their information, as well as being allowed to correct their information**. Access to the information means we need to be able to tell members and visitors what information we have of theirs, what we are doing with it and who we may have shared it with. This is where a Record of Processing Activities (ROPA) comes in really handy.

It also refers to people being allowed to **correct or request the deletion of their information**. Under any conditions of information being inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained illegally, the data subject has the right to request correction or deletion.

Westville Presby makes provision for the member or visitor (data subject), who has provided adequate proof of identity, to request, if, what and the extent of personal information the church holds about him/her, including third parties the church have shared the member's personal information with. After receipt by the Information Officer of **Appendix A**, duly completed, this must be done:

- (i) within a reasonable time i.e. seven to fourteen days;
- (ii) at a prescribed fee, if any, that is not excessive, currently Five Rand per page copied or transmitted (this may be waived at the discretion of the Information Officer);
- (iii) in a reasonable manner and format; and
- (iv) in a form that is generally understandable.

Appendix A:

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "X"

Correction or deletion of the personal information about the data subject which is in possession or under the control of Westville Presby.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of Westville Presby and who is no longer authorised to retain the record of information.

DETAILS OF DATA SUBJECT:

Name:

Address:

Contact Number:

DETAILS OF REQUESTOR:

Name:

Address:

Contact Number:

SIGNATURE:
