

**Manual for: The Institute for Justice and Reconciliation (IJR)**

**NPO**

**Prepared in terms of the requirements of the**

**PROMOTION OF ACCESS TO INFORMATION ACT No. 2 of 2000**

**(Hereinafter referred to as the "Act")**

**1. INTRODUCTION**

The Promotion of Access to Information Act gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. Specifically, section 51(1) of the Act provides that within six months after the commencement of this section (now the 31st December 2011) or within six months after coming into existence of the private body concerned, the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies. In this context, a "private body" is defined as any natural person who carries or has carried on any trade business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

The Institute for Justice and Reconciliation (IJR) falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act. In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance. Accordingly, this manual provides a reference to the records held by The Institute for Justice and Reconciliation (IJR) and the process that needs to be adopted to access such records.

All requests for access to information (other than information that is available to the public) must be

**PATRON:** ARCHBISHOP EMERITUS DESMOND TUTU

**DIRECTORS:** PROF BRIAN O'CONNELL (CHAIR); MS LOUISE ASMAL; PROF JACO BARNARD-NAUDÉ; PROF HUGH CORDER; MR STANLEY HENKEMAN (EXECUTIVE DIRECTOR); PROF LOVELL FERNANDEZ; PROF DON FOSTER; PROF PUMLA GOBODO-MADIKIZELA; PROF GERHARD KEMP; ADV DUMISA NTSEBEZA; MS NOZIZWE MADLALA-ROUTLEDGE; PROF JEREMY SARKIN; MS GLENDA WILDSCHUT; PROF DEBORAH POSEL

addressed to the Head of the Business named in section 2 of this Manual.

## **2. ADDITIONAL INFORMATION REGARDING THE ACT.**

(Information required by section 51(1) (b) of the Act) A guide on how to use the Act will be prepared by The Human Rights Commission in terms of section 10 of the Act. Any queries can be directed to

The South African Human Rights Commission:

2.1 Postal address: PAIA Unit,

The Research and Documentation Department,

Private Bag 2700, Houghton 2041

2.2 Phone: 011 484 8300

2.3 Fax: 011 484 0582

2.4 Website: [www.sahrc.co.za](http://www.sahrc.co.za)

2.5 E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **3. BUSINESS AND CONTACT DETAILS**

Name of Business: The Institute for Justice and Reconciliation

Acronym: IJR

Head of Business: Mr Stanley Henkeman

Position: Executive Director

Physical Address: 105 Hatfield Street, Gardens, Cape Town, South Africa, 8001

Phone Number: +27 21 202 4071

Fax Number: +27 87 234 3724

Email Address: [info@ijr.org.za](mailto:info@ijr.org.za)

Website: [www.ijr.org.za](http://www.ijr.org.za)

The Institute for Justice and Reconciliation was launched in 2000 in the aftermath of South Africa's Truth and Reconciliation Commission. The aim was to ensure that lessons learnt from South Africa's transition from apartheid to democracy were taken into account as the nation moved ahead. Today, the Institute helps to build fair, democratic and inclusive societies in Africa through carefully selected engagements and interventions.

Mission: Building fair, democratic and inclusive societies in Africa.

Vision: Shaping national approaches to transitional justice and reconciliation in Africa by drawing on community intelligence as well as macro-trend research and comparative analysis. Goals: The Institute realises its vision and mission through the following key areas of work: Policy processes are influenced by research, analysis and diverse community perspectives. Stakeholders gain and use knowledge about justice and reconciliation. Platforms are created where personal and historical perspectives are acknowledged, prejudice challenged and inclusive

narratives explored. Divided communities are engaged in dialogue to overcome sources of conflict Democratic, fair and inclusive practises guide the Institute's processes, policies and operations.

#### 4. MANUAL AND GUIDELINES

Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein. Telephone 011 877 3750 or Fax 011 403 0668.

Copies of the Guide are also available at the following places:

The office of the Government Communications and Information Services; Library of Parliament, Cape Town; The South African Library, Cape Town;

Natal Society Library, Pietermaritzburg; The State Library in Pretoria; City Library Services, Bloemfontein; The National Film, Video and Sound Archives, Pretoria; Copies of the Guide are also available in all official languages at the following offices: All offices of public bodies; All Magistrates' Offices; All offices of the Department of Justice and Constitutional Development; All Post Offices;

The Guide is also available at all offices and on the website of the South African Human Rights Commission ([www.sahrc.org.za](http://www.sahrc.org.za))

#### 5. INFORMATION AVAILABLE INFORMALLY

(Information required by section 51(1) (c) of the Act) The Institute for Justice and Reconciliation (IJR) has the following information available, without a person having to formally request access thereto in terms of the Act: DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1) (a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000, MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 15(1) (b)) FOR INSPECTION IN TERMS OF SECTION 15(1) (a) (i):

5.1 AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 15(1) (a) (iii):

5.1.1 Website

5.1.2 The Current Newsletter – email and electronic version.

5.1.3 Viewing of proof of legal compliance and proof of registration

5.1.4 Viewing of any one of the records under 3.2. This is restricted to one of the records as the viewing of records takes the time of staff and thus there is a cost involved in requesting more than one.

5.1.5 Publications (programme-related)

5.2 AVAILABLE FOR COPYING IN TERMS OF SECTION 15(1) (a) (ii):

5.2.1 Chairpersons and Chief Executive Officer's annual report

5.2.2 The Current Newsletter

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5.2.3 Non Profit organisation registration certificate

5.2.4 Public Benefit Organisation registration letter

5.2.5 A description of any arrangement or provision for a person to either consult, make representations or participate in or influence the formulation of policy; or the exercise of powers or performance of duties by the public body;

5.2.6 Proof of legal compliance and proof of registration/ Articles of Association

## **6. RECORDS KEPT FOR WHICH FORMAL REQUESTS NEED TO BE MADE**

(Information required by section 51(1) (e) of the Act). The records which the Institute for Justice and Reconciliation (IJR) keeps in compliance with any other legislation; categories of records held on each subject;

RESTRICTED VIEWING AND COPYING AVAILABLE ON REQUEST IN TERMS OF SECTION 15(1) (a) (ii):

6.1 Constitution/ Articles of Association

6.2 Minutes of staff, programme, HoD, Excom and AGM meetings

6.4 Funding Proposal content

6.5 Criteria of becoming a beneficiary

6.6 Policies and Procedures Manuals

6.7 Financial Records

6.7.1 Donors Contracts

6.7.2 Journal document

6.7.3 Debit and Credit notes

6.7.4 Debit and Credit Invoices

6.7.5 Month End Statements

6.7.6 Bad Debt write-off records

6.7.7 Budget

6.7.8 Budget Working Papers

6.7.9 Asset Register

6.7.10 Management reports

6.7.11 Audited Annual Financial statements

6.7.12 Vat returns

6.7.13 Income tax returns and assessments

6.7.14 Banking Records

6.7.15 Financial Transactions

6.7.16 Insurance information

6.7.17 Tax certificates (company and employees)

6.8 Reports

6.8.1 Mileage Claims

6.8.2 Kilometres travelled monthly reports

6.8.3 Project and programme reports

6.10 Human resources:

6.10.1 Conditions of employment/Service Agreements/ Contracts of Employment

6.10.2 Disciplinary records

6.10.3 Performance assessments and performance records

6.10.4 Payroll records

6.10.5 Leave, sick leave, maternity and special leave records

6.10.6 Returns to UIF

6.10.7 Training schedules and material

6.11 Legal/Secretarial records:

6.11.1 Agreements

6.11.2 Legal opinions

6.11.3 Court cases and judgements

6.11.4 Licences

6.11.5 Certificates

6.12 Correspondence

6.13 Audio-visual and visual material

## 7. DENIAL OF ACCESS

Access to any record may be refused under certain limited circumstances. These include: The protection of personal information from unreasonable disclosure concerning any natural person; The protection of commercial information held concerning any third party (for example trade secrets); The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;

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Disclosures that would result in a breach of a duty of confidence owed to a third party; Disclosures that would jeopardize the safety or life of an individual/employee/partner; Disclosures that would prejudice or impair the security of property or means of transport; Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme; Disclosures that would prejudice or impair the protection of the safety of the public; Disclosures that are privileged from production in legal proceedings unless the privilege has been waived; Disclosures of details of any computer programme;

Disclosures that will put The Institute for Justice and Reconciliation (IJR) at a disadvantage in contractual or other negotiations or prejudice it in commercial competition; Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of The Institute for Justice and Reconciliation (IJR) Disclosures of any record containing information about research and development being carried out or about to be carried out by The Institute for Justice and Reconciliation (IJR)

If access to a record or any other relevant information is denied, our response will include:

Adequate reasons for the refusal; and Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

## **8. INFORMATION REQUEST PROCEDURE**

The requester must send a detailed request to [info@ijr.org.za](mailto:info@ijr.org.za) The request must be made to the Head of Business named in Section 3 above. This request must be made to the address, fax number or electronic mail address of the business. The requester must provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed. The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right. 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 Head of Business aforesaid. The prescribed request fee must be attached.

We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied. Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled: The record is required for the exercise or protection of any right; and The requestor complies with the procedural requirements set out in the Act relating to a request; and, Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

## **9. FEES**

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two basic types of fees payable in terms of the Act:

### **Request Fee**

The non-refundable request fee of R 50.00 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.



**IJR**  
THE INSTITUTE  
FOR JUSTICE AND  
RECONCILIATION

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Cape Town | South Africa

E: [INFO@IJR.ORG.ZA](mailto:INFO@IJR.ORG.ZA) | [WWW.IJR.ORG.ZA](http://WWW.IJR.ORG.ZA)

## Access Fee

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

No request will be processed unless the request fee where applicable (and not waived) has been paid –

Section 22(1) of the Act All payments shall be made in the form of cash, payable at the office or by deposit into the bank account of The Institute for Justice and Reconciliation.

The banking details for The Institute are as follows:

The Standard Bank of South Africa

Institute for Justice and Reconciliation

Account number: 071524355

Branch code: 02500900

SWIFT Code: SBZAJJ

Type of account: Cheque

Reference: Surname and Initials of Applicant

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