

SECTION 51 MANUAL FOR KOMATI FOUNDATION

Registered as a non-profit organisation in terms of Section 21 of the Companies Act, 1973

Registration number 99 25904/08

Registered with Department of Social Development

Registration number 019-668-NPO

Registered with SARS as a PBO

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Introduction to Komati Foundation

Komati Foundation is a Welfare body. It promotes social and educational welfare in South Africa by:

- Providing facilities for the promotion and establishment of training and educational projects.
- Organising courses, seminars, study groups and other cultural activities aimed at assisting in human development and providing life skills.
- Relieving poverty and distress by providing training for unemployed persons for purposes of enabling them to obtain employment.
- Organising volunteer projects to sensitise the privileged members of the society to the needs and problems of the disadvantaged sector.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]

The foundation/ The Executive committee

Postal address: Komati Foundation, PO Box 3270, Houghton 2041, Republic of South Africa

Street address: 7 Doveton Road, Parktown 2193, Johannesburg, Republic of South Africa

Phone number: 011-486 2678

Fax number: 011-486 3369

Electronic mail address: komatid@global.co.za

Chairman: Andrew Kamau

Vice Chairman: Arthur Williamson

Secretary: Andres Merino

Executive: Greg Libera

Women Development Committee

Postal address: Komati Foundation Women Development Committee, PO Box 72050, Parkview 2122, Republic of South Africa

Street address: 8 Loch Avenue, Parktown 2193, Johannesburg, Republic of South Africa

Phone number: 011-486 4044

Fax number: 011-486 1055

Electronic mail address: kofdnwd@mweb.co.za or arbor@komati.org

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2003.

3. Records available in terms of any other legislation [Section 51(1)(d)]

- i. Companies Act No. 61 of 1973
- ii. Income Tax Act No. 95 of 1967
- iii. Value Added Tax Act No. 89 of 1991
- iv. The Nonprofit Organisations Act No.71 of 1997

4. Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]

- i. **The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]**

Repository of documents relating to the Foundation is available at
<http://komati.org/docs/articles/articles%20of%20association.htm>

- ii. **Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed** [Section 51(1)(e)]

Administration:

- Registration documents: Under Section 21 of the Companies Act 1973, NPO registration and PBO registration
- Minutes of Executive committee meetings
- Correspondence

Operations:

- Record of activities
- Records of participants in the activities

Finances:

- Financial statements
- Annual financial statements
- Vouchers
- Stock records
- Assets inventory

- iii. **The request procedures**

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the Foundation's Executive Committee. This request must be made to the address, fax number or electronic mail address of the Foundation [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the Foundation's Executive Committee 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 is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].

- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Foundation's Executive Committee [s 53(2)(f)].

Fees:

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

- The Foundation's Executive Committee must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to the Foundation is R50 or the prescribed fee depending on the nature of the requested information. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the Foundation's Executive Committee has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

5. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual [Section 51(3)]

The manual is available for inspection at the offices of the Foundation free of charge. Copies are also available with the SAHRC and on the Foundation's website: www.komati.org