

# **THE DONALD GORDON FOUNDATION**

Trust Registration Number: IT 4747

## **MANUAL**

**prepared in accordance with  
Section 51 of  
The Promotion of Access to Information Act 2/2000 (the "ACT")**

This manual is published in terms of Section 51 of the Promotion to Access to Information Act, 2000 (Act No.2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right to access of information held by the State and to information held by another person or entity, where such information is required by someone to protect his/her rights. This manual serves to inform members of the public of the categories of information the practice holds. Access to the records and information is not automatic. Any person, who would like to request access to any of the above records or information, is required to complete a request form, which is attached to this Manual.

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## **1. INTRODUCTION**

The Donald Gordon Foundation is a charitable foundation and operates principally in South Africa.

Trust registration number: IT 4747

Income tax number: 1142034840

## **2. COMPANY CONTACT DETAILS**

Trustees: Hylton Appelbaum  
Wendy Donna Appelbaum  
Richard Michael Gordon  
Graeme John Gordon  
David Mark Reynolds  
Michael Katz  
Koos Rossouw

Information Officer: David Mark Reynolds

Postal Address: P.O. Box 27, Melrose Arch, 2076

Street Address: Liberty Life Centre, 1 Ameshoff Street, Braamfontein,  
Johannesburg 2001

Telephone Number: 011 408 2427

Email: [david.reynolds@liberty.co.za](mailto:david.reynolds@liberty.co.za)

Website: [donaldgordon.org](http://donaldgordon.org)

## **3. AVAILABILITY OF THIS MANUAL**

A copy of this Manual is available –

- At the physical address of the business
- On request from the Information Officer
- Business website: [donaldgordon.co.za](http://donaldgordon.co.za)

This Manual will be updated from time to time, as and when required.

## **4. THE ACT AND SECTION 10 GUIDE**

4.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

4.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

4.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag X2700, Houghton, 2041  
 Telephone Number: +27-11-877 3600  
 Fax Number: +27-11-403 0625  
 Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
 Email: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

## **5. APPLICABLE LEGISLATION**

The Donald Gordon Foundation is governed by, but not limited to, the following legislation:

<b>No</b>	<b>Ref</b>	<b>Act</b>
1	No 71 of 2008	Companies Act
2	No 3 of 2008	Income Tax Act
3	No 28 of 2011	Tax Administration Act
4	No 25 of 2002	Electronic Communications and Transactions Act
5	No 107 of 1978	Fundraising Act
6	No 71 of 1997	Non Profit Organisations Act
7	No 2 of 2000	Promotion of Access to Information Act
8	No 4 of 2013	Protection of Personal Information Act
9	No 52 of 2002	Promotion of Equality and Prevention of Unfair Discrimination Amendment Act
10	No 108 of 1996	Constitution of the Republic of South Africa Act

## **6. SCHEDULE OF RECORDS MAINTAINED**

### **INCORPORATION DOCUMENTS AND RECORDS**

Copies of Documents of Incorporation  
 Minutes of Trustees' Meetings

### **FINANCIAL DOCUMENTS AND RECORDS**

Tax records  
 Statements  
 Cheque account records  
 Annual Financial Statements  
 Financial documents

### **OPERATIONAL DOCUMENTS AND RECORDS**

Database of Beneficiaries  
 Payment/credit agreements  
 Correspondence with Beneficiaries

## PERSONEL RECORDS

The Foundation does not employ any staff.

## INFORMATION TECHNOLOGY RECORDS

Bookkeeping and accounting package

Online banking

Other software, as well as hardware and internet connectivity, supplied and managed by the Liberty Holdings Group.

## **7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for The Donald Gordon Foundation to refuse a request for information relate to, but are not limited to, the:

Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of the natural person.

Mandatory protection of the commercial information of a third party, if the record contains trade secrets, or any information the disclosure of which could harm the financial interests of that third party.

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.

Mandatory protection of the safety of individuals and the protection of property.

Mandatory protection of records which would be regarded as privileged in legal proceedings.

Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources, shall be refused.

Protections outlined in accordance with the Act.

## **8. REQUEST PROCEDURE**

**To facilitate the processing of your request, kindly:**

Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

Address your request to the Information Officer of The Donald Gordon Foundation.

Provide sufficient details to enable The Donald Gordon Foundation to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

### **Procedure when making a PAIA request, kindly:**

A requester must be granted access to the records requested if he/she has complied with the following procedural requirements:

- The PAIA request must be made on the correct form (Form C for private bodies), addressed to the information officer, or to the head of the private body;
- The PAIA request form must be hand-delivered, posted or e-mailed to [david.reynolds@liberty.co.za](mailto:david.reynolds@liberty.co.za): and

The records requested are not subject to the refusal grounds provided for under the Act.

### **9. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

A requestor is required to pay the prescribed fees (R50.00) before a request will be processed. It is important to note that requestors who are requesting access to their personal information are exempt from paying the request fee; however, they are still required to pay access fees. Requestors who earn less than R14 712 per year (if single) and R27 192 per year (if marries or in a life partnership), do not have to pay access fees;

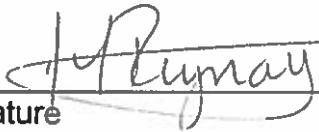
If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

Records may be withheld until the fees have been paid.

The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

Signed by: David Mark Reynolds

  
Signature

Date: 28/6/2021

**Capacity: Information Officer**