

BILL & MELINDA GATES FOUNDATION (FORMED IN STATE OF WASHINGTON IN USA)

(Registration number: 2012/056587/10)

MANUAL ISSUED IN TERMS OF:

**SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA) READ WITH
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)**

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1. Introduction

This Manual (the **Manual**) has been compiled in accordance with the requirements of PAIA, read with the relevant sections of POPIA.

The Bill & Melinda Gates Foundation (formed in State of Washington in USA as a charitable trust), registered as an external profit company in South Africa (the **Foundation**) and is a private body as defined in PAIA. This Manual contains the information specified in section 51 of PAIA, which is applicable to such a private body and specifically relates to the records of information and processing activities of the South African branch office of the Foundation (the **Foundation's South Africa Office**).

The Foundation's work in South Africa involves working with the South African government and other partners around one core programmatic priority – health, sanitation, and life sciences – and a subset of emerging opportunities under socio-economic empowerment and protection (including financial services for the poor and gender empowerment). Within this core priority, the Foundation's relative focus is on prevention and treatment of HIV and TB and novel sanitation solutions. A copy of the Manual will be made available to the Information Regulator, upon request, and will be published on the Foundation's website.

The Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.

2. Contact Details

Cheikh Oumar Seydi, Director, Africa Offices, is the head of the Foundation's South Africa Office for purposes of PAIA. In accordance with his letter dated 28 June 2021, Mr. Seydi authorized Matthew

Topham, Associate General Counsel, as the Foundation's South Africa Office information officer for purposes of POPIA and PAIA.

Contact details are as follows:

The information officer:

Telephone: +1 (206) 661-7466

Fax: +1 (206) 494-7035

E-mail: matt.topham@gatesfoundation.org

Postal address:

PO Box 23350, Seattle, Washington, 98102 U.S.A.

Physical address:

500 Fifth Avenue North, Seattle, Washington, 98119 U.S.A.

Foundation's South Africa Office:

Telephone: +27 11 390 7900

Postal address:

5th Floor, 44 Melrose Blvd, Melrose Arch, Johannesburg, 2196

Physical address:

5th Floor, 44 Melrose Blvd, Melrose Arch, Johannesburg, 2196

3. Guide on how to use PAIA

- 3.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights but subject to the prescribed grounds for refusal. If a public body lodges a request for information from the Foundation's South Africa Office, the public body must be acting in the public interest. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided.
- 3.2 The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised guide on how to use PAIA (the **Guide**), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 3.3 The Guide is available in each of the official languages and in braille.
- 3.4 The Guide contains a description of –
 - 3.4.1 the objects of PAIA and POPIA;
 - 3.4.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 3.4.2.1 the information officer of every public body, and

- 3.4.2.2 every deputy information officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 3.4.3 the manner and form of a request for-
 - 3.4.3.1 access to a record of a public body contemplated in section 11 of PAIA; and
 - 3.4.3.2 access to a record of a private body contemplated in section 50 of PAIA;
- 3.4.4 the assistance available from the information officer of a public body in terms of PAIA and POPIA;
- 3.4.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 3.4.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 3.4.6.1 an internal appeal;
 - 3.4.6.2 a complaint to the Regulator; and
 - 3.4.6.3 an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 3.4.7 the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 3.4.8 the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 3.4.9 the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
- 3.4.10 the regulations made in terms of section 92 of PAIA.
- 3.5 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 3.6 The Guide can be obtained-
 - 3.6.1 upon request to the information officer of the Foundation's South Africa Office;
 - 3.6.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 3.7 A copy of the Guide is also available in the following two official languages, for public inspection from the offices of the Foundation's South Africa Office, when its offices are open to the public and during normal office hours-
 - 3.7.1 English;

3.7.2 isiZulu.

3.8 The contact details for the Information Regulator are (at present) as follows:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Telephone number: +27 (0)10 023-5200 / +27 (0)82 746-4173

Website: <https://www.justice.gov.za/infoereg/index.html>

E-mail: enquiries@infoeregulator.org.za / PAIAComplaints@infoeregulator.org.za / POPIAComplaints@infoeregulator.org.za

4. Records available in terms of any other legislation

4.1 The Foundation's South Africa Office holds a copy of its own registration certificate, together with its financial statements, and other corporate information, if and as applicable, required to be retained in terms of the Companies Act, 2008.

4.2 It holds information relating to its tax affairs in terms of the Income Tax Act, 1962 (the **ITA**), and the Tax Administration Act, 2011, if and as applicable, as well as the Unemployment Insurance Contributions Act, 2002 and the Skills Development Levies Act, 1999.

4.3 The Foundation's South Africa Office holds information pertaining to its employees as required in terms of applicable employment and other relevant legislation including the following, but only if and as applicable to the Foundation's South Africa Office: Basic Conditions of Employment Act, 1997, the Labour Relations Act, 1995, the Employment Equity Act, 1998, the Occupational Health and Safety Act, 1993, the Compensation for Occupational Injuries and Diseases Act, 1993, the Immigration Act, 2002 and the ITA, if and as applicable.

4.4 Nothing herein shall be construed as an admission on the part of the Foundation's South Africa Office regarding the applicability of any legislation identified or cited.

5. Access to records

5.1 For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Foundation's South Africa Office holds records and the categories into which these fall. This information is not exhaustive and may be amended from time to time.

5.2 Categories of record of the Foundation's South Africa Office which are available to a person without having to request access in terms of PAIA:

5.2.1 Certain records are available without having to be requested in terms of the request procedures set out in PAIA and detailed in paragraph 6 of the Manual below.

5.2.2 The Foundation's South Africa Office has elected not to compile and keep a description of these categories of records in terms of section 52 of PAIA, however, the Foundation's South Africa Office

directs individuals to the Foundation's website (gatesfoundation.org) where these publicly-available records can be found, and which do not require a request of access in terms of PAIA.

5.3 Categories of records that may be requested in terms of PAIA and/or POPIA:

The records listed below, which need to be requested in terms of PAIA and/or POPIA, will not in all instances be provided to a requester. In other words, the records held under the various subjects are not automatically available and access to them is subject to the nature of the information contained in the record, as well as the grounds of refusal as set out in PAIA that may be applicable to a request for such records. (See also paragraph 6.1.6 below.) The procedure in terms of which such records may be requested from the Foundation's South Africa Office is set out in paragraph 6.1 below.

Subjects on which the body holds records	Category / description of record	Format	Retention period
Finance and administration	<p>Tax records required to be maintained under the Income Tax Act 58 of 1962, such as employee remuneration, tax deduction and withholding information, income tax reference numbers, and Employer Reconciliation returns, if and as applicable to the Foundation.</p> <p>Annual audited financial statements.</p> <p>Bank records.</p> <p>Employee tax forms.</p> <p>Payroll records.</p> <p>Bank signatory forms, if any.</p> <p>Delegation of authority</p> <p>Expense reports.</p> <p>Fixed asset register.</p> <p>General ledger.</p> <p>Insurance records.</p> <p>Invoices.</p> <p>Journal entries, if any and as applicable.</p> <p>Operating license and registrations, if any and as applicable.</p> <p>Petty cash slips, if any and as applicable.</p> <p>Tax and regulatory filings.</p>	Electronic copy	As required in terms of applicable legislation

Subjects on which the body holds records	Category / description of record	Format	Retention period
Corporate	<p>Corporate records required to be maintained under the Companies Act 71 of 2008, such as formation documents, registration certificate, financial statements, if and as applicable to the Foundation.</p> <p>Trust documents and other governance records.</p> <p>Registration documents.</p> <p>Employee conflict of interest records and policy certifications.</p> <p>Foundation policies.</p> <p>Trademark and Copyright Filings.</p> <p>Patents.</p> <p>Global access documents.</p>	Electronic copy	As required in terms of applicable legislation
Human Resources	<p>Employment records required to be maintained under the Basic Conditions of Employment Act of 1997, including employee details, time worked, remuneration, written particulars of employment provided to employees.</p> <p>Employment records required to be maintained under the Immigration Act 13 of 2002, such as prescribed information relating to employment of foreigners.</p> <p>Employee information required to be maintained under the Compensation for Occupation Injuries and Diseases Act 130 of 1993, such as register of earnings and other prescribed particulars of employees.</p> <p>Earnings of employees.</p> <p>Benefits Summaries</p>	Electronic copy	As required in terms of applicable legislation / contracts of employment

Subjects on which the body holds records	Category / description of record	Format	Retention period
	<p>Candidate due diligence (non-hire).</p> <p>Disability accommodation.</p> <p>Employee separation agreements.</p> <p>Employee training.</p> <p>Employment eligibility verification.</p> <p>Job requisition records (hires).</p> <p>Employment agreements, if and as applicable.</p> <p>Personnel files.</p> <p>Retirement and health benefit plans and plan documents.</p> <p>Secondment agreements, if and as applicable.</p>		
Relationships with third parties	<p>Grant files.</p> <p>Program related investment files.</p> <p>Leases.</p> <p>Master Services Agreements.</p> <p>Purchase orders, if any and as applicable.</p> <p>Work orders and service agreements, if any and as applicable.</p> <p>Non-disclosure and confidentiality agreements, if any and as applicable.</p> <p>Memoranda of Understanding.</p>	Electronic copy	As required in terms of applicable legislation / as required in terms of applicable contracts
Occupational Health & Safety	<p>Occupational health and safety records required to be maintained under the Occupational Health and Safety Act of 85 of 1993 and Regulations, such as reports of incidents and investigations, copy of the Act itself, health and safety committee records</p>	Electronic copy	As required in terms of applicable legislation / as required in terms of applicable contracts

Subjects on which the body holds records	Category / description of record	Format	Retention period
	and recommendations, if and as applicable.		

5.4 For purposes of POPIA:

5.4.1 For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Foundation's South Africa Office, a description of the categories of data subjects and of the information or categories of information relating to data subjects which may be held by the Foundation's South Africa Office, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Foundation's South Africa Office to ensure the confidentiality, integrity and availability of the information which is to be processed.

5.4.2 In terms of POPIA, a requester to whom certain personal information relates may request the Foundation's South Africa Office to confirm, free of charge, whether or not it holds personal information about that particular requester.

5.4.3 A requester may make a request that the Foundation's South Africa Office provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.

5.4.4 Categories of data subjects and categories of personal information relating thereto:

Data subjects	Categories of information
Employees	Account information (such as bank account number) Activity at Foundation facilities (such as badge-swipes and CCTV footage) Audio or video recordings and photographs or likeness Demographic information (such as age, date of birth, gender, marital/domestic partnership status) Contact details Correspondence with the Foundation's South Africa Office and any other information the employee gives to the Foundation's South Africa Office Employment information (such as beneficiary information, dependent information, emergency contact information,

	<p>benefits information, compensation/salary/wage information, court-ordered payments, date of hire, date of promotion(s), date of termination, educational background, employee ID, employee status, job position or title, leave of absence information, payroll information, references, resume/CV information and other recruitment information, right to work documentation, tax information, work location, work history, work permit status, and working hours)</p> <p>Government-issued IDs (such as identity number, driver's license number, passport information, or other identification card number)</p> <p>Personal data transmitted or retained on the Foundation's South Africa Office digital information systems or devices</p> <p>Special categories of data (such as personal data related to employee demographics)</p>
<p>Employees' dependents, beneficiaries, spouses/partners, emergency contacts</p>	<p>Contact details</p> <p>Demographic information (such as name, age, date of birth, gender, marital/domestic partnership status)</p> <p>Government-issued IDs (such as identity number)</p>
<p>Applicants for employment</p>	<p>Contact details</p> <p>Recruitment records (such as, references, resume/CV information, right to work documentation, work permit status, LinkedIn profile information)</p> <p>Audio or video recordings and photographs or likeness</p> <p>Demographic information (such as age, gender, marital/domestic partnership status, race/ethnic origin)</p> <p>Health information (including disability status)</p> <p>Correspondence with the Foundation's South Africa Office and any other information the applicant gives to the Foundation's South Africa Office</p>
<p>Referees</p>	<p>Contact details, professional titles, company/organisation details</p> <p>Views or opinions provided about applicants for employment</p>
<p>Alumni / previous employees</p>	<p>Contact details, subsequent professional titles, company/organisation details</p> <p>Human resources/employee information, as required to be retained post-termination of employment (see above)</p>
<p>Event participants / speakers</p>	<p>Contact details, company/organisation details, professional titles</p> <p>Biographic information</p>

	<p>Audio or video recordings and photographs or likeness</p> <p>Health / disability information (including dietary restrictions and access needs)</p> <p>Feedback / evaluations about presenter, panelist or facilitator</p> <p>Details required for travel / accommodation (such as full name, gender, date of birth, passport number etc.)</p>
Facility visitors	<p>Contact details, company/organisation details, professional titles</p> <p>Health / disability information (including access needs)</p>
Funding beneficiaries	<p>Biographic / demographic information (such as name, age, gender, race/ethnic origin)</p> <p>Health / disability information</p> <p>Audio or video recordings and photographs or likeness</p>
Funding recipients (such as grantees and their personnel)	<p>Company registration details (where applicable)</p> <p>Contact details, professional titles, and banking details</p> <p>Details of funding provided</p>
Public figures (including government officials and journalists)	<p>Contact details, professional titles, organisation/ government department details</p>
Social media users	<p>Online/social media information (such as username, profile name, Twitter handle, views or opinions)</p>
<p>Study participants and research subjects</p> <p>Survey, interview, and focus group participants</p>	<p>Contact details, professional titles</p> <p>Biographic / demographic information (such as name, age, gender, race/ethnic origin)</p> <p>Health / disability information</p> <p>Education / work history</p> <p>Audio or video recordings and photographs or likeness</p> <p>Correspondence and any other information the participant provides (such as opinions, preferences, behaviours, areas of interest)</p>
Website visitors and users of interactive exhibits	<p>Contact details, including location information</p> <p>Correspondence with the Foundation and any other information the visitor / user gives to the Foundation (such as preferences, areas of interest)</p> <p>Views / opinions and behaviour (including website cookies, page clicks, political opinions, survey responses, IP addresses, online activity)</p>

Contractors / suppliers (including their personnel)	<p>Company registration details</p> <p>Contact details, job titles, tax IDs, and banking details</p> <p>Details of services rendered and fees paid</p> <p>Biographic / demographic information (such as age, gender, race/ethnic origin)</p>
Business and communication contacts and leads	Contact details, company/organisation details, professional titles, preferences, areas of interest

5.4.5

Purposes of processing:

Data subject category	Broad description of purposes of processing
Applicants for employment;	<p>To carry out actions for the consideration of an application for employment;</p> <p>To carry out actions necessary for the conclusion of an employment contract;</p> <p>To ensure compliance with an obligation imposed by law on the Foundation's South Africa Office (e.g. to check immigration status);</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office.</p>
Employees	<p>To carry out actions necessary for the performance of the employment contract (e.g. to effect payment of salary, to administer leave etc.);</p> <p>To ensure compliance with an obligation imposed by law on the Foundation's South Africa Office (e.g. to deduct employees' tax, to provide a safe working environment etc.);</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. business management and planning, improving facilities, systems and other business operations etc.).</p>
Alumni	<p>To ensure compliance with an obligation imposed by law on the Foundation's South Africa Office (e.g. to retain employee records);</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. to send invitation to events, to defend legal claims etc.).</p>

Referees	To carry out actions for the consideration of an application for employment.
Employees' dependents, beneficiaries, spouses/partners, emergency contacts	To carry out actions in the interests of the employee (e.g. to facilitate payments to beneficiaries, to make contact in cases of emergency)
Event participants / speakers	To carry out actions for event registration and attendance (i.e. with consent) To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. to introduce speakers, cater for events)
Facility visitors	To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. to keep a record of access to premises)
Funding beneficiaries	To carry out actions necessary for the conclusion or performance of the contract To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. for press releases)
Funding recipients (such as grantees and their personnel)	To carry out actions necessary for the conclusion or performance of the contract (e.g. to make payment) To ensure compliance with an obligation imposed by law on the Foundation's South Africa Office To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. for press releases)
Public figures (including government officials and journalists)	To respond to requests for information (i.e. with consent) To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. to discuss funding opportunities, for press releases)
Social media users	To respond to requests for feedback, enquiries (i.e. with consent) To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied

<p>Study participants and research subjects</p> <p>Survey, interview, and focus group participants</p>	<p>To carry out actions necessary for the performance of the contract</p> <p>To ensure compliance with an obligation imposed by law on the Foundation's South Africa Office</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied</p>
<p>Website visitors and users of interactive exhibits</p>	<p>To send information the visitor / user has chosen to receive (i.e. with consent)</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied (e.g. to provide feedback, respond to proposals submitted via online portals, to improve the site etc.)</p>
<p>Contractors / service providers</p>	<p>To carry out actions necessary for the performance of the services contract</p> <p>To ensure compliance with an obligation imposed by law on the Foundation's South Africa Office (e.g. to maintain safe working environment)</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied</p>
<p>Business and communication contacts and leads</p>	<p>To carry out actions necessary for the conclusion of a contract</p> <p>To pursue the legitimate interests of the Foundation's South Africa Office or a third party to whom the information is supplied</p>

5.4.6 Likely recipients:

Data subjects	Likely recipients (including external third parties)
<p>Applicants for employment;</p> <p>Employees;</p> <p>Alumni.</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Third party service providers who assist with administering the relationship (such as agencies who conduct background checks, benefit schemes, payroll providers, legal advisors)</p> <p>South African Police Services (for purposes of criminal record checks), other government agencies or authorities, or third parties as required by applicable law, court order,</p>

	<p>subpoena, or legal process served on the Foundation.</p> <p>Partners with whom the Foundation collaborates to fund projects or host events</p>
<p>Referees</p> <p>Employees' dependents, beneficiaries, spouses/partners, emergency contacts</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Third party service providers (such as benefit schemes) or other third parties who may reasonably require the information (e.g. hospitals)</p>
<p>Event participants / speakers</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Third party service providers (such as travel agents, airlines, hotels)</p> <p>Partners that are collaborating with the Foundation to host events</p> <p>Other event participants</p>
<p>Facility visitors</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p>
<p>Funding recipients (such as grantees and their personnel)</p> <p>Funding beneficiaries</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Law enforcement, other government agencies or authorities, or third parties as required by applicable law, court order, subpoena, or legal process served on the Foundation</p> <p>Third party service providers (such as accountants, auditors, legal advisors)</p> <p>Partners that are collaborating with the Foundation to fund projects or host events</p>
<p>Public figures (including government officials and journalists)</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Law enforcement, other government agencies or authorities, or third parties as required by applicable law, court order, subpoena, or legal process served on the Foundation</p>
<p>Social media users</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p>

	<p>The public (i.e. information that the user makes available on the social media account)</p> <p>Law enforcement, other government agencies or authorities, or third parties as required by applicable law, court order, subpoena, or legal process served on the Foundation</p>
<p>Study participants and research subjects</p> <p>Survey, interview, and focus group participants</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Law enforcement, other government agencies or authorities, or third parties as required by applicable law, court order, subpoena, or legal process served on the Foundation</p> <p>Partners that are collaborating with the Foundation to fund projects</p>
<p>Website visitors and users of interactive exhibits</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Some information (e.g. feedback, comments, photos, videos, or other information submitted to interactive portions of the Foundation's sites) may be made publicly available to anyone who visits those areas of the sites</p> <p>Law enforcement, other government agencies or authorities, or third parties as required by applicable law, court order, subpoena, or legal process served on the Foundation</p>
<p>Contractors / Service providers</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p> <p>Third party service providers (such as accountants, auditors, legal advisors)</p> <p>Law enforcement, other government agencies or authorities, or third parties as required by applicable law, court order, subpoena, or legal process served on the Foundation</p>
<p>Business and communication contacts and leads</p>	<p>Employees, agents and affiliates of the Foundation who have a business need to know the information as part of their duties</p>

5.4.7 Planned transborder flows of personal information:

<u>Yes</u>	No
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All the categories of personal information described above may be stored or transferred by the Foundation's South Africa Office to the Foundation's branch or representative offices, affiliates, service providers, or partners located outside of South Africa (including in the United States of America). The Foundation's South Africa Office may also allow employees of the Foundation's branch offices or representative offices, affiliates, service providers, and partners located around the world to access this personal information and process it in that location. The Foundation's South Africa Office ensures that data subjects' rights and protections travel with any such "transfer" as required by POPIA, by way of concluding binding corporate rules and/or data transfer agreements with the Foundation's branch offices, affiliates, service providers, and partners which contain appropriate data protection terms.

5.4.8 General description of information security measures:

Please see the Bill & Melinda Gates Foundation Written Information Security Program available at: <https://docs.gatesfoundation.org/documents/foundation%20wisp.pdf>.

6. The request procedure

6.1 Form of request

6.1.1 A request for access to records held by the Foundation's South Africa Office in terms of section 53 of PAIA must be made on a form that corresponds substantially with Form 2 of Annexure A to the Regulations Relating to the Promotion of Access to Information, 2021. A copy of the form is attached as Schedule A to the Manual. The request must be made to the information officer of the Foundation's South Africa Office at the address, fax number or e-mail address specified in paragraph 2 above.

6.1.2 The requester must provide sufficient detail on the prescribed form to enable the information officer of the Foundation's South Africa Office to identify the record and the identity of the requester. The requester must submit details of the capacity in which the requester is making the request and indicate whether the request is made in their own name or on behalf of another person. Proof of identity of the requester must be attached to the request if it is in their own name. If a request is made on behalf of another person or entity, the requester must attach proof of authorisation to make the request.

6.1.3 The requester is also required to indicate what type of record s/he/it is requesting and what form of access to the relevant records is required. Additionally, the requester must provide her/his/its contact details and indicate what manner of access is requested.

6.1.4 The requester must provide particulars of the right to be exercised or protected and explain why the record requested is required for the exercise and protection of the aforementioned right.

- 6.1.5 For the purposes of Form 2, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.
- 6.1.6 The Foundation's South Africa Office may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or the Foundation itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for legal proceedings, or that it is necessary to protect the research information of a third party or the Foundation itself.
- 6.1.7 If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Foundation's South Africa Office's possession but cannot be found, or it does not exist, then the information officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.
- 6.1.8 The information officer must, if a request for access to a record is granted or refused, inform a requester of her/his decision and the fees payable. This must be done on a form that corresponds substantially with Form 3 of Annexure A to the Regulations. A request for a copy of the Guide may not be refused. If the requester wishes to be informed of the Foundation's South African Office's decision in another manner as well, this must be set out in the request and the relevant details included in order to allow the Foundation's South Africa Office to inform the requester in the preferred manner.
- 6.1.9 The Foundation's South Africa Office will make a decision in relation to a request for records within 30 days of receiving it, unless a third party notification and intervention, as contemplated in Chapter 5 of PAIA, applies. This period may be extended in appropriate circumstances, in accordance with section 57 of PAIA.

6.2 Fees

- 6.2.1 The access fees for reproduction of information that is automatically available from the Foundation's South Africa Office (a section 52 request), are as follows:

(a)	[INTENTIONALLY DELETED]	
(b)	For every printed copy of an A4-size page or part thereof	R2,00
(c)	For copy in a computer-readable form on:	
	(i) flash drive (to be provided by requestor)	R40,00
	(ii) compact disc	
	- If provided by requestor	R40,00
	- If provided to the requestor	R60,00

(d)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced, will depend on quotation from service provider.
(e)	For a copy of visual images	Service to be outsourced, will depend on quotation from service provider.
(f)	For a transcription of an audio record, for an A4-size page	R24,00
(g)	Copy of an audio record, per A4-size page (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to be requestor	R40,00 R40,00 R60,00

6.2.2 The request fee and access fees for information which needs to be requested in terms of PAIA and/or POPIA (a section 53 request) are as follows:

(a)	Request fee payable by every requester	R140.00
(b)	For every photocopy/printed black and white copy of an A4-size page or part thereof	R2,00
(c)	For every printed copy of an A4-size page or part thereof	R2,00
(d)	For copy in a computer-readable form on: (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00
(e)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced, will depend on quotation from service provider.
(f)	For a copy of visual images	Service to be outsourced, will depend on quotation from service provider.

(g)	For a transcription of an audio record, for an A4-size page	R24,00
(h)	For a copy of an audio record	
	(i) Flash drive (to be provided by requestor)	R40,00
	(ii) Compact disk	
	- If provided by requestor	R40,00
	- If provided to the requestor	R60,00
(i)	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably. To not exceed a total cost of:	R145,00 R435,00
(j)	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items (b) to (h).
(k)	Postage, e-mail or any other electronic transfer	Actual expense, if any.

6.2.3 The request fee must be paid before the request will be considered.

6.2.4 Where a request for access to a record or records held by the Foundation's South Africa Office is granted, the requester also has to pay an access fee for the reproduction of the record or records and for the search for and the preparation of the records for disclosure. The access fee amount depends on the form in which access is required and the reasonable time required to search for and prepare the record. The requester will be notified of the amount of the access fee. The Foundation's South Africa Office is entitled to withhold a record until the required access fees have been paid.

6.2.5 The information officer may inform the requester to pay, as a deposit, a portion of the access fee (not exceeding one third of the amount payable) if the request is granted and if the search for the record and the preparation of the record for disclosure would in the information officer's opinion require more than six hours.

6.2.6 If a request is granted, the deposit (if any), is payable before the request will be processed and the requested record or portion thereof will only be released once proof of full payment is received.

6.3 Remedies for refusal to request for information

6.3.1 *Internal remedy*

The Foundation's South Africa Office does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer.

6.3.2 *External remedy*

Where a requester is not satisfied by a decision made by information officer of the Foundation's South Africa Office, s/he/it may submit a complaint to the Information Regulator, or apply to court for relief, within 180 days of receiving the decision that has caused the grievance. The court application can be made to a Magistrate's Court or High Court.

7. **Other information as may be prescribed**

The amended Regulations published in terms of PAIA, under Government Notice R757 in *Government Gazette* 45057 of 27 August 2021, set out, among other things, the fees which may be charged by private bodies for the reproduction of records (provided in the table above).

8. **Availability of the Manual**

This Manual is available at the offices of the Foundation's South Africa Office at the address set out in paragraph 2 above, as well as on the Foundation's website (gatesfoundation.org).

9. **Acknowledgement**

The Manual has been based on an original template supplied by the SAHRC and amended accordingly based on a template supplied by the Information Regulator.

FORM 2
REQUEST FOR ACCESS TO RECORD

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[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 (when made on behalf of another person):	
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:			
Street address:			
E-mail address:			
Contact numbers:	Tel. (B):		Facsimile:
	Cellular:		
PARTICULARS OF RECORD REQUESTED			
<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>			
Description of record or relevant part of the record:			
Reference number, if available:			
Any further particulars of record:			
TYPE OF RECORD			
<i>(Mark the applicable box with an "X".)</i>			
Record is in written or printed form.			
Record comprises of 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	
<i>(Mark if applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form).</i>	<input type="checkbox"/>
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.).</i>	<input type="checkbox"/>
Transcription of soundtrack <i>(written or printed document).</i>	<input type="checkbox"/>
Copy of record on flash drive <i>(including virtual images and soundtracks).</i>	<input type="checkbox"/>
Copy of record on compact disk drive <i>(including virtual images and soundtracks).</i>	<input type="checkbox"/>
Copy of record saved on cloud storage server.	<input type="checkbox"/>
MANNER OF ACCESS	
<i>(Mark the applicable box with an "X.")</i>	
Personal inspection of record at registered address of public/private body <i>(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).</i>	<input type="checkbox"/>
Postal services to postal address.	<input type="checkbox"/>
Postal services to street address.	<input type="checkbox"/>
Courier service to street address.	<input type="checkbox"/>
Facsimile of information in written or printed format <i>(including transcriptions).</i>	<input type="checkbox"/>
E-mail of information <i>(including soundtracks if possible).</i>	<input type="checkbox"/>
Cloud share/file transfer.	<input type="checkbox"/>
Preferred language: <i>(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.</i>	<input type="checkbox"/>
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>(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.)</i>	
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:	
FEES	
<p>a) A request fee must be paid before the request will be considered.</p> <p>b) You will be notified of the amount of the access fee to be paid.</p> <p>c) 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.</p> <p>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p>	
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

FOR OFFICIAL USE

Reference number:	
Request received by <i>(state rank, name and surname of information)</i> .	
Date received:	
Access fees:	
Deposit (if any):	

Signature of information officer