

PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000, AS AMENDED

MANUAL FOR A PRIVATE BODY (SECTION 51), READ WITH SECTION 8 IN RESPECT OF STATUTORY ENFORCEMENT RECORDS

(read together with section 51 of the Protection of Personal Information Act 4 of 2013)

MANUAL FOR THE VEREENIGING & VANDERBIJLPARK SPCA

(Society for the Prevention of Cruelty to Animals)

Registration No. 001-817 NPO

Revised: August 2026

Replaces any previous manuals

This manual is prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA) for the SPCA's records generally, and — as explained in section 2 below — with reference to Part 2 of PAIA for records relating to the SPCA's statutory inspectorate and enforcement function. It is available on the SPCA's website (if any), for public inspection at the SPCA's premises during normal business hours, to any person on request, and to the Information Regulator on request.

1. Introduction

This manual has been compiled in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA"), as amended, and in accordance with section 51 of the Protection of Personal Information Act 4 of 2013 ("POPIA"), in respect of the Vereeniging & Vanderbijlpark Society for the Prevention of Cruelty to Animals ("the SPCA").

The SPCA is a private body as defined in section 1 of PAIA (a non-profit organisation registered under registration number 001-817 NPO). This manual therefore contains the information required by section 51 of PAIA, which applies to private bodies.

However, as explained in section 2 below, the SPCA's Inspectorate exercises statutory enforcement powers, and records relating specifically to that function are treated separately in this manual on the basis that they are, for PAIA purposes, records of a public body.

The SPCA is also a responsible party as defined in section 1 of POPIA and, accordingly, this manual also contains the information required by section 51(1)(c) of PAIA regarding the processing of personal information.

The head of a private body must update this manual on a regular basis (section 51(2) of PAIA). The SPCA will review and, where necessary, update this manual at least once every 12 months, and sooner if there is a material change to its operations, contact details, or the processing of personal information.

2. Hybrid classification: the SPCA's inspectorate and enforcement records

PAIA defines a "public body" in section 1 to include not only organs of state, but also "any other functionary or institution when exercising a public power or performing a public function in terms of any legislation." Section 8 of PAIA makes clear that a single body may be a public body in respect of some of its records and a private body in respect of others, depending on whether the record relates to the exercise of a power or the performance of a function as a public body or as a private body.

The SPCA's Inspectorate exercises statutory powers of entry, investigation, and seizure under the Animals Protection Act 71 of 1962 and the Societies for the Prevention of Cruelty to Animals Act 169 of 1993, and may institute private prosecutions in respect of animal cruelty offences. In *National Society for the Prevention of Cruelty to Animals v Minister of Justice and Constitutional Development* [2016] ZACC 46, the Constitutional Court described the (N)SPCA as "a statutory body performing a statutory public interest function" when exercising these powers.

On this basis, the SPCA treats records relating specifically to the exercise of these statutory inspectorate and enforcement powers, for example, cruelty complaint dockets, inspection and seizure records, and prosecution records, as records held by the SPCA in its capacity as a public body for the purposes of PAIA. Requests for these records are dealt with under Part 2 of PAIA (sections 11–26), rather than under section 50. All other records held by the SPCA (governance, administration, human resources, finance, fundraising, and general shelter, adoption and veterinary operations) continue to be private-body records, dealt with under Part 3 of PAIA (sections 50–56) as set out in the rest of this manual.

2.1. What this means in practice

	Private-body records (all other SPCA records)	Inspectorate / enforcement records
Request form	Form 2 of Annexure A to the PAIA Regulations	Form 2 of Annexure A to the PAIA Regulations (same form)
Made under	Section 50 of PAIA	Section 11 of PAIA
Request fee	R140.00	R100.00
Reproduction / access fees	Private-body scale (see section 11 below) — e.g. R2.00 per A4 page; search and preparation capped at R435.00	Public-body scale — e.g. R1.50 per A4 page; search and preparation capped at R300.00
Grounds of refusal	Chapter 4, Part 3 of PAIA (sections 63–70)	Chapter 4, Part 2 of PAIA (sections 33–46), including the mandatory public-interest override in section 46
Internal appeal	None available	None available — section 74 internal appeals are limited to organs of state under paragraph (a) of the “public body” definition (national/provincial departments and municipalities) and do not extend to institutions under paragraph (b)(ii). The remedy remains a complaint to the Information Regulator or an application to the High Court
Decision period	30 days (may be extended as provided in PAIA)	30 days (may be extended as provided in PAIA)

3. Contact details of the Information Officer [section 51(1)(a)(i)]

Requests for access to records, and any enquiries regarding this manual, POPIA, or PAIA — including requests relating to the inspectorate/enforcement records described in section 2 above — should be directed to:

Information Officer

Marlien de Klerk – Manager

Email: manager@spca-ver.co.za

Deputy Information Officer

Ruan Roeloffze – Chairperson

Email: chairperson@spca-ver.co.za

General / postal / physical details

Postal address: PO Box 759, Vereeniging, 1930

Physical addresses: 66 General Smuts Avenue, Duncanville, Vereeniging, 1939

Telephone: +27 16 422 1505 Fax: +27 86 245 0348

General email: info@spca-ver.co.za

4. Functions and structure of the SPCA

4.1. Functions

The functions of the SPCA, as prescribed by section 2 of its Constitution and by the Societies for the Prevention of Cruelty to Animals Act 169 of 1993, are:

- To prevent cruelty and the ill-treatment of animals by promoting their good treatment by man;
- To prevent wanton and improper treatment of animals;
- To encourage kindness and consideration towards animals, including the establishment and promotion of Junior Movements;
- To maintain and protect animal and bird life in their natural habitats;
- To educate the community regarding the humane treatment of, and compassion towards, animals;
- To encourage and promote membership of the Society; and
- To carry on the public benefit activity contemplated in paragraph 4(b) of Part II of the Ninth Schedule to the Income Tax Act, in a non-profit manner and with an altruistic or philanthropic intent.

4.2. Structure

The Management Committee of the SPCA consists of:

- Ruan Roeloffze - Chairperson
- Shasha-Lee Roeloffze - Vice Chairperson
- Ilana Grace Gericke - Treasurer
- Sarah Jane Venter - Secretary
- Willem Francois Koen Marais

5. The section 10 guide on how to use PAIA [section 51(1)(b)(i)]

Section 10 of PAIA requires the Information Regulator to publish a guide, in an easily comprehensible form, to assist members of the public in exercising their rights under the Act.

The guide can be obtained, free of charge, from:

The Information Regulator (South Africa)

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

Telephone: 010 023 5200 / Toll-free: 0800 017 160

General enquiries: enquiries@inforegulator.org.za

Website: www.inforegulator.org.za (the guide and PAIA forms are published under "PAIA" / "PAIA Forms")

A copy of the guide may also be requested from the SPCA's Information Officer using Form 1 of Annexure A to the Regulations Relating to the Promotion of Access to Information, 2021 ("the PAIA Regulations").

6. Categories of records available without a request [section 51(1)(b)(ii)]

No notice has been issued by the Minister of Justice and Correctional Services under section 52(2) of PAIA identifying categories of the SPCA's records as automatically available. Certain general information is nonetheless voluntarily made available without a formal PAIA request, including the SPCA's contact details, general information about its services, and (where published) its annual financial statements, on request from the Information Officer and, where applicable, on the SPCA's website – www.sPCA-ver.co.za

7. Records available in terms of other legislation [section 51(1)(b)(iii)]

The SPCA keeps records in accordance with the following legislation, some of which may entitle a person to access particular records other than through a PAIA request:

- Societies for the Prevention of Cruelty to Animals Act 169 of 1993
- Animals Protection Act 71 of 1962
- Nonprofit Organisations Act 71 of 1997
- Insolvency Act 24 of 1936
- Pension Funds Act 24 of 1956
- Income Tax Act 58 of 1962
- Copyright Act 98 of 1978
- Value-Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Skills Development Act 97 of 1998
- Medical Schemes Act 131 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Protection of Personal Information Act 4 of 2013

8. Subjects and categories of records held [section 51(1)(b)(iv)]

The following table describes the subjects on which the SPCA holds records and the categories of records held on each subject, in sufficient detail to facilitate a request for access. A requester must still show that they have a right under PAIA to be given access to the specific record requested. Records in the "Animal welfare operations" category that relate to the Inspectorate's statutory enforcement function (cruelty complaints, inspections, seizures and prosecutions) are dealt with as public-body records, as explained in section 2 above; all other categories are private-body records.

Category of records	Description of records held
Governance	The Constitution; NPO registration documents; records evidencing compliance with the Societies for the Prevention of Cruelty to Animals Act 169 of 1993
Administration	Minutes of Annual General Meetings; minutes of Management Committee meetings; internal policies; grant and lottery funding applications

Category of records	Description of records held
Policy statements	Food and farm animals; companion animals; animal experimentation; transportation of unaccompanied animals; special projects; wildlife; genetic engineering (collectively referred to as the Statement of Policy)
Labour relations	HR policies; disciplinary and grievance procedures; employment contracts; personnel records
Finance	Annual audited financial statements; monthly income and expenditure records; accounts; budgets
Fundraising	Records of current, defunct and rejected fundraising projects; donor and fundraising reports
Animal welfare operations — general	Adoption and rehoming records; routine veterinary and treatment records not connected to a cruelty investigation
Animal welfare operations — Inspectorate (public-body records)	Cruelty complaint dockets; inspection, entry and seizure records; case files and prosecution records

9. Processing of personal information [section 51(1)(c)]

The SPCA is a responsible party under POPIA. The information below is provided to enable data subjects and requesters to understand how the SPCA processes personal information.

9.1. Purpose of processing

The SPCA processes personal information for purposes which include: administering employees and volunteers; administering members and donors; processing donations and issuing tax certificates; assessing and recording animal adoptions and placements; investigating and responding to complaints of animal cruelty; complying with tax, labour, and NPO reporting obligations; and, where consent has been obtained, sending fundraising and marketing communications.

9.2. Categories of data subjects and personal information processed

Category of data subject	Personal information processed
Employees and volunteers	Names, identity numbers, contact details, employment and HR records, banking details, next-of-kin and emergency contact details, health and safety records
Donors and members	Names, contact details, banking or payment details, donation history
Adopters and animal owners	Names, contact details, identification and proof-of-residence documents, home-visit assessment notes, animal ownership records
Complainants, witnesses and suspects (cruelty cases)	Names, contact details, statements and other information relating to animal cruelty complaints and prosecutions
Suppliers and service providers	Contact details, banking details, contractual records

9.3. Recipients of personal information

Personal information may be shared with: members of the SPCA's Management Committee and staff who require it to perform their duties; the SPCA's auditors, bookkeepers and bank; the South African Revenue

Service and other regulators where legally required; the National Council of SPCAs and, where required, the South African Police Service, the National Prosecuting Authority or veterinary authorities in connection with cruelty investigations and prosecutions; and service providers (such as IT or payroll providers) who process personal information on the SPCA's behalf under contract.

9.4. Cross-border transfers of personal information

The SPCA does not currently transfer personal information outside the Republic of South Africa. Should this change, for example, through the use of a cloud-based service hosted outside South Africa, this manual will be updated accordingly and the transfer will only take place in compliance with section 72 of POPIA.

9.5. General description of security safeguards

The SPCA takes reasonable technical and organisational measures to protect personal information under its control, including restricting physical access to paper records at its premises, restricting electronic access to staff who need it, password-protecting computers and email accounts, and requiring service providers who process personal information on its behalf to protect that information under contract.

10. How to request access to a record [section 53 / section 18]

A requester must be given access to a record of the SPCA if the requester complies with all the procedural requirements in PAIA relating to a request for access, and access is not refused on any ground set out in the Act. This applies equally whether the request is for a private-body record or for an inspectorate/enforcement record dealt with as a public-body record under section 2 above.

A request must be made using Form 2 of Annexure A to the PAIA Regulations ("Request for Access to Record"), available from the Information Regulator's website or from the SPCA's Information Officer. The same form is used regardless of whether the record sought is a private-body or public-body record; the Information Officer will confirm which fee scale applies. The request must:

- Provide sufficient detail to enable the record and the requester to be identified;
- State the form of access required (e.g. inspection, or a copy);
- Indicate how the requester wishes to be notified of the decision on the request;
- If made on behalf of someone else, be accompanied by proof of the authority to act in that capacity; and
- Identify the right the requester is seeking to exercise or protect, and explain why the record is required for that purpose.

A requester who is unable to read or write, or who has a disability preventing them from completing the form, may make the request orally; the Information Officer must then record the request on the prescribed form and give the requester a copy.

The SPCA must decide on a request within **30 days** of receipt (this period may be extended in the circumstances set out in PAIA, of which the requester will be notified) and must notify the requester of the decision in writing, and in any other manner the requester has indicated.

Where a request relates to information about a third party, the SPCA will notify that third party and give them the opportunity to make representations before a decision is made.

If, after taking all reasonable steps, a requested record cannot be found or does not exist, the SPCA will notify the requester accordingly, together with a description of the steps taken to locate the record.

11. Fees payable [section 54 / section 22, read with the PAIA Regulations]

The SPCA may charge no more than the fees prescribed in Annexure B to the PAIA Regulations. A requester seeking access to their own personal information must still pay the request fee (the exemption previously available to “personal requesters” under the old fee structure has fallen away). For private-body records, the prescribed fees are the following:

Item	Fee
Request fee, payable by every requester before a request is processed further	R140.00
Photocopy or printed copy of an A4-size page or part thereof	R2.00 per page
Copy on a flash drive (provided by the requester)	R40.00
Copy on a compact disc – provided by / to the requester	R40.00 / R60.00
Transcription of an audio record, per A4-size page	R24.00
Copy of an audio record – flash drive / compact disc	R40.00 / R60.00
Search for and preparation of a record, per hour or part thereof (first hour free)	R100.00 per hour, capped at R435.00
Deposit, where search and preparation is expected to exceed six hours	One-third of the applicable access fee
Postage or electronic transmission	Actual cost, if any

For inspectorate/enforcement records dealt with as public-body records (see section 2 above), the lower public-body fee scale set out in the table in section 2.1 applies instead (for example, a R100.00 request fee and R1.50 per A4 page, with search and preparation capped at R300.00).

A requester may apply to court, or lodge a complaint with the Information Regulator, to be exempted from paying the request fee or a deposit. If a deposit is paid and access is subsequently refused, the deposit is refunded.

12. Remedies if PAIA is not complied with

For private-body records, the SPCA does not operate an internal appeal procedure (internal appeals under PAIA apply only to national and provincial departments and municipalities). The same applies to the inspectorate/enforcement records dealt with as public-body records under section 2 above, since those records fall under paragraph (b)(ii) of the “public body” definition, to which the internal appeal provisions of section 74 do not extend.

If a requester is dissatisfied with a decision of the SPCA's Information Officer — including a refusal of access, the fees charged, or a failure to respond within the required period — in respect of any record, the requester may:

- Lodge a complaint with the Information Regulator (PAIAComplaints@infoeregulator.org.za), which has the power to investigate and make a decision on the complaint, including, where necessary, referring the matter for enforcement; or
- Apply directly to the High Court within 30 days of being notified of the decision (or of the expiry of the period within which a decision should have been given), for an order compelling access or for other appropriate relief.

A complainant may choose either route, or first approach the Information Regulator before approaching the court. For inspectorate/enforcement records, note also that section 46 of PAIA contains a mandatory public-interest override: refusal of access on an otherwise valid ground must not apply if disclosure would reveal evidence of a substantial contravention of, or failure to comply with, the law, or an imminent and serious public safety or environmental risk, and the public interest in disclosure clearly outweighs the harm.

13. Services available

The SPCA focuses on the enforcement of legislation to prevent cruelty to animals, education, monitoring of welfare standards, disaster and emergency relief, pro-active welfare work, and community outreach. The SPCA generates its own funds through legacies and donations and receives no government funding.

To access these services, contact the Information Officer at the address and contact details in section 3 above.

14. Public participation

The SPCA does not have a formal arrangement for public participation in the formulation of its policies or the exercise of its powers. Members of the public are encouraged to make submissions to the Manager, or through the Manager to the Management Committee, for consideration.

15. Availability of this manual

In accordance with section 51(3) of PAIA, this manual is made available:

- On the SPCA's website, if any;
- At the SPCA's principal place of business, for inspection during normal business hours;
- To any person, on request, on payment of a reasonable reproduction fee (if a copy is required); and
- To the Information Regulator, on request.

APPLICABLE FORMS

PAIA Forms

Form 01: [Request for a Copy of the Guide from an Information Officer \[Regulation 3\]](#)

Form 02: [Request for Access to Record \[Regulation 7\]](#)

Form 03: [Outcome of Request and of Fees Payable \[Regulation 8\]](#)

Form 05: [Complaint Form \[Regulation 10\]](#)

Form 13: [PAIA Request for Compliance Assessment Form \[Regulation 14\(1\)\]](#)

POPIA Forms

Form 1: [Objection to the Processing of Personal Information](#)

Form 2: [Request for Correction of Deletion of Personal Information or Deletion of Record of Personal Information](#)

Form 3: [Application for the Issue of a Code of Conduct](#)

Form 4: [Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing](#)

Form 5: [Complaint Regarding Interference with the Protection of Personal Information for the Purpose of Direct Marketing](#)